EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0461-MWD-E **TCEQ ID:** RN101609394 **CASE NO.:** 29276

RESPONDENT NAME: Jackson County Water Control & Improvement District No. 1

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	__AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	X WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Lolita Wastewater Treatment Facility, east end of Elm Street and approximately 3,000 feet southeast of the intersection of Farm-to-Market Road ("FM") 616 and FM 1593, Lolita, Jackson County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 18, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Ms. Laurie Eaves, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4495; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Mr. Hector Gonzales, Corpus Christi Regional Office, MC R-14, (361) 825-3144
Respondent: Mr. J. Aubrey Hollis, President, Jackson County Water Control & Improvement District No. 1, P.O. Box 407, Lolita, Texas 77971
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigations Relating to this Case:** February 8 and May 1, 2005 **Date of NOE Relating to this Case:** March 31, 2006 (NOE) **Background Facts:** This was a routine investigation and records review. Six violations were documented. **WATER** 1) Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010911001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2]. 2) Failed to maintain complete records. Specifically, Jackson County WCID No. 1 failed to maintain records regarding the time of sample collection and time of sample analysis as well as the identity of the person performing the analysis for pH and dissolved oxygen and chlorine, and failed to maintain calibration records for the dissolved oxygen and pH meters [30 TEX. ADMIN. CODE § 319.7(a) and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 3(c)]. 3) Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions. Specifically, there were no scales available to measure chlorine used and the amount of chlorine remaining, and the sludge drying bed had large cracks in the side walls that needed repair [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.6(b)(1)(C), and TPDES Permit No. WQ0010911001, Operational Requirements No. 1].	**Total Assessed:** $12,680 **Total Deferred:** $2,536 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $10,144 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification:** __High _X_Avg. __Poor **Person Compliance History Classification:** __High _X_Avg. __Poor **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken** 1) The Executive Director recognizes that Jackson County WCID No. 1 has implemented the following corrective measures at the Facility as of May 1, 2006: a. Trained staff on record keeping requirements and procedures; b. Purchased a new scale to measure total chlorine and repaired the cracks in the sludge drying bed walls; c. Trained staff on proper flow sampling and purchased an approved pH meter; d. Trained staff on the requirement for noncompliance notifications and implemented oversight to ensure compliance; e. Submitted delinquent discharge monitoring records for the months of June 2005 through February 2006; and f. Jackson County WCID No. 1 is currently bidding for construction of a new expanded capacity wastewater treatment facility. As of April 2006, funding has been secured for the project and a plan and schedule has been submitted for construction. Interim steps taken to attempt compliance includes: Installing a new aerator, extended the clarifier walls to increase detention time, repiped the chlorine contact chamber, cleaned out the clarifier and added microbes. **Ordering Provisions** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A). 3) The order will also require the Respondent to: a. Within 300 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limitations contained in TPDES Permit No. WQ0010911001; and

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
4) Failed to ensure flow measurements, equipment, installation and procedures conform to those prescribed in the Water Measurement Manual, United States Department of Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the executive director, and failure to analyze according to test methods specified in 40 Code of Federal Regulations Part 136 or more recent editions of Standard Methods of the Examination of Water and Wastewater than those cited in Part 136. Specifically, flow measurements from the 90-degree v-notch weir were not being taken from the proper location and use of a pH meter that is not acceptable for pH analyses [30 TEX. ADMIN. CODE § 319.11(c) and (d)]. 5) Failed to report any effluent violation that deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, notification was not provided for the months of March 2005, May 2005, December 2005, and January 2006 [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 7(c)]. 6) Failed to timely submit discharge monitoring records for June 2005 through February 2006 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d), and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 1].		b. Within 315 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

Attachment A

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty assessed in this Agreed Order with the condition that the Jackson County Water Control & Improvement District No. 1 ("the Respondent") shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The total amount of the conditional offset for the SEP, upon completion according to the terms and schedules listed below, shall be Ten Thousand One Hundred Forty-Four Dollars ($10,144) of the payable penalty of Ten Thousand One Hundred Forty-Four Dollars ($10,144).

1. Project Description

A. Project

The Respondent will locate, repair, or replace substandard sewer lateral connections to approximately ten homes located within the Jackson County Water Control & Improvement District No. 1. The homeowners are low-income and are financially unable to afford replacing the sanitary lateral sewer lines. The project will include repairing or installing sewer system lateral lines on the homeowner's property and connecting the homes to the main line of the city sanitary sewer system at no cost to the homeowners. The SEP will be done in accordance with all federal, state and local environmental laws and regulations. The Respondent will use SEP monies only for the direct cost of implementing the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

This SEP will provide a discernible environmental benefit by diminishing the potential contamination of the environment by the overflow of untreated wastewater, eliminating possible contamination of the watershed resulting from discharges from failing lateral lines, and protecting the quality of drinking water.

B. Minimum Expenditure

The offset of Ten Thousand One Hundred Forty-Four Dollars ($10,144) of the payable penalty is based upon the Respondent's agreement to spend at least Ten Thousand One Hundred Forty-Four Dollars ($10,144) to complete the project described above and to comply with all other provisions of this SEP.

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the Respondent will receive credit for the hours its employees and equipment are used implementing the SEP. Equipment credits will be based on the schedule of equipment rates published by the Federal Emergency Management Agency. The Respondent will not receive credit for volunteer labor or equipment. The Respondent will also not receive credit for gratuities and/or inducements for volunteers.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The project will be completed within 210 days after the effective date of this order.

3. Records and Reporting

The Respondent shall maintain records of the costs of the project. A final report summarizing all costs will be due 30 days following the conclusion of the project. The final report shall contain the following information:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Equipment logs showing the hours the Respondent's equipment was utilized on the project;
5. Time records showing the hours the Respondent's employees worked on the project; and
6. Additional information that the Respondent believes will demonstrate compliance with this agreement, such as verification of completion by the subcontractor(s).

Copies of receipts, checks, invoices, and other documentation verifying appropriate expenditures and the completion of the project must be submitted with the final report.

The Respondent agrees to provide additional information required by the SEP Coordinator and allow access to all financial records related to the receipt and expenditure of SEP monies and to allow a representative of the TCEQ, upon request, access to the site of any work being financed in whole or in part by SEP monies. All SEP reports and information shall be submitted to the following address:

TCEQ
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of adequate reports, the Executive Director may require immediate payment of all or part of the Ten Thousand One Hundred Forty-Four Dollars ($10,144) conditionally offset.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

TCEQ
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

A copy of the check shall be mailed to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by, or on behalf of, the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include, but are not limited to, advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other State or Federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the State or Federal government.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	03-Apr-2006				
PCW	20-Apr-2006	Screening	19-Apr-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Jackson County Water Control & Improvement District No. 1		
Reg. Ent. Ref. No.	RN101609394		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	29276	No. of Violations	6
Docket No.	2006-0461-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Laurie Eaves
Multi-Media		EC's Team	Enforcement Team I
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $8,400

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 70% Enhancement *Subtotals 2, 3, & 7* $5,880

Notes: The Respondent self-reported eight months of effluent quality violations, and was issued one Findings Order and one written NOV containing same or similar violations.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

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

Notes: The Respondent is not yet in compliance.

Economic Benefit 50% Enhancement* *Subtotal 6* $4,200

**Capped at the Total EB $ Amount*

Total EB Amounts	$59,712
Approx. Cost of Compliance	$381,450

SUM OF SUBTOTALS 1-7 Final Subtotal $18,480

OTHER FACTORS AS JUSTICE MAY REQUIRE 31% Reduction Adjustment -$5,800

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes: Reduction recommended to prevent the reporting violations from overly impacting the penalty.

Final Penalty Amount $12,680

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $12,680

DEFERRAL 20% Reduction Adjustment -$2,536

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $10,144

Screening Date 19-Apr-2006 **Docket No.** 2006-0461-MWD-E **PCW**
Respondent Jackson County Water Control & Improvement District No. 1 *Policy Revision 2 (September 2002)*
Case ID No. 29276 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101609394
Media [Statute] Water Quality
Enf. Coordinator Laurie Eaves

Compliance History Worksheet

>> **Compliance History *Site* Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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	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 *(number of judgements or consent decrees meeting criteria)*	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 *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **70%**

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

Compliance History Notes The Respondent self-reported eight months of effluent quality violations, and was issued one Findings Order and one written NOV containing same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **70%**

Screening Date 19-Apr-2006 **Docket No.** 2006-0461-MWD-E **PCW**

Respondent Jackson County Water Control & Improvement District No. 1 *Policy Revision 2 (September 2002)*

Case ID No. 29276 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101609394

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 1

Primary Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010911001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Secondary Rule Cite(s)

Violation Description Failure to comply with permitted effluent limitations as detailed in the attached effluent chart, as documented during an investigation conducted on February 8, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: A simplified model was utilized to evaluate the values for Ammonia Nitrogen, Biochemical Oxygen Demand, and Flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total Suspended Solids and Chlorine were also evaluated. The amounts discharged at the time of the violations were insignificant amounts of pollutants which did not exceed protective levels.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $59,686

Statutory Limit Test

Violation Final Penalty Total $3,019

This violation Final Assessed Penalty (adjusted for limits) $3,019

Economic Benefit Worksheet

Respondent Jackson County Water Control & Improvement District No. 1
Case ID No. 29276
Reg. Ent. Reference No. RN101609394
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$380,000	01-Feb-2005	01-May-2007	2.2	$2,842	$56,844	$59,686
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs Estimated cost associated with construction of a new expanded capacity wastewater treatment facility. Date Required is the date noncompliance began. Final Date is the anticipated date of compliance.

Avoided Costs							
	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $380,000

TOTAL $59,686

Screening Date 19-Apr-2006 **Docket No.** 2006-0461-MWD-E **PCW**

Respondent Jackson County Water Control & Improvement District No. 1 *Policy Revision 2 (September 2002)*

Case ID No. 29276 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101609394

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 319.7(a) and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 3(c)

Secondary Rule Cite(s)

Violation Description Failure to maintain complete records. Specifically, failure to maintain records regarding the time of sample collection and time of sample analysis as well as the identity of the person performing the analysis for pH and dissolved oxygen and chlorine, and failure to maintain calibration records for the dissolved oxygen and pH meters, as documented during an investigation conducted on February 8, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes: 30% to 70% of the requirement was not met.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $755

This violation Final Assessed Penalty (adjusted for limits) $755

Economic Benefit Worksheet

Respondent Jackson County Water Control & Improvement District No. 1
Case ID No. 29276
Reg. Ent. Reference No. RN101609394
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$200	08-Feb-2006	01-May-2006	0.2	$2	n/a	$2
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs Estimated cost associated with training staff on record keeping. Date Required is the date of noncompliance. Final Date is date of compliance notification.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $200

TOTAL $2

Screening Date 19-Apr-2006 **Docket No.** 2006-0461-MWD-E **PCW**

Respondent Jackson County Water Control & Improvement District No. 1 *Policy Revision 2 (September 2002)*

Case ID No. 29276 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101609394

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(5) and 317.6(b)(1)(C), and TPDES Permit No. WQ0010911001, Operational Requirements No. 1

Secondary Rule Cite(s)

Violation Description Failure to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions. Specifically, there were no scales available to measure chlorine used and the amount of chlorine remaining, and the sludge drying bed had large cracks in the side walls that needed repair, as documented during an investigation conducted on February 8, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $12

Statutory Limit Test

Violation Final Penalty Total $755

This violation Final Assessed Penalty (adjusted for limits) $755

Economic Benefit Worksheet

Respondent Jackson County Water Control & Improvement District No. 1
Case ID No. 29276
Reg. Ent. Reference No. RN101609394
Media [Statute] Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$250	08-Feb-2006	01-May-2006	0.2	$0	$4	$4
Buildings				0.0	$0	$0	$0
Other (as needed)	$500	08-Feb-2006	01-May-2006	0.2	$0	$7	$8
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs Estimated cost associated with purchasing a new scale and repairing the cracks in the sludge drying beds. Date Required is the date of noncompliance. Final Date is date of compliance notification.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $750

TOTAL $12

Screening Date 19-Apr-2006 **Docket No.** 2006-0461-MWD-E **PCW**

Respondent Jackson County Water Control & Improvement District No. 1 *Policy Revision 2 (September 2002)*

Case ID No. 29276 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101609394

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 319.11(c) and (d)

Secondary Rule Cite(s)

Violation Description Failure to ensure flow measurements, equipment, installation and procedures conform to those prescribed in the Water Measurement Manual, United States Department of Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the executive director, and failure to analyze according to test methods specified in 40 Code of Federal Regulations Part 136 or more recent editions of Standard Methods of the Examination of Water and Wastewater than those cited in Part 136. Specifically, flow measurements from the 90-degree v-notch weir were not being taken from the proper location and use of a pH meter that is not acceptable for pH analyses, as documented during an investigation conducted on February 8, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $755

This violation Final Assessed Penalty (adjusted for limits) $755

Economic Benefit Worksheet

Respondent Jackson County Water Control & Improvement District No. 1
Case ID No. 29276
Reg. Ent. Reference No. RN101609394
Media [Statute] Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$400	08-Feb-2006	01-May-2006	0.2	$0	$6	$6
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs Estimated cost associated with purchasing a new pH meter and training staff on proper flow sampling. Date Required is the date of noncompliance. Final Date is date of compliance notification.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $400

TOTAL $6

Screening Date 19-Apr-2006 **Docket No.** 2006-0461-MWD-E **PCW**

Respondent Jackson County Water Control & Improvement District No. 1 *Policy Revision 2 (September 2002)*

Case ID No. 29276 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101609394

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 7(c)

Secondary Rule Cite(s)

Violation Description Failure to report any effluent violation that deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, notification was not provided for the months of March 2005, May 2005, December 2005, and January 2006, as documented during an investigation conducted on February 8, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 4

mark only one, use a small x:

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $4,000

Four monthly events are recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount $3

Violation Final Penalty Total $6,038

This violation Final Assessed Penalty (adjusted for limits) $6,038

Economic Benefit Worksheet

Respondent Jackson County Water Control & Improvement District No. 1
Case ID No. 29276
Reg. Ent. Reference No. RN101609394
Media [Statute] Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$50	01-Mar-2005	01-May-2006	1.2	$3	n/a	$3
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs Estimated cost associated with training staff on proper notification requirements and implementing oversight to ensure compliance. Date Required is the date of noncompliance. Final Date is date of compliance notification.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $50

TOTAL $3

Screening Date 19-Apr-2006 **Docket No.** 2006-0461-MWD-E **PCW**

Respondent Jackson County Water Control & Improvement District No. 1 *Policy Revision 2 (September 2002)*

Case ID No. 29276 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101609394

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d), and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 1

Secondary Rule Cite(s)

Violation Description Failure to timely submit discharge monitoring records for June 2005 through February 2006, as documented during a record review conducted on May 1, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the requirement was met. The delinquent reports were submitted on May 1, 2006.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 9

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $900

Nine single events are recommended for the nine delinquent reports.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount $2

Violation Final Penalty Total $1,359

This violation Final Assessed Penalty (adjusted for limits) $1,359

Economic Benefit Worksheet

Respondent Jackson County Water Control & Improvement District No. 1
Case ID No. 29276
Reg. Ent. Reference No. RN101609394
Media [Statute] Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or $							
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$50	01-Jun-2005	01-May-2006	0.9	$2	n/a	$2
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs Estimated cost associated with providing the delinquent reports. Date Required is the date of noncompliance. Final Date is date of compliance notification.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $50

TOTAL $2

Effluent Violation Chart

Jackson County WCID No. 1
RN101609394

Month	BOD5 Daily Average Loading Limit = 10 lbs/day	BOD5 Daily Average Concentration Limit = 20 mg/L	BOD5 Single Grab Limit = 65 mg/L	TSS Daily Average Loading Limit = 10 lbs/day	TSS Daily Average Concentration Limit = 20 mg/L	TSS Single Grab Limit = 65 mg/L	Chlorine Maximum Limit = 4.0 mg/L	Region Documented TSS Grab Sample Limit 65 mg/L 02/08/06
03/2005	12.65	75.80	113.00	12.50	75.20	150.00	4.20	c
04/2005	15.40	95.50	110.00	11.84	73.25	88.00	c	c
05/2005	7.92	51.20	81.00	c	41.40	c	c	c
02/2006	n/a	n/a	n/a	n/a	n/a	n/a	n/a	156.00

BOD5 = five-day biochemical oxygen demand
lbs/day = pounds per day
c = compliant

TSS = total suspended solids
mg/L = milligrams per liter
n/a = not applicable

Compliance History

Customer/Respondent/Owner-Operator: CN600682686 Jackson County Water Control & Improvement District No. 1

Classification: AVERAGE Rating: 7.93

Regulated Entity: RN101609394 Lolita Wastewater Treatment Facility Classification: AVERAGE Site Rating: 7.93

ID Number(s): WASTEWATER PERMIT WQ0010911001
WASTEWATER PERMIT TPDES0064998
WASTEWATER PERMIT TX0064998
WASTEWATER LICENSING LICENSE WQ0010911001

Location: At the east end of Elm Street and approximately 3,000 feet southeast of the intersection of Farm-to-Market Road ("FM") 616 and FM 1593, Lolita, Jackson County

Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: April 11, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 11, 2001 to April 11, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Laurie Eaves Phone: 512/239-4495

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/25/2001 ADMINORDER 2000-0885-MWD-E

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121
Rqmt Prov: Not Specified PERMIT
Description: Failure to comply with the permitted effluent limits for minimum chlorine residual.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]
TWC Chapter 26 26.121
Rqmt Prov: Not Specified PERMIT
Description: Failure to notify the Regional Office when permitted effluent limits were exceeded by more than 40%.

Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)
Rqmt Prov: Not Specified PERMIT
Description: Failure to submit Monthly Effluent Reports.

Classification: Moderate
Citation: TWC Chapter 26 26.121
Rqmt Prov: Not Specified PERMIT
Description: Failure to control the unauthorized discharge of raw sewage into or adjacent to waters in the State of Texas.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]
TWC Chapter 26 26.121
Rqmt Prov: Not Specified PERMIT
Description: Failure to notify the Regional Office of an unauthorized discharge within 24 hours of the noncompliance.

Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
Rqmt Prov: Not Specified PERMIT
Description: Failure to conduct appropriate self-monitoring procedures.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Not Specified PERMIT
Description: Failure to adequately maintain the Plant yard.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Not Specified PERMIT
Description: Failure to ensure theat the Plant and its treatment systems are properly operated and maintained.

Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
Rqmt Prov: Not Specified PERMIT
Description: Failure to monitor DO at required intervals.
B. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

N/A

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

1 01/17/2003 (193280)
2 01/16/2002 (193279)
3 12/18/2002 (193277)
4 12/17/2001 (193276)
5 11/18/2002 (193274)
6 11/19/2001 (193273)
7 10/21/2002 (193271)
8 10/19/2001 (193270)
9 09/18/2002 (193268)
10 09/17/2001 (193267)
11 08/19/2002 (193266)
12 08/16/2001 (193265)
13 07/18/2002 (193263)
14 03/31/2006 (456873)
15 07/13/2001 (193262)
16 06/20/2002 (193260)
17 06/15/2001 (193259)
18 05/17/2002 (193257)
19 05/18/2001 (193256)
20 04/17/2002 (193254)
21 09/15/2004 (385170)
22 04/20/2001 (193253)
23 12/22/2004 (385171)
24 12/22/2004 (385172)
25 12/22/2004 (385173)
26 01/27/2005 (385174)
27 03/19/2003 (193250)
28 03/19/2002 (193249)
29 03/19/2002 (193247)
30 02/21/2003 (193246)
31 02/20/2002 (193245)
32 03/05/2002 (284781)
33 05/03/2005 (423183)
34 05/03/2005 (423184)
35 05/27/2005 (423185)
36 07/05/2005 (423186)
37 02/20/2004 (310265)
38 03/19/2004 (310266)
39 04/22/2003 (310267)
40 05/20/2003 (310268)
41 06/20/2003 (310269)
42 06/17/2004 (310270)
43 07/24/2003 (310271)
44 08/19/2003 (310272)
45 09/18/2003 (310273)
46 10/20/2003 (310274)
47 03/31/2005 (375976)
48 11/20/2003 (310275)
49 12/18/2003 (310276)
50 01/21/2004 (310277)
51 04/23/2004 (358125)
52 08/24/2004 (358126)

53 08/24/2004 (358127)
54 08/24/2004 (358128)

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

Date: 12/31/2001 (193279)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/01/2005 (375976)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT IA
Description: Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to operate the facility to maintain compliance with the permit effluent limitations.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to comply with the effluent limitations as specified in the permit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Rqmt Prov: PERMIT IA
Description: Failure to include the time of sample collection and the time of sample analysis in the records of monitoring activities.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Rqmt Prov: PERMIT IA
Description: Failure to maintain sludge records on a monthly basis.

Date: 12/31/2004 (385174)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2002 (193245)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (423183)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (423184)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (423185)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (423186)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (310276)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING JACKSON COUNTY	§	
WATER CONTROL &	§	**TEXAS COMMISSION ON**
IMPROVEMENT DISTRICT NO. 1	§	
RN101609394	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-0461-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jackson County Water Control & Improvement District No. 1 ("Jackson County WCID No. 1") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Jackson County WCID No. 1 appear before the Commission and together stipulate that:

1. Jackson County WCID No. 1 owns and operates a wastewater treatment facility located at the east end of Elm Street and approximately 3,000 feet southeast of the intersection of Farm-to-Market Road ("FM") 616 and FM 1593 in Lolita, Jackson County, Texas (the "Facility").

2. Jackson County WCID No. 1 has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and Jackson County WCID No. 1 agree that the Commission has jurisdiction to enter this Agreed Order, and that Jackson County WCID No. 1 is subject to the Commission's jurisdiction.

4. Jackson County WCID No. 1 received notice of the violations alleged in Section II ("Allegations") on or about April 5, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Jackson County WCID No. 1 of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twelve Thousand Six Hundred Eighty Dollars ($12,680) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ten Thousand One Hundred Forty-Four Dollars ($10,144) shall be conditionally offset by Jackson

County WCID No. 1's completion of a Supplemental Environmental Project and Two Thousand Five Hundred Thirty-Six Dollars ($2,536) is deferred contingent upon Jackson County WCID No. 1's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Jackson County WCID No. 1 fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Jackson County WCID No. 1 to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Jackson County WCID No. 1 have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that Jackson County WCID No. 1 has implemented the following corrective measures at the Facility as of May 1, 2006:

   a. Trained staff on record keeping requirements and procedures;

   b. Purchased a new scale to measure total chlorine and repaired the cracks in the sludge drying bed walls;

   c. Trained staff on proper flow sampling and purchased an approved pH meter;

   d. Trained staff on the requirement for noncompliance notifications and implemented oversight to ensure compliance;

   e. Submitted delinquent discharge monitoring records for the months of June 2005 through February 2006; and

   f. Jackson County WCID No. 1 is currently bidding for construction of a new expanded capacity wastewater treatment facility. As of April 2006, funding has been secured for the project and a plan and schedule has been submitted for construction. Interim steps taken to attempt compliance includes: Installing a new aerator, extended the clarifier walls to increase detention time, repiped the chlorine contact chamber, cleaned out the clarifier and added microbes.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Jackson County WCID No. 1 has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Jackson County WCID No. 1 is alleged to have:

1. Failed to comply with permitted effluent limitations as detailed in the attached effluent chart, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010911001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during an investigation conducted on February 8, 2006;

Month	BOD5 Daily Average Loading Limit = 10 lbs/day	BOD5 Daily Average Concentration Limit = 20 mg/L	BOD5 Single Grab Limit = 65 mg/L	TSS Daily Average Loading Limit = 10 lbs/day	TSS Daily Average Concentration Limit = 20 mg/L	TSS Single Grab Limit = 65 mg/L	Chlorine Maximum Limit = 4.0 mg/L	Region Documented TSS Grab Sample Limit 65 mg/L 02/08/06
03/2005	12.65	75.80	113.00	12.50	75.20	150.00	4.20	c
04/2005	15.40	95.50	110.00	11.84	73.25	88.00	c	c
05/2005	7.92	51.20	81.00	c	41.40	c	c	c
02/2006	n/a	n/a	n/a	n/a	n/a	n/a	n/a	156.00

BOD5 = five-day biochemical oxygen demand
lbs/day = pounds per day
c = compliant
TSS = total suspended solids
mg/L = milligrams per liter
n/a = not applicable

2. Failed to maintain complete records, in violation of 30 TEX. ADMIN. CODE § 319.7(a) and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 3(c), as documented during an investigation conducted on February 8, 2006. Specifically, Jackson County WCID No. 1 failed to maintain records regarding the time of sample collection and time of sample analysis as well as the identity of the person performing the analysis for pH and dissolved oxygen and chlorine, and failed to maintain calibration records for the dissolved oxygen and pH meters.

3. Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.6(b)(1)(C), and TPDES Permit No. WQ0010911001, Operational Requirements No. 1, as documented during an investigation conducted on February 8, 2006. Specifically, there were no scales available to measure chlorine used and the amount of chlorine remaining, and the sludge drying bed had large cracks in the side walls that needed repair.

4. Failed to ensure flow measurements, equipment, installation and procedures conform to those prescribed in the Water Measurement Manual, United States Department of Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the executive director, and failure to analyze according to test methods specified in 40 Code of Federal Regulations Part 136 or more recent editions of Standard Methods of the Examination of Water and Wastewater than those cited in Part 136, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and (d). Specifically, flow measurements from the 90-degree v-notch weir were not being taken from the proper location and use of a pH meter that is not acceptable for pH analyses, as documented during an investigation conducted on February 8, 2006.

5. Failed to report any effluent violation that deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 7(c), as documented during an investigation conducted on February 8, 2006. Specifically, notification was not provided for the months of March 2005, May 2005, December 2005, and January 2006.

6. Failed to timely submit discharge monitoring records for June 2005 through February 2006, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d), and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on May 1, 2006.

III. DENIALS

Jackson County WCID No. 1 generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Jackson County WCID No. 1 pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Jackson County WCID No. 1's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Jackson County Water Control & Improvement District No. 1, Docket No. 2006-0461-MWD-E" to:

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

2. Jackson County WCID No. 1 shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Ten Thousand One Hundred Forty-Four Dollars ($10,144) of the assessed administrative penalty shall be offset with the condition that the Jackson County WCID No. 1 implement the SEP defined in Attachment A, incorporated herein by reference. Jackson County WCID No. 1's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that Jackson County WCID No. 1 shall undertake the following technical requirements:

   a. Within 300 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limitations contained in TPDES Permit No. WQ0010911001; and

   b. Within 315 days after the effective date of this Agreed Order, submit written certification as described below to demonstrate compliance with Ordering Provision No. 3.a., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

   The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

   with a copy to:

   Manager, Water Section
   Corpus Christi Regional Office
   Texas Commission on Environmental Quality
   6300 Ocean Drive, Suite 1200
   Corpus Christi, Texas 78412-5839

4. The provisions of this Agreed Order shall apply to and be binding upon Jackson County WCID No. 1. Jackson County WCID No. 1 is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

5. If Jackson County WCID No. 1 fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Jackson County WCID No. 1's failure to comply is not a violation of this Agreed Order. Jackson County WCID No. 1 shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Jackson County WCID No. 1 shall notify the Executive Director within seven days after Jackson County WCID No. 1 becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Jackson County WCID No. 1 shall be made in writing to the Executive Director. Extensions are not effective until Jackson County WCID No. 1 receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against Jackson County WCID No. 1 in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Jackson County WCID No. 1, or three days after the date on which the Commission mails notice of the Order to Jackson County WCID No. 1, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

9/11/06
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

J. Aubrey Hollis
Signature

7-18-06
Date

J. Aubrey Hollis
Name (Printed or typed)
Authorized Representative of
Jackson County Water Control & Improvement District No. 1

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty assessed in this Agreed Order with the condition that the Jackson County Water Control & Improvement District No. 1 ("the Respondent") shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The total amount of the conditional offset for the SEP, upon completion according to the terms and schedules listed below, shall be Ten Thousand One Hundred Forty-Four Dollars ($10,144) of the payable penalty of Ten Thousand One Hundred Forty-Four Dollars ($10,144).

1. Project Description

A. Project

The Respondent will locate, repair, or replace substandard sewer lateral connections to approximately ten homes located within the Jackson County Water Control & Improvement District No. 1. The homeowners are low-income and are financially unable to afford replacing the sanitary lateral sewer lines. The project will include repairing or installing sewer system lateral lines on the homeowner's property and connecting the homes to the main line of the city sanitary sewer system at no cost to the homeowners. The SEP will be done in accordance with all federal, state and local environmental laws and regulations. The Respondent will use SEP monies only for the direct cost of implementing the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

This SEP will provide a discernible environmental benefit by diminishing the potential contamination of the environment by the overflow of untreated wastewater, eliminating possible contamination of the watershed resulting from discharges from failing lateral lines, and protecting the quality of drinking water.

B. Minimum Expenditure

The offset of Ten Thousand One Hundred Forty-Four Dollars ($10,144) of the payable penalty is based upon the Respondent's agreement to spend at least Ten Thousand One Hundred Forty-Four Dollars ($10,144) to complete the project described above and to comply with all other provisions of this SEP.

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the Respondent will receive credit for the hours its employees and equipment are used implementing the SEP. Equipment credits will be based on the schedule of equipment rates published by the Federal Emergency Management Agency. The Respondent will not receive credit for volunteer labor or equipment. The Respondent will also not receive credit for gratuities and/or inducements for volunteers.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The project will be completed within 210 days after the effective date of this order.

3. Records and Reporting

The Respondent shall maintain records of the costs of the project. A final report summarizing all costs will be due 30 days following the conclusion of the project. The final report shall contain the following information:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Equipment logs showing the hours the Respondent's equipment was utilized on the project;
5. Time records showing the hours the Respondent's employees worked on the project; and
6. Additional information that the Respondent believes will demonstrate compliance with this agreement, such as verification of completion by the subcontractor(s).

Copies of receipts, checks, invoices, and other documentation verifying appropriate expenditures and the completion of the project must be submitted with the final report.

The Respondent agrees to provide additional information required by the SEP Coordinator and allow access to all financial records related to the receipt and expenditure of SEP monies and to allow a representative of the TCEQ, upon request, access to the site of any work being financed in whole or in part by SEP monies. All SEP reports and information shall be submitted to the following address:

TCEQ
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of adequate reports, the Executive Director may require immediate payment of all or part of the Ten Thousand One Hundred Forty-Four Dollars ($10,144) conditionally offset.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

TCEQ
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

A copy of the check shall be mailed to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by, or on behalf of, the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include, but are not limited to, advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other State or Federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the State or Federal government.