

**Executive Summary – Enforcement Matter – Case No. 51090  
BEECHWOOD WATER SUPPLY CORPORATION  
RN101610129  
Docket No. 2015-1213-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Beechwood Subdivision 3 & 4, located on the west shoreline of Toledo Bend Reservoir, approximately five miles east of the intersection of State Highway 87 and Farm-to-Market Road 3315, Sabine 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:** March 25, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,562

**Amount Deferred for Expedited Settlement:** \$1,712

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,850

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**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. 51090  
BEECHWOOD WATER SUPPLY CORPORATION  
RN101610129  
Docket No. 2015-1213-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** June 24, 2015  
**Date(s) of NOE(s):** July 29, 2015

***Violation Information***

Failed to comply with the permitted effluent limitations for total suspended solids, *Escherichia coli*, and five-day biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011423001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011423001, including specific corrective actions 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

**Executive Summary – Enforcement Matter – Case No. 51090  
BEECHWOOD WATER SUPPLY CORPORATION  
RN101610129  
Docket No. 2015-1213-MWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Had Darling, Enforcement Division,  
Enforcement Team 1, MC 169, (512) 239-2520; Melissa Cordell, Enforcement Division,  
MC 219, (512) 239-2483

**TCEQ SEP Coordinator:** N/A

**Respondent:** Laura Zito, General Manager, BEECHWOOD WATER SUPPLY  
CORPORATION, 120 Eastwood Loop, Hemphill, Texas 75948

Gary Ratcliff, President, BEECHWOOD WATER SUPPLY CORPORATION, 120  
Eastwood Loop, Hemphill, Texas 75948

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	10-Aug-2015	<b>Screening</b>	12-Aug-2015	<b>EPA Due</b>	
	<b>PCW</b>	12-Aug-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	BEECHWOOD WATER SUPPLY CORPORATION
<b>Reg. Ent. Ref. No.</b>	RN101610129
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	51090	<b>No. of Violations</b>	2
<b>Docket No.</b>	2015-1213-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Had Darling
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the Indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

**Screening Date** 12-Aug-2015

**Docket No.** 2015-1213-MWD-E

**PCW**

**Respondent** BEECHWOOD WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

**Case ID No.** 51090

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101610129

**Media [Statute]** Water Quality

**Enf. Coordinator** Had Darling

**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	1	2%
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%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 37%

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for seven months of self-reported effluent violations and one NOV with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 37%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 37%

Screening Date 12-Aug-2015

Docket No. 2015-1213-MWD-E

PCW

Respondent BEECHWOOD WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51090

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610129

Media [Statute] Water Quality

Enf. Coordinator Had Darling

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. WQ0011423001 Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limitations, as documented during a record review conducted on June 24, 2015, 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	5.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

A simplified model was used to evaluate the values for five-day Biochemical Oxygen Demand ("BODs") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also evaluated. The amounts discharged at the time of the violation were insignificant and did not exceed levels that are protective of human health or the environment.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 121 Number of violation days

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

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of October 2014 and January, February, and March 2015.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$840

Violation Final Penalty Total \$3,425

This violation Final Assessed Penalty (adjusted for limits) \$3,425

# Economic Benefit Worksheet

**Respondent** BEECHWOOD WATER SUPPLY CORPORATION  
**Case ID No.** 51090  
**Reg. Ent. Reference No.** RN101610129  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Oct-2014	5-Jul-2016	1.68	\$840	n/a	\$840

Notes for DELAYED costs

Estimated cost to evaluate the cause of non-compliance and to make necessary adjustments to achieve compliance with permitted effluent limits. Date required is the first date of non-compliance. Final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$840

Screening Date 12-Aug-2015

Docket No. 2015-1213-MWD-E

PCW

Respondent BEECHWOOD WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51090

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610129

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 2

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. WQ0011423001 Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with the permitted effluent limitations, as documented during a record review conducted on June 24, 2015, 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 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels which 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 December 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 \$0

Violation Final Penalty Total \$5,138

This violation Final Assessed Penalty (adjusted for limits) \$5,138

# Economic Benefit Worksheet

**Respondent** BEECHWOOD WATER SUPPLY CORPORATION

**Case ID No.** 51090

**Reg. Ent. Reference No.** RN101610129

**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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 is included in Violation No. 1.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

BEECHWOOD WATER SUPPLY CORPORATION

Docket No. 2015-1213-MWD-E

TPDES Permit No. WQ0011423001

Effluent Violation Table

	BOD <sub>5</sub>	Total Suspended Solids	<i>E. coli</i>	
	Daily Average Concentration	Daily Average Concentration	Daily Average Concentration	Single Grab Concentration
Month/Year	Limit= 10 mg/L	Limit= 15 mg/L	Limit= 126 CFU/100 mL	Limit= 394 CFU/100 mL
October 2014	c	15.68	c	c
December 2014	c	15.48	2420	2420
January 2015	c	20.8	c	c
February 2015	12.4	23.4	c	c
March 2015	c	31.7	c	c

BOD<sub>5</sub> = five-day Biochemical Oxygen Demand

*E. coli* = *Escherichia coli*

mg/L = milligrams per liter

CFU/100 mL = colony forming units per 100 milliliters

c = compliant





# Compliance History Report

**PENDING** Compliance History Report for CN600644504, RN101610129, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600644504, BEECHWOOD WATER SUPPLY CORPORATION	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.00
<b>Regulated Entity:</b>	RN101610129, BEECHWOOD SUBD 3&4	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.00
<b>Complexity Points:</b>	4	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	08 - Sewage Treatment Facilities				
<b>Location:</b>	Located on the west shoreline of Toledo Bend Reservoir, approximately five miles east of the intersection of State Highway 87 and Farm-to-Market Road 3315 in Sabine County, Texas				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				
<b>ID Number(s):</b>					
<b>WASTEWATER PERMIT</b>	WQ0011423001	<b>WASTEWATER EPA ID</b>	TX0031267		
<b>WASTEWATER LICENSING LICENSE</b>	WQ0011423001				
<b>Compliance History Period:</b>	September 01, 2010 to August 31, 2015	<b>Rating Year:</b>	2015	<b>Rating Date:</b>	09/01/2015
<b>Date Compliance History Report Prepared:</b>	September 29, 2015				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	September 29, 2010 to September 29, 2015				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Herbert Darling			<b>Phone:</b>	(512) 239-2520

## 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	October 25, 2010	(881939)
Item 2	November 22, 2010	(888422)
Item 3	December 22, 2010	(896726)
Item 4	January 14, 2011	(902711)
Item 5	February 24, 2011	(909515)
Item 6	March 24, 2011	(916759)
Item 7	April 18, 2011	(926202)
Item 8	May 23, 2011	(938476)



discharge monitoring reports.

Self Report? NO Classification: Minor  
 Citation: SP III G PERMIT  
 Description: Failure by Beechwood Water Supply Corporation to submit Annual Sludge Report to TCEQ Regional Office and TCEQ Enforcement Division.

Self Report? NO Classification: Moderate  
 Citation: PC 2(g) PERMIT  
 Description: Failure by Beechwood Water Supply Corporation to prevent the discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall.

Self Report? NO Classification: Moderate  
 Citation: OT 1 PERMIT  
 Description: Failure by Beechwood Water Supply Corporation to operate the facility a minimum of five days per week by an operator holding a Category D license or higher.

Self Report? NO Classification: Moderate  
 Citation: OpR 1 PERMIT  
 Description: Failure by Beechwood Water Supply Corporation to properly operate and maintain units of collection, treatment, and disposal.

Self Report? NO Classification: Minor  
 Citation: OpR 1 PERMIT  
 Description: Failure by Beechwood Water Supply Corporation to properly operate and maintain units of collection, treatment, and disposal.

Self Report? NO Classification: Moderate  
 Citation: OpR 1 PERMIT  
 Description: Failure by Beechwood Water Supply Corporation to properly operate and maintain units of collection, treatment, and disposal.

Self Report? NO Classification: Minor  
 Citation: MRR 2(a) PERMIT  
 Description: Failure by Beechwood Water Supply Corporation to comply with test procedures specified in 30 TAC 319.11 - 319.12.

Self Report? NO Classification: Minor  
 Citation: MRR 3(c)(vi) PERMIT  
 Description: Failure by Beechwood Water Supply Corporation to record results of the pH meter calibration.

- 3 Date: 12/31/2014 (1231337) CN600644504  
 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: 01/31/2015 (1242724) CN600644504  
 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: 02/28/2015 (1249077) CN600644504  
 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: 03/31/2015 (1255964) CN600644504  
 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: 04/30/2015 (1262680) CN600644504  
 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
- 8 Date: 06/30/2015 (1277376) CN600644504  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

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

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BEECHWOOD WATER SUPPLY  
CORPORATION  
RN101610129

§  
§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2015-1213-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 BEECHWOOD WATER SUPPLY CORPORATION ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located on the west shoreline of Toledo Bend Reservoir, approximately five miles east of the intersection of State Highway 87 and Farm-to-Market Road 3315, in Sabine County, Texas (the "Facility").
2. The Respondent has discharged municipal wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 3, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Five Hundred Sixty-Two Dollars (\$8,562) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Eight Hundred Fifty Dollars (\$6,850) of the administrative penalty and One Thousand Seven Hundred Twelve Dollars (\$1,712) 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.
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 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.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011423001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on June 24, 2015, and as shown in the violation table below:

Effluent Violation Table				
	BOD <sub>5</sub>	Total Suspended Solids	<i>E. coli</i>	
	Daily Average Concentration	Daily Average Concentration	Daily Average Concentration	Single Grab Concentration
Month/Year	Limit= 10 mg/L	Limit= 15 mg/L	Limit= 126 CFU/100 mL	Limit= 394 CFU/100 mL
October 2014	c	15.68	c	c
December 2014	c	15.48	2420	2420
January 2015	c	20.8	c	c
February 2015	12.4	23.4	c	c
March 2015	c	31.7	c	c

BOD<sub>5</sub> = five-day Biochemical Oxygen Demand  
*E. coli* = *Escherichia coli*  
mg/L = milligrams per liter  
CFU/100 mL = colony forming units per 100 milliliters  
c = compliant

### 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: BEECHWOOD WATER SUPPLY CORPORATION, Docket No. 2015-1213-MWD-E" to:

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

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011423001, including specific corrective actions at the facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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
<i>Pam O'Malley J</i> _____ For the Executive Director	<i>5/14/16</i> _____ 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.

<i>Laura Zito</i> _____ Signature	<i>01/26/2016</i> _____ Date
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<i>LAURA ZITO</i> _____ Name (Printed or typed) Authorized Representative of BEECHWOOD WATER SUPPLY CORPORATION	<i>GENERAL MANAGER</i> _____ Title
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**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.