

Executive Summary – Enforcement Matter – Case No. 48282
Riviera Water Control & Improvement District
RN105377535
Docket No. 2014-0249-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:

Riviera WCID WWTP, located at 400 West Live Oak Avenue, Riviera, approximately 200 feet southwest of the intersection of West Live Oak and South First Street in the southwest corner of Riviera, Kleberg 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: November 7, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,475

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$230

Total Due to General Revenue: \$7,245

Payment Plan: 35 payments of \$207 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: September 2011

Executive Summary – Enforcement Matter – Case No. 48282
Riviera Water Control & Improvement District
RN105377535
Docket No. 2014-0249-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 12, 2013 and February 21, 2014

Date(s) of NOE(s): January 27, 2014

Violation Information

1. Failed to collect and analyze effluent for *Escherichia coli* [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4 and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013374002, Monitoring and Reporting Requirements No. 1].
2. Failed to comply with permitted effluent limits for total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013374002, Effluent Limitations and Monitoring Requirements No. 1].
3. Failed to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0013374002, Monitoring and Reporting Requirements No. 1].
4. Failed to timely submit the annual sludge report [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0013374002, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By June 30, 2013, repaired the pipe in the clarifier boards and returned the Facility to compliance with permitted effluent limits;
- b. By September 30, 2013, began to collect and analyze effluent for *Escherichia coli*; and
- c. On February 19, 2014, submitted the discharge monitoring report for the quarterly monitoring period ending September 30, 2013 and the annual sludge report for the monitoring period ending July 31, 2013.

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Docket No. 2014-0249-MWD-E

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 effluent is collected and analyzed and that discharge monitoring reports and annual sludge reports are submitted as required; 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

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: Toby Yaklin, President, Riviera Water Control & Improvement District,
P.O. Box 430, Riviera, Texas 78379
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	3-Feb-2014	Screening	3-Feb-2014	EPA Due	
	PCW	21-Feb-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Riviera Water Control & Improvement District
Reg. Ent. Ref. No.	RN105377535
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48282	No. of Violations	4
Docket No.	2014-0249-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	\$6,750
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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	20.0% Enhancement	Subtotals 2, 3, & 7
		\$1,350

Notes: Enhancement for two NOVs with same/similar violations and two months of self-reported effluent violations.

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	-\$625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$105
 Approx. Cost of Compliance: \$931
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,475
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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	\$7,475
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,475
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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	\$7,475
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Screening Date 3-Feb-2014

Docket No. 2014-0249-MWD-E

PCW

Respondent Riviera Water Control & Improvement District

Policy Revision 3 (September 2011)

Case ID No. 48282

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105377535

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>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> **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 two NOVs with same/similar violations and two months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 20%

Screening Date 3-Feb-2014

Docket No. 2014-0249-MWD-E

PCW

Respondent Riviera Water Control & Improvement District

Policy Revision 3 (September 2011)

Case ID No. 48282

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105377535

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.4 and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013374002, Monitoring and Reporting Requirements No. 1

Violation Description Failed to collect and analyze samples for Escherichia coli ("E. coli"), as documented during a record review conducted on February 21, 2014. Specifically, the Respondent failed to collect and analyze effluent for E. coli for the monitoring periods ending December 31, 2012; March 31, 2013; and June 30, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3 Number of violation days 92

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$3,750

Three 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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$80

Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent Riviera Water Control & Improvement District
Case ID No. 48282
Reg. Ent. Reference No. RN105377535
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Delayed costs to update operational guidance and conduct employee training are included in Violation No. 3.

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]	\$75	20-Jan-2013	20-Jul-2013	1.41	\$5	\$75	\$80
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost that was avoided by failing to analyze the required parameters at \$25 per sample. Date required is the date the first missed sample was due. Final date is the date the last missed sample was due.

Approx. Cost of Compliance

\$75

TOTAL

\$80

Screening Date 3-Feb-2014

Docket No. 2014-0249-MWD-E

PCW

Respondent Riviera Water Control & Improvement District

Policy Revision 3 (September 2011)

Case ID No. 48282

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105377535

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013374002, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on December 12, 2013, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

90 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent achieved compliance by June 30, 2013.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$2,375

This violation Final Assessed Penalty (adjusted for limits) \$2,375

Economic Benefit Worksheet

Respondent Riviera Water Control & Improvement District
Case ID No. 48282
Reg. Ent. Reference No. RN105377535
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)	\$531	31-Jan-2013	30-Jun-2013	0.41	\$11	n/a	\$11

Notes for DELAYED costs

Actual cost to determine the cause of noncompliance and to make necessary repairs/adjustments which included repairing the pipe in the clarifier boards, and returning the system to compliance with permitted effluent limits. Date required is the initial date of noncompliance. 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

\$531

TOTAL

\$11

Screening Date 3-Feb-2014

Docket No. 2014-0249-MWD-E

PCW

Respondent Riviera Water Control & Improvement District

Policy Revision 3 (September 2011)

Case ID No. 48282

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105377535

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0013374002, 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 December 12, 2013. Specifically, the Respondent failed to submit the discharge monitoring report ("DMR") for the quarterly monitoring period ending September 30, 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 1

122 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent Riviera Water Control & Improvement District
Case ID No. 48282
Reg. Ent. Reference No. RN105377535
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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	\$25	20-Oct-2013	19-Feb-2014	0.33	\$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)	\$250	12-Dec-2013	30-Nov-2014	0.97	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to submit the missing DMR. Date required is the date the DMR as due. Final date is the date the DMR was submitted. Other delayed cost includes the estimated cost to update operational guidance and conduct employee training to ensure that samples are collected and analyzed, and that DMRs and the annual sludge report are submitted as required. Date required is the record review date. Final date is the estimated 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

\$275

TOTAL

\$13

Screening Date 3-Feb-2014

Docket No. 2014-0249-MWD-E

PCW

Respondent Riviera Water Control & Improvement District

Policy Revision 3 (September 2011)

Case ID No. 48282

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105377535

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0013374002, Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2013, by September 30, 2013, as documented during a record review conducted on December 12, 2013.

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 1

142 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

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent Riviera Water Control & Improvement District
Case ID No. 48282
Reg. Ent. Reference No. RN105377535
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	30-Sep-2013	19-Feb-2014	0.39	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the annual sludge report. Date required is the date the sludge report was due. Final date is the date the sludge report was submitted. See violation No. 3 for additional delayed costs associated with this violation.

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

\$1

EFFLUENT VIOLATION TABLE			
Riviera Water Control & Improvement District			
TPDES Permit No. WQ0013374002			
Docket No. 2014-0249-MWD-E			
Permitted Effluent Limits	Monitoring Period		
	January 2013	February 2013	May 2013
TSS Daily Average Concentration Limit = 20 mg/L	34.6	29.75	25.5
TSS Single Grab Limit = 65 mg/L	68	c	c

TSS = total suspended solids

mg/L = milligrams per liter

c = compliant

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 CN600643399, RN105377535, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600643399, Riviera Water Control & Improvement District **Classification:** SATISFACTORY **Rating:** 7.30

Regulated Entity: RN105377535, RIVIERA WCID WWTP **Classification:** SATISFACTORY **Rating:** 7.30

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 400 WEST LIVE OAK AVENUE, RIVIERA, APPROXIMATELY 200 FEET SOUTHWEST OF THE INTERSECTION OF WEST LIVE OAK AND SOUTH FIRST STREET IN THE SOUTHWEST CORNER OF RIVIERA, KLEBERG COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT WQ0013374002

WASTEWATER EPA ID TX0112763

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

Date Compliance History Report Prepared: March 21, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 21, 2009 to March 21, 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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 04, 2009	(772666)	Item 4	June 26, 2009	(818082)
Item 2	May 28, 2009	(772669)	Item 5	August 10, 2009	(818083)
Item 3	June 09, 2009	(772667)	Item 6	September 23, 2009	(818085)

Item 7	October 23, 2009	(818086)	Item 29	August 24, 2011	(960916)
Item 8	November 30, 2009	(818087)	Item 30	September 26, 2011	(967012)
Item 9	December 28, 2009	(818088)	Item 31	October 24, 2011	(972976)
Item 10	January 22, 2010	(818089)	Item 32	January 03, 2012	(992304)
Item 11	March 03, 2010	(818081)	Item 33	February 02, 2012	(999610)
Item 12	April 09, 2010	(835575)	Item 34	February 27, 2012	(1011735)
Item 13	May 06, 2010	(835576)	Item 35	March 21, 2012	(1005157)
Item 14	May 26, 2010	(835577)	Item 36	May 21, 2012	(1018093)
Item 15	June 28, 2010	(847711)	Item 37	June 20, 2012	(1025832)
Item 16	June 30, 2010	(862109)	Item 38	July 26, 2012	(1033186)
Item 17	August 30, 2010	(868704)	Item 39	August 17, 2012	(1039701)
Item 18	September 29, 2010	(875589)	Item 40	September 24, 2012	(1048637)
Item 19	October 25, 2010	(883138)	Item 41	October 24, 2012	(1069132)
Item 20	November 18, 2010	(929899)	Item 42	March 27, 2013	(1091042)
Item 21	December 23, 2010	(929900)	Item 43	July 18, 2013	(1111983)
Item 22	January 21, 2011	(929901)	Item 44	July 30, 2013	(1118918)
Item 23	March 11, 2011	(917955)	Item 45	August 26, 2013	(1126681)
Item 24	March 21, 2011	(917956)	Item 46	November 08, 2013	(1136970)
Item 25	April 20, 2011	(929898)	Item 47	November 21, 2013	(1142387)
Item 26	May 23, 2011	(939664)	Item 48	February 24, 2014	(1154905)
Item 27	June 20, 2011	(947075)			
Item 28	July 25, 2011	(954338)			

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:	05/29/2013 (1098620)	CN600643399		
	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	
2	Date:	05/31/2013 (1118919)	CN600643399		
	Self Report?	YES	Classification:	Moderate	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
3	Date:	08/23/2013 (1104435)	CN600643399		
	Self Report?	NO	Classification:	Minor	
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Sludge Provisions Sec. I. A. 3., Pg. 12 PERMIT Sludge Provisions Sec. III. C., Pg. 21 PERMIT			
	Description:	Failed to give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.			
	Self Report?	NO	Classification:	Minor	

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements No. 7, Pg. 24 PERMIT

Description: Failed to report annually to the TCEQ Regional Office (MC Region 14) by September 1 of each year the sludge disposal information.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations; No. 1, Pg. 2 PERMIT

Description: Failed to comply with the effluent limitations (TSS) as specified in the permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.4
Effluent Limitations; No. 1, Pg. 2 PERMIT

Description: Failed to comply with the effluent limitations (E. coli) as specified in the permit.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions; No. 2g, Pg. 7 PERMIT

Description: Failed to prevent the discharge of sewage into or adjacent to waters in the state.

Self Report? NO Classification: Minor

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

Description: Failed to maintain process control records at the facility site, and made readily available for review by a TCEQ representative, for a period of three years.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Reporting Requirement; No. 2.c., Pg. 6 PERMIT

Description: Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

4 Date: 11/30/2013 (1154904) CN600643399

Self Report? YES Classification: Moderate

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

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

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

6 Date: 03/31/2012 (1011736) CN600643399
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: 01/31/2013 (1082595) CN600643399
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: 02/28/2013 (1118917) CN600643399
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: 03/07/2013 (1092251) CN600643399
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

10* Date: 05/29/2013 (1098620) CN600643399
 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

11* Date: 05/31/2013 (1118919) CN600643399
 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: 08/23/2013 (1104435) CN600643399
 Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Sludge Provisions Sec. I. A. 3., Pg. 12 PERMIT
 Sludge Provisions Sec. III. C., Pg. 21 PERMIT
 Description: Failed to give 180 days prior notice to the Executive Director in care of the
 Wastewater Permitting Section (MC 148) of the Water Quality Division of any
 change planned in the sewage sludge disposal practice.
 Classification: Minor

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements No. 7, Pg. 24 PERMIT
 Description: Failed to report annually to the TCEQ Regional Office (MC Region 14) by
 September 1 of each year the sludge disposal information.
 Classification: Minor

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations; No. 1, Pg. 2 PERMIT
 Description: Failed to comply with the effluent limitations (TSS) as specified in the permit.
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 319, SubChapter A 319.4
 Effluent Limitations; No. 1, Pg. 2 PERMIT
 Description: Failed to comply with the effluent limitations (E. coli) as specified in the permit.
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
 Permit Conditions; No. 2g, Pg. 7 PERMIT
 Description: Failed to prevent the discharge of sewage into or adjacent to waters in the state.
 Classification: Minor

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Operational Requirements; No. 1, Pg. 9 PERMIT
 Description: Failed to maintain process control records at the facility site, and made readily available for review by a TCEQ representative, for a period of three years.
 Classification: Minor

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Reporting Requirement; No. 2.c., Pg. 6 PERMIT
 Description: Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

13 Date: 11/30/2013 (1154904) CN600643399
 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

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

Appendix B

All Investigations Conducted During Component Period March 21, 2009 and March 21, 2014

Item 1	March 27, 2009**	(739397)	Item 12*	December 28, 2009**	(818089)
Item 2*	May 04, 2009**	(772666)	Item 13*	January 22, 2010**	(818081)
Item 3	May 28, 2009**	(772668)	Item 14*	March 03, 2010**	(835575)
Item 4*	June 09, 2009**	(772667)	Item 15*	April 09, 2010**	(835576)
Item 5*	June 26, 2009**	(818082)	Item 16*	May 06, 2010**	(835577)
Item 6	August 07, 2009**	(764294)	Item 17*	May 26, 2010**	(847711)
Item 7*	August 10, 2009**	(818083)	Item 18*	June 28, 2010**	(862109)
Item 8	August 28, 2009**	(818084)	Item 19*	June 30, 2010**	(868704)
Item 9*	September 23, 2009**	(818085)	Item 20*	August 30, 2010**	(875589)
Item 10*	October 23, 2009**	(818086)	Item 21*	September 29, 2010**	(883138)
Item 11*	November 30, 2009**	(818087)	Item 22*	October 25, 2010**	(929899)
		(818088)			

Item 23*	November 18, 2010**	(929900)	Item 42*	May 21, 2012**	(1025832)
Item 24*	December 23, 2010**	(929901)	Item 43*	June 20, 2012**	(1033186)
Item 25*	January 21, 2011**	(905029)	Item 44*	July 26, 2012**	(1039701)
Item 26	February 10, 2011**	(917955)	Item 45*	August 17, 2012**	(1048637)
Item 27*	March 11, 2011**	(917956)	Item 46*	September 24, 2012**	(1069132)
Item 28*	March 21, 2011**	(929898)	Item 47*	October 24, 2012**	(1082595)
Item 29*	April 20, 2011**	(939664)	Item 48	February 26, 2013**	(1092251)
Item 30*	May 23, 2011**	(947075)	Item 49	March 07, 2013**	(1091042)
Item 31*	June 20, 2011**	(954338)	Item 50*	March 27, 2013**	(1098620)
Item 32*	July 25, 2011**	(960916)	Item 51	May 29, 2013**	(1111983)
Item 33*	August 24, 2011**	(967012)	Item 52*	July 18, 2013**	(1118917)
Item 34*	September 26, 2011**	(972976)	Item 53	July 30, 2013**	(1104435)
Item 35*	October 24, 2011**	(979110)	Item 54	August 23, 2013**	(1126681)
Item 36	November 28, 2011**	(992304)	Item 55*	August 26, 2013**	(1136970)
Item 37*	January 03, 2012**	(999610)	Item 56*	November 08, 2013	(1142387)
Item 38*	February 02, 2012**	(1011735)	Item 57*	November 21, 2013	(1138684)
Item 39*	February 27, 2012**	(1005157)	Item 58	January 27, 2014	(1154904)
Item 40*	March 21, 2012**	(1011736)	Item 59	February 21, 2014	(1154905)
Item 41	April 20, 2012**	(1018093)	Item 60*	February 24, 2014	(1152586)
			Item 61	March 07, 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 § **BEFORE THE**
ENFORCEMENT ACTION §
CONCERNING § **TEXAS COMMISSION ON**
RIVIERA WATER CONTROL & §
IMPROVEMENT DISTRICT §
RN105377535 § **ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2014-0249-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 Riviera Water Control & Improvement District (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 facility at 400 West Live Oak Avenue, Riviera, approximately 200 feet southwest of the intersection of West Live Oak

and South First Street in the southwest corner of Riviera, Kleberg County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on February 21, 2014, TCEQ staff documented that the Respondent did not collect and analyze effluent for *Escherichia coli* ("E. coli").
4. During a record review conducted on December 12, 2013, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

EFFLUENT VIOLATION TABLE			
Permitted Effluent Limits	Monitoring Period		
	January 2013	February 2013	May 2013
TSS Daily Average Concentration Limit = 20 mg/L	34.6	29.75	25.5
TSS Single Grab Limit = 65 mg/L	68	c	c

TSS = total suspended solids mg/L = milligrams per liter c = compliant

5. During a record review conducted on December 12, 2013, TCEQ staff documented that the Respondent did not timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent did not submit the DMR for the quarterly monitoring period ending September 30, 2013, by the 20th day of the following month.
6. During a record review conducted on December 12, 2013, TCEQ staff documented that the Respondent did not timely submit the annual sludge report for the monitoring period ending July 31, 2013, by September 30, 2013.
7. The Respondent received notice of the violations on February 13, 2014.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By June 30, 2013, repaired the pipe in the clarifier boards and returned the Facility to compliance with permitted effluent limits;
 - b. By September 30, 2013, began to collect and analyze effluent for *E. coli*; and

- c. On February 19, 2014, submitted the DMR for the quarterly monitoring period ending September 30, 2013 and the annual sludge report for the monitoring period ending July 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 collect and analyze effluent for *E. coli*, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4 and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013374002, Monitoring and Reporting Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013374002, Effluent Limitations and Monitoring Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, 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 TPDES Permit No. WQ0013374002, Monitoring and Reporting Requirements No. 1.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to timely submit the annual sludge report in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0013374002, Sludge Provisions.
6. 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.
7. An administrative penalty in the amount of Seven Thousand Four Hundred Seventy-Five Dollars (\$7,475) 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 Thirty Dollars (\$230) of the administrative penalty. The remaining amount of Seven Thousand Two Hundred Forty-Five Dollars (\$7,245) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Seven Dollars (\$207) 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 Seven Thousand Four Hundred Seventy-Five Dollars (\$7,475) as set forth in Section II, Paragraph 7 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: Riviera Water Control & Improvement District, Docket No. 2014-0249-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 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 effluent is collected and analyzed and that DMRs and annual sludge reports are submitted as required, in accordance with TPDES Permit No. WQ0013374002, Monitoring and Reporting Requirements No. 1 and Sludge Provisions.
 - 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 including 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

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

Pamela Rowan
For the Executive Director

2/6/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Riviera Water Control & Improvement District. I am authorized to agree to the attached Agreed Order on behalf of Riviera Water Control & Improvement 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, Riviera Water Control & Improvement 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.

[Signature]
Signature

10/7/14
Date

TOBY YANKIN
Name (Printed or typed)
Authorized Representative of
Riviera Water Control & Improvement District

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.