



Control Number: 43805



Item Number: 2

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

TEXAS WATER COMMISSION

Paul Hopkins, Chairman
John O. Houchins, Commissioner
B. J. Wynne, III, Commissioner



Allen Beinke, Executive Director

J. D. Head, General Counsel
Michael E. Field, Chief Examiner
Karen A. Phillips, Chief Clerk

June 14, 1988

Dear Applicant, Permittee, or Representative:

Enclosed is a certified copy of:

- X 1. an enforcement order of the Commission determining substantial noncompliance, assessing administrative penalties, imposing stipulated penalties, and/or requiring certain actions of a holder of a permit issued by the Commission, the details being more fully set out therein.
2. an order cancelling a Commission permit. This cancellation is a memorandum of official action taken with respect to the permit and is notification that the permit is no longer in effect.
3. an order dismissing without prejudice an application for a Commission permit.
4. an emergency order issued by the Commission. Please note the date and time at which the Commission will affirm, modify, or set aside the order.
5. an order affirming, modifying or setting aside an emergency order of the Commission.
6. an order approving construction of facilities.
7. other _____
- _____
- _____

Should you have any questions, please contact us.

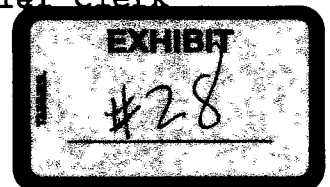
Sincerely,

TEXAS WATER COMMISSION

Karen A. Phillips
Karen A. Phillips, Chief Clerk

Enclosure

cc: TWC District No. SER-H
All Parties



TEXAS WATER COMMISSION



IN THE MATTER OF THE
EXECUTIVE DIRECTOR'S
PRELIMINARY ENFORCEMENT
REPORT CONCERNING
WOODY LESIKAR AIRCRAFT
SALES, PERMIT
NO. 12516-01

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BEFORE THE
TEXAS WATER COMMISSION

ORDER

On the 6th day of June, 1988, the Texas Water Commission considered the Preliminary Enforcement Report and Petition of the Executive Director for an Order Assessing Administrative Penalties and Enforcement Order. Having heard the evidence and argument of parties, the Commission hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Woody Lesikar Aircraft Sales, ("the permittee") is an aircraft sales business operating in Harris County, Texas. The permittee is authorized to discharge treated wastewater to an unnamed tributary of South Mayde Creek; thence to South Mayde Creek; thence to Buffalo Bayou in Segment No. 1014 of the San Jacinto River Basin. The December 1984 Texas Surface Water Quality Standards designate Segment 1014 of the San Jacinto River Basin for noncontact recreation and limited quality aquatic habitat.
2. Permit No. 12516-01 establishes the following limitations, inter alia, for the permittee's facility:

60 milligrams per liter ("mg/l") grab sample concentration of total suspended solids ("TSS")
3. During the period May 21, 1987, the permittee discharged effluent which:

exceeded the discharge limits of Permit No. 12516-01 by discharging effluent with a grab sample concentration of 110 mg/l TSS.
4. The Executive Director has issued a Preliminary Enforcement Report concerning violations by Woody Lesikar Aircraft Sales. Concurrently with the issuing and filing of his Preliminary Enforcement Report, the Executive Director has given notice of the petition, proposed order and report to Woody Lesikar

Aircraft Sales, including a brief summary of the charges, the amount of penalty recommended, and that Woody Lesikar Aircraft Sales has the right to request a hearing in regard to the occurrence of the violations, the amount of the penalty, or both, as well as the terms of the proposed order, and that such request must be in writing and must be filed with the Commission no later than the twentieth (20th) day after the date this notice is received by Woody Lesikar Aircraft Sales. In the alternative, Woody Lesikar Aircraft Sales has been advised that it may file written consent to the Executive Director's report and recommended penalty, petition and proposed order.

CONCLUSIONS OF LAW

1. Pursuant to Sections 26.136 and 26.121(c) of the Texas Water Code ("Code"), the Commission has jurisdiction to consider the matters raised in the Executive Director's Preliminary Enforcement Report.
2. Based on Findings of Fact Nos. 1-3, the permittee's wastewater treatment facility has violated the limitations in Permit No. 12516-01 and the provisions of §26.121 of the Code.
3. Sections 26.136(a) and (b) of the Texas Water Code authorize the Commission to assess civil penalties of up to \$10,000 per day for violations of Chapter 26 of the Code or Commission permits. In determining the amount of the penalty, §26.136(c)(1)-(4) requires the Commission to consider the level of extent and gravity of the violation, the level of impact or hazard of the violation, the history of noncompliance, degree of culpability, good faith efforts to comply or remedy, economic benefit of noncompliance, future deterrence, and any other matters that justice may require.
4. An administrative penalty in the amount of Eight Hundred Forty and No/100 Dollars (\$840.00) is justified by the violations found herein, considered in light of the factors specified in §26.136(c) of the Code and analyzed in the Executive Director's Preliminary Enforcement Report.
5. Section 26.019 of the Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 26 of the Texas Water Code.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER COMMISSION that Woody Lesikar Aircraft Sales shall be assessed an administrative penalty of Eight Hundred Forty and No/100 Dollars (\$840.00) for violations of Chapter 26 of the Code and Permit No. 12516-01, as set forth in the Executive Director's Preliminary Enforcement

Report and found herein. This penalty shall be deferred pending compliance with provisions 1-8 below. The disposition of this administrative fine resolves only those matters raised by the Executive Director's Preliminary Enforcement Report, and the Commission shall not be constrained in any manner from considering any administrative fines for violations of Permit No. 12516-01, the Texas Water Code or the regulations or orders of the Texas Water Commission, including the provisions of this Order, occurring after the date this Order is signed or which are not raised in the Executive Director's Preliminary Enforcement Report. All checks rendered to pay penalties imposed by this Order shall be made out to "The State of Texas - General Revenue Fund." All checks will be mailed to the Chief Fiscal Officer, Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas, 78711-3087, with the notation, "Re: Woody Lesikar Aircraft Sales, Enforcement Order." This payment shall be received by the Chief Fiscal Officer on or before the thirtieth (30th) day following the date of notification from the Texas Water Commission that the amount is due and payable.

IT IS FURTHER ORDERED BY THE TEXAS WATER COMMISSION that Woody Lesikar Aircraft Sales shall undertake certain actions as follows:

1. within one hundred twenty (120) days of the signing of this Order, submit a report to the Executive Director detailing all corrective actions which have been taken to eliminate infiltration/inflow (I/I) into the collection system;
2. monitor I/I into the collection system and submit quarterly reports to the Executive Director detailing the results of monitoring activities. The first report shall be submitted 90 days from the signing of this Order and every 90 days thereafter for a period of one year. In the event that the Executive Director determines that further action to reduce I/I is necessary, the permittee shall be informed in a letter from the Executive Director. Upon receiving such notification, within 30 days, a plan and schedule of corrective action to be taken shall be submitted to the Executive Director for approval;
3. submit a solids management plan reviewed and approved by a Texas registered professional engineer. The plan shall include, but not be limited to the following recommendations:
 - a. a plan for monitoring the influent and analyzing the composition and quantity of the influent solids to the sewage treatment plant (STP);
 - b. a plan for monitoring solids levels in the aeration basin;
 - c. a routine schedule for managing solids within the plant (i.e. returning and wasting solids from the clarifier to the aeration basin and digester, respectively); and

- d. a plan for the disposal of sludge from the STP;
within one hundred twenty (120) days of the signing of this Order, the plan shall be submitted to the Executive Director for approval;
- 4. maintain a chlorine residual of at least 1.0 mg/l and no greater than 4.0 mg/l after a detention time of 20 minutes (based on peak flow);
- 5. provide a means of readily measuring effluent flow at the STP using a manual flow measuring device. This shall be done pursuant to one of the following provisions:
 - a. calibrate the existing device so that flows can be read directly from an attached gauge. The calculations used to calibrate the staff gauge shall be submitted within 30 days of the signing of this Order to the Executive Director for approval; or
 - b. install a conventional, manual flow measurement device as approved by the Executive Director. A request for approval describing the flow measurement device shall be submitted within 30 days of the signing of this Order.

Upon notification of approval, either the staff gauge or the flow measuring device shall be installed within 10 days of the date of notification;

- 6. prevent grass clippings from entering the STP effective immediately upon the signing of this Order. A letter describing the action taken to this end shall be submitted within 30 days of the signing of this Order;
- 7. monitor the plant on a daily basis. All monitoring activities shall be recorded in the daily log to be maintained at the STP. Monitoring activities should include but not be limited to the following:
 - a. flow measurements;
 - b. chlorine measurements;
 - c. checking the lift pumps;
 - d. checking the blowers;
 - e. any solids management performed, as necessary;
 - f. recording daily rainfall;
- 8. submit noncompliance notification as required by Permit No. 12516-01;

9. pay stipulated penalties for failure to comply with the deadlines set out in provisions 3 and 5 according to the following schedule:

- i) 1st through 29th day: \$25.00 per day;
- ii) 30th through 59th day: \$50.00 per day;
- iii) 60th through 119th day: \$75.00 per day; and
- iv) each day past the 119th day: \$100.00 per day.

If a violation occurs which is covered by the stipulated penalty provision herein, the permittee shall pay the required penalty to the General Revenue Fund of the State of Texas. Said penalties shall be mailed to the Chief Fiscal Officer, Texas Water Commission, "Re: Lesikar Aircraft Sales Enforcement Order," P.O. Box 13087, Capitol Station, Austin, Texas 78711-3087. This payment shall be received on or before the thirtieth day following the date on which the stipulated penalty violation occurred.

Signed the 14th day of June, 1988.

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

ATTEST:

Karen A. Phillips

Karen A. Phillips, Chief Clerk

THE STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this is a true and correct
copy of a Texas Natural Resource Conservation
Commission document, which is filed in the
permanent records of the Commission.
Given under my hand and the seal of office on
Mamie M. Black

Mamie M. Black, Acting Chief Clerk
Texas Natural Resource
Conservation Commission

JUN 19 1988

ADDENDUM

EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE

Permittee: Woody Lesikar Aircraft Sales (Mr. Woody Lesikar, President)
P.O. Box 218056
Houston, Texas 77218

Permit Number: 12516-01

Additional Self-Reporting Data:

<u>Date</u>	<u>TSS (mg/l)</u>	<u>% Exceeded</u>
01/86	28.4	89.3%
02/86	106.94	612.9%
03/86	46.5	210.0%
04/86	111.58	643.9%
05/86	26.694	78.0%
06/86	28.280	88.5%
08/86	38.64	157.6%
10/86	49.94	232.9%
11/86	90.44	502.9%
01/87	20.41	36.0%
02/87	60.47	303.1%

Permit Limit: 15

Discussion of Noncompliance:

The permittee has been almost continuously noncompliant since they first were substantially noncompliant for the months of September through December, 1985. The violations appear to be the result of poor operation and maintenance combined with Infiltration/Inflow problems. The permittee met with TWC staff in April of 1986 and agreed to initiate improvements to the plant. However, the effluent quality did not improve following the meeting. Another informal conference was held with the permittee on July 15, 1987 in which the permittee agreed to take corrective action as necessary to resolve problems at the sewage treatment plant.

The staff of the Executive Director recommends that the following corrective actions be adopted in a Commission Order along with appropriate administrative penalties. An "Executive Director's Report of Substantial Noncompliance" will be forthcoming.

Revised Technical Recommendations:

The permittee shall:

1. submit a report, within 30 days of the date the Order is signed, detailing all corrective actions which have been taken to eliminate infiltration/inflow (I/I) into the collection system;

2. monitor I/I into the collection system. Quarterly reports shall be submitted to the Executive Director detailing the results of monitoring activities. The reports shall be due 90 days from the date the Order is signed and every 90 days thereafter for a period of one year. In the event that the staff of the Executive Director determines that further action to reduce I/I is necessary, the permittee shall be informed in a letter from the staff. Upon receiving notification from the staff, a plan and schedule of corrective action to be taken shall be submitted to the Executive Director for approval within 30 days. Upon approval, the schedule shall be incorporated into the Order;
3. submit a solids management plan to be prepared by a Texas certified professional engineer. The plan shall include, but not be limited to, the following recommendations:
 - a. a plan for monitoring the influent and analyzing the composition and quantity of the influent solids to the sewage treatment plant (STP);
 - b. a plan for monitoring solids levels in the aeration basin;
 - c. a routine schedule for managing solids within the plant (i.e. returning and wasting solids from the clarifier to the aeration basin and digester, respectively); and
 - d. a plan for the disposal of sludge from the STP.

The plan shall be submitted to the Executive Director for approval within 60 days of the date the Order is signed. Upon approval the plan will be incorporated into the Order;

4. maintain a chlorine residual of at least 1.0 mg/l and no greater than 4.0 milligrams per liter (mg/l) after a detention time of 20 minutes (based on peak flow):
5. provide a means of readily measuring effluent flow at the STP using a manual flow measuring device. This shall be done as per one of the following provisions.
 - a. calibrate the existing device so that flows can be read directly from an attached gauge. The calculations used to calibrate the gauge shall be submitted to the Executive Director for approval within 30 days of the date the Order is signed; or
 - b. install a conventional, manual flow measurement device as approved by the Executive Director. A request for approval describing the flow measurement device shall be submitted within 30 days of the date the Order is signed.

Upon notification of approval, either the staff gauge or the flow measuring device shall be installed within 10 days of the date of notification;

6. prevent grass clippings from entering the STP effective immediately upon the signing of the Order. A letter describing the action taken to this end shall be submitted within 30 days of the date the Order is signed;
7. monitor the plant on a daily basis. All monitoring activities shall be recorded in the daily log to be maintained at the STP. Monitoring activities should include but not be limited to the following:
 - a. flow measurements;
 - b. chlorine measurements;
 - c. checking the lift pumps;
 - d. checking the blowers;
 - e. any solids management performed, as necessary; and
 - f. recording daily rainfall; and
8. submit noncompliance notification as required by Permit No. 12516-01.

Prepared by: David K. Mears
Wastewater Enforcement Section
Water Quality Division

Legal Division Representative: Ramon Dasch

Date: July 28, 1987

cc: Texas Water Commission District 13 Office

THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Natural Resource Conservation Commission document, which is filed in the permanent records of the Commission.

Given under my hand and the seal of office on

Mamie M. Black

Mamie M. Black, Acting Chief Clerk
Texas Natural Resource
Conservation Commission

JUL 29 1987

EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE

Permittee: Woody Lesikar Aircraft Sales (Woody Lesikar)
18000 Groeschke Road
Houston, Texas 77218

Permit Number: 12516-01

Description of Noncompliance:

Exceeded TSS mg/l daily average (concentration) by 183% during the months of September, October, November, and December 1985.

Self-Reported Data:

<u>DATE</u>	<u>TSS (mg/l)</u>	<u>% exceeded TSS</u>	<u>Flow (MGD)</u>
09/85	61	307%	.002
10/85	49	227%	.002
11/85	29	95%	.002
12/85	31	104%	.002
Permit Limit	15		.002

Latest District Inspection:

The annual compliance inspection for this facility was conducted on February 6, 1986. The effluent was noncompliant with permitted grab sample limits for TSS and flow, marginally compliant with respect to BOD₅; and although not a permit violation, the chlorine residual was very high.

<u>Parameter</u>	<u>Measured Value</u>	<u>Permitted Value</u>
Flow (MGD)	.034	.006
BOD ₅ (mg/l)	26	35
TSS (mg/l)	111	60
Cl ₂ res. (mg/l)	14.8	>1.0

Discussion:

The wastewater treatment system which serves the domestic needs of employees and customers of an airport and hanger operation was placed in service July 1, 1983. Self-reported data and district inspection data indicates that the facility has experienced difficulty in operating within the 10 mg/l BOD₅, 15 mg/l TSS, and 2.000 gallons average daily flow permit limits due to infiltration/inflow problems and oversized influent pumps.

The permittee's engineer attended an informal prehearing conference on April 2, 1986 to discuss the lack of progress in correcting the deficiencies which have contributed to the TSS violations. The permittee's representative agreed to immediate corrective action and increased monitoring to insure that the problems are resolved.

Discussion: cont.

The permittee's representative was informed of the requirement in Texas Water Code §5.117 and has agreed to immediate corrective action and an enforcement order which would incorporate a compliance date.

Recommendations: An enforcement order which includes the following items is recommended:

1. By May 31, 1986, the permittee shall have completed the necessary repairs to the facility and the effluent shall be compliant with all permit limitations.
2. The plant effluent is to be sampled at least once per month by grab sample to more adequately monitor compliance.
3. Beginning June 1, 1986 and continuing until the existing permit expires on April 26, 1987, the permittee is to pay a penalty of \$100 per month for each month that the daily average TSS permitted concentration of 15 mg/l is exceeded.

THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Natural Resource Conservation Commission document, which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

Mamie M. Black

Mamie M. Black, Acting Chief Clerk
Texas Natural Resource
Conservation Commission

Prepared by: Pat Garland
Wastewater Enforcement Section
Water Quality Division

Legal Division Representative: Ramon Dasch

cc: Texas Water Commission Southeast Region Houston Office

OCT 09 1996

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OLD BUSINESS

TEXAS WATER COMMISSION

Item carried forward from Agenda of May 2, and May 23, 1988, to be considered June 6, 1988, at 10:00 a.m.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WOODY LESIKAR AIRCRAFT SALES, PERMIT NO. 12516-01.
(Barrett)

agreed order ENTERED with suspended penalties BW/PH

THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Natural Resource Conservation Commission document, which is filed in the permanent records of the Commission.

Given under my hand and the seal of office on

Mamie M. Black

Mamie M. Black, Acting Chief Clerk
Texas Natural Resource
Conservation Commission

Oct 6 9 1988