

Executive Summary – Enforcement Matter – Case No. 48701
Pettus Municipal Utility District
RN102079100
Docket No. 2014-0705-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:

No

Location(s) Where Violation(s) Occurred:

Pettus MUD, located approximately 1,400 feet west of U.S. Highway 181 and 2,400 feet south of Farm-to-Market Road 623, Bee County

Type of Operation:

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: October 17, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,512

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$213

Total Due to General Revenue: \$2,299

Payment Plan: 11 payments of \$209 each

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. 48701
Pettus Municipal Utility District
RN102079100
Docket No. 2014-0705-MWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: March 7, 2014
Date(s) of NOE(s): April 29, 2014

Violation Information

1. Failed to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1].
2. Failed to submit all effluent analytical results [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.1, and 319.7(a)(4), and TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By May 21, 2014, submitted discharge monitoring reports ("DMRs") for the monitoring periods ending July 31, 2013 through December 31, 2013 and a revised DMR including analytical results for pH minimum and maximum for the monitoring period ending May 31, 2013; and
- b. By June 20, 2014, updated operational procedures and conducted employee training to ensure that DMRs are completed and submitted as required.

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

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Docket No. 2014-0705-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Raymond Mejia, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-5460; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Karen Kibbe, Board President, Pettus Municipal Utility District, P.O.
Box 153, Pettus, Texas 78146

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	5-May-2014	Screening	19-May-2014	EPA Due	
	PCW	24-Jun-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Pettus Municipal Utility District				
Reg. Ent. Ref. No.	RN102079100				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	48701	No. of Violations	2
Docket No.	2014-0705-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Raymond Mejia
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for one NOV with same/similar violations and two orders with denial of liability.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

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

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Screening Date 19-May-2014

Docket No. 2014-0705-MWD-E

PCW

Respondent Pettus Municipal Utility District

Policy Revision 4 (April 2014)

Case ID No. 48701

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102079100

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and two orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 19-May-2014

Docket No. 2014-0705-MWD-E

PCW

Respondent Pettus Municipal Utility District

Policy Revision 4 (April 2014)

Case ID No. 48701

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102079100

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit monitoring results at the intervals specified in the permit, as documented during a record review conducted on March 7, 2014. Specifically, the Respondent failed to submit discharge monitoring reports ("DMRs") for the monthly monitoring periods ending July 31, 2013; August 31, 2013; September 30, 2013; October 31, 2013; November 30, 2013; and December 31, 2013 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 More than 70% of the permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 6

283 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,500

Six single events 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

Estimated EB Amount \$18

Statutory Limit Test

Violation Final Penalty Total \$2,175

This violation Final Assessed Penalty (adjusted for limits) \$2,175

Economic Benefit Worksheet

Respondent Pettus Municipal Utility District
Case ID No. 48701
Reg. Ent. Reference No. RN102079100
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	\$175	20-Jun-2013	21-May-2014	0.92	\$8	n/a	\$8
Training/Sampling	\$250	20-Aug-2013	20-Jun-2014	0.83	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the missing or incomplete DMRs (\$25 per DMR) and to update operational procedures and conduct employee training to ensure that DMRs are completed and submitted as required. Date required is the date the first DMR was due. Final dates are the date the revised DMR with the pH analytical results and all missing DMRs were submitted and 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

\$425

TOTAL

\$18

Screening Date 19-May-2014
Respondent Pettus Municipal Utility District
Case ID No. 48701
Reg. Ent. Reference No. RN102079100
Media [Statute] Water Quality
Enf. Coordinator Raymond Mejia
Violation Number 2

Docket No. 2014-0705-MWD-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17), 319.1, and 319.7(a)(4), and TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit all effluent analytical results, as documented during a record review conducted on March 7, 2014. Specifically, the DMR for the monitoring period ending May 31, 2013 did not include analytical results for pH minimum and pH maximum.

Base Penalty \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
			X	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events: 1 344 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$25

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

Notes The Respondent achieved compliance by June 20, 2014.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$338

This violation Final Assessed Penalty (adjusted for limits) \$338

Economic Benefit Worksheet

Respondent Pettus Municipal Utility District
Case ID No. 48701
Reg. Ent. Reference No. RN102079100
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 1.

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

\$0

TOTAL

\$0

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



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600629521, RN102079100, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600629521, Pettus Municipal Utility District
Classification: SATISFACTORY **Rating:** 24.72

Regulated Entity: RN102079100, PETTUS MUD
Classification: SATISFACTORY **Rating:** 24.72

Complexity Points: 4
Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: LOCATED APPROXIMATELY 1,400 FEET WEST OF UNITED STATES HIGHWAY 181, AND 2,400 FEET SOUTH OF FARM-TO-MARKET ROAD 623 IN BEE COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT WQ0010748001 **WASTEWATER EPA ID** TX0054780
UTILITIES REGISTRATION P0418

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

Date Compliance History Report Prepared: July 17, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 17, 2009 to July 17, 2014

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

Name: Raymond Mejia

Phone: (512) 239-5460

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: 05/22/2011 ADMINORDER 2010-0256-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(C)
30 TAC Chapter 319, SubChapter A 319.7(a)
Rqmt Prov: Monitoring Requirements No. 3(c), Pg. 5 PERMIT
Description: Failed to maintain complete records of monitoring activities, including but not limited to quality assurance/quality control records. Specifically, quality assurance/quality control records for pH and chlorine measuring devices were not being maintained.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(c)
Rqmt Prov: Monitoring & Reporting Requirement No. 2 PERMIT
Description: Failed to accurately accomplish measurement, tests, and calculations in a representative manner. Specifically, loading calculations were not being performed by averaging the daily concentration and the daily flow prior to

utilizing the loading formula.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.11(d)
Rqmt Prov:Monitoring Requirements; No.5, Pg 5 PERMIT
Description: Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually. Specifically, the electronic totalizing flow meter was not being calibrated annually.
Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov:Operational Requirements No. 1 PERMIT
Description: Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the staff gauge was severely deteriorated and the clarifier saw tooth weir had an uneven flow.
Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(c)
Rqmt Prov:Monitoring & Reporting Requirement No. 2 PERMIT
Description: Failed to analyze the effluent according to test methods specified in 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136. Specifically, the operator was using a HACH Pocket Colorimeter II to obtain the total chlorine concentration; however, the operator was not performing the manganese correction.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(A)
30 TAC Chapter 319, SubChapter A 319.4
Rqmt Prov:Monitoring & Reporting Requirement No. 1 PERMIT

Description: Failed to monitor dissolved oxygen ("DO") once per week by grab sample. Specifically, during the investigation the investigator documented that the operator was not conducting monitoring for DO.
Classification: Minor

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

Rqmt Prov:Operational Requirements; No. 1, Pg. 9 PERMIT

Description: Failed to maintain process control, maintenance, and operations records at the Facility site, or make readily available for review by a TCEQ representative, for a period of three years. Specifically, process control, maintenance, and operational activities were being performed; however, the data was not being recorded.
Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(d)
Rqmt Prov:Reporting Requirement; No. 1, Pg. 4 PERMIT

Description: Failed to submit monthly discharge monitoring reports ("DMRs") by the 20th day of the following month. Specifically, DMRs have not been submitted for the months of October 2008 through November 2009.

2 Effective Date: 04/21/2013 ADMINORDER 2012-2069-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:Effluent Reporting Requirements PERMIT

Description: Failure to timely submit the DMRs for the monitoring periods ending January 31, 2012; February 29, 2012; March 31, 2012; and April 30, 2012, by the 20th day of the following month.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 26, 2010	(927028)
Item 2	May 31, 2010	(861358)
Item 3	June 04, 2010	(927040)
Item 4	August 06, 2010	(867577)
Item 5	November 08, 2010	(882137)
Item 6	February 03, 2012	(991270)

Item 7	March 16, 2012	(998631)
Item 8	March 20, 2012	(998634)
Item 9	September 06, 2012	(1038644)
Item 10	March 06, 2013	(1080419)
Item 11	March 08, 2013	(1080420)
Item 12	April 24, 2013	(1096387)
Item 13	October 30, 2013	(1135985)
Item 14	May 21, 2014	(1175003)

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:	09/27/2013 (1127894)	CN600629521
	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

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: 05/14/2010 (827850) CN600629521
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
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
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
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

7 Date: 06/30/2011 (991271) CN600629521
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: 07/31/2011 (991272) CN600629521
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

9 Date: 08/31/2011 (991273) CN600629521
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

10 Date: 09/30/2011 (991274) CN600629521
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

11 Date: 02/29/2012 (1064307) CN600629521
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

12 Date: 07/13/2012 (1015744) CN600629521
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions No. 2(g) PERMIT
Description: Failed to prevent the unauthorized discharge of sewage, municipal waste,
recreational waste, agricultural waste, or industrial waste into or adjacent to any
water in the state.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Rep. Req. No. 7(b)(i) PERMIT
Description: Failed to provide a written submission of any unauthorized discharge as defined in
Permit Condition 2(g) to the Regional Office and the Enforcement Division (MC
224) within five working days of becoming aware of the noncompliance.

13 Date: 07/31/2012 (1064308) CN600629521
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

14* Date: 11/30/2012 (1080423) CN600629521
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

15* Date: 02/21/2013 (1092214) CN600629521
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
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

16 Date: 09/27/2013 (1127894) CN600629521
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
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

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

Appendix B

All Investigations Conducted During Component Period July 17, 2009 and July 17, 2014

(746709)

Item 1

September 04, 2009**

(789955)

Item 2	February 12, 2010**	For Informational Purposes Only (827850)
Item 3	May 14, 2010**	For Informational Purposes Only (927028)
Item 4*	May 26, 2010**	For Informational Purposes Only (861358)
Item 5*	May 31, 2010**	For Informational Purposes Only (927033)
Item 6	June 04, 2010**	For Informational Purposes Only (867577)
Item 7*	August 06, 2010**	For Informational Purposes Only (882137)
Item 8*	November 08, 2010**	For Informational Purposes Only (991270)
Item 9*	February 03, 2012**	For Informational Purposes Only (998631)
Item 10*	March 16, 2012**	For Informational Purposes Only (998634)
Item 11*	March 20, 2012**	For Informational Purposes Only (1015744)
Item 12	July 12, 2012**	For Informational Purposes Only (1021617)
Item 13	August 29, 2012**	For Informational Purposes Only (1038644)
Item 14*	September 06, 2012**	For Informational Purposes Only (1092214)
Item 15	February 21, 2013**	For Informational Purposes Only (1080419)
Item 16*	March 06, 2013**	For Informational Purposes Only (1080420)
Item 17*	March 08, 2013**	For Informational Purposes Only (1096387)
Item 18*	April 24, 2013**	For Informational Purposes Only (1127894)
Item 19	September 27, 2013	For Informational Purposes Only (1121850)
Item 20	October 03, 2013	For Informational Purposes Only (1135985)
Item 21*	October 30, 2013	For Informational Purposes Only (1128649)
Item 22	November 05, 2013	For Informational Purposes Only (1153042)
Item 23	April 30, 2014	For Informational Purposes Only

(1175003)

Item 24*

May 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.

2. The Facility 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 March 7, 2014, TCEQ staff documented that the Respondent did not submit monitoring results at the intervals specified in the permit. Specifically, the Respondent did not submit discharge monitoring reports ("DMRs") for the monthly monitoring periods ending July 31, 2013; August 31, 2013; September 30, 2013; October 31, 2013; November 30, 2013; and December 31, 2013 by the 20th day of the following month.
4. During a record review conducted March 7, 2013, TCEQ staff documented that the DMR for the monitoring period ending May 31, 2013 did not include analytical results for pH minimum and maximum.
5. The Respondent received notice of the violations on May 2, 2014.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By May 21, 2014, submitted DMRs for the monitoring periods ending July 31, 2013 through December 31, 2013 and a revised DMR including analytical results for pH minimum and maximum for the monitoring period ending May 31, 2013.
 - b. By June 20, 2014, updated operational procedures and conducted employee training to ensure that DMRs are completed and submitted as required.

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 monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit all effluent analytical results, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.1, and 319.7(a)(4), and TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1.
4. 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.

5. An administrative penalty in the amount of Two Thousand Five Hundred Twelve Dollars (\$2,512) 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 Two Hundred Thirteen Dollars (\$213) of the administrative penalty. The remaining amount of Two Thousand Two Hundred Ninety-Nine Dollars (\$2,299) of the administrative penalty shall be payable in 11 monthly payments of Two Hundred Nine Dollars (\$209) 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.

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 Two Thousand Five Hundred Twelve Dollars (\$2,512) as set forth in Section II, Paragraph 5 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: Pettus Municipal Utility District, Docket No. 2014-0705-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. 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. 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.
4. 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.
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. 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

Bernie Bowen Jr
For the Executive Director

1/22/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Pettus Municipal Utility District. I am authorized to agree to the attached Agreed Order on behalf of Pettus Municipal Utility District, 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, Pettus Municipal Utility District 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.

Karen Kibbe
Signature

9/15/14
Date

Karen Kibbe
Name (Printed or typed)
Authorized Representative of
Pettus Municipal Utility District

Board President
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.