

Executive Summary – Enforcement Matter – Case No. 49428
BC Humble Enterprises, LLC
RN101527513
Docket No. 2014-1464-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Bender Creek Plant, 14400 Highway 59 North, Humble, Harris 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: August 14, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,916

Amount Deferred for Expedited Settlement: \$3,583

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$333

Total Due to General Revenue: \$14,000

Payment Plan: 35 payments of \$400 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

Executive Summary – Enforcement Matter – Case No. 49428
BC Humble Enterprises, LLC
RN101527513
Docket No. 2014-1464-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 10, 2014

Date(s) of NOE(s): September 24, 2014

Violation Information

1. Failed to comply with permitted effluent limits for *Escherichia coli* and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014874001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to collect and analyze monthly samples at the minimum frequency specified in the permit. Specifically, the Respondent failed to collect and analyze samples for *Escherichia coli* for the monitoring period ending March 31, 2014 [30 TEX. ADMIN. CODE §§ 305.125(1) and 11(A), 319.4 and 319.5; and TPDES Permit No. WQ0014874001, Effluent Limitations and Monitoring Requirements No. 1].
3. Failed to timely submit discharge monitoring reports ("DMRs") at the intervals specified in the permit. Specifically, the DMR for the monitoring period ending February 28, 2014 was due no later than March 20, 2014 but was not submitted until December 8, 2014 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014874001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By May 31, 2014, replaced the main air manifold, control valves, air drops, diffusers, lift pumps, a bar screen, and blower controls; and cleaned the lift station;
- b. By May 31, 2014, the Respondent returned to compliance under Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014874001, Effluent Limitations and Monitoring Requirements No. 1; and
- c. On December 8, 2014, provided the DMR for the monitoring period ending February 28, 2014.

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RN101527513
Docket No. 2014-1464-MWD-E

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all sampling and reporting is properly accomplished and submitted.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: 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: Delora King, Manager, BC Humble Enterprises, LLC, 7115 West Tidwell
Road, Suite K110, Houston, Texas 77092
Charles E. Goldsmith, Managing Partner, BC Humble Enterprises, LLC, 7115 West
Tidwell Road, Suite K110, Houston, Texas 77092
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	29-Sep-2014	Screening	30-Sep-2014	EPA Due	
	PCW	7-Jan-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	BC Humble Enterprises, LLC		
Reg. Ent. Ref. No.	RN101527513		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	49428	No. of Violations	4
Docket No.	2014-1464-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Gregory Zychowski
		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** **\$17,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **20.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,550**

Notes: Enhancement for three months of self-reported effluent violations and one NOV with same/similar 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** **-\$3,437**

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

Total EB Amounts	\$1,069
Estimated Cost of Compliance	\$20,300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$17,863**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.3%** **Adjustment** **\$53**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 3.

Final Penalty Amount **\$17,916**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$17,916**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$3,583**

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 **\$14,333**

Screening Date 30-Sep-2014

Docket No. 2014-1464-MWD-E

PCW

Respondent BC Humble Enterprises, LLC

Policy Revision 4 (April 2014)

Case ID No. 49428

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101527513

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations and one NOV with same/similar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 30-Sep-2014

Docket No. 2014-1464-MWD-E

PCW

Respondent BC Humble Enterprises, LLC

Policy Revision 4 (April 2014)

Case ID No. 49428

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101527513

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

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. WQ0014874001, 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 10, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen, and screening levels were used to evaluate Escherichia coli ("E. coli") bacteria to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Human health or the environment has been exposed to significant amounts of pollutants which do 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 3 93 Number of violation days

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

Violation Base Penalty \$11,250

Three monthly events are recommended for May 2013, July 2013, and October 2013.

Good Faith Efforts to Comply

25.0%

Reduction \$2,812

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent achieved compliance by May 31, 2014.

Violation Subtotal \$8,438

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$10,720

This violation Final Assessed Penalty (adjusted for limits) \$10,720

Economic Benefit Worksheet

Respondent BC Humble Enterprises, LLC
Case ID No. 49428
Reg. Ent. Reference No. RN101527513
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)	\$20,000	31-May-2013	31-May-2014	1.00	\$1,000	n/a	\$1,000

Notes for DELAYED costs

Estimated cost to replace the main air manifold, control valves, air drops, diffusers, lift pumps, a bar screen, and blower controls; and to clean the lift station. Date Required is the first day of noncompliance. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,000

Screening Date 30-Sep-2014

Docket No. 2014-1464-MWD-E

PCW

Respondent BC Humble Enterprises, LLC

Policy Revision 4 (April 2014)

Case ID No. 49428

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101527513

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014874001, 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 10, 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 ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

122 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of November 2013 through January 2014, and April 2014.

Good Faith Efforts to Comply

25.0%

Reduction

\$625

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent achieved compliance by May 31, 2014.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,382

This violation Final Assessed Penalty (adjusted for limits) \$2,382

Economic Benefit Worksheet

Respondent BC Humble Enterprises, LLC
Case ID No. 49428
Reg. Ent. Reference No. RN101527513
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

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

\$0

TOTAL

\$0

Screening Date 30-Sep-2014

Docket No. 2014-1464-MWD-E

PCW

Respondent BC Humble Enterprises, LLC

Policy Revision 4 (April 2014)

Case ID No. 49428

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101527513

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (11)(A), 319.4 and 319.5; and TPDES Permit No. WQ0014874001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to collect and analyze monthly samples at the minimum frequency specified in the permit, as documented during a record review conducted on July 10, 2014. Specifically, the Respondent failed to collect and analyze samples for E. coli for the monitoring period ending in March 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would 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

31 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One monthly event is recommended for the month of March 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$4,513

This violation Final Assessed Penalty (adjusted for limits) \$4,513

Economic Benefit Worksheet

Respondent BC Humble Enterprises, LLC
Case ID No. 49428
Reg. Ent. Reference No. RN101527513
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 4.

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-Mar-2014	31-Mar-2014	1.00	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze monthly effluent samples for *E. coli*, for the time period when the required *E. coli* samples were not collected.

Approx. Cost of Compliance \$50

TOTAL \$53

Screening Date 30-Sep-2014 Docket No. 2014-1464-MWD-E

PCW

Respondent BC Humble Enterprises, LLC

Policy Revision 4 (April 2014)

Case ID No. 49428

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101527513

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 305.125(17), and TPDES Permit No. WQ0014874001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit discharge monitoring reports ("DMRs") at the intervals specified in the permit, as documented during a record review conducted on July 10, 2014. Specifically, the DMR for the monitoring period ending February 28, 2014 was due no later than March 20, 2014 but was not submitted until December 8, 2014.

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

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

263 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$301

This violation Final Assessed Penalty (adjusted for limits) \$301

Economic Benefit Worksheet

Respondent BC Humble Enterprises, LLC
Case ID No. 49428
Reg. Ent. Reference No. RN101527513
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

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	\$250	20-Mar-2014	11-Jul-2015	1.31	\$16	n/a	\$16
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 update the Facility's operational guidance and conduct employee training to ensure that all sampling and reporting is properly accomplished and submitted. Date required is the first date of noncompliance. Final date is expected date of compliance.

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

\$250

TOTAL

\$16

**BC Humble Enterprises, LLC
Docket No. 2014-1464-MWD-E
TPDES Permit No. WQ0014874001**

Effluent Parameter Violation Table

	<i>E. coli</i>	Ammonia Nitrogen	
	Single Grab Concentration	Daily Average Concentration	Single Grab Concentration
Month/Year	Limit = 200 CFU/100 mL	Limit = 3 mg/L	Limit = 15 mg/L
May 2013	2,419.6	C	C
July 2013	2,419	C	C
October 2013	2,419.6	5.1	C
November 2013	C	9.6	31.2
December 2013	C	6.2	C
January 2014	C	5.3	15.8
April 2014	C	6.6	24

C = compliant
CFU/100 mL = colony-forming units per 100 milliliters

E. coli = *Escherichia coli*
mg/L = milligrams per liter

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604283085, RN101527513, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN604283085, BC Humble Enterprises, LLC
Classification: SATISFACTORY **Rating:** 3.15

Regulated Entity: RN101527513, BENDER CREEK PLANT
Classification: SATISFACTORY **Rating:** 3.15

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 14400 Highway 59 North, Humble, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0014874001

WASTEWATER EPA ID TX0067539

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

Date Compliance History Report Prepared: December 05, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 05, 2009 to December 05, 2014

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

Name: Greg Zychowski

Phone: (512) 239-3158

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? YES
- 3) If **YES** for #2, who is the current owner/operator? BC Utilities, Inc. OWNER since 5/16/1997
BC Humble Enterprises, LLC OWNER since 3/28/2013
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? BCWK, LP, OWNER OPERATOR, 10/23/2006 to 3/27/2013
- 5) If **YES**, when did the change(s) in owner or operator occur? 3/28/2013

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	January 27, 2010	(811493)	Item 15	August 27, 2012	(1038811)
Item 2	May 24, 2010	(833232)	Item 16	October 24, 2012	(1065303)
Item 3	June 14, 2010	(833236)	Item 17	February 11, 2013	(1080791)
Item 4	November 12, 2010	(888782)	Item 18	March 07, 2013	(1090172)
Item 5	January 04, 2011	(903044)	Item 19	May 09, 2013	(1107508)
Item 6	April 27, 2011	(927514)	Item 20	July 26, 2013	(1118047)
Item 7	May 27, 2011	(960121)	Item 21	October 07, 2013	(1130389)
Item 8	July 14, 2011	(953490)	Item 22	December 02, 2013	(1141535)
Item 9	August 22, 2011	(960120)	Item 23	April 25, 2014	(1175186)
Item 10	November 03, 2011	(1025037)	Item 24	June 18, 2014	(1188273)
Item 11	December 09, 2011	(985156)	Item 25	July 20, 2014	(1194070)
Item 12	February 07, 2012	(998789)	Item 26	September 10, 2014	(1206649)
Item 13	March 22, 2012	(1004316)	Item 27	September 30, 2014	(1199937)
Item 14	August 06, 2012	(1038809)			

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: 12/31/2013 (1161388) CN604283085
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: 01/31/2014 (1161387) CN604283085
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: 04/24/2014 (1151482) CN604283085
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to properly maintain the clarifier.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(d)(3)
Description: Failed to properly secure the facility.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits PERMIT
Description: Failed to maintain compliance with permitted effluent limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failed to properly operate the facility.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits PERMIT
Description: Failure to maintain compliance with effluent limits.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits PERMIT
Description: Failed to maintain compliance with effluent grab limits.
- 4 Date: 04/30/2014 (1181379) CN604283085
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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BC HUMBLE ENTERPRISES, LLC	§	
RN101527513	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-1464-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 BC Humble Enterprises, LLC ("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 a wastewater treatment facility located at 14400 Highway 59 North, Humble, 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. 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 September 29, 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 Seventeen Thousand Nine Hundred Sixteen Dollars (\$17,916) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Thirty-Three Dollars (\$333) of the administrative penalty and Three Thousand Five Hundred Eighty-Three Dollars (\$3,583) 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, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Fourteen Thousand Dollars (\$14,000) of the administrative penalty shall be payable in 35 monthly payments of Four Hundred Dollars (\$400) 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 has implemented the following corrective measures at the Facility:
 - i. By May 31, 2014, replaced the main air manifold, control valves, air drops, diffusers, lift pumps, a bar screen, and blower controls; and cleaned the lift station;
 - ii. By May 31, 2014, the Respondent returned to compliance under Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014874001, Effluent Limitations and Monitoring Requirements No. 1; and
 - iii. On December 8, 2014, provided the discharge monitoring report ("DMR") for the monitoring period ending February 28, 2014.
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.

- 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 of the Facility, the Respondent is alleged to have:

- 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. WQ0014874001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 10, 2014, and shown in the violation table below:

Effluent Parameter Violation Table			
	<i>E. coli</i>	Ammonia Nitrogen	
	Single Grab Concentration	Daily Average Concentration	Single Grab Concentration
Month/Year	Limit = 200 CFU/100 mL	Limit = 3 mg/L	Limit = 15 mg/L
May 2013	2,419.6	C	C
July 2013	2,419	C	C
October 2013	2,419.6	5.1	C
November 2013	C	9.6	31.2
December 2013	C	6.2	C
January 2014	C	5.3	15.8
April 2014	C	6.6	24

C = compliant
 CFU/100 mL = colony-forming units per 100 milliliters

E. coli = *Escherichia coli*
 mg/L = milligrams per liter

- Failed to collect and analyze monthly samples at the minimum frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 11(A), 319.4 and 319.5; and TPDES Permit No. WQ0014874001, Effluent Limitations and Monitoring Requirements No. 1 as documented during a record review conducted on July 10, 2014. Specifically, the Respondent failed to collect and analyze samples for *E. coli* for the monitoring period ending March 31, 2014.
- Failed to timely submit DMRs at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014874001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on July 10, 2014. Specifically, the DMR for the monitoring period ending February 28, 2014 was due no later than March 20, 2014 but was not submitted until December 8, 2014.

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: BC Humble Enterprises, LLC, Docket No. 2014-1464-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this order, update the Facility's operational guidance and conduct employee training to ensure that all sampling and reporting is properly accomplished and submitted, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014874001, Monitoring and Reporting Requirements No. 1.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



1/22/16

For the Executive Director

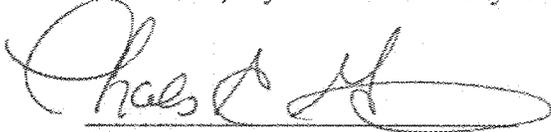
Date

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.



Signature

11/23/2015

Date

Charles E. Goshorn

Name (Printed or typed)
Authorized Representative of
BC Humble Enterprises, LLC

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 IV, Paragraph 1 of this Agreed Order.