

Executive Summary – Enforcement Matter – Case No. 48924
Trinity SO GP, L.L.C.
RN102075827
Docket No. 2014-0941-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Spring Oaks MHP WWTF, located at 4330 Pin Oak Lane, on the north side of Spring-Steubner Road, approximately 2.5 miles west of the intersection of IH-45 and Spring-Steubner Road, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 17, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,525

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,525

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

**Executive Summary – Enforcement Matter – Case No. 48924
Trinity SO GP, L.L.C.
RN102075827
Docket No. 2014-0941-MWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: June 17, 2014
Date(s) of NOE(s): June 20, 2014

Violation Information

Failed to timely submit results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17), and 319.7(d); and Texas Pollutant Discharge Elimination System Permit No. WQ0012650001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By June 26, 2014, the Respondent submitted the monthly discharge monitoring reports (“DMRs”) for the monitoring periods ending October 31, 2013, November 30, 2013, December 31, 2013, and March 31, 2014, and the *Escherichia coli* quarterly DMR for the monitoring period ending December 31, 2013.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, update the Facility’s operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including procedures for the timely submittal of complete, signed and certified DMRs for each monitoring period; and
- b. Within 45 days, submit written certification of compliance with Ordering Provision 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

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RN102075827
Docket No. 2014-0941-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Donald G. Clements, Owner, Trinity SO GP, L.L.C., 4783 County Road 302, Navasota, Texas 77868

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	23-Jun-2014	Screening	27-Jun-2014	EPA Due	
	PCW	26-Aug-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Trinity SO GP, L.L.C.
Reg. Ent. Ref. No.	RN102075827
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48924	No. of Violations	1
Docket No.	2014-0941-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jill Russell
		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	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	22.0% Enhancement	Subtotals 2, 3, & 7 \$275

Notes: Enhancement for one NOV with dissimilar violations and one Agreed Order with a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$13	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$375		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,525
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,525

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,525
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,525
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Screening Date 27-Jun-2014

Docket No. 2014-0941-MWD-E

PCW

Respondent

Trinity SO GP, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 48924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102075827

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and one Agreed Order with a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 27-Jun-2014
 Respondent Trinity SO GP, L.L.C.
 Case ID No. 48924

Docket No. 2014-0941-MWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102075827
 Media [Statute] Water Quality
 Enf. Coordinator Jill Russell
 Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1), 305.125(17), and 319.7(d); and Texas Pollutant Discharge Elimination System Permit No. WQ0012650001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit results at the intervals specified in the permit, as documented in a record review conducted on June 17 2014. Specifically, the monthly discharge monitoring reports ("DMRs") for the monitoring periods ending October 31, 2013, November 30, 2013, December 31, 2013, and March 31, 2014, and the Escherichia coli quarterly DMR for the monitoring period ending December 31, 2013, were not submitted by the 20th day of the following month.

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 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 5 Number of violation days 218

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

Violation Base Penalty \$1,250

Five single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$13

Violation Final Penalty Total \$1,525

This violation Final Assessed Penalty (adjusted for limits) \$1,525

Economic Benefit Worksheet

Respondent Trinity SO GP, L.L.C.
Case ID No. 48924
Reg. Ent. Reference No. RN102075827
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	17-Jun-2014	20-Mar-2015	0.76	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	20-Nov-2013	26-Jun-2014	0.60	\$4	n/a	\$4

Notes for DELAYED costs

Estimated costs to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including procedures to ensure that the DMRs are timely submitted. Date Required is the date of the record review. The Final Date is the expected date of compliance. Estimated costs to submit the delinquent DMRs (\$25 per DMR). Date Required is the date that the first delinquent DMR was due. The Final Date is the date the delinquent DMRs were submitted.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$375

TOTAL

\$13

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603425687, RN102075827, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603425687, Trinity SO GP, LLC **Classification:** SATISFACTORY **Rating:** 14.09

Regulated Entity: RN102075827, SPRING OAKS MHP WW TREATMENT FACILITY **Classification:** SATISFACTORY **Rating:** 14.09

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 4330 PIN OAK LANE, ON THE NORTH SIDE OF SPRING-STEUBNER ROAD, APPROXIMATELY 2.5 MILES WEST OF THE INTERSECTION OF INTERSTATE HIGHWAY 45 AND SPRING-STEUBNER ROAD, TX 77389-4627, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT WQ0012650001 **WASTEWATER EPA ID** TX0092088
WASTEWATER LICENSING LICENSE WQ0012650001

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: August 27, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 27, 2009 to August 27, 2014

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

Name: Jill Russell **Phone:** (512) 239-4564

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

1 Effective Date: 11/22/2012 ADMINORDER 2012-1166-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Mon. & Rep. Req. No. 1 PERMIT

Description: Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the DMRs for the monitoring periods ending September 30, 2011, through January 31, 2012, by the 20th day of the following month.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov:Mon. & Rep. Req. No. 1 PERMIT

Description: Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to report daily average and daily maximum flow data on the DMR for the monitoring period ending February 28, 2011.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov:Sludge Provisions PERMIT

Description: Failed to submit a complete annual sludge report for the monitoring period ending July 31, 2011, by September 1, 2011. Specifically, one of the nine pages of the sludge DMR was not completed correctly.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 01, 2009	(815440)	Item 16	August 08, 2012	(1039287)
Item 2	October 15, 2009	(815442)	Item 17	September 04, 2012	(1048247)
Item 3	October 23, 2009	(815439)	Item 18	January 28, 2013	(1081776)
Item 4	December 02, 2009	(815444)	Item 19	March 08, 2013	(1081774)
Item 5	March 22, 2010	(815446)	Item 20	April 04, 2013	(1090678)
Item 6	April 30, 2010	(861839)	Item 21	April 22, 2013	(1097026)
Item 7	May 31, 2010	(861840)	Item 22	May 30, 2013	(1107989)
Item 8	June 17, 2010	(834596)	Item 23	July 08, 2013	(1118527)
Item 9	August 17, 2010	(861838)	Item 24	July 23, 2013	(1118528)
Item 10	October 01, 2010	(882811)	Item 25	September 25, 2013	(1126312)
Item 11	November 30, 2010	(889207)	Item 26	April 25, 2014	(1175658)
Item 12	October 19, 2011	(966635)	Item 27	July 03, 2014	(1181862)
Item 13	May 18, 2012	(1011362)	Item 28	July 21, 2014	(1188759)
Item 14	July 02, 2012	(1032851)			
Item 15	July 30, 2012	(1032850)			

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

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

1	Date:	11/22/2013 (1121419)	CN603425687
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)	
	Description:	Failed to maintain the required number of operational blowers.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limits & Monito Req'mnts No. 2. OP	
	Description:	Failed to maintain compliance with the permitted effluent limits.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limits & Monito Req'mnts No. 1. OP	
	Description:	Failed to maintain compliance with the permitted effluent limits.	

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

Description: Failed to maintain the required number of operational blowers.
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failed to properly operate and maintain the chlorine contact basin.

5 Date: 08/31/2012 (1090677) CN603425687
Classification: Moderate

Self Report? YES For Informational Purposes Only

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

6* Date: 10/31/2012 (1081775) CN603425687
Classification: Moderate

Self Report? YES For Informational Purposes Only

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

7* Date: 02/28/2013 (1097025) CN603425687
Classification: Moderate

Self Report? YES For Informational Purposes Only

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

8* Date: 03/21/2013 (1092236) CN603425687
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

9 Date: 11/22/2013 (1121419) CN603425687
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failed to maintain the required number of operational blowers.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Effluent Limits & Monito Req'mnts No. 2. OP

Description: Failed to maintain compliance with the permitted effluent limits.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Effluent Limits & Monito Req'mnts No. 1. OP

Description: Failed to maintain compliance with the permitted effluent limits.

* NOV's applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B**All Investigations Conducted During Component Period August 27, 2009 and August 27, 2014**

Item 1*	September 01, 2009**	(815440) For Informational Purposes Only
Item 2*	October 15, 2009**	(815442) For Informational Purposes Only
Item 3*	October 23, 2009**	(815439) For Informational Purposes Only
Item 4*	December 02, 2009**	(815444) For Informational Purposes Only
Item 5	January 14, 2010**	(783291) For Informational Purposes Only
Item 6	March 03, 2010**	(793062) For Informational Purposes Only
Item 7*	March 22, 2010**	(815446) For Informational Purposes Only
Item 8*	April 30, 2010**	(861839) For Informational Purposes Only
Item 9*	May 31, 2010**	(861840) For Informational Purposes Only
Item 10*	June 17, 2010**	(834596) For Informational Purposes Only
Item 11	August 02, 2010**	(845938) For Informational Purposes Only
Item 12*	August 17, 2010**	(861838) For Informational Purposes Only
Item 13*	October 01, 2010**	(882811) For Informational Purposes Only
Item 14*	November 30, 2010**	(889207) For Informational Purposes Only
Item 15*	October 19, 2011**	(966635) For Informational Purposes Only
Item 16	December 09, 2011**	(962829) For Informational Purposes Only
Item 17	March 26, 2012**	(994043) For Informational Purposes Only
Item 18	May 15, 2012**	(1001245) For Informational Purposes Only
Item 19*	May 18, 2012**	(1011362) For Informational Purposes Only
Item 20*	July 02, 2012**	(1032851) For Informational Purposes Only
		(1032850)

Item 21*	July 30, 2012**	For Informational Purposes Only (1039287)
Item 22*	August 08, 2012**	For Informational Purposes Only (1048247)
Item 23*	September 04, 2012**	For Informational Purposes Only (1081775)
Item 24	January 28, 2013**	For Informational Purposes Only (1081774)
Item 25*	March 08, 2013**	For Informational Purposes Only (1092236)
Item 26	March 21, 2013**	For Informational Purposes Only (1090677)
Item 27	April 04, 2013**	For Informational Purposes Only (1097025)
Item 28	April 22, 2013**	For Informational Purposes Only (1087787)
Item 29	May 07, 2013**	For Informational Purposes Only (1107989)
Item 30*	May 30, 2013**	For Informational Purposes Only (1118527)
Item 31*	July 08, 2013**	For Informational Purposes Only (1118528)
Item 32*	July 23, 2013**	For Informational Purposes Only (1126312)
Item 33*	September 25, 2013	For Informational Purposes Only (1136626)
Item 34	November 08, 2013	For Informational Purposes Only (1121419)
Item 35	November 22, 2013	For Informational Purposes Only (1175658)
Item 36*	April 25, 2014	For Informational Purposes Only (1177191)
Item 37	June 20, 2014	For Informational Purposes Only (1181862)
Item 38*	July 03, 2014	For Informational Purposes Only (1188759)
Item 39*	July 21, 2014	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TRINITY SO GP, L.L.C.
RN102075827

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

AGREED ORDER
DOCKET NO. 2014-0941-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Trinity SO GP, L.L.C. ("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 presented this agreement to the Commission.

The 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located at 4330 Pin Oak Lane, on the north side of Spring-Steubner Road, approximately 2.5 miles west of the intersection of Interstate Highway 45 and Spring-Steubner Road in Harris County, Texas (the "Facility").

2. The Site adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
3. During a record review conducted on June 17, 2014, TCEQ staff documented that the Respondent did not timely submit results at the intervals specified in the permit. Specifically, the monthly discharge monitoring reports (“DMRs”) for the monitoring periods ending October 31, 2013, November 30, 2013, December 31, 2013, and March 31, 2014, and the *Escherichia coli* (“*E. coli*”) quarterly DMR for the monitoring period ending December 31, 2013, were not submitted by the 20th day of the following month.
4. The Respondent received notice of the violations on June 23, 2014.
5. The Executive Director recognizes that by June 26, 2014, the Respondent submitted the monthly DMRs for the monitoring periods ending October 31, 2013, November 30, 2013, December 31, 2013, and March 31, 2014, and the *E. coli* quarterly DMR for the monitoring period ending December 31, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to timely submit results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17), and 319.7(d); and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0012650001, Monitoring and Reporting Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission’s jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Thousand Five Hundred Twenty-Five Dollars (\$1,525) 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. The Respondent has paid the One Thousand Five Hundred Twenty-Five Dollar (\$1,525) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Five Hundred Twenty-Five Dollars (\$1,525) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Trinity SO GP, L.L.C., Docket No. 2014-0941-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including procedures for the timely submittal of complete, signed and certified DMRs for each monitoring period, in accordance with TPDES Permit No. WQ0012650001, Monitoring and Reporting Requirements No. 1.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

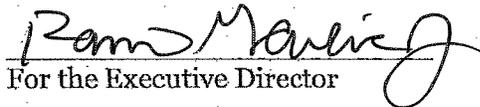
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.

8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

12/17/14
Date

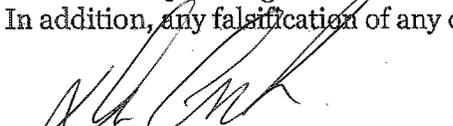
I, the undersigned, have read and understand the attached Agreed Order in the matter of Trinity SO GP, L.L.C. I am authorized to agree to the attached Agreed Order on behalf of Trinity SO GP, L.L.C., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Trinity SO GP, L.L.C. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

9/19/14
Date

Don Clements
Name (Printed or typed)
Authorized Representative of
Trinity SO GP, L.L.C.

owner/member
Title

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