

Executive Summary – Enforcement Matter – Case No. 50415
North Orange Water & Sewer, LLC
RN102078136 and RN102078896
Docket No. 2019-1559-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Country Squire Plant, located immediately west of State Highway 87, approximately 4.5 miles north of the intersection of State Highway 87 and Interstate Highway 10 and approximately 6.9 miles north of the business district of Orange, Orange County ("Facility No. 1"); and

6602 Lancaster Drive, Orange County ("Facility No. 2")

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: September 17, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$98,176

Amount Deferred for Financial Inability to Pay: \$94,576

Confidential information, which may include financial or medical information, has been provided to the Commission for their consideration.

Total Paid to General Revenue: \$100

Total Due to General Revenue: \$3,500

Payment Plan: 35 payments of \$100 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 30, 2019 and January 31, 2019
and February 14, 2019

Date(s) of NOE(s): March 28, 2019 and April 10, 2019

Violation Information

1. Failed to ensure Facility No. 1 and all of its 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. WQ0011589001, Operational Requirements No. 1].
2. Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1].
3. Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1].
4. Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(e)(5), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1].
5. Failed to maintain monitoring and reporting records at Facility No. 1 [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(C) and 319.7(a), and TPDES Permit No. WQ0011589001, Monitoring and Reporting Requirements No. 3.c.vi].
6. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment at Facility No. 1 [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1 and Permit Conditions No. 2.d].
7. Failed to comply with recommended sampling and testing methods at Facility No. 1 [30 TEX. ADMIN. CODE § 319.11].
8. Failed to prevent an unauthorized discharge of sewage wastewater into or adjacent to any water in the state at Facility No. 1 [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX.

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WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Permit Conditions No. 2.g].

9. Failed to fully report an unauthorized discharge in writing to the Regional Office within five working days of becoming aware of the noncompliance at Facility No. 1 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011155001, Monitoring and Reporting Requirements No. 7.a].

10. Failed to secure the lift stations in an intruder-resistant manner [30 TEX. ADMIN. CODE § 317.3(a)].

11. Failed to ensure Facility No. 2 and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011155001, Operational Requirements No. 1].

12. Failed to accurately report monitoring activities at Facility No. 2 [30 TEX. ADMIN. CODE § 305.125(1) and (12) and TPDES Permit No. WQ0011155001, Permit Conditions No. 1.a].

13. Failed to ensure Facility No. 2 and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011155001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2015-0604-MWD-E, Ordering Provision No. 2.a.ii].

14. Failed to ensure Facility No. 2 and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011155001, Operational Requirements No. 1].

15. Failed to timely submit monitoring results at intervals specified in the permit at Facility No. 2 [30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. WQ0011155001, Monitoring and Reporting Requirements No. 1].

16. Failed to maintain monitoring and reporting records at Facility No. 2 [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(C), 319.6, and 319.7(a), and TPDES Permit No. WQ0011155001, Monitoring and Reporting Requirements No. 3.c.vi].

17. Failed to submit an annual sludge report to the TCEQ by September 30th of each year at Facility No. 2 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011155001, Section IV.C].

18. Failed to prevent unauthorized discharges of sewage wastewater into or adjacent to any water in the state at Facility No. 2 [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011155001, Permit Conditions No. 2.g].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at Facility No. 1:

- a. Ceased the unauthorized discharges, and cleaned and disinfected the affected areas by September 13, 2018;
- b. Purchased pH buffer solutions, sodium arsenite, and secondary standards for chlorine by February 14, 2019;
- c. Replaced the ventilation fan in the chlorine closet by August 7, 2019;
- d. Repaired the concrete foundation at the influent lift station by August 7, 2019;
- e. Repaired the Tennyson lift station audio alarm by August 7, 2019; and
- f. Removed the floating solids from the Tennyson lift station wet well by August 7, 2019.

The Respondent has implemented the following corrective measures at Facility No. 2:

- a. Ceased the unauthorized discharges, and cleaned and disinfected the affected areas by January 24, 2019;
- b. Submitted updated discharge monitoring reports ("DMRs") to reflect the actual sample results for August 2017 and September 2017 by March 26, 2019; and
- c. Submitted the missing DMR for *E. coli* sample results for the monitoring period ending on December 31, 2017 by April 18, 2019.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. At Facility No. 1:
 - (1) Repair the sludge return pipe;
 - (2) Repair/replace the rubber skimmer to ensure it meets the clarifier scum ring;
 - (3) Ensure even flow over the clarifier weir teeth;

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- (4) Remove excess algae, surface scum, and duckweed from the clarifier;
- (5) Remove and properly dispose of sludge, duckweed, foam, and algae from both chlorine contact chambers;
- (6) Repair the influent lift station visual alarm;
- (7) Develop and implement a solids management plan at the Facility;
- (8) Implement procedures and conduct employee training to ensure proper values for the chlorine secondary standards are recorded in the daily operator log book;
- (9) Implement procedures and conduct employee training to properly conduct the manganese correction to calculate total chlorine residual; and
- (10) Label the unmarked squirt bottle of sodium arsenite.

ii. At Facility No. 2:

- (1) Implement procedures and conduct employee training to ensure noncompliance notifications are submitted complete;
- (2) Make repairs to the vertical gap in the fence and the gap at the base of the fence to secure the influent lift station;
- (3) Remove and properly dispose of sludge from the chlorine contact chamber;
- (4) Remove and properly dispose of sludge and surface scum from both clarifiers;
- (5) Implement procedures and conduct employee training to ensure that the colorimeter secondary standard accuracy checks are accurately recorded to include standard values, and to ensure that secondary standards are unexpired; and
- (6) Submit the ASRs for the years 2017 and 2018 to the TCEQ Beaumont Regional Office.

b. Within 45 days, submit written certification of compliance with a.i. through a.ii.

c. Within 60 days, remove and properly dispose of plastics and sludge accumulation in the receiving stream at Facility No. 1.

d. Within 75 days, submit written certification of compliance with c.

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e. Within 90 days:

i. At Facility No. 1, remove the rust/delamination and repaint the three aeration basins, both chlorine contact chambers, the sludge digester, and the clarifier; and

ii. At Facility No. 2, remove the rust/corrosion and repaint the bar screen area, both clarifiers, the aeration basin, and the chlorine contact chamber.

f. Within 105 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-5717; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Bobby Manshack, President, North Orange Water & Sewer, LLC, 10406 North Highway 87, Orange, Texas 77632

Buford Mooney, Director, North Orange Water & Sewer, LLC, 10406 North Highway 87, Orange, Texas 77632

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	1-Apr-2019	Screening	10-Apr-2019	EPA Due	
	PCW	15-May-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")				
Reg. Ent. Ref. No.	RN102078136				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	50415	No. of Violations	1
Docket No.	2019-1559-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Van Landingham
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$200
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Notes	Enhancement for four months of self-reported violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	50.0%	Enhancement*	Subtotal 6	\$500
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Total EB Amounts	\$20,340	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$40,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,700
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
	Final Penalty Amount
	\$1,700

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,700
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$1,700
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Screening Date 10-Apr-2019
Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1559-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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%
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 four months of self-reported violations.

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

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 2 (September 2002)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision October 30, 2008</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011589001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, corrosion was observed throughout the first and second aeration basins.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 5%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$9,500
	\$500

Violation Events

Number of Violation Events	2	70	Number of violation days
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	daily								
	weekly								
	monthly								
	quarterly								
	semiannual								
	annual								
	single event	x							

Two single events are recommended, one event for each aeration basin.

Good Faith Efforts to Comply

	0.0%					
	Before NOV	NOV to EDPRP/Settlement Offer				
Extraordinary						
Ordinary						
N/A	x					
Notes	The Respondent does not meet the good faith criteria for this violation.					

Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$20,340	Violation Final Penalty Total	\$1,700		
This violation Final Assessed Penalty (adjusted for limits)			\$1,700		

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
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	Costs Saved	EB Amount
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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)	\$40,000	25-Feb-2010	25-Apr-2020	10.17	\$20,340	n/a	\$20,340

Notes for DELAYED costs

Estimated cost to remove the rust/delamination and repaint two of the three aeration basins (\$20,000 per unit). The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40,000

TOTAL

\$20,340



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	1-Apr-2019	Screening	10-Apr-2019	EPA Due	
	PCW	15-May-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")				
Reg. Ent. Ref. No.	RN102078136				
Facility/Site Region	10-Beaumont		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	50415	No. of Violations	11
Docket No.	2019-1559-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Van Landingham
		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	\$48,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$9,700
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Notes	Enhancement for four months of self-reported violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.				
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$9,669	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$131,175	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$55,325
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes				
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Final Penalty Amount	\$55,325
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$55,325
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.			
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PAYABLE PENALTY	\$55,325
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Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	50415			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102078136			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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%
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 four months of self-reported violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			Policy Revision 4 (April 2014)
Case ID No.	50415	PCW Revision March 26, 2014		
Reg. Ent. Reference No.	RN102078136			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011589001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, corrosion and delamination were observed throughout the third aeration basin, both chlorine contact chambers, and the sludge digester; and rust and corrosion were observed above the water line in the clarifier.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment					\$24,250

				\$750
Violation Events				
Number of Violation Events		5	70	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
Violation Base Penalty				\$3,750
Five single events are recommended (one event for each unit).				

Good Faith Efforts to Comply		0.0%	Reduction	\$0
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	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	\$7,747	Violation Final Penalty Total	\$4,500
This violation Final Assessed Penalty (adjusted for limits)		\$4,500	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
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	Costs Saved	EB Amount
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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
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	6-Jul-2017	25-Apr-2020	2.81	\$2,805	n/a	\$2,805
Other (as needed)	\$80,000	30-Jan-2019	25-Apr-2020	1.24	\$4,942	n/a	\$4,942

Notes for DELAYED costs

Estimated cost to remove the corrosion/delamination and repaint the first chlorine contact chamber. The Date Required is the date the violation was documented and the Final Date is the estimated date of compliance.

Estimated cost to remove the corrosion/delamination and repaint the third aeration basin, the second chlorine contact chamber, the sludge digester, and the clarifier (\$20,000 per unit). The Date Required is the latest investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100,000

TOTAL

\$7,747

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, a sludge return pipe to an aeration basin was perfusing at a pipe joint onto the catwalk.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 5.0%
	Potential				

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%
Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.					
Adjustment					\$23,750

\$1,250

Violation Events

Number of Violation Events	1	70	Number of violation days	
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$1,250
One quarterly event is recommended from the January 30, 2019 investigation date to the April 10, 2019 screening date.				

Good Faith Efforts to Comply

0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$13	Statutory Limit Test
		Violation Final Penalty Total
		\$1,500
This violation Final Assessed Penalty (adjusted for limits)		\$1,500

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
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	Costs Saved	EB Amount
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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)	\$250	30-Jan-2019	25-Feb-2020	1.07	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to repair the sludge return pipe. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$13

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive algae, surface scum, and duckweed were observed throughout the clarifier; there was uneven flow over the clarifier weir teeth; and the rubber skimmer was not meeting the clarifier scum ring.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential		x		Percent	5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would 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	1	70	Number of violation days
----------------------------	---	----	--------------------------

	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty \$1,250

One quarterly event is recommended from the January 30, 2019 investigation date to the April 10, 2019 screening date.

Good Faith Efforts to Comply

	0.0%	
		Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

	\$852	
Estimated EB Amount		Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Statutory Limit Test

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
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	Costs Saved	EB Amount
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Delayed Costs

Equipment	\$1,000	30-Jan-2019	25-Feb-2020	1.07	\$4	\$71	\$75
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$10,000	30-Jan-2019	25-Feb-2020	1.07	\$36	\$714	\$750
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	\$500	30-Jan-2019	25-Feb-2020	1.07	\$27	n/a	\$27
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to repair/replace the rubber skimmer to ensure it meets the clarifier scum ring (\$1,000). The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated Engineering/Construction cost to ensure even flow over the clarifier weir teeth (\$10,000). The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated Remediation/Disposal cost to remove excess algae, surface scum, and duckweed from the clarifier (\$500). The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$11,500

TOTAL

\$852

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the ventilation fan in the chlorine closet was broken.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	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.
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Adjustment	\$21,250
\$3,750	

Violation Events

Number of Violation Events	3		70	Number of violation days
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	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$11,250

Three monthly events are recommended from the January 30, 2019 investigation date to the April 10, 2019 screening date.

Good Faith Efforts to Comply

	10.0%			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Reduction	\$1,125
Extraordinary				
Ordinary		x		
N/A				
Notes	The Respondent achieved compliance by August 7, 2019.			
Violation Subtotal				\$10,125

Economic Benefit (EB) for this violation

Estimated EB Amount	\$9	Violation Final Penalty Total	\$12,375
This violation Final Assessed Penalty (adjusted for limits)			\$12,375

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$250	30-Jan-2019	7-Aug-2019	0.52	\$0	\$9	\$9
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	Estimated Equipment cost to replace the ventilation fan in the chlorine closet. The Date Required is the investigation date and the Final Date is the compliance date.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$250

TOTAL \$9

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the above-ground chlorine contact chamber contained one foot of sludge out of a total water depth of seven feet and the ground-level chlorine contact chamber contained one foot of sludge out of a total water depth of three feet. Also, duckweed, foam, and algae were present in both chlorine contact chambers.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential		x		Percent	5.0%

>> Programmatic Matrix

Matrix Notes		Falsification				
		Major	Moderate	Minor		
					Percent	0.0%

Human health or the environment will or could be exposed to significant amounts of pollutants that would 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	70	Number of violation days
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daily							
weekly							
monthly							
quarterly		x					
semiannual							
annual							
single event							

Violation Base Penalty \$2,500

Two quarterly events are recommended (one quarterly event for each chlorine contact chamber) from the January 30, 2019 investigation date to the April 10, 2019 screening date.

Good Faith Efforts to Comply

	0.0%	
		Reduction
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
Extraordinary		
Ordinary		
N/A	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	\$268
Violation Final Penalty Total	\$3,000
This violation Final Assessed Penalty (adjusted for limits)	
\$3,000	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
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	Costs Saved	EB Amount
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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	\$5,000	30-Jan-2019	25-Feb-2020	1.07	\$268	n/a	\$268
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove and properly dispose of sludge, duckweed, foam, and algae from both chlorine contact chambers. The Date Required is the investigation date and the Final Date is the estimated date of compliance date.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$268

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.3(e)(5), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, a hole in the concrete foundation of the influent lift station was observed, and the visual alarm was inoperable.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
			Major Moderate Minor		
	Actual				Percent 5.0%
Potential		x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would 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	70	Number of violation days
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	daily		Violation Base Penalty	\$2,500
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Two quarterly events are recommended (one event per issue) from the January 30, 2019 investigation date to the April 10, 2019 screening date.

Good Faith Efforts to Comply

	0.0%		Reduction	\$0
		<small>Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer</small>		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount	\$225	Statutory Limit Test	
		Violation Final Penalty Total	\$3,000
This violation Final Assessed Penalty (adjusted for limits)			\$3,000

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
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	Costs Saved	EB Amount
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Delayed Costs

Equipment	\$2,500	30-Jan-2019	25-Feb-2020	1.07	\$9	\$179	\$188
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,000	30-Jan-2019	7-Aug-2019	0.52	\$2	\$35	\$37
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

Estimated Equipment cost to repair the influent lift station visual alarm. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated Engineering/Construction cost to repair the concrete foundation at the influent lift station. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,500

TOTAL \$225

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.3(e)(5), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Tennyson lift station wet well was covered with floating solids and plastics, and the audio alarm was inoperable.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
			Major Moderate Minor		
	Actual				Percent 15.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to 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	3	70	Number of violation days
----------------------------	---	----	--------------------------

	daily		
	weekly		
	monthly	x	Violation Base Penalty \$11,250
	quarterly		
	semiannual		
	annual		
	single event		

Three monthly events are recommended from the January 30, 2019 investigation date to the April 10, 2019 screening date.

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance by August 7, 2019.	

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Estimated EB Amount	\$103	Statutory Limit Test
		Violation Final Penalty Total \$12,375
		This violation Final Assessed Penalty (adjusted for limits) \$12,375

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
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	Costs Saved	EB Amount
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Delayed Costs

Equipment	\$2,500	30-Jan-2019	7-Aug-2019	0.52	\$4	\$86	\$90
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	\$500	30-Jan-2019	7-Aug-2019	0.52	\$13	n/a	\$13
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to repair the Tennyson lift station audio alarm. The Date Required is the investigation date and the Final Date is the compliance date.

Estimated Remediation/Disposal cost to remove the floating solids from the Tennyson lift station wet well. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,000

TOTAL \$103

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (11)(C) and 319.7(a), and TPDES Permit No. WQ0011589001, Monitoring and Reporting Requirements No. 3.c.vi			
Violation Description	Failed to maintain monitoring and reporting records at Facility No. 1. Specifically, the Respondent was not recording the proper values for the chlorine secondary standards in the daily operator log book.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> 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 70 Number of violation days

	daily		Violation Base Penalty \$250
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

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	

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 \$33	Violation Final Penalty Total \$300
This violation Final Assessed Penalty (adjusted for limits) \$300	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$250	6-Jul-2017	25-Feb-2020	2.64	\$33	n/a	\$33
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 Training/Sampling cost to implement procedures and conduct employee training to ensure proper values for the chlorine secondary standards are recorded in the daily operator log book. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$33

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW	
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")				
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>			
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>			
Media	Water Quality				
Enf. Coordinator	Steven Van Landingham				
Violation Number	9				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1 and Permit Conditions No. 2.d				
Violation Description	Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, the Respondent did not have proper process controls and did not have a solids management plan ("SMP") to operate the contact stabilization plant within ranges common to accepted industry standards which resulted in plastics and sludge discharging from the outfall and accumulating in the receiving stream for approximately 100 yards downstream.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual		x		Percent 15.0%
Potential					
>>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 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	70	Number of violation days	
	daily			Violation Base Penalty \$11,250	
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
Three monthly events are recommended from the January 30, 2019 investigation date to the April 10, 2019 screening date.					
Good Faith Efforts to Comply		0.0%		Reduction	\$0
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
	Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$11,250	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$278	Violation Final Penalty Total		\$13,500
This violation Final Assessed Penalty (adjusted for limits)				\$13,500	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$2,500	30-Jan-2019	26-Mar-2020	1.15	\$144	n/a	\$144
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	30-Jan-2019	25-Feb-2020	1.07	\$134	n/a	\$134

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove and properly dispose of plastics and sludge accumulation in the receiving stream. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated cost to develop and implement a SMP at Facility No. 1. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$278

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 319.11			
Violation Description	<p>Failed to comply with recommended sampling and testing methods. Specifically, the pH buffer solutions, the sodium arsenite used for the manganese correction, and the secondary standards for chlorine had expired. Also, the Respondent was using an unmarked squirt bottle of sodium arsenite to conduct manganese corrections on total chlorine residual analyses, and the Respondent was not properly conducting the manganese correction to calculate the total chlorine residual analysis.</p>			
			Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%
Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					
					Adjustment \$24,250

\$750

Violation Events

Number of Violation Events	1	Number of violation days	70	
	<div style="border: 1px solid black; padding: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px;">weekly</div> <div style="border: 1px solid black; padding: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div>			Violation Base Penalty \$750
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		
Notes	The Respondent does not meet the good faith criteria for this violation.		
			Violation Subtotal \$750

Economic Benefit (EB) for this violation

Estimated EB Amount	\$31	Statutory Limit Test	
		Violation Final Penalty Total	\$900
		This violation Final Assessed Penalty (adjusted for limits)	\$900

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$150	6-Jul-2017	14-Feb-2019	1.61	\$1	\$16	\$17
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
Records				0.00	\$0	n/a	\$0
Training/Sampling	\$250	30-Jan-2019	25-Feb-2020	1.07	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	30-Jan-2019	25-Feb-2020	1.07	\$1	n/a	\$1

Notes for DELAYED costs

Estimated Equipment cost to purchase pH buffer solutions, sodium arsenite, and secondary standards for chlorine. The Date Required is the initial investigation date and the Final Date is the compliance date.

Estimated Training/Sampling cost to implement procedures and conduct employee training to properly conduct the manganese correction to calculate total chlorine residual. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated cost to label the unmarked squirt bottle of sodium arsenite. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$425

TOTAL

\$31

Screening Date	10-Apr-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 1")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078136	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Permit Conditions No. 2.g			
Violation Description	Failed to prevent an unauthorized discharge of sewage wastewater into or adjacent to any water in the state, as shown in the attached Unauthorized Discharge Table A.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential	Percent	5.0%
	x			
>> 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				\$23,750
				\$1,250
Violation Events				
Number of Violation Events		2	Number of violation days	
	2			
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty		\$2,500		
Two quarterly events are recommended for the discharges that occurred on August 9, 2017 and September 13, 2018.				
Good Faith Efforts to Comply		25.0%	Reduction	
		\$625		
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent achieved compliance by September 13, 2018.			
Violation Subtotal				\$1,875
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$110	Violation Final Penalty Total	
		\$2,375		
This violation Final Assessed Penalty (adjusted for limits)				\$2,375

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 1")
Case ID No. 50415
Reg. Ent. Reference No. RN102078136
Media Water Quality
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$2,000	9-Aug-2017	13-Sep-2018	1.10	\$110	n/a	\$110
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to cease the unauthorized discharges, and to clean and disinfect the affected areas (\$1,000 for each unauthorized discharge). The Date Required is the date the initial unauthorized discharge occurred and the Final Date is the compliance date of the last discharge.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$110

North Orange Water & Sewer, LLC Docket No. 2019-1559-MWD-E TPDES Permit No. WQ0011589001			
Unauthorized Discharge Table A			
Date	Amount Discharged (gallons)	Description	Corrective Action
August 9, 2017	Unknown	Sewage overflow from a cleanout at 8505 Shakespeare into a yard.	The main line was cleaned and cleared of any debris. The area was cleaned and disinfected.
September 13, 2018	500	Broken line at Tennyson Lift Station.	The line was replaced. The area was cleaned and disinfected.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	8-May-2019			
	PCW	22-Jun-2020	Screening	16-May-2019	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")				
Reg. Ent. Ref. No.	RN102078896				
Facility/Site Region	10-Beaumont		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	50415	No. of Violations	12
Docket No.	2019-1559-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Van Landingham
		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	\$23,375
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	85.0%	Adjustment	Subtotals 2, 3, & 7	\$19,868
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Notes	Enhancement for three Orders containing a denial of liability and one Order without a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,092
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$6,932
Estimated Cost of Compliance	\$61,175

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$41,151
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

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Final Penalty Amount	\$41,151
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$41,151
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$41,151
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Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	50415			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102078896			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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	1	25%
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%
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) 85%

>> 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 Orders containing a denial of liability and one Order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 85%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 85%

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			Policy Revision 4 (April 2014)
Case ID No.	50415			PCW Revision March 26, 2014
Reg. Ent. Reference No.	RN102078896			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011155001, Monitoring and Reporting Requirements No. 7.a			
Violation Description	Failed to fully report an unauthorized discharge in writing to the Regional Office within five working days of becoming aware of the noncompliance. Specifically, the Respondent failed to submit noncompliance forms with all the required information. Incident No. 302775 did not contain a start time or end time, Incident No. 304935 did not contain a start time, end time, or location of the discharge, and Incident No. 390396 did not contain the location of the discharge or the time the discharged ceased.			
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		
	Matrix Notes	Less than 30% of the rule requirements were not met.				
					Adjustment	\$24,750

\$250

Violation Events

Number of Violation Events	3		Number of violation days	91	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
Three single events are recommended.					
Violation Base Penalty					\$750

Good Faith Efforts to Comply

		0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary					
N/A	x				
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal					\$750

Economic Benefit (EB) for this violation

Statutory Limit Test	
Estimated EB Amount	\$14
Violation Final Penalty Total	\$1,388
This violation Final Assessed Penalty (adjusted for limits)	
	\$1,388

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
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	Costs Saved	EB Amount
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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	\$250	14-Feb-2019	2-Apr-2020	1.13	\$14	n/a	\$14
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 training/sampling cost to implement procedures and conduct employee training to ensure noncompliance notifications are submitted complete. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$14

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	50415			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102078896			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 317.3(a)			
Violation Description	Failed to secure the lift stations in an intruder-resistant manner. Specifically, the influent lift station had a vertical gap in the fence, and a gap at the base of the fence.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events	1	91	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

	0.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			Reduction \$0
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$141	Violation Final Penalty Total	\$2,313		
This violation Final Assessed Penalty (adjusted for limits)			\$2,313		

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
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	Costs Saved	EB Amount
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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)	\$2,500	14-Feb-2019	2-Apr-2020	1.13	\$141	n/a	\$141

Notes for DELAYED costs

Estimated cost to make repairs to the vertical gap in the fence and the gap at the base of the fence to secure the influent lift station. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$141

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078896	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011155001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 2 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorine contact chamber contained one foot of sludge in a total water depth of three feet, and the two clarifiers had rising sludge and excessive surface scum.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,750
\$1,250	

Violation Events

Number of Violation Events	6	91	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly	x		Violation Base Penalty \$7,500
	semiannual			
	annual			
	single event			

Six quarterly events are recommended (two quarterly events for the chlorine contact chamber and two quarterly events for each clarifier) from the February 14, 2019 investigation date to the May 16, 2019 screening date.
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Good Faith Efforts to Comply

0.0%	Reduction	\$0
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$7,500

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$141	Violation Final Penalty Total \$13,875
This violation Final Assessed Penalty (adjusted for limits) \$13,875	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
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	Costs Saved	EB Amount
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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	\$2,500	14-Feb-2019	2-Apr-2020	1.13	\$141	n/a	\$141
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove and properly dispose of sludge from the chlorine contact chamber and to remove and properly dispose of sludge and surface scum from both clarifiers. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$141

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	50415			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102078896			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (12), and TPDES Permit No. WQ0011155001, Permit Conditions No. 1.a			
Violation Description	Failed to accurately report monitoring activities. Specifically, sample results for total chlorine residual, flow, and nitrogen were incorrectly reported as zero on the August 2017 discharge monitoring report ("DMR").			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
			x		Percent 2.5%

Less than 70% of the rule requirements were not met.

Adjustment \$24,375

\$625

Violation Events

Number of Violation Events	1	552	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			Violation Base Penalty \$625

One single event is recommended.

Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance on March 26, 2019.		
		Violation Subtotal	\$469

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$4
	Violation Final Penalty Total \$1,000
This violation Final Assessed Penalty (adjusted for limits) \$1,000	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$50	20-Sep-2017	26-Mar-2019	1.51	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit updated DMRs to reflect the actual sample results for August 2017 and September 2017 (\$25 per DMR). The Date Required is the date the sample results were initially due and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$4

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078896	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (12), and TPDES Permit No. WQ0011155001, Permit Conditions No. 1.a			
Violation Description	Failed to accurately report monitoring activities. Specifically, sample results for nitrogen were incorrectly reported as zero on the September 2017 DMR.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
					x	Percent 1.0%
Less than 30% of the rule requirements were not met.						
Adjustment						\$24,750

\$250

Violation Events

Number of Violation Events	1	522	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			
Violation Base Penalty			

\$250

Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance on March 26, 2019.		
Violation Subtotal			

\$188

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$0
Violation Final Penalty Total	
\$401	
This violation Final Assessed Penalty (adjusted for limits)	
\$401	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
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	Costs Saved	EB Amount
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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 included in Violation No. 4.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				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	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078896	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011155001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2015-0604-MWD-E, Ordering Provision No. 2.a.ii.			
Violation Description	Failed to ensure Facility No. 2 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, both clarifiers were corroded.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm					
		Major	Moderate	Minor			
	Actual						
	Potential			x			
					Percent	3.0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment \$24,250

\$750

Violation Events

Number of Violation Events	2	1218	Number of violation days
----------------------------	---	------	--------------------------

	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	x				

Violation Base Penalty \$1,500

Two single events are recommended.

Good Faith Efforts to Comply

	0.0%		
			Reduction
			\$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary					
N/A	x				

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

	\$4,384		
Estimated EB Amount		Violation Final Penalty Total	\$2,775

This violation Final Assessed Penalty (adjusted for limits) \$2,775

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
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	Costs Saved	EB Amount
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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	14-Jan-2016	1-Jun-2020	4.38	\$4,384	n/a	\$4,384

Notes for DELAYED costs

Estimated cost to remove the rust/corrosion occurring at both clarifiers (\$10,000 per unit). The Date Required is the effective date of Agreed Order Docket No. 2015-0604-MWD-E and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$4,384

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			
Case ID No.	50415	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN102078896	<i>PCW Revision March 26, 2014</i>		
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011155001, Operational Requirements No. 1			
Violation Description	Failed to ensure Facility No. 2 and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, rust and corrosion were observed throughout the aeration basin, the bar screen area, and the chlorine contact chamber.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential			x	Percent	3.0%

>> Programmatic Matrix

Matrix Notes		Falsification				
	Major	Moderate	Minor			
					Percent	0.0%

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events	3	91	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Violation Base Penalty \$2,250

Three single events are recommended.

Good Faith Efforts to Comply

	0.0%			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Reduction	\$0
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet good faith criteria for this violation.			

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

	\$1,944	
Estimated EB Amount		Violation Final Penalty Total
		\$4,163

This violation Final Assessed Penalty (adjusted for limits) \$4,163

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
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	Costs Saved	EB Amount
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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)	\$30,000	14-Feb-2019	1-Jun-2020	1.30	\$1,944	n/a	\$1,944

Notes for DELAYED costs

Estimated cost to remove the rust/corrosion occurring at the bar screen area, the aeration basin, and the chlorine contact chamber (\$10,000 per unit). The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$30,000

TOTAL

\$1,944

Screening Date 16-May-2019 Respondent North Orange Water & Sewer, LLC ("Facility No. 2") Case ID No. 50415 Reg. Ent. Reference No. RN102078896 Media Water Quality Enf. Coordinator Steven Van Landingham	Docket No. 2019-1559-MWD-E <div style="text-align: right; font-size: small;"> <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i> </div>	PCW		
Violation Number 8				
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17), and TPDES Permit No. WQ0011155001, Monitoring and Reporting Requirements No. 1				
Violation Description Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMR for Escherichia coli ("E. coli") for the monitoring period ending on December 31, 2017 was not submitted by the 20th day of the following month.				
Base Penalty		\$25,000		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			
			Percent 0.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				x
			Percent 1.0%	
Matrix Notes	Less than 30% of the rule requirements were not met.			
Adjustment			\$24,750	
			\$250	
Violation Events				
Number of Violation Events		1	453	
		Number of violation days		
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
			Violation Base Penalty	
			\$250	
One single event is recommended.				
Good Faith Efforts to Comply		0.0%	Reduction	
		\$0		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	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		\$2	Violation Final Penalty Total	
		\$463		
This violation Final Assessed Penalty (adjusted for limits)			\$463	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

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
Records				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	20-Jan-2018	18-Apr-2019	1.24	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit the missing DMR for *E. coli* sample results. The Date Required is the DMR due date and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$2

Screening Date 16-May-2019 Respondent North Orange Water & Sewer, LLC ("Facility No. 2") Case ID No. 50415 Reg. Ent. Reference No. RN102078896 Media Water Quality Enf. Coordinator Steven Van Landingham	Docket No. 2019-1559-MWD-E Policy Revision 4 (April 2014) PCW Revision March 26, 2014	PCW																
Violation Number 9																		
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(C), 319.6, and 319.7(a), and TPDES Permit No. WQ0011155001, Monitoring and Reporting Requirements No. 3.c.vi																		
Violation Description Failed to maintain monitoring and reporting records at Facility No. 2. Specifically, the Respondent was not recording accurate values for the colorimeter secondary standards being used, the log sheets were inconsistent since the previous July 6, 2017 investigation, and the Respondent was recording standard values from an expired set of standards or not recording standard values at all.																		
Base Penalty		\$25,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent 0.0%
		Harm																
	Release	Major	Moderate	Minor														
Actual																		
Potential																		
>> Programmatic Matrix																		
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black; text-align: center;">x</td> </tr> </table>		Major	Moderate	Minor	Falsification			x	Percent 1.0%								
		Major	Moderate	Minor														
	Falsification			x														
Less than 30% of the rule requirements were not met.																		
Adjustment		\$24,750																
		\$250																
Violation Events																		
Number of Violation Events 1		Number of violation days 91																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20%;"></td><td style="border: 1px solid black;"></td></tr> <tr><td>daily</td><td style="border: 1px solid black;"></td></tr> <tr><td>weekly</td><td style="border: 1px solid black;"></td></tr> <tr><td>monthly</td><td style="border: 1px solid black;"></td></tr> <tr><td>quarterly</td><td style="border: 1px solid black;"></td></tr> <tr><td>semiannual</td><td style="border: 1px solid black;"></td></tr> <tr><td>annual</td><td style="border: 1px solid black;"></td></tr> <tr><td>single event</td><td style="border: 1px solid black; text-align: center;">x</td></tr> </table>				daily		weekly		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$250
daily																		
weekly																		
monthly																		
quarterly																		
semiannual																		
annual																		
single event	x																	
One single event is recommended.																		
Good Faith Efforts to Comply		Reduction \$0																
<div style="display: flex; justify-content: space-between;"> Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Extraordinary</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>Ordinary</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>N/A</td> <td style="border: 1px solid black; text-align: center;">x</td> <td style="border: 1px solid black;"></td> </tr> </table>			Extraordinary			Ordinary			N/A	x								
Extraordinary																		
Ordinary																		
N/A	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	\$34	Violation Final Penalty Total																
		\$463																
This violation Final Assessed Penalty (adjusted for limits)		\$463																

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$250	6-Jul-2017	2-Apr-2020	2.74	\$34	n/a	\$34
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 Training/Sampling cost to implement procedures and conduct employee training to ensure that the colorimeter secondary standard accuracy checks are accurately recorded to include standard values, and to ensure that secondary standards are unexpired. The Date Required is the previous investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$34

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	50415			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102078896			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0011155001, Section IV.C			
Violation Description	Failed to submit an annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2017 and 2018 ASR were not submitted to the TCEQ Beaumont Regional Office.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
			x		
					Percent 2.5%
Matrix Notes	Less than 70% of the rule requirements were not met.				
				Adjustment	\$24,375

\$625

Violation Events

Number of Violation Events	2	593	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			Violation Base Penalty \$1,250
Two single events are recommended.			

Good Faith Efforts to Comply

	0.0%		Reduction \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$1,250

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$13
	Violation Final Penalty Total \$2,313
This violation Final Assessed Penalty (adjusted for limits) \$2,313	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

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	\$100	30-Sep-2017	2-Apr-2020	2.51	\$13	n/a	\$13
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 Record Keeping System to submit the ASRs for the years 2017 and 2018 to the TCEQ Beaumont Regional Office. The Date Required is the initial date submittal was due and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$13

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	50415	<i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN102078896			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011155001, Permit Conditions No. 2.g			
Violation Description	Failed to prevent unauthorized discharges of wastewater into or adjacent to any water in the state, as shown in the attached Unauthorized Discharge Table B.			
			Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events	3	3	Number of violation days
----------------------------	---	---	--------------------------

daily	<input type="text"/>	Violation Base Penalty	
weekly	<input type="text"/>		
monthly	<input type="text"/>		
quarterly	x		
semiannual	<input type="text"/>		
annual	<input type="text"/>		
single event	<input type="text"/>		

Three quarterly events are recommended for the discharges that occurred on May 14, 2017, May 21, 2018, and January 24, 2019.

Good Faith Efforts to Comply

	25.0%		Reduction
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	x	<input type="text"/>	
N/A	<input type="text"/>	<input type="text"/>	
Notes	The Respondent achieved compliance by January 24, 2019.		

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$255	\$6,001
This violation Final Assessed Penalty (adjusted for limits)	
\$6,001	

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
Media Water Quality
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

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	\$3,000	14-May-2017	24-Jan-2019	1.70	\$255	n/a	\$255
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to cease the unauthorized discharges, and to clean and disinfect the affected areas (\$1,000 for each unauthorized discharge). The Date Required is the date the initial unauthorized discharge occurred and the Final Date is the compliance date of the last discharge and cleanup.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$255

Screening Date	16-May-2019	Docket No.	2019-1559-MWD-E	PCW
Respondent	North Orange Water & Sewer, LLC ("Facility No. 2")			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	50415			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102078896			
Media	Water Quality			
Enf. Coordinator	Steven Van Landingham			
Violation Number	12			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011155001, Permit Conditions No. 2.g			
Violation Description	Failed to prevent unauthorized discharges of sewage wastewater into or adjacent to any water in the state, as shown in the attached Unauthorized Discharge Table B.			
		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 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	
			Violation Base Penalty \$3,750
One single event is recommended for the discharge that occurred at a residence on May 21, 2018.			

Good Faith Efforts to Comply

	25.0%		Reduction \$937
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance by May 21, 2018.		
		Violation Subtotal	\$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test	
Estimated EB Amount	\$0
Violation Final Penalty Total	\$6,001
This violation Final Assessed Penalty (adjusted for limits)	\$6,001

Economic Benefit Worksheet

Respondent North Orange Water & Sewer, LLC ("Facility No. 2")
Case ID No. 50415
Reg. Ent. Reference No. RN102078896
Media Water Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

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	\$2,500	21-May-2018	21-May-2018	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 Remediation/Disposal cost to cease the unauthorized discharge, and to clean and disinfect the affected areas. The Date Required and Final Date is the date the unauthorized discharge occurred and was cleaned up.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$0

North Orange Water & Sewer, LLC

Docket No. 2019-1559-MWD-E

TPDES Permit No. WQ0011155001

Unauthorized Discharge Table B

Date	Amount Discharged (gallons)	Description	Corrective Action
May 14, 2017	200	Sewage overflow from a manhole into a ditch at 25 Stratford Drive.	The manhole and line were cleaned and cleared of any debris. The area was cleaned and disinfected.
May 21, 2018	500	Sewage overflowed into a house at 11 Medford Drive due to a stoppage in the main trunk line.	The main line was jetted. The area was cleaned and disinfected.
May 21, 2018	500	Sewage overflow into a ditch due to a stoppage in the main trunk line.	The main line was jetted. The area was cleaned and disinfected.
January 24, 2019	500	Sewage overflow at 6906 Lancaster Drive due to a stoppage in the main trunk line.	The main line was jetted. The area was cleaned and disinfected.

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.



Compliance History Report

Compliance History Report for CN600678098, RN102078136, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600678098, North Orange Water & Sewer, LLC **Classification:** SATISFACTORY **Rating:** 15.16

Regulated Entity: RN102078136, Country Squire Plant **Classification:** SATISFACTORY **Rating:** 0.89

Complexity Points: 4

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: immediately west of State Highway 87, approximately 4.5 miles north of the intersection of State Highway 87 and Interstate Highway 10 and approximately 6.9 miles north of the business district of the City of Orange in Orange County, Texas

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0011589001

WASTEWATER EPA ID TX0054801

WASTEWATER LICENSING LICENSE WQ0011589001

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: May 06, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 06, 2015 to May 06, 2020

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

Name: Steven Van Landingham

Phone: (512) 239-5717

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

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

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 27, 2015	(1262925)	Item 22	November 01, 2017	(1450780)
Item 2	June 25, 2015	(1270080)	Item 23	November 27, 2017	(1462112)
Item 3	July 29, 2015	(1277609)	Item 24	December 12, 2017	(1468494)
Item 4	October 01, 2015	(1290944)	Item 25	January 12, 2018	(1475194)
Item 6	December 01, 2015	(1302583)	Item 26	May 08, 2018	(1501276)
Item 7	January 06, 2016	(1316320)	Item 27	July 09, 2018	(1514696)
Item 8	February 25, 2016	(1325687)	Item 28	September 13, 2018	(1527928)
Item 9	April 15, 2016	(1339578)	Item 29	September 14, 2018	(1520752)
Item 10	June 24, 2016	(1346397)	Item 30	November 13, 2018	(1542112)
Item 11	July 21, 2016	(1359795)	Item 31	December 18, 2018	(1545882)
Item 12	September 22, 2016	(1366238)	Item 32	January 07, 2019	(1561662)
Item 13	November 21, 2016	(1385061)	Item 33	February 07, 2019	(1561660)
Item 14	December 21, 2016	(1391186)	Item 34	March 19, 2019	(1561661)
Item 15	February 09, 2017	(1397814)	Item 35	April 09, 2019	(1572479)
Item 16	March 10, 2017	(1411790)	Item 36	May 09, 2019	(1584570)
Item 17	May 09, 2017	(1425889)	Item 37	August 08, 2019	(1600147)
Item 18	June 09, 2017	(1431934)	Item 38	September 10, 2019	(1607046)
Item 19	July 12, 2017	(1440502)	Item 39	October 08, 2019	(1613895)
Item 20	August 04, 2017	(1444183)	Item 40	December 05, 2019	(1627070)
Item 21	October 09, 2017	(1456645)	Item 41	January 09, 2020	(1634700)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 05/31/2019 (1584571)		
	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: 06/30/2019 (1593818)		
	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: 10/31/2019 (1619705)		
	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: 01/31/2020 (1641313)		
	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

Appendix A

All NOV's Issued During Component Period 5/6/2015 and 5/6/2020

Page 3

			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	30 TAC Chapter 305, SubChapter F 305.125 OpR 1 PERMIT	
	Description:	Failure by North Orange Water and Sewer to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	OpR No. 1, Page 13 PERMIT	
	Description:	Failure by North Orange Water and Sewer to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.	
			Classification: Moderate
	Self Report?	NO	For Informational Purposes Only
	Citation:	PC No. 2(g), Page 9 PERMIT	
	Description:	Failure by North Orange Water and Sewer to prevent the unauthorized discharge of waste.	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(C)(vi) M&RR No. 3(c)(vi), Page 9 PERMIT	
	Description:	Failure by North Orange Water and Sewer - Country Squire to maintain quality control records.	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	M&RR NO. 7(c), Page 7 PERMIT	
	Description:	Failure by North Orange Water and Sewer to submit notification of a greater than 40% exceedance within 5 working days of becoming aware.	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	OpR No. 1, Page 13 PERMIT	
	Description:	Failure by North Orange Water and Sewer to ensure at all times that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	EL&MR No. 2, Page 2 PERMIT	
	Description:	Failure by North Orange Water and Sewer to discharge effluent within permitted limits for chlorine residual.	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	30 TAC Chapter 319, SubChapter A 319.11(a) M&RR No. 2(a), Page 5 PERMIT	
	Description:	Failure by North Orange Water and Sewer to comply with 30 TAC 319.11-319.12.	
10	Date:	01/31/2018 (1487405)	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:	02/28/2018 (1491079)	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:	03/31/2018 (1494328)	

			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	
13	Date:	05/31/2018 (1508363)	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:	09/30/2018 (1534278)	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:	05/31/2019 (1584571)	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:	06/30/2019 (1593818)	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:	10/31/2019 (1619705)	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:	01/31/2020 (1641313)	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	

* NOV's applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

Appendix B

All Investigations Conducted During Component Period May 06, 2015 and May 06, 2020

		(1262925)	For Informational Purposes Only
Item 1*	May 27, 2015**		
		(1270080)	For Informational Purposes Only
Item 2*	June 25, 2015**		
		(1277609)	For Informational Purposes Only
Item 3*	July 29, 2015**		

		(1283791)	
Item 4	September 11, 2015**	For Informational Purposes Only	
		(1290944)	
Item 5*	October 01, 2015**	For Informational Purposes Only	
		(1302583)	
Item 6*	December 01, 2015**	For Informational Purposes Only	
		(1316320)	
Item 7*	January 06, 2016**	For Informational Purposes Only	
		(1309536)	
Item 8	January 07, 2016**	For Informational Purposes Only	
		(1287976)	
Item 9	January 11, 2016**	For Informational Purposes Only	
		(1325687)	
Item 10*	February 25, 2016**	For Informational Purposes Only	
		(1339578)	
Item 11*	April 15, 2016**	For Informational Purposes Only	
		(1323779)	
Item 12	May 10, 2016**	For Informational Purposes Only	
		(1346397)	
Item 13*	June 24, 2016**	For Informational Purposes Only	
		(1359795)	
Item 14*	July 21, 2016**	For Informational Purposes Only	
		(1372914)	
Item 15	September 15, 2016**	For Informational Purposes Only	
		(1366238)	
Item 16*	September 22, 2016**	For Informational Purposes Only	
		(1379107)	
Item 17	October 20, 2016**	For Informational Purposes Only	
		(1385061)	
Item 18*	November 21, 2016**	For Informational Purposes Only	
		(1391186)	
Item 19*	December 21, 2016**	For Informational Purposes Only	
		(1397814)	
Item 20*	February 09, 2017**	For Informational Purposes Only	
		(1411790)	
Item 21*	March 10, 2017**	For Informational Purposes Only	
		(1418292)	
Item 22	April 07, 2017**	For Informational Purposes Only	
		(1425889)	
Item 23*	May 09, 2017**	For Informational Purposes Only	
		(1431934)	
Item 24*	June 09, 2017**	For Informational Purposes Only	

Item 25*	July 12, 2017**	(1440502) For Informational Purposes Only
Item 26*	August 04, 2017**	(1444183) For Informational Purposes Only
Item 27	August 10, 2017**	(1424579) For Informational Purposes Only
Item 28*	October 09, 2017**	(1456645) For Informational Purposes Only
Item 29	October 25, 2017**	(1443367) For Informational Purposes Only
Item 30*	November 01, 2017**	(1450780) For Informational Purposes Only
Item 31*	November 27, 2017**	(1462112) For Informational Purposes Only
Item 32*	December 12, 2017**	(1468494) For Informational Purposes Only
Item 33*	January 12, 2018**	(1475194) For Informational Purposes Only
Item 34	February 09, 2018**	(1487405) For Informational Purposes Only
Item 35	March 09, 2018**	(1491079) For Informational Purposes Only
Item 36	April 09, 2018**	(1494328) For Informational Purposes Only
Item 37*	May 08, 2018**	(1501276) For Informational Purposes Only
Item 38	June 08, 2018**	(1508363) For Informational Purposes Only
Item 39*	July 09, 2018**	(1514696) For Informational Purposes Only
Item 40	August 28, 2018**	(1512139) For Informational Purposes Only
Item 41*	September 13, 2018**	(1527928) For Informational Purposes Only
Item 42*	September 14, 2018**	(1520752) For Informational Purposes Only
Item 43	October 09, 2018**	(1534278) For Informational Purposes Only
Item 44	October 17, 2018**	(1523486) For Informational Purposes Only
Item 45	October 26, 2018**	(1523848) For Informational Purposes Only

		(1542112)	
Item 46*	November 13, 2018**	For Informational Purposes Only	
		(1545882)	
Item 47*	December 18, 2018**	For Informational Purposes Only	
		(1561662)	
Item 48*	January 07, 2019**	For Informational Purposes Only	
		(1561660)	
Item 49*	February 07, 2019**	For Informational Purposes Only	
		(1561661)	
Item 50*	March 19, 2019**	For Informational Purposes Only	
		(1551851)	
Item 51	March 28, 2019**	For Informational Purposes Only	
		(1572479)	
Item 52*	April 09, 2019**	For Informational Purposes Only	
		(1584570)	
Item 53*	May 09, 2019**	For Informational Purposes Only	
		(1584571)	
Item 54	June 11, 2019**	For Informational Purposes Only	
		(1593818)	
Item 55	July 16, 2019**	For Informational Purposes Only	
		(1600147)	
Item 56*	August 08, 2019**	For Informational Purposes Only	
		(1607046)	
Item 57*	September 10, 2019	For Informational Purposes Only	
		(1613895)	
Item 58*	October 08, 2019	For Informational Purposes Only	
		(1619705)	
Item 59	November 07, 2019	For Informational Purposes Only	
		(1627070)	
Item 60*	December 05, 2019	For Informational Purposes Only	
		(1634700)	
Item 61*	January 09, 2020	For Informational Purposes Only	
		(1641313)	
Item 62	February 11, 2020	For Informational Purposes Only	

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

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.



Compliance History Report

Compliance History Report for CN600678098, RN102078896, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600678098, North Orange Water & Sewer, LLC
Classification: SATISFACTORY
Rating: 15.16
Regulated Entity: RN102078896, Longford Place
Classification: SATISFACTORY
Rating: 29.44
Complexity Points: 4
Repeat Violator: NO
CH Group: 08 - Sewage Treatment Facilities
Location: 6602 Lancaster Drive in Orange County, Texas
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0011155001

WASTEWATER EPA ID TX0053562

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1810015

Compliance History Period: September 01, 2014 to August 31, 2019
Rating Year: 2019
Rating Date: 09/01/2019

Date Compliance History Report Prepared: May 06, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 06, 2015 to May 06, 2020

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

Name: Steven Van Landingham

Phone: (512) 239-5717

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

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

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/12/2015 ADMINORDER 2014-1857-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 2 Effective Date: 01/14/2016 ADMINORDER 2015-0604-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OpR 1 PERMIT
Description: Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, as documented during an investigation conducted on February 5, 2015. Specifically, the clarifiers were corroded, floating solids and grease were present, the water was turbid, and debris and algae were on the weir.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OpR No. 1, Pg. 13 OP
Description: Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, as documented during an investigation conducted on February 5, 2015. Specifically, the high velocity in which the wastewater was discharging from the return pipe into the aeration basin caused wastewater to splash onto Facility equipment.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: D&SPC No. 2(e), Pg. 4 OP
Description: Failed to perform all measurements, tests and calculations in a representative manner to ensure the accurate reporting of data, as documented during an investigation conducted on February 5, 2015. Specifically, the Respondent was using a simple arithmetic average to calculate daily average E. coli values instead of the correct geometric mean method.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)(A)
Rqmt Prov: M&RR No. 7(a)(c), Pg. 7 OP
Description: Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in

writing to the Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance events in November 2013, and February and May 2014, as documented during an investigation conducted on February 5, 2015.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: OR No. 7, Pg. 32 OP

Description: Failed to timely submit the annual sludge report to the Beaumont Regional Office by September 30, 2014, as documented during an investigation conducted on February 5, 2015.

3 Effective Date: 10/25/2016 ADMINORDER 2016-0573-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.86
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(a)

Description: LCR IN MR 1st 6M2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2015 to 06/30/2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.87
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(a)

Description: LCR WQP MR - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2015 monitoring period at entry point location 10 Finwick Dr, Orange (EP001) and/or the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)(2)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.87
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(a)

Description: LCR WQP MR - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2015 monitoring period at entry point location 10 Finwick Dr, Orange (EP001) and/or the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(2)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.88
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(b)

Description: LCR SOWT MR - The system failed to monitor for source water treatment in accordance with TCEQ rules after exceeding the lead action level during the reduced monitoring period from 01/01/2014 to 12/31/2014 plus 180 days.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(f)(3)(A)
30 TAC Chapter 290, SubChapter F 290.117(i)(7)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.81(e)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.82(a)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(c)(2)

Description: LCR OCCT - The system failed to submit the Optimal Corrosion Control Treatment (OCCT) Recommendation in accordance with TCEQ rules after exceeding the lead action level during the reduced monitoring period from 01/01/2014 to 12/31/2014 plus 180 days.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(g)(2)(A)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.83
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(d)(1)

Description: LCR SOWT - The system failed to submit the Source Water Treatment Recommendation for alternative treatment including ion exchange, reverse osmosis, lime softening, coagulation/filtration, or none from the end of the six-month monitoring period from reduced monitoring period from 01/01/2014 to 12/31/2014 plus 180 days.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR OCCT TT PN 06/01/2014 to 09/30/2014 Posting and Reporting Violation - Failure to submit a signed

certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to submit the OCCT Recommendation after an action level exceedance during the monitoring period from 01/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR SOWT TT PN 06/01/2014 to 09/30/2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to submit the SOWT recommendation after an action level exceedance during the monitoring period from 01/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR SOWT PN 06/01/2014 to 09/30/2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to monitor for source water treatment after an action level exceedance during the monitoring period from 01/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR WQP PN 1st 6M2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 01/01/2015 to 06/30/2015 at the entry point and/or the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RD MR PN 3Y2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period from 01/01/2011 to 12/31/2013.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 291, SubChapter D 291.76

Description: Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11511 for calendar years 2014 and 2015.

4 Effective Date: 02/13/2018 ADMINORDER 2016-2008-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)

30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2016 to 06/30/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)

30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(f)(1)(A)(ii)

30 TAC Chapter 290, SubChapter F 290.117(i)(7)

Description: LCR SCC - The system failed to submit the Study for Corrosion (SCC) in accordance with TCEQ rules 290.117(f) and 290.117(i) after exceeding the lead action level from the end of the reduced monitoring period from 01/01/2014 to 12/31/2014 plus 365 days.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 27, 2015	(1262873)	Item 9	June 24, 2016	(1346355)
Item 2	June 25, 2015	(1270037)	Item 10	July 21, 2016	(1359754)
Item 3	July 29, 2015	(1277566)	Item 11	September 15, 2016	(1372874)
Item 4	August 25, 2015	(1283744)	Item 12	September 22, 2016	(1366189)
Item 5	October 01, 2015	(1290902)	Item 13	October 20, 2016	(1379060)
Item 6	December 01, 2015	(1302541)	Item 14	December 21, 2016	(1391143)
Item 7	January 06, 2016	(1316276)	Item 15	February 09, 2017	(1397770)
Item 8	January 07, 2016	(1309484)	Item 16	March 10, 2017	(1411748)

Item 17	April 07, 2017	(1418249)	Item 33	November 13, 2018	(1542071)
Item 18	June 09, 2017	(1431889)	Item 34	December 18, 2018	(1545841)
Item 19	July 12, 2017	(1440460)	Item 35	January 07, 2019	(1561537)
Item 20	October 09, 2017	(1456605)	Item 36	February 07, 2019	(1561535)
Item 21	November 27, 2017	(1462069)	Item 37	March 19, 2019	(1561536)
Item 22	December 12, 2017	(1468453)	Item 38	May 09, 2019	(1584490)
Item 23	January 12, 2018	(1475150)	Item 39	June 11, 2019	(1584491)
Item 24	February 09, 2018	(1487364)	Item 40	July 16, 2019	(1593778)
Item 25	March 09, 2018	(1491039)	Item 42	August 29, 2019	(1600106)
Item 26	April 09, 2018	(1494289)	Item 43	September 10, 2019	(1607007)
Item 27	May 08, 2018	(1501238)	Item 44	October 08, 2019	(1613854)
Item 28	June 08, 2018	(1508322)	Item 45	November 07, 2019	(1619666)
Item 29	June 11, 2018	(1490198)	Item 46	December 05, 2019	(1627032)
Item 30	July 09, 2018	(1514655)	Item 47	January 09, 2020	(1634659)
Item 31	September 13, 2018	(1520710)	Item 48	February 11, 2020	(1641273)
Item 32	October 09, 2018	(1534236)	Item 49	March 06, 2020	(1626257)

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.

N/A

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

Appendix A

All NOV's Issued During Component Period 5/6/2015 and 5/6/2020

Page 5

the six-month monitoring period from 07/01/2015 to 12/31/2015.

- 8 Date: 10/20/2016 (1369888) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
- Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2016 to 06/30/2016.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.117(f)(1)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.117(i)(7)
- Description: LCR SCC - The system failed to submit the Study for Corrosion (SCC) in accordance with TCEQ rules 290.117(f) and 290.117(i) after exceeding the lead action level from the end of the reduced monitoring period from 01/01/2014 to 12/31/2014 plus 365 days.
- 9 Date: 10/31/2016 (1385015) 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: 01/31/2017 (1404657) 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: 04/17/2017 (1396338) 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(5)
OpR No. 1, Pg. 13 OP
- Description: Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, as documented during an investigation conducted on February 5, 2015. Specifically, the high velocity in which the wastewater was discharging from the return pipe into the aeration basin caused wastewater to splash onto Facility equipment.
Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: M&RR, No. 2(a), Page 5 PERMIT
- Description: Failure by North Orange Water and Sewer to comply with 30 TAC 319.11-319.12.
Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: OpR No. 1, Page 13 PERMIT
- Description: Failure by North Orange Water and Sewer to ensure at all times that all systems of collection, treatment, and disposal are properly operated and maintained.
Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: PC No. 1(a), Page 9 PERMIT
- Description: Failure by North Orange Water and Sewer to properly report monitoring results for E. coli in the correct monitoring period.
- 12 Date: 04/30/2017 (1425839) 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
- 13 Date: 07/31/2017 (1444140) 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: 08/31/2017 (1456604) 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: 12/08/2017 (1454469) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: PC 2(g) PERMIT
Description: Failure by North Orange Water & Sewer, LLC to prevent the discharge of wastewater into or adjacent to water of the state at any location not permitted as an outfall.
- 16 Date: 05/23/2018 (1482872) Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure by the Longford Place Water System to maintain all electrical wiring securely installed in compliance with a local or national electrical code.
- Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure by the Longford Place Water System to maintain the well pump for well no. 2 in a good, working condition.
- Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i)
Description: Failure by Longford Place to maintain an adequate internal cross-connection control program which includes an annual inspection and testing by a licensed backflow prevention assembly tester on all backflow prevention assemblies used for health hazard protection.
- Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(B)
Description: Failure by Longford Place to maintain a day tank to minimize the possibility of severely overfeeding liquid chemicals from bulk storage facilities.
- Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
Description: Failure by Longford Place to maintain adequate containment facilities for all liquid chemical storage tanks.
- Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure by Longford Place to ensure good maintenance and housekeeping practices used by a public water system shall ensure the good working condition and general appearance of the system's facilities and equipment.
- Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure by Longford Place to maintain all pumps in working condition.

* NOVs applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

Appendix B

All Investigations Conducted During Component Period May 06, 2015 and May 06, 2020

		(1262873)
Item 1*	May 27, 2015**	For Informational Purposes Only
		(1270037)
Item 2*	June 25, 2015**	For Informational Purposes Only
		(1277566)
Item 3*	July 29, 2015**	For Informational Purposes Only
		(1283744)
Item 4*	August 25, 2015**	For Informational Purposes Only
		(1274823)
Item 5	September 17, 2015**	For Informational Purposes Only
		(1290902)
Item 6*	October 01, 2015**	For Informational Purposes Only
		(1302540)
Item 7	December 01, 2015**	For Informational Purposes Only
		(1316276)
Item 8*	January 06, 2016**	For Informational Purposes Only
		(1309484)
Item 9*	January 07, 2016**	For Informational Purposes Only
		(1322621)
Item 10	March 31, 2016**	For Informational Purposes Only
		(1323132)
Item 11	April 06, 2016**	For Informational Purposes Only
		(1339535)
Item 12	April 15, 2016**	For Informational Purposes Only
		(1346353)
Item 13	June 24, 2016**	For Informational Purposes Only
		(1346354)
Item 14	June 30, 2016**	For Informational Purposes Only
		(1359754)
Item 15*	July 21, 2016**	For Informational Purposes Only
		(1351087)
Item 16	September 13, 2016**	For Informational Purposes Only
		(1372874)
Item 17*	September 15, 2016**	For Informational Purposes Only
		(1366189)
Item 18*	September 22, 2016**	For Informational Purposes Only
		(1379060)
Item 19*	October 20, 2016**	For Informational Purposes Only

		(1369888)	
Item 20	October 21, 2016**	For Informational Purposes Only	
		(1385015)	
Item 21	November 21, 2016**	For Informational Purposes Only	
		(1391143)	
Item 22*	December 21, 2016**	For Informational Purposes Only	
		(1397770)	
Item 23*	February 09, 2017**	For Informational Purposes Only	
		(1411748)	
Item 24*	March 10, 2017**	For Informational Purposes Only	
		(1418249)	
Item 25*	April 07, 2017**	For Informational Purposes Only	
		(1396338)	
Item 26	April 17, 2017**	For Informational Purposes Only	
		(1425839)	
Item 27	May 09, 2017**	For Informational Purposes Only	
		(1410921)	
Item 28	May 15, 2017**	For Informational Purposes Only	
		(1431889)	
Item 29*	June 09, 2017**	For Informational Purposes Only	
		(1440460)	
Item 30*	July 12, 2017**	For Informational Purposes Only	
		(1444140)	
Item 31	August 04, 2017**	For Informational Purposes Only	
		(1456605)	
Item 32*	October 09, 2017**	For Informational Purposes Only	
		(1462069)	
Item 33*	November 27, 2017**	For Informational Purposes Only	
		(1456604)	
Item 34	December 04, 2017**	For Informational Purposes Only	
		(1468453)	
Item 35*	December 12, 2017**	For Informational Purposes Only	
		(1475150)	
Item 36*	January 12, 2018**	For Informational Purposes Only	
		(1464705)	
Item 37	January 19, 2018**	For Informational Purposes Only	
		(1487364)	
Item 38*	February 09, 2018**	For Informational Purposes Only	
		(1491039)	
Item 39*	March 09, 2018**	For Informational Purposes Only	
		(1494289)	
Item 40*	April 09, 2018**	For Informational Purposes Only	

		(1501238)
Item 41*	May 08, 2018**	For Informational Purposes Only
		(1482872)
Item 42	May 23, 2018**	For Informational Purposes Only
		(1508322)
Item 43*	June 08, 2018**	For Informational Purposes Only
		(1490198)
Item 44*	June 11, 2018**	For Informational Purposes Only
		(1514655)
Item 45*	July 09, 2018**	For Informational Purposes Only
		(1520710)
Item 46*	September 13, 2018**	For Informational Purposes Only
		(1534236)
Item 47*	October 09, 2018**	For Informational Purposes Only
		(1542071)
Item 48*	November 13, 2018**	For Informational Purposes Only
		(1545841)
Item 49*	December 18, 2018**	For Informational Purposes Only
		(1524301)
Item 50	December 20, 2018**	For Informational Purposes Only
		(1561537)
Item 51*	January 07, 2019**	For Informational Purposes Only
		(1561535)
Item 52*	February 07, 2019**	For Informational Purposes Only
		(1561536)
Item 53*	March 19, 2019**	For Informational Purposes Only
		(1552471)
Item 54	April 10, 2019**	For Informational Purposes Only
		(1584490)
Item 55*	May 09, 2019**	For Informational Purposes Only
		(1584491)
Item 56*	June 11, 2019**	For Informational Purposes Only
		(1593778)
Item 57*	July 16, 2019**	For Informational Purposes Only
		(1600106)
Item 58*	August 29, 2019**	For Informational Purposes Only
		(1607007)
Item 59*	September 10, 2019	For Informational Purposes Only
		(1613854)
Item 60*	October 08, 2019	For Informational Purposes Only
		(1619666)
Item 61*	November 07, 2019	For Informational Purposes Only
		(1627032)

Item 62*	December 05, 2019	For Informational Purposes Only (1634659)
Item 63*	January 09, 2020	For Informational Purposes Only (1641273)
Item 64*	February 11, 2020	For Informational Purposes Only (1626257)
Item 65*	March 06, 2020	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NORTH ORANGE WATER &
SEWER, LLC
RN102078136 AND RN102078896**

**§
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§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2019-1559-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding North Orange Water & Sewer, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 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 agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this 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 wastewater treatment facilities and associated collection systems located immediately west of State Highway 87, approximately 4.5 miles north of the intersection of State Highway 87 and Interstate Highway 10 and approximately 6.9 miles north of the business district of the City of Orange, Orange County, Texas ("Facility No. 1"); and at 6602 Lancaster Drive in Orange County, Texas ("Facility No. 2"). Facility Nos. 1 and 2 (the "Facilities") are near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on January 30, 2019 and January 31, 2019, an investigator documented at Facility No. 1 that:
 - a. Corrosion and delamination were observed throughout the three aeration basins, both chlorine contact chambers, and the sludge digester;

- b. Rust and corrosion were observed above the water line in the clarifier;
- c. A sludge return pipe to an aeration basin was perfusing at a pipe joint onto the catwalk;
- d. Excessive algae, surface scum, and duckweed were observed throughout the clarifier;
- e. There was uneven flow over the clarifier weir teeth;
- f. The rubber skimmer was not meeting the clarifier scum ring;
- g. The ventilation fan in the chlorine closet was broken;
- h. The above-ground chlorine contact chamber contained one foot of sludge out of a total water depth of seven feet and the ground-level chlorine contact chamber contained one foot of sludge out of a total water depth of three feet;
- i. Duckweed, foam, and algae were present in both chlorine contact chambers;
- j. A hole in the concrete foundation of the influent lift station was observed, and the visual alarm was inoperable;
- k. The Tennyson lift station wet well was covered with floating solids and plastics, and the audio alarm was inoperable;
- l. The Respondent was not recording the proper values for the chlorine secondary standards in the daily operator log book;
- m. The Respondent did not have proper process controls and did not have a solids management plan ("SMP") to operate the contact stabilization plant within ranges common to accepted industry standards which resulted in plastics and sludge discharging from the outfall and accumulating in the receiving stream for approximately 100 yards downstream;
- n. The pH buffer solutions, the sodium arsenite used for the manganese correction, and the secondary standards for chlorine had expired;
- o. The Respondent was using an unmarked squirt bottle of sodium arsenite to conduct manganese corrections on total chlorine residual analyses;
- p. The Respondent was not properly conducting the manganese correction to calculate the total chlorine residual analysis; and
- q. The Respondent did not prevent the unauthorized discharges of sewage wastewater into or adjacent to any water in the state, as shown in the Unauthorized Discharge Table below:

Date	Amount Discharged (gallons)	Description	Corrective Action
August 9, 2017	Unknown	Sewage overflow from a cleanout at 8505 Shakespeare into a yard.	The main line was cleaned and cleared of any debris. The area was cleaned and disinfected.
September 13, 2018	500	Broken line at Tennyson Lift Station.	The line was replaced. The area was cleaned and disinfected.

3. During an investigation conducted on February 14, 2019, an investigator documented at Facility No. 2 that:
- The Respondent failed to submit noncompliance forms with all the required information. Incident No. 302775 did not contain a start time or end time, Incident No. 304935 did not contain a start time, end time, or location of the discharge, and Incident No. 390396 did not contain the location of the discharge or the time the discharged ceased;
 - The influent lift station had a vertical gap in the fence, and a gap at the base of the fence;
 - The chlorine contact chamber contained one foot of sludge in a total water depth of three feet;
 - The two clarifiers had rising sludge and excessive surface scum;
 - Sample results for total chlorine residual, flow, and nitrogen on the August 2017 discharge monitoring report ("DMR") and nitrogen on the September 2017 DMR were incorrectly reported as zero;
 - Both clarifiers were corroded;
 - Rust and corrosion were observed throughout the aeration basin, the bar screen area, and the chlorine contact chamber;
 - The DMR for *Escherichia coli* ("*E. coli*") for the monitoring period ending on December 31, 2017 was not submitted by the 20th day of the following month;
 - The Respondent was not recording accurate values for the colorimeter secondary standards being used, the log sheets were inconsistent since the previous July 6,

2017 investigation, and the Respondent was recording standard values from an expired set of standards or not recording standard values at all;

- j. The 2017 and 2018 annual sludge reports ("ASRs") were not submitted to the TCEQ Beaumont Regional Office; and
- k. The Respondent did not prevent the unauthorized discharges of sewage wastewater into or adjacent to any water in the state, as shown in the Unauthorized Discharge Table below:

Date	Amount Discharged (gallons)	Description	Corrective Action
May 14, 2017	200	Sewage overflow from a manhole into a ditch at 25 Stratford Drive.	The manhole and line were cleaned and cleared of any debris. The area was cleaned and disinfected.
May 21, 2018	500	Sewage overflowed into a house at 11 Medford Drive due to a stoppage in the main trunk line.	The main line was jetted. The area was cleaned and disinfected.
May 21, 2018	500	Sewage overflow into a ditch due to a stoppage in the main trunk line.	The main line was jetted. The area was cleaned and disinfected.
January 24, 2019	500	Sewage overflow at 6906 Lancaster Drive due to a stoppage in the main trunk line.	The main line was jetted. The area was cleaned and disinfected.

- 4. The Executive Director recognizes that the Respondent has implemented the following corrective measures at Facility No. 1:
 - a. Ceased the unauthorized discharges, and cleaned and disinfected the affected areas by September 13, 2018;
 - b. Purchased pH buffer solutions, sodium arsenite, and secondary standards for chlorine by February 14, 2019;
 - c. Replaced the ventilation fan in the chlorine closet by August 7, 2019;

- d. Repaired the concrete foundation at the influent lift station by August 7, 2019;
 - e. Repaired the Tennyson lift station audio alarm by August 7, 2019; and
 - f. Removed the floating solids from the Tennyson lift station wet well by August 7, 2019.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at Facility No. 2:
- a. Ceased the unauthorized discharges, and cleaned and disinfected the affected areas by January 24, 2019;
 - b. Submitted updated DMRs to reflect the actual sample results for August 2017 and September 2017 by March 26, 2019; and
 - c. Submitted the missing DMR for *E. coli* sample results for the monitoring period ending on December 31, 2017 by April 18, 2019.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact Nos. 2.a and 2.b, the Respondent failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011589001, Operational Requirements No. 1.
3. As evidenced by Finding of Fact No. 2.c, the Respondent failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1.
4. As evidenced by Finding of Fact Nos. 2.d through 2.i, the Respondent failed to ensure Facility No. 1 and all of its 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. WQ0011589001, Operational Requirements No. 1.
5. As evidenced by Finding of Fact Nos. 2.j and 2.k, the Respondent failed to ensure Facility No. 1 and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(e)(5), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1.
6. As evidenced by Finding of Fact No. 2.l, the Respondent failed to maintain monitoring and reporting records at Facility No. 1, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1)

and (11)(C) and 319.7(a), and TPDES Permit No. WQ0011589001, Monitoring and Reporting Requirements No. 3.c.vi.

7. As evidenced by Finding of Fact No. 2.m, the Respondent failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Operational Requirements No. 1 and Permit Conditions No. 2.d.
8. As evidenced by Finding of Fact Nos. 2.n through 2.p, the Respondent failed to comply with recommended sampling and testing methods, in violation of 30 TEX. ADMIN. CODE § 319.11.
9. As evidenced by Finding of Fact No. 2.q, the Respondent failed to prevent an unauthorized discharge of sewage wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011589001, Permit Conditions No. 2.g.
10. As evidenced by Finding of Fact No. 3.a, the Respondent failed to fully report an unauthorized discharge in writing to the Regional Office within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ001155001, Monitoring and Reporting Requirements No. 7.a.
11. As evidenced by Finding of Fact No. 3.b, the Respondent failed to secure the lift stations in an intruder-resistant manner, in violation of 30 TEX. ADMIN. CODE § 317.3(a).
12. As evidenced by Finding of Fact Nos. 3.c and 3.d, the Respondent failed to ensure Facility No. 2 and all of its 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. WQ001155001, Operational Requirements No. 1.
13. As evidenced by Finding of Fact No. 3.e, the Respondent failed to accurately report monitoring activities, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (12) and TPDES Permit No. WQ001155001, Permit Conditions No. 1.a.
14. As evidenced by Finding of Fact No. 3.f, the Respondent failed to ensure Facility No. 2 and all of its 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. WQ001155001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2015-0604-MWD-E, Ordering Provision No. 2.a.ii.
15. As evidenced by Finding of Fact No. 3.g, the Respondent failed to ensure Facility No. 2 and all of its 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. WQ001155001, Operational Requirements No. 1.

16. As evidenced by Finding of Fact No. 3.h, the Respondent failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. WQ0011155001, Monitoring and Reporting Requirements No. 1.
17. As evidenced by Finding of Fact No. 3.i, the Respondent failed to maintain monitoring and reporting records at Facility No. 2, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(C), 319.6, and 319.7(a), and TPDES Permit No. WQ0011155001, Monitoring and Reporting Requirements No. 3.c.vi.
18. As evidenced by Finding of Fact No. 3.j, the Respondent failed to submit an ASR to the TCEQ by September 30th of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011155001, Section IV.C.
19. As evidenced by Finding of Fact No. 3.k, the Respondent failed to prevent unauthorized discharges of sewage wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011155001, Permit Conditions No. 2.g.
20. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
21. An administrative penalty in the amount of \$98,176 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Revenue Operations Section of TCEQ's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all or part of the penalty. Therefore, \$94,576 of the penalty is deferred contingent upon the Respondent's compliance with all the terms of this Order and shall be waived only upon full compliance with all of the terms and conditions in this Order. If the Respondent fails to comply with any requirement of this Order, including any payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent paid \$100 of the undeferred penalty. The remaining amount of \$3,500 of the undeferred penalty shall be paid in 35 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 21 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: North Orange Water & Sewer, LLC, Docket No. 2019-1559-MWD-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. At Facility No. 1:
 - (1) Repair the sludge return pipe;
 - (2) Repair/replace the rubber skimmer to ensure it meets the clarifier scum ring;
 - (3) Ensure even flow over the clarifier weir teeth;
 - (4) Remove excess algae, surface scum, and duckweed from the clarifier;
 - (5) Remove and properly dispose of sludge, duckweed, foam, and algae from both chlorine contact chambers;
 - (6) Repair the influent lift station visual alarm;
 - (7) Develop and implement a SMP at the Facility;
 - (8) Implement procedures and conduct employee training to ensure proper values for the chlorine secondary standards are recorded in the daily operator log book;

- (9) Implement procedures and conduct employee training to properly conduct the manganese correction to calculate total chlorine residual; and
 - (10) Label the unmarked squirt bottle of sodium arsenite.
 - ii. At Facility No. 2:
 - (1) Implement procedures and conduct employee training to ensure noncompliance notifications are submitted complete;
 - (2) Make repairs to the vertical gap in the fence and the gap at the base of the fence to secure the influent lift station;
 - (3) Remove and properly dispose of sludge from the chlorine contact chamber;
 - (4) Remove and properly dispose of sludge and surface scum from both clarifiers;
 - (5) Implement procedures and conduct employee training to ensure that the colorimeter secondary standard accuracy checks are accurately recorded to include standard values, and to ensure that secondary standards are unexpired; and
 - (6) Submit the ASRs for the years 2017 and 2018 to the TCEQ Beaumont Regional Office.
- b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i through 2.a.ii, in accordance with Ordering Provision No. 2.f below.
- c. Within 60 days after the effective date of this Order, remove and properly dispose of plastics and sludge accumulation in the receiving stream at Facility No. 1.
- d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.c, in accordance with Ordering Provision No. 2.f below.
- e. Within 90 days after the effective date of this Order:
 - i. At Facility No. 1, remove the rust/delamination and repaint the three aeration basins, both chlorine contact chambers, the sludge digester, and the clarifier; and
 - ii. At Facility No. 2, remove the rust/corrosion and repaint the bar screen area, both clarifiers, the aeration basin, and the chlorine contact chamber.

- f. Within 105 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii. The certification shall be signed by the Respondent and shall 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 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.

7. 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 in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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 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


For the Executive Director

3/7/2022


Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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

2-7-22
Date

Buford Mooney
Name (Printed or typed)
Authorized Representative of
North Orange Water & Sewer, LLC

operator
Title

☐ If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.