

Executive Summary – Enforcement Matter – Case No. 49502
Westwood Water Supply Corporation
RN101610210
Docket No. 2014-1539-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Westwood Subdivision, located at the end of the cul-de-sac on Wildbriar Drive in the Westwood Subdivision, approximately 4.5 miles north of the intersection of State Highway 63 and Farm-to-Market Road 255 adjacent to Sam Rayburn Reservoir and 15 miles northwest of Jasper, Jasper 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: May 8, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,438

Amount Deferred for Expedited Settlement: \$1,687

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$451

Total Due to General Revenue: \$6,300

Payment Plan: 21 payments of \$300 each

Supplemental Environmental Project ("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

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Westwood Water Supply Corporation
RN101610210
Docket No. 2014-1539-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: July 29, 2014
Date(s) of NOE(s): October 9, 2014

Violation Information

1. Failed to comply with permitted effluent limits for biochemical oxygen demand and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011337001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to collect and analyze quarterly effluent samples for *Escherichia coli* ("*E. coli*"). Specifically, *E. coli* samples were not collected and analyzed for the quarterly monitoring period ending July 31, 2013 [30 TEX. ADMIN CODE §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0011337001, Monitoring and Reporting Requirement Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By October 31, 2013: Updated operational guidance and conducted employee training to ensure that effluent is monitored and conducted for all required parameters and at designated frequencies, and resumed sampling for *E. coli*; and
- b. By September 30, 2014: put lift station pumps into operational use, began wasting to the digester, and properly disposed of sludge buildup from the digester after taking a toxicity characteristic leaching procedure sample.

Technical Requirements:

Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WA0011337001, including specific corrective actions taken and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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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Westwood Water Supply Corporation
RN101610210
Docket No. 2014-1539-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Austin Henck, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-6155; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Jeff Sturrock, President, Westwood Water Supply Corporation, P.O. Box
5246, Jasper, Texas 75951

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	13-Oct-2014	Screening	14-Oct-2014	EPA Due	
	PCW	13-Jan-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	Westwood Water Supply Corporation
Reg. Ent. Ref. No.	RN101610210
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	49502	Order Type	1660
Docket No.	2014-1539-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Alan Barraza
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	40.0% Enhancement	Subtotals 2, 3, & 7	\$2,500
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Notes: Enhancement for four months of self-reported effluent violations and one order with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$312
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,048
 Estimated Cost of Compliance: \$10,300
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,438
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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 \$8,438

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,438
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,687
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,751
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Screening Date 14-Oct-2014

Docket No. 2014-1539-MWD-E

PCW

Respondent Westwood Water Supply Corporation

Policy Revision 4 (April 2014)

Case ID No. 49502

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610210

Media [Statute] Water Quality

Enf. Coordinator Alan Barraza

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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 40%

>> **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 four months of self-reported effluent violations and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 40%

Screening Date 14-Oct-2014

Docket No. 2014-1539-MWD-E

PCW

Respondent Westwood Water Supply Corporation

Policy Revision 4 (April 2014)

Case ID No. 49502

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610210

Media [Statute] Water Quality

Enf. Coordinator Alan Barraza

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011337001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on July 29, 2014, 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

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. 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 4

243 Number of violation days

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

Violation Base Penalty \$5,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$992

Violation Final Penalty Total \$7,000

This violation Final Assessed Penalty (adjusted for limits) \$7,000

Economic Benefit Worksheet

Respondent Westwood Water Supply Corporation
Case ID No. 49502
Reg. Ent. Reference No. RN101610210
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)	\$10,000	31-Jul-2013	25-Jul-2015	1.98	\$992	n/a	\$992

Notes for DELAYED costs
 Estimated cost to put lift station pumps into operational use, begin wasting to the digester from the clarifier, take a toxicity characteristic leaching procedure sample, and properly dispose of sludge buildup in the digester. Date required is the initial date of noncompliance. The 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	\$10,000	TOTAL	\$992
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Screening Date 14-Oct-2014

Docket No. 2014-1539-MWD-E

PCW

Respondent Westwood Water Supply Corporation

Policy Revision 4 (April 2014)

Case ID No. 49502

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610210

Media [Statute] Water Quality

Enf. Coordinator Alan Barraza

Violation Number 2

Rule Cite(s)

30 Tex. Admin Code §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0011337001, Monitoring and Reporting Requirement Requirements No. 1

Violation Description

Failed to collect and analyze quarterly effluent samples for Escherichia coli ("E. coli"), as documented during a record review conducted on July 29, 2014. Specifically, E. coli samples were not collected and analyzed for the quarterly monitoring period ending July 31, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect E. coli samples could expose human health or the environment to a significant amount of contaminants which would not exceed protective levels.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

92 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$312

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance on October 31, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$1,438

This violation Final Assessed Penalty (adjusted for limits) \$1,438

Economic Benefit Worksheet

Respondent Westwood Water Supply Corporation
Case ID No. 49502
Reg. Ent. Reference No. RN101610210
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	29-Jul-2014	31-Oct-2014	0.26	\$3	n/a	\$3
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

The estimated cost to update operational guidance and conduct employee training to ensure that effluent is monitored and conducted for all required parameters and at designated frequencies. Date required is the date of the record review. 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]	\$50	1-May-2013	31-Jul-2013	1.17	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated cost to collect quarterly E. coli samples (\$50 per sample), calculated for the period the E. coli sampling was not conducted.

Approx. Cost of Compliance \$300

TOTAL \$56

Westwood Water Supply Corporation
Docket No. 2014-1539-MWD-E
TPDES Permit No. WQ0011337001

Effluent Parameter Violation Table

Month/ Year	Biochemical Oxygen Demand		Total Suspended Solids		
	Daily Average Concentration	Single Grab Concentration	Daily Average Concentration	Daily Average Loading	Single Grab Concentration
	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 15 mg/L	Limit = 3.1 lbs/day	Limit = 60 mg/L
July 2013	c	c	20.98	c	c
October 2013	c	c	c	5.938	c
November 2013	c	c	36.7	7.1614	80
December 2013	12.7	42	20.88	c	c
January 2014	c	c	32.06	c	c
February 2014	c	c	22	c	c
April 2014	c	c	25.75	c	c
May 2014	c	c	53.88	c	128.00

c = compliant mg/L = milligrams per liter lbs/day = pounds per day

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600862031, RN101610210, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600862031, Westwood Water Supply Corporation
Classification: SATISFACTORY **Rating:** 41.67

Regulated Entity: RN101610210, WESTWOOD SUBDIVISION
Classification: SATISFACTORY **Rating:** 41.67

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

CH Group: 08 - Sewage Treatment Facilities

Location: AT THE END OF THE CUL-DE-SAC ON WILDBRIAR DRIVE IN THE WESTWOOD SUBDIVISION, APPROXIMATELY 4.5 MILES NORTH OF THE INTERSECTION OF STATE HIGHWAY 63 AND FARM-TO-MARKET ROAD 255 ADJACENT TO SAM RAYBURN RESERVOIR AND 15 MILES NORTHWEST OF JASPER, JASPER COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0011337001

WASTEWATER EPA ID TX0031275

WASTEWATER LICENSING LICENSE WQ0011337001

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: January 05, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 05, 2010 to January 05, 2015

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

Name: Alan Barraza

Phone: (512) 239-4642

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 2010-1713-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OT 9, Pg. 24 PERMIT

Description: Failed to report to the TCEQ Beaumont Regional Office the amount of sludge removed from the Facility each year. Specifically, sludge reports for the years 2006 through 2009 had been submitted to the Enforcement Division but not to the Beaumont Regional Office.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Rqmt Prov: Sludge Provisions, No. II.E PERMIT

Description: Failed to maintain records related to sewage sludge use and disposal activities for a period of at least five years. Specifically, sludge disposal records were not available for review at the time of the investigation.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3(b)(3)

Rqmt Prov:OpR 1, Pg. 9 PERMIT

Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, there was a moderate accumulation of grease in the wet well of lift station no. 3 and pump no. 1 at lift station no. 4 was not functional.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)
30 TAC Chapter 317 317.6(b)(3)

Rqmt Prov:OpR 1, Pg. 9 PERMIT

Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the left clarifier had a high amount of surface scum, bulking sludge, and grease present, and both clarifiers had a bulked layer of sludge to seven feet in a total clarifier depth of 12 feet. Additionally, there were between one and a half to two feet of settled sludge in the chlorine contact basin.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov:M&RR, No. 7.a PERMIT

Description: Failed to report an unauthorized discharge either orally or by facsimile transmission within 24 hours of becoming aware of the discharge. Specifically, the discharge of sludge that occurred on or about June 8, 2010, was not reported to the regional office.

Classification: Moderate

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

Rqmt Prov:EL&MR 2, Pg. 2 PERMIT

Description: Failed to comply with permitted effluent limitations for chlorine residual. Specifically, a grab sample taken during the investigation showed a chlorine residual of greater than 8.8 milligrams per liter ("mg/L"). The permitted maximum chlorine residual is 4.0 mg/L.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(12)
30 TAC Chapter 305, SubChapter F 305.125(19)

Rqmt Prov:PC 1a, Pg. 7 PERMIT

Description: Failed to submit correct and accurate information in a report to the Executive Director. Specifically, the DMR submitted for May 2010 had a reporting error for maximum chlorine residual. The operations log showed a maximum of 3.8 mg/L, but 3.5 mg/L was reported on the DMR.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov:M&RR 2, Pg. 4 PERMIT

Description: Failed to comply with the specified test procedures for analysis of pollutants. Specifically, the pH buffer solutions at the Facility were all past their expiration dates.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov:Permit Conditions No. 2.d PERMIT

Description: Failed to prevent a discharge of sludge into the receiving stream. Specifically, approximately three to six inches of settled sludge was noted 100 to 150 feet downstream of the outfall. The sludge was discharged on or about June 8, 2010, as the result of a blower failure at the Facility.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:OpR 4, pg. 10 PERMIT

Description: Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 20, 2010	(808168)	Item 22	February 13, 2012	(998414)
Item 2	February 22, 2010	(808160)	Item 23	March 12, 2012	(1003946)
Item 3	March 12, 2010	(832153)	Item 24	April 19, 2012	(1010509)
Item 4	April 23, 2010	(832154)	Item 25	May 21, 2012	(1016891)
Item 5	May 14, 2010	(832155)	Item 26	June 22, 2012	(1024633)
Item 6	June 23, 2010	(846664)	Item 27	July 18, 2012	(1032013)
Item 7	June 30, 2010	(861206)	Item 28	August 20, 2012	(1038436)
Item 8	August 23, 2010	(867318)	Item 29	September 21, 2012	(1047223)
Item 9	October 20, 2010	(881940)	Item 30	October 17, 2012	(1062753)
Item 10	November 19, 2010	(896727)	Item 31	November 26, 2012	(1062754)
Item 11	December 20, 2010	(896728)	Item 32	February 22, 2013	(1079927)
Item 12	January 12, 2011	(902712)	Item 33	March 18, 2013	(1089758)
Item 13	March 21, 2011	(926203)	Item 34	July 18, 2013	(1117634)
Item 14	April 15, 2011	(926204)	Item 35	September 16, 2013	(1129993)
Item 15	May 09, 2011	(938477)	Item 36	October 11, 2013	(1135740)
Item 16	June 17, 2011	(945843)	Item 37	April 25, 2014	(1174761)
Item 17	July 01, 2011	(936477)	Item 38	July 20, 2014	(1193895)
Item 18	August 26, 2011	(959746)	Item 39	August 26, 2014	(1199304)
Item 19	August 31, 2011	(965783)	Item 40	September 24, 2014	(1206255)
Item 20	October 11, 2011	(971823)	Item 41	October 28, 2014	(1212665)
Item 21	January 13, 2012	(991049)			

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:	01/31/2014	(1160983)	CN600862031	
	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			
2	Date:	02/28/2014	(1167643)	CN600862031	
	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:	04/30/2014	(1180959)	CN600862031	
	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			
4	Date:	05/31/2014		CN600862031	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WESTWOOD WATER SUPPLY
CORPORATION
RN101610210**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1539-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Westwood Water Supply Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at the end of the cul-de-sac on Wildbriar Drive in the Westwood Subdivision, approximately 4.5 miles north of the intersection of State Highway 63 and Farm-to-Market Road 255 adjacent to Sam Rayburn Reservoir and 15 miles northwest of Jasper, Jasper County, Texas (the "Facility").
2. The Respondent has discharged municipal wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on October 22, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Four Hundred Thirty-Eight Dollars (\$8,438) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Fifty-One Dollars (\$451) of the administrative penalty and One Thousand Six Hundred Eighty-Seven Dollars (\$1,687) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Six Thousand Three Hundred Dollars (\$6,300) of the administrative penalty shall be payable in 21 monthly payments of Three Hundred Dollars (\$300) each. The first monthly payment shall be paid within 30 days after the effective date of the Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By October 31, 2013: Updated operational guidance and conducted employee training to ensure that effluent is monitored and conducted for all required parameters and at designated frequencies; and resumed sampling for *Escherichia coli* ("*E. coli*"); and
 - b. By September 30, 2014: Put lift station pumps into operational use, began wasting to the digester, and properly disposed of sludge buildup from the digester after taking a toxicity characteristic leaching procedure sample.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to 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. WQ0011337001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 29, 2014, and shown in the violation table below:

Effluent Parameter Violation Table					
Month/ Year	Biochemical Oxygen Demand		Total Suspended Solids		
	Daily Average Concentration	Single Grab Concentration	Daily Average Concentration	Daily Average Loading	Single Grab Concentration
	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 15 mg/L	Limit = 3.1 lbs/day	Limit = 60 mg/L
July 2013	c	c	20.98	c	c
October 2013	c	c	c	5.938	c
November 2013	c	c	36.7	7.1614	80
December 2013	12.7	42	20.88	c	c
January 2014	c	c	32.06	c	c
February 2014	c	c	22	c	c
April 2014	c	c	25.75	c	c
May 2014	c	c	53.88	c	128.00

c = compliant mg/L = milligrams per liter lbs/day = pounds per day

2. Failed to collect and analyze quarterly effluent samples for *E. coli*, in violation of 30 TEX. ADMIN CODE §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0011337001, Monitoring and Reporting Requirement Requirements No. 1, as documented during a record review conducted on July 29, 2014. Specifically, *E. coli* samples were not collected and analyzed for the quarterly monitoring period ending July 31, 2013.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Westwood Water Supply Corporation, Docket No. 2014-1539-MWD-E" to:

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

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011337001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Marie J
For the Executive Director

8/24/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

Jeff Starrock
Signature

March 30, 2015
Date

Jeff Starrock
Name (Printed or typed)
Authorized Representative of
Westwood Water Supply Corporation

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 IV, Paragraph 1 of this Agreed Order.