

Executive Summary – Enforcement Matter – Case No. 48117
Gulf Coast Waste Disposal Authority
RN102183340
Docket No. 2014-0052-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective; and

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:

Blackhawk Regional WTP, located at 3902 West Bay Area Boulevard on the northeast bank of Clear Creek, approximately three miles southeast of Friendswood and three miles southwest of IH-45 at the NASA One Road exit, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 18, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$98,764

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$98,764

Name of SEP: Armand Bayou Nature Center, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 7, 2013

Date(s) of NOE(s): December 19, 2013

Violation Information

1. Failed to ensure all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011571001, Operational Requirements No. 1].
2. Failed to prevent unauthorized discharges into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(4), and TPDES Permit No. WQ0011571001, Permit Conditions No. 2.g.].
3. Failed to comply with permitted effluent limitations for ammonia nitrogen, total suspended solids, carbonaceous biochemical oxygen demand, and *Enterococci* bacteria [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011571001, Effluent Limitations and Monitoring Requirements No. 1].
4. Failed to provide required notification prior to entering into the Interim II Phase of TPDES Permit No. WQ0011571001 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011571001, Other Requirements No. 6].
5. Failed to maintain all monitoring and reporting records at the Facility [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c) and TPDES Permit No. WQ0011571001, Monitoring and Reporting Requirements No. 3.b.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On October 31, 2013, the day of the unauthorized discharge, mitigated the unauthorized discharge of sewage sludge, disinfected the impacted area, and disposed of sludge from the impacted area.
- b. By November 20, 2013, submitted documentation that sludge was removed from Chlorine Contact Basin No. 1 on November 19, 2013.
- c. By November 22, 2013, submitted:

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i. Notification to the TCEQ Houston Regional Office and Harris County Public Health and Environmental Services Pollution Control Division that the Facility completed the Interim I Phase and entered into the Interim II Phase;

ii. Documentation that debris around the storm drain next to the sand filter was removed and properly disposed of; and

iii. Documentation that temperature log records, documenting the preservation of samples from the composite sampler, are being maintained.

d. By January 31, 2014, submitted documentation that the sludge depth in the Clarifier No. 1 had been reduced to less than 2.5 feet.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

2. The Order will also require the Respondent to, within 365 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011571001, 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.

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

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Ricky Clifton, General Manager, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058

Respondent's Attorney: N/A

Attachment A

Docket Number: 2014-0052-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Gulf Coast Waste Disposal Authority
Penalty Amount:	Ninety-Eight Thousand Seven Hundred Sixty-Four Dollars (\$98,764)
SEP Offset Amount:	Ninety-Eight Thousand Seven Hundred Sixty-Four Dollars (\$98,764)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Martin Operating Partnership L.P.
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.
Attention: Mark Kramer, Stewardship Coordinator
P.O. Box 58828
Houston, Texas 77258

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Martin Operating Partnership L.P.
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	6-Jan-2014	Screening	13-Jan-2014	EPA Due	
	PCW	15-May-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Gulf Coast Waste Disposal Authority
Reg. Ent. Ref. No.	RN102183340
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	7
Enf./Case ID No.	48117	Order Type	Findings
Docket No.	2014-0052-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Jill Russell
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** **\$74,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 35.0% Enhancement **Subtotals 2, 3, & 7** **\$26,075**

Notes: Enhancement for seven months of self-reported effluent violations.

Culpability No 0.0% Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$1,811**

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

Total EB Amounts \$1,282
 Approx. Cost of Compliance \$12,075 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$98,764**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$98,764**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$98,764**

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

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$98,764**

Screening Date 13-Jan-2014

Docket No. 2014-0052-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 3 (September 2011)

Case ID No. 48117

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	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) 35%

>> 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 seven months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 13-Jan-2014

Docket No. 2014-0052-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 3 (September 2011)

Case ID No. 48117

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011571001, Operational Requirements No. 1

Violation Description Failed to ensure all systems of collection, treatment, and disposal are properly operated and maintained, as documented during the November 7, 2013 investigation. Specifically, excessive solids were documented in Clarifier No. 1 where the sludge blanket was 3.5 feet in a 12-foot water depth, and in Chlorine Contact Basin No. 1 which contained two feet of sludge in a 10-foot water depth. In addition, sewage debris was observed at the grate of the storm drain by the sand filters.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%).

>> Programmatic Matrix

Table with columns: 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 the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 67 Number of violation days

Table for event frequency: daily, weekly, monthly, quarterly (marked with X), semiannual, annual, single event.

Violation Base Penalty \$3,750

One quarterly event is recommended from the November 7, 2013 investigation date to the January 13, 2014 screening date.

Good Faith Efforts to Comply

10.0% Reduction

\$375

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with X), N/A (mark with x).

Notes The Respondent achieved compliance by January 31, 2014.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$4,688

This violation Final Assessed Penalty (adjusted for limits) \$4,688

Economic Benefit Worksheet

Respondent: Gulf Coast Waste Disposal Authority
Case ID No.: 48117
Reg. Ent. Reference No.: RN102183340
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$1,000	7-Nov-2013	31-Jan-2014	0.23	\$12	n/a	\$12
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove sewage debris around the storm drain next to the sand filter, remove and dispose of sludge from the chlorine contact basin and reduce sludge blanket depth in the clarifier to less than 2.5 feet. Date required is the investigation date. Final date is the compliance date.

Avoided Costs

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

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

\$1,000

TOTAL

\$12

Screening Date 13-Jan-2014

Docket No. 2014-0052-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 3 (September 2011)

Case ID No. 48117

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(4), and TPDES Permit No. WQ0011571001, Permit Conditions No. 2.g

Violation Description

Failed to prevent unauthorized discharges into or adjacent to water in the state, as documented during the November 7, 2013 investigation. Specifically, unauthorized discharges occurred from the Facility on October 31, 2013 (20,000 gallons from the sand filter and 1,000 gallons from Aeration Basin Nos. 2 and 3) due to a rain event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent achieved compliance by October 31, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,126

This violation Final Assessed Penalty (adjusted for limits) \$4,126

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 48117
Reg. Ent. Reference No. RN102183340
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	Overtime 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	\$1,000	31-Oct-2013	31-Oct-2013	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 mitigate the unauthorized discharge of sewage sludge, disinfect the impacted area, and dispose of sludge from the impacted area. The date required is the date of the unauthorized discharge. The 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

\$1,000

TOTAL

\$0

Screening Date 13-Jan-2014

Docket No. 2014-0052-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 3 (September 2011)

Case ID No. 48117

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011571001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during the November 7, 2013 investigation, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. In addition, total suspended solids and Enterococci Bacteria were considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which exceed levels protective of human health or environmental receptors.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2

62 Number of violation days

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

Violation Base Penalty \$50,000

Two monthly events are recommended for the months of December 2012 and January 2013.

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 \$50,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$1,270

Statutory Limit Test

Violation Final Penalty Total \$67,500

This violation Final Assessed Penalty (adjusted for limits) \$67,500

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 48117
Reg. Ent. Reference No. RN102183340
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
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	30-Dec-2012	15-Jul-2015	2.54	\$1,270	n/a	\$1,270

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility and return to compliance. Date required is the initial date of noncompliance and final date is the projected compliance date.

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

\$1,270

Screening Date 13-Jan-2014

Docket No. 2014-0052-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 3 (September 2011)

Case ID No. 48117

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011571001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during the November 7, 2013 investigation, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended for the month of October 2013.

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,125

This violation Final Assessed Penalty (adjusted for limits) \$10,125

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 48117
Reg. Ent. Reference No. RN102183340
Media Violation No. Water Quality
 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				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

Economic Benefit as described 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 13-Jan-2014

Docket No. 2014-0052-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 3 (September 2011)

Case ID No. 48117

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 5

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011571001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during the November 7, 2013 investigation, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. In addition, Enterococci Bacteria were considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

153 Number of violation days

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

Violation Base Penalty \$7,500

Two quarterly events are recommended for the quarters containing the months of April, May, June, July, and August 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,125

This violation Final Assessed Penalty (adjusted for limits) \$10,125

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 48117
Reg. Ent. Reference No. RN102183340
Media Water Quality
Violation No. 5

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

Economic Benefit as described 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 13-Jan-2014

Docket No. 2014-0052-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 3 (September 2011)

Case ID No. 48117

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0011571001, Other Requirements No. 6

Violation Description

Failed to provide required notification prior to entering into the Interim II Phase of TPDES Permit No. WQ0011571001, as documented during the November 7, 2013 investigation. Specifically, the TCEQ Houston Regional Office and Harris County Public Health and Environmental Services Pollution Control Division were not notified in writing at least forty-five days prior to the Facility entering into the Interim II Phase on October 6, 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 7.0%

Matrix Notes

30 - 70% of the rule requirement was not met

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

92 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$437

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

Notes

The Respondent achieved compliance by November 22, 2013.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,926

This violation Final Assessed Penalty (adjusted for limits) \$1,926

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 48117
Reg. Ent. Reference No. RN102183340
Media Water Quality
Violation No. 6

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	22-Aug-2013	22-Nov-2013	0.25	\$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 missing notification to the TCEQ Houston Regional Office and Harris County. Date required is the date the notification was due. The final date is the compliance date.

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

Screening Date 13-Jan-2014

Docket No. 2014-0052-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 3 (September 2011)

Case ID No. 48117

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.7(c) and TPDES Permit No. WQ0011571001, Monitoring and Reporting Requirements No. 3.b

Violation Description

Failed to maintain all monitoring and reporting records at the Facility, as documented during the November 7, 2013 investigation. Specifically, records indicating proper preservation of the effluent samples taken by the composite sampler were not being maintained, prohibiting verification by the investigator of proper preservation of the effluent samples.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement is met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

15 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

25.0% Reduction

\$62

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

Notes The Respondent achieved compliance by November 22, 2013.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$276

This violation Final Assessed Penalty (adjusted for limits) \$276

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 48117
Reg. Ent. Reference No. RN102183340
Media Water Quality
Violation No. 7

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)	\$25	7-Nov-2013	22-Nov-2013	0.04	\$0	n/a	\$0

Notes for DELAYED costs

Estimate cost to submit documentation that temperature log records, documenting the preservation of samples from the composite sampler, are being maintained. Date required is the investigation date. The final date is the compliance date.

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 \$25

TOTAL \$0

Effluent Violations Table					
Gulf Coast Waste Disposal Authority					
RN102183340; Docket 2014-0052-MWD-E					
TPDES Permit No. WQ0011571001					
	Enterococci Bacteria DMAX	Ammonia Nitrogen DAV Conc.	Total Suspended Solids DAV Loading	Total Suspended Solids DMAX Conc.	Carbonaceous Biochemical Oxygen Demand DMAX Conc.
Month/ Year	Limit = 89 CFU or MPN	Limit = 2 mg/L	Limit = 926 lb/d	Limit = 35 mg/L	Limit = 20 mg/L
December 2012	994	2.65	c	c	c
January 2013	>2,420	2.37	1,153	184	27
April 2013	c	2.74	c	c	c
May 2013	101	c	c	c	c
June 2013	c	2.32	c	c	c
July 2013	115	c	c	c	c
August 2013	202	c	c	c	c
October 2013	687	c	c	c	c

CFU or MPN = colony forming units or most probable number per 100 milliliters
 DAV = Daily Average, DMAX = Daily Maximum
 mg/L = milligrams per liter
 Conc. = concentration
 lb/d = pounds per day
 c = compliant

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Compliance History Report

PUBLISHED Compliance History Report for CN600126163, RN102183340, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600126163, Gulf Coast Waste Disposal Authority **Classification:** SATISFACTORY **Rating:** 2.11

Regulated Entity: RN102183340, BLACKHAWK REGIONAL WTP **Classification:** SATISFACTORY **Rating:** 3.79

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 3902 West Bay Area Boulevard on the northeast bank of Clear Creek, approximately three miles southeast of the City of Friendswood and three miles southwest of Interstate Highway 45 at the NASA One Road exit in Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0011571001 **WASTEWATER EPA ID** TX0069728
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX2765P **AIR NEW SOURCE PERMITS REGISTRATION** 45942
STORMWATER PERMIT TXR05M526 **WASTEWATER LICENSING LICENSE** WQ0011571001

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

Date Compliance History Report Prepared: February 14, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 14, 2009 to February 14, 2014

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

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

Site and Owner/Operator History:

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

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

A. Final Orders, court judgments, and consent decrees:
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	February 20, 2009	(753119)	Item 4	May 21, 2009	(770672)
Item 2	March 17, 2009	(753120)	Item 5	June 08, 2009	(770673)
Item 3	April 21, 2009	(753121)	Item 6	October 12, 2009	(811792)

Item 7	November 17, 2009	(811795)	Item 21	June 20, 2011	(946256)
Item 8	December 14, 2009	(811794)	Item 22	July 12, 2011	(953526)
Item 9	February 17, 2010	(811789)	Item 23	August 15, 2011	(960155)
Item 10	March 16, 2010	(833334)	Item 24	September 19, 2011	(966209)
Item 11	April 01, 2010	(861518)	Item 25	October 17, 2011	(972227)
Item 12	April 14, 2010	(833335)	Item 26	December 14, 2011	(985196)
Item 13	May 11, 2010	(833336)	Item 27	May 03, 2012	(1032422)
Item 14	June 15, 2010	(847035)	Item 28	May 17, 2012	(1017285)
Item 15	August 11, 2010	(903074)	Item 29	September 17, 2012	(1047745)
Item 16	October 29, 2010	(882357)	Item 30	November 16, 2012	(1065519)
Item 17	November 11, 2010	(888808)	Item 31	March 18, 2013	(1090209)
Item 18	December 15, 2010	(897170)	Item 32	April 17, 2013	(1096584)
Item 19	April 19, 2011	(927587)	Item 33	October 09, 2013	(1136196)
Item 20	May 16, 2011	(938881)			

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: 04/30/2013 (1107545) CN600126163
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: 05/31/2013 (1111186) CN600126163
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: 06/30/2013 (1118082) CN600126163
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: 07/31/2013 (1125879) CN600126163
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

- 5 Date: 08/31/2013 (1130425) CN600126163
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

- 6 Date: 10/31/2013 (1141573) CN600126163
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

- 7 Date: 11/30/2013 (1148032) CN600126163
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

Component Appendices

Appendix A

All NOV's Issued During Component Period 2/14/2009 and 2/14/2014

- 1 Date: 06/30/2009 (753122) CN600126163
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
- 2 Date: 07/31/2009 (811790) CN600126163
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
- 3 Date: 08/31/2009 (811791) CN600126163
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
- 4 Date: 10/31/2009 (811793) CN600126163
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
- 5 Date: 12/02/2009 (778643) CN600126163
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
FEL&MR, P. 2a, No. 1 PERMIT
Description: Failure to maintain compliance with the permit limits for Enterococci Bacteria.
- 6 Date: 04/22/2010 (827879) CN600126163
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- 7 Date: 07/31/2010 (867805) CN600126163
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: 08/31/2010 (874766) CN600126163
 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: 01/31/2011 (909945) CN600126163
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

10 Date: 02/28/2011 (917185) CN600126163
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

11 Date: 10/31/2011 (978387) CN600126163
 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: 12/21/2011 (964428) CN600126163
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Description: Failed to properly maintain the solids level in the wastewater treatment plant.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Description: Failed to prevent the unauthorized discharge of wastewater.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 FEL&MR, No. 1 PERMIT
 Description: Failed to maintain compliance with the permitted effluent limits.

13 Date: 12/31/2011 (991472) CN600126163
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

14 Date: 01/31/2012 (998821) CN600126163
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

15 Date: 02/29/2012 (1004350) CN600126163
 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	
16	Date:	03/31/2012 (1010913)	CN600126163
			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	
17	Date:	05/31/2012 (1025074)	CN600126163
			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	
18	Date:	07/31/2012 (1044857)	CN600126163
			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	
19*	Date:	09/30/2012 (1065518)	CN600126163
			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	
20*	Date:	11/30/2012 (1065520)	CN600126163
			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	
21*	Date:	12/07/2012 (1041935)	CN600126163
			Classification: Major
	Self Report?	NO	For Informational Purposes Only
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1)	
	Description:	Failed to prevent the unauthorized discharge of wastewater.	
22*	Date:	12/31/2012 (1080872)	CN600126163
			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	
23*	Date:	01/31/2013 (1080871)	CN600126163
			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	
24*	Date:	04/30/2013 (1107545)	CN600126163

			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	
25*	Date:	05/31/2013 (1111186)	CN600126163 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	
26*	Date:	06/30/2013 (1118082)	CN600126163 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	
27*	Date:	07/31/2013 (1125879)	CN600126163 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	
28*	Date:	08/31/2013 (1130425)	CN600126163 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	
29	Date:	10/31/2013 (1141573)	CN600126163 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	
30	Date:	11/30/2013 (1148032)	CN600126163 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 February 14, 2009 and February 14, 2014

		(753119)	For Informational Purposes Only
Item 1*	February 20, 2009**		
		(753120)	For Informational Purposes Only
Item 2*	March 17, 2009**		
		(753121)	For Informational Purposes Only
Item 3*	April 21, 2009**		
		(770672)	

Item 4*	May 21, 2009**	For Informational Purposes Only (770673)
Item 5*	June 08, 2009**	For Informational Purposes Only (811790)
Item 6	August 18, 2009**	For Informational Purposes Only (811791)
Item 7	September 14, 2009**	For Informational Purposes Only (811792)
Item 8*	October 12, 2009**	For Informational Purposes Only (811793)
Item 9	November 17, 2009**	For Informational Purposes Only (811794)
Item 10*	December 14, 2009**	For Informational Purposes Only (786687)
Item 11	January 06, 2010**	For Informational Purposes Only (811789)
Item 12*	February 17, 2010**	For Informational Purposes Only (833334)
Item 13*	March 16, 2010**	For Informational Purposes Only (861518)
Item 14*	April 01, 2010**	For Informational Purposes Only (833335)
Item 15*	April 14, 2010**	For Informational Purposes Only (827879)
Item 16	April 22, 2010**	For Informational Purposes Only (833336)
Item 17*	May 11, 2010**	For Informational Purposes Only (847035)
Item 18*	June 15, 2010**	For Informational Purposes Only (903074)
Item 19*	August 11, 2010**	For Informational Purposes Only (867805)
Item 20	August 18, 2010**	For Informational Purposes Only (874766)
Item 21	September 15, 2010**	For Informational Purposes Only (882357)
Item 22*	October 29, 2010**	For Informational Purposes Only (888808)
Item 23*	November 11, 2010**	For Informational Purposes Only (897170)
Item 24*	December 15, 2010**	For Informational Purposes Only (909945)
Item 25	February 15, 2011**	For Informational Purposes Only

Item 26	March 16, 2011**	(917185) For Informational Purposes Only
Item 27*	April 19, 2011**	(927587) For Informational Purposes Only
Item 28*	May 16, 2011**	(938881) For Informational Purposes Only
Item 29*	June 20, 2011**	(946256) For Informational Purposes Only
Item 30*	July 12, 2011**	(953526) For Informational Purposes Only
Item 31*	August 15, 2011**	(960155) For Informational Purposes Only
Item 32	September 09, 2011**	(991472) For Informational Purposes Only
Item 33*	September 19, 2011**	(966209) For Informational Purposes Only
Item 34*	October 17, 2011**	(972227) For Informational Purposes Only
Item 35	November 16, 2011**	(978387) For Informational Purposes Only
Item 36*	December 14, 2011**	(985196) For Informational Purposes Only
Item 37	January 03, 2012**	(964428) For Informational Purposes Only
Item 38	February 17, 2012**	(998821) For Informational Purposes Only
Item 39	March 19, 2012**	(1004350) For Informational Purposes Only
Item 40	April 20, 2012**	(1010913) For Informational Purposes Only
Item 41*	May 03, 2012**	(1032422) For Informational Purposes Only
Item 42*	May 17, 2012**	(1017285) For Informational Purposes Only
Item 43	June 18, 2012**	(1025074) For Informational Purposes Only
Item 44	August 24, 2012**	(1044857) For Informational Purposes Only
Item 45*	September 17, 2012**	(1047745) For Informational Purposes Only
Item 46	October 17, 2012**	(1065518) For Informational Purposes Only

		(1065519)
Item 47*	November 16, 2012**	For Informational Purposes Only
		(1041935)
Item 48	December 07, 2012**	For Informational Purposes Only
		(1065520)
Item 49	December 13, 2012**	For Informational Purposes Only
		(1080872)
Item 50	January 14, 2013**	For Informational Purposes Only
		(1080871)
Item 51	February 14, 2013**	For Informational Purposes Only
		(1118082)
Item 52	March 12, 2013**	For Informational Purposes Only
		(1090209)
Item 53*	March 18, 2013**	For Informational Purposes Only
		(1096584)
Item 54*	April 17, 2013**	For Informational Purposes Only
		(1107545)
Item 55	May 16, 2013**	For Informational Purposes Only
		(1111186)
Item 56	June 17, 2013**	For Informational Purposes Only
		(1125879)
Item 57	August 22, 2013**	For Informational Purposes Only
		(1130425)
Item 58	September 20, 2013	For Informational Purposes Only
		(1136196)
Item 59*	October 09, 2013	For Informational Purposes Only
		(1141573)
Item 60	November 18, 2013	For Informational Purposes Only
		(1148032)
Item 61	December 17, 2013	For Informational Purposes Only
		(1129017)
Item 62	December 19, 2013	For Informational Purposes Only

* No violations documented during this investigation

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GULF COAST WASTE DISPOSAL
AUTHORITY
RN102183340**

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

**AGREED ORDER
DOCKET NO. 2014-0052-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 Gulf Coast Waste Disposal Authority ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a Wastewater Treatment Plant located at 3902 West Bay Area Boulevard on the northeast bank of Clear Creek, approximately three miles southeast of the City of Friendswood and three miles southwest of Interstate Highway 45 at the NASA One Road exit in Harris 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 an investigation conducted on November 7, 2013, TCEQ staff documented that the Respondent did not ensure all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive solids were documented in Clarifier No. 1 where the sludge blanket was 3.5 feet in a 12-foot water depth, and in Chlorine Contact Basin No. 1 which contained two feet of sludge in a 10-foot water depth. In addition, sewage debris was observed at the grate of the storm drain by the sand filters.
4. During an investigation conducted on November 7, 2013, TCEQ staff documented that the Respondent did not prevent unauthorized discharges into or adjacent to water in the state. Specifically, unauthorized discharges occurred from the Facility on October 31, 2013 (20,000 gallons from the sand filter and 1,000 gallons from Aeration Basin Nos. 2 and 3) due to a rain event.
5. During an investigation conducted on November 7, 2013, TCEQ staff documented that the Respondent did not comply with permitted effluent limitations, as shown in the table below:

Effluent Violations Table					
	Enterococci Bacteria DMAX	Ammonia Nitrogen DAV Conc.	Total Suspended Solids DAV Loading	Total Suspended Solids DMAX Conc.	Carbonaceous Biochemical Oxygen Demand DMAX Conc.
Month/ Year	Limit = 89 CFU or MPN	Limit = 2 mg/L	Limit = 926 lb/d	Limit = 35 mg/L	Limit = 20 mg/L
December 2012	994	2.65	c	c	c
January 2013	>2,420	2.37	1,153	184	27
April 2013	c	2.74	c	c	c
May 2013	101	c	c	c	c
June 2013	c	2.32	c	c	c
July 2013	115	c	c	c	c
August 2013	202	c	c	c	c
October 2013	687	c	c	c	c

CFU or MPN = colony forming units or most probable number per 100 milliliters
DAV = Daily Average, DMAX = Daily Maximum
mg/L = milligrams per liter
Conc. = concentration
lb/d = pounds per day
c = compliant

6. During an investigation conducted on November 7, 2013, TCEQ staff documented that the Respondent did not provide required notification prior to entering into the Interim II Phase of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011571001. Specifically, the TCEQ Houston Regional Office and Harris County Public Health and Environmental Services Pollution Control Division were not notified in writing at least forty-five days prior to October 6, 2013, when the Facility entered into the Interim II Phase.
7. During an investigation conducted on November 7, 2013, TCEQ staff documented that the Respondent did not maintain all monitoring and reporting records at the Facility. Specifically, records indicating proper preservation of the effluent samples taken by the composite sampler were not being maintained, prohibiting verification by the investigator of proper preservation of the effluent samples.

8. The Respondent received notice of the violations on December 27, 2013.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On October 31, 2013, the day of the unauthorized discharge, the Respondent mitigated the unauthorized discharge of sewage sludge, disinfected the impacted area, and disposed of sludge from the impacted area.
 - b. By November 20, 2013, the Respondent submitted documentation that sludge was removed from Chlorine Contact Basin No. 1 on November 19, 2013.
 - c. By November 22, 2013, the Respondent submitted:
 - i. Notification to the TCEQ Houston Regional Office and Harris County Public Health and Environmental Services Pollution Control Division that the Facility completed the Interim I Phase and entered into the Interim II Phase;
 - ii. Documentation that debris around the storm drain next to the sand filters was removed and properly disposed of; and
 - iii. Documentation that temperature log records, documenting the preservation of samples from the composite sampler, are being maintained.
 - d. By January 31, 2014, the Respondent submitted documentation that the sludge depth in the Clarifier No. 1 had been reduced to less than 2.5 feet.

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 ensure all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011571001, Operational Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized discharges into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(4), and TPDES Permit No. WQ0011571001, Permit Conditions No. 2.g.

4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011571001, Effluent Limitations and Monitoring Requirements No. 1.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to provide required notification prior to entering into the Interim II Phase of TPDES Permit No. WQ0011571001, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011571001, Other Requirements No. 6.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to maintain all monitoring and reporting records at the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c) and TPDES Permit No. WQ0011571001, Monitoring and Reporting Requirements No. 3.b.
7. 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.
8. An administrative penalty in the amount of Ninety-Eight Thousand Seven Hundred Sixty-Four Dollars (\$98,764) 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. Ninety-Eight Thousand Seven Hundred Sixty-Four Dollars (\$98,764) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 Ninety-Eight Thousand Seven Hundred Sixty-Four Dollars (\$98,764) as set forth in Section II, Paragraph 8 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: Gulf Coast Waste Disposal Authority, Docket No. 2014-0052-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 implement and complete a SEP in accordance with TEX. WATER CODE §7.067. As set forth in Section II, Paragraph 8 above, Ninety-Eight Thousand Seven Hundred Sixty-Four Dollars (\$98,764) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:

It is further ordered that, within 365 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011571001, 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 certifications 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

4. 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.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
7. 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.
8. 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.
9. 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.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. 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

Romo Mena
For the Executive Director

12/2/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Gulf Coast Waste Disposal Authority. I am authorized to agree to the attached Agreed Order on behalf of Gulf Coast Waste Disposal Authority, 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, Gulf Coast Waste Disposal Authority 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.

Ricky Clifton
Signature

6/17/2014
Date

Ricky Clifton
Name (Printed or typed)
Authorized Representative of
Gulf Coast Waste Disposal Authority

General Manager
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.

Attachment A

Docket Number: 2014-0052-MWD-E SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Gulf Coast Waste Disposal Authority
Penalty Amount:	Ninety-Eight Thousand Seven Hundred Sixty-Four Dollars (\$98,764)
SEP Offset Amount:	Ninety-Eight Thousand Seven Hundred Sixty-Four Dollars (\$98,764)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

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2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.
Attention: Mark Kramer, Stewardship Coordinator
P.O. Box 58828
Houston, Texas 77258

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

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Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.