## Page 1 of 3

# **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:	<u> </u>		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	AMENDED ORDER	_IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_SHUTDOWN ORDER	FINDINGS DEFAULT ORDER	_EMERGENCY ORDER	ENDANGERWIENT 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		
OTHER SIGNIFICANT MATTERS	XNo	cord of additional pending enforcement actions reconsers actions reconstructions reconstructions and interest in this matter.	garding this facility location.
COMMENTS RECEIVED: The Texa	as Register comment period expired on Se	ptember 18, 2006. No comments were received.	
TCEQ Enforcement Coordi MC 219, (512) 239-1896 TCEQ Field Investigator: M Respondent: Mr. J. Aubrey F	inator: Ms. Sharon Blue, Litigation Divis nator: Ms. Laurie Eaves, Enforcement Div Ir. Hector Gonzales, Corpus Christi Region	vision, Enforcement Section I, MC 169, (512) 239 nal Office, MC R-14, (361) 825-3144 ontrol & Improvement District No. 1, P.O. Box 40	

#### **VIOLATION SUMMARY CHART:**

ype of Investigation:Complaint _X_ RoutineEnforcement Follow-up _X_ Records Review  ate of Complaint Relating to this Case: None	Total Assessed: \$12,680	Corrective Actions Taken
ate of Complaint Relating to this Case: None		4
	Total Deferred: \$2,536  X Expedited Settlement	The Executive Director recognizes that Jackson County WCID No.     has implemented the following corrective measures at the Facility
ates of Investigations Relating to this Case: February 8 and	Financial Inability to Pay	as of May 1, 2006:
ay 1, 2005	SEP Conditional Offset: \$10,144	a. Trained staff on record keeping requirements and procedures;
ate of NOE Relating to this Case: March 31, 2006 (NOE)  ackground Facts: This was a routine investigation and	Total Paid (Due) to General Revenue: \$0	b. Purchased a new scale to measure total chlorine and repaired the cracks in the sludge drying bed walls;
cords review. Six violations were documented.	Site Compliance History Classification: High X Avg. Poor	c. Trained staff on proper flow sampling and purchased an approved pH meter;
ATER Failed to comply with permitted effluent limitations [Tex.	Person Compliance History Classification:High _X_AvgPoor  Major Source:Yes _X_No	d. Trained staff on the requirement for noncompliance notifications and implemented oversight to ensure compliance;
ATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") ermit No. WQ0010911001, Effluent Limitations and	Applicable Penalty Policy: September 2002	e. Submitted delinquent discharge monitoring records for the months of June 2005 through February 2006; and
onitoring Requirements Nos. 1 and 2].  Failed to maintain complete records. Specifically, Jackson punty WCID No. 1 failed to maintain records regarding the		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
me of sample collection and time of sample analysis as well as e identity of the person performing the analysis for pH and ssolved oxygen and chlorine, and failed to maintain calibration		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
cords for the dissolved oxygen and pH meters [30 Tex.  DMIN. CODE § 319.7(a) and TPDES Permit No.		chamber, cleaned out the clarifier and added microbes.
[Q0010911001, Monitoring and Reporting Requirements No.	To age of months and	Ordering Provisions
Failed to at all times properly operate and maintain all cilities and systems of treatment and control (and related		The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).
purtenances) installed or used by the permittee to achieve impliance with the permit conditions. Specifically, there were		The order will also require the Respondent to:
scales available to measure chlorine used and the amount of llorine remaining, and the sludge drying bed had large cracks	raki sansa garaki k	a. Within 300 days after the effective date of this Agreed Order,
the side walls that needed repair [30 Tex. ADMIN. CODE 305.125(5) and 317.6(b)(1)(C), and TPDES Permit No. Q0010911001, Operational Requirements No. 1].		achieve compliance with the permitted effluent limitations contained in TPDES Permit No. WQ0010911001; and

PONSENT SOUTH RESIDENCE DE LA PROPERTIE AL TOUR DE LA PROPERTIE DE LA PROPERTI

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)].		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.
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. 11		:

The second secon

A MET OF COMMENT OF THE COMMENT OF T

The second of th

.

#### 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.

#### The state of the second of the

tener (1) and grown that a testing of evening a construction of a measured of measured at the construction of the construction

Commence of the second

the second control of the part of the part

e de la completa de En especialment de la completa de l

to early and a treatery energy of the early of selections of the contract energy for the early early and the contract energy for the early energy for the contract energy for the early energy for the

en personal de la completa del completa de la completa del completa de la completa del la completa de la completa del la completa de la completa de la completa del la completa de la completa del la completa del

(iii) It is not not the expectation of the company of the compa

Jackson County Water Control & Improvement District No. 1 AGREED ORDER Docket 2006-0461-MWD-E Attachment A

#### 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:

The second of th

## Start Committee Committee

and the second of the second o

# 

en el composit a partir a la composit de la composit de la composit del proposition de la composition de la co La composition de la La composition de la

in the second of the second second second second second second second to the second second second second second The first second se

The right of the control of the second of the con-

and the second of the second o

in the second of the second of

n de la compagna en la contracolabre de l'animent de la compagna de la compagna de la compagna de la compagna En la compagna de la

And the state of the engineering of the first of this engineering as the engineering Month of the state of the state of the state of the first of the state of th

the state of the s

CONTRACTOR OF MERCHANIST

The Africa State of the State o

# - an extendit Belton and c

The second secon

to disk that the experience of the control of the c

Jackson County Water Control & Improvement District No. 1 AGREED ORDER Docket 2006-0461-MWD-E Attachment A

> 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.

A section of the sectio

i de la companya de l

in the second of the second of

and the state of the entire transfer of the state of the

(a) Control Control Application of the control of the action of the action and the control of the control of

## $\frac{r_{ij}}{r_{ij}} = \frac{r_{ij}}{r_{ij}} = \frac{r_{ij}}{r_{ij}} \leq \frac{r_$

#### . The state of the best of the best of the state of the state

our de la primer de la company de la financia de la company de la company de la company de la Company de la Co La company de la company d La company de la company d

Page	1 of 14 U8/08/06 H:\Agreed Orders\JacksonCountyWCiDNoT	Mackson Coverto 1.wb3
Policy Revision 2 (	Penalty Calculation Worksheet (Po	PCW Revision May 19, 2005
CEQ	00 4 0000	
	03-Apr-2006           20-Apr-2006         Screening         19-Apr-2006         EPA Due	
RESPONDENT/FACIL	TY INFORMATION	
	Jackson County Water Control & Improvement District No. 1	and the state of t
Reg. Ent. Ref. No.		
Facility/Site Region		Source Minor Source <
Action to the second se		
CASE INFORMATION		
Enf./Case ID No.		
		er Type 1660 <
Media Program(s)		dinator Laurie Eaves
Multi-Media [		s Team Enforcement Team I
Admin. Penalty \$ Li	mit Minimum \$0 Maximum \$10,000	A CONTRACTOR CONTRACTO
<u>, , , , , , , , , , , , , , , , , , , </u>	Penalty Calculation Section	
TOTAL BASE PEN	IALTY (Sum of violation base penalties)	Subtotal 1 \$8,400
AD HISTMENTS /-	·/-) TO SUBTOTAL 1	
•	-7-) TO SUBTUTAL Tobbtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percent	ntage.
		Subtotals 2, 3, & 7 \$5,880
Compliance H		
	The Respondent self-reported eight months of effluent quality viol	ations,
Notes	and was issued one Findings Order and one written NOV conta	ining
	same or similar violations.	
Culpability	No 6 Enhancement	Subtotal 4 \$0
Carpasinis	38602	
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Ef	fort to Comply 0% Reduction	Subtotal 5 \$0
,	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary		
Ordinary		
. N/A	X (mark with a small x)	
	The December of the second consequence	
Notes	The Respondent is not yet in compliance.	·
Economic Be	nefit 50% Enhancement*	Subtotal 6 \$4,200
	Fotal EB Amounts \$59,712 *Capped at the Total EB	\$ Amount
Approx. Co	ost of Compliance \$381,450	
SUM OF SUBTOT	ALS 1-7	Final Subtotal \$18,480
OTHER FACTORS	S AS JUSTICE MAY REQUIRE 31% Reduct	ion Adjustment -\$5,800
	inal Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.)	:
Notes	Reduction recommended to prevent the reporting violations from	overiy
	impacting the penalty.	
		Final Penalty Amount \$12,680
		. [
STATUTORY LIM	IT ADJUSTMENT FI	inal Assessed Penalty \$12,680
DEFERRAL	<b>20%</b> Reduc	tion Adjustment -\$2,536
Reduces the Final Assesse	d Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction	on.)
	Deferral offered for expedited settlement.	
Notes	perenaronereu ior expedited settlement.	1

PAYABLE PENALTY

\$10,144

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

Blicky.

0%

No

No

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

Other

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

# Compliance History Worksheet

Other written NOVs  Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of ludgements or consent decrees meeting criteria)  Any adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of liability, of this state or the federal government (number of liability, of this state or the federal government (number of counts)  Convictions  Convictions  Chronic excessive emissions events (number of events)  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 Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	component	Number of odsledy to lot	Enter i	Number Here	Adjust.,	, 11 g 1347
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  Any adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government.  Any adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government.  Any criminal convictions of this state or the federal government (number of counts)  Convictions  Emissions  Chronic excessive emissions events (number of events)  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 violations were disclosed)	NOVs		1. 37 mg 1. 440		45%	ķ
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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:  Convictions  Convictions  Any criminal convictions of this state or the federal government (number of counts)  Chronic excessive emissions events (number of events)  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  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	ille. Alsi	Other written NOVs	7 11	0	0%	Į,
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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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 (number of liability, of this state or the federal government (number of counts)  Convictions  Emissions  Chronic excessive emissions events (number of events)  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 Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	Langue on 15 new mention community into each		•	0.1	ੈ <b>0</b> %	-
Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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.  Convictions  Convictions  Chronic excessive emissions events (number of events)  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 Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	Orders	without a denial of liability, or default orders of this state or the federa government, or any final prohibitory emergency orders issued by the		1	25%	-
Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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.  Convictions  Convictions  Chronic excessive emissions events (number of events)  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 Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	i ig	commission the feet of the second sec	1000	100 300	S 16 %	1
Decrees non-adjudicated final court judgments or consent decrees without a denial of liability, of this state on the federal government.  Any criminal convictions of this state or the federal government (number of counts)  Emissions Chronic excessive emissions events (number of events)  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 Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	ning a	0 ( )	, 0%	N. S
Convictions of counts)  Emissions Chronic excessive emissions events (number of events) 0 0%  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 Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		non-adjudicated final court judgments or consent decrees without a d		1 0 :	⇔ <u>is</u> }kam	
Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 0 0%  Audits  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 violations were disclosed)	Convictions		oer	ő	0%	3
Audits  Audits  Under the Texas Environmental, Health, and Safety Audit Privilege Act, 0 0%  74th Legislature, 1995 (number of audits for which notices were  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	Emissions	Chronic excessive emissions events (number of events)	in an India an an Marie and	0	0%	i i
Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for 0 0% which violations were disclosed)	A	under the Texas Environmental, Health, and Safety Audit Privilege Ad		0	0%	
		Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for		0		
Please Enter Yes or No		Ple	ase En		Come was the national end	3
Environmental management systems in place for one year or more No ,0%		Environmental management systems in place for one year or more		No	,0%	1

Adjustment Percentage (Subtotal 2) 70% Allegaries and a second second >> Repeat Violator (Subtotal 3) Adjustment Percentage (Subtotal 3) >> Compliance History *Person* Classification (Subtotal 7) sample a fig. 48 and and Average Performer TO DESCRIPTION OF DESCRIPTION OF THE PROPERTY OF THE SECOND OF THE PROPERTY OF >> Compliance History Summary The Respondent self-reported eight months of effluent quality violations, and was issued one Compliance **History Notes** Findings Order and one written NOV containing same or similar violations.

Participation in a voluntary pollution reduction program

federal government environmental requirements

Early compliance with, or offer of a product that meets future state or

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

Parametria

Page 3 of 14 08/08/06 H:\Agreed Orders\JacksonCountyWCIDNo1\JacksonCoWCID1.wb3 Screening Date 19-Apr-2006 PCW Docket No. 2006-0461-MWD-E 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** 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 Primary Rule Cite(s) Secondary Rule Cite(s) Failure to comply with permitted effluent limitations as detailed in the attached effluent chart, as documented during an investigation conducted Violation Description on February 8, 2006. Base Penalty \$10,000 **Environmental, Property and Human Health Matrix** Release Moderate OR Actual 10% Percent Potential **Programmatic Matrix** Falsification Major Moderate Minor Percent 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 Matrix Notes 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 daily monthly Violation Base Penalty \$2,000 mark only one quarterly use a small x semiannual annua. single eveni Two quarterly events are recommended. Economic Benefit (EB) for this violation Statutory Limit Test \$3,019 Estimated EB Amount \$59,686 Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

\$3,019

#### Economic Benefit Worksheet and or a second

Respondent Jackson County Water Control & Improvement District No. 1

Case ID No. 29276

Reg. Ent. Reference No. RN101609394

Media [Statute] Water Quality

Item :

Violation No. 1

Villada da	Percent	Years of
or the part Mil	Interest	Depreciation
asof chinal	5.0	15
⊣Interest	െ Onetime വു	icilis EB

Burn Barat Baran D

ng to fire the gro Interest

Item	Cost	Required	Date		Saved	Costs	Amount
		Yos, Admin. C	or its most	(100, 1	TOTAL VISION		
्य स्था विश	Martin en en 1900	• • • • • • • • • • • • • • • • • • • •	ala hayar jihi jiyo .	Ozfitis.	nort Mat. 44		
Delayed Costs		: Dura L. SociAsca	ienus imbory	e Otoro tomo de co	in Heriotzak		Aug Alman
Equipment		PRINCE IN THE PRINCE OF THE PR		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	:::)::::::::::::::\$0 <u>'</u>	P + C + S + S + S + S + S
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		hi lingina mat	aberebas in	0.0	\$0	ir ir n/a	\$0
Record Keeping System			100 11 110 TO	0.0	\$0	n/a	\$0
Training/Sampling	Talah sahidi di balan da Masalasta	CONTRACTOR CONTRACTOR	A TANDER CANDO PERSONAL DE SENTENCIADO	0.0	\$0	n/a	\$0
Remediation/Disposal	Annual contraction of a contract of a contract of			0.0	\$0	n/a	\$0
Permit Costs	1.			0.0	\$0	n/a	\$0
Other (as needed)	and desiration of the Control of the	Manda mild should be seen to be seen and a should be seen to be seen as the se	State of the head that their old and the state of the sta	0.0	\$0	n/a	\$0
1		Andreas and a second		2	- 16 Å	Wall descriptions	San Salvane I I

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

Avoided Costs	ANNU	IALIZE [1] avoide	d costs before ent	ering il	em (except for o	ne∗time avoided c	osts)
Disposal	AND A CONTROL CONTROL AND A CONTROL	ALTERNATION OF THE CONTRACT OF		0.0	\$0	\$0	\$0
Personnel	1.4	Carachi A	j	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		121		0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]		TV TOUR OCT		0.0	\$0	\$0	\$0
ONE-THINE avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed) (	j (			0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Standard Control (1945) Park and Archer and Archer

The state of the subsequences and the state of the

Committee of the second second second

Approx. Cost of Compliance

Wall Brain to be d

death and and

on:

income?

TOTAL

\$59,686

Page 5 of 14 08/08/06 H:\Agreed Orders\JacksonCountyWCIDNo1\JacksonCoWCID1.wb3 Screening Date 19-Apr-2006 PCW Docket No. 2006-0461-MWD-E 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 30 Tex. Admin. Code § 319.7(a) and TPDES Permit No. WQ0010911001, Monitoring and Reporting Requirements No. 3(c) Primary Rule Cite(s) Secondary Rule Cite(s) 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 **Violation Description** 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. \$10,000 Base Penalty **Environmental, Property and Human Health Matrix** Harm Release Moderate Minor Major OR Actual Percent Potential **Programmatic Matrix** Falsification Moderate Percent 5% Matrix Notes 30% to 70% of the requirement was not met. Adjustment -\$9,500 \$500 **Base Penalty Subtotal Violation Events** Number of Violation Events daily monthly \$500 Violation Base Penalty mark only one guarterly use a small x semiannuai annuai sinale event One single event is recommended. **Statutory Limit Test** Economic Benefit (EB) for this violation \$755 Violation Final Penalty Total **Estimated EB Amount** \$2

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 Years of Media [Statute] Water Quality Percent Violation No. 2 Interest Depreciation 5.0 '... Onetime and to 10 EB ltem Date Final Interest Item Required Date Saved Costs Princey Ruo (Secre) **Delayed Costs** 0.0 1.\$0 m \$0 \$0 Equipment Buildings 0.0 \$0 \$0 \$0 Other (as needed) 0.0 \$0 \$0 \$0 \$0 \$0 Engineering/construction 0,0 0,0 \$0 n/a \$0 Land Record Keeping System 08-Feb-2006 | 01-May-2006 0,2 \$2 \$2 n/a Training/Sampling 0.0 \$0 n/a \$0 Remediation/Disposal 0.0 \$0 n/a \$0 0.0 \$0 **Permit Costs** \$0 0.0 \$0 \$0 Other (as needed) Estimated cost associated with training staff on record keeping. Date Required is the date of Notes for DELAYED costs noncompliance. Final Date is date of compliance notification. 40 ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** \$0 0.0 \$0 Disposal 0.0 \$0 \$0 \$0 Personnel \$0 \$0 Inspection/Reporting/Sampling 0.0 \$0 0.0 \$0 \$0 \$0 Supplies/equipment 0.0 \$0 \$0 \$0 Financial Assurance [2] ONE-TIME avoided costs [3] 0.0 \$0 \$0 \$0 0,0 \$0 \$0 Other (as needed) Notes for AVOIDED costs

\$200

Approx. Cost of Compliance

\$2

**TOTAL** 

STATE OF

Page 7 of 14 08/08/06 H:\Agreed Orders\JacksonCountyWCIDNo1\JacksonCoWCID1.wb3 Screening Date 19-Apr-2006 Docket No. 2006-0461-MWD-E 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 30 Tex. Admin. Code §§ 305.125(5) and 317.6(b)(1)(C), and TPDES Permit No. WQ0010911001, Operational Requirements No. 1 Primary Rule Cite(s) Secondary Rule Cite(s) 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 Violation Description 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. \$10,000 **Base Penalty Environmental, Property and Human Health Matrix** >> Harm Release Moderate Minor OR Actual 5% Percent Potential **Programmatic Matrix** >> Falsification Major Moderate Percent Human health or the environment will or could be exposed to insignificant Matrix Notes amounts of pollutants. Adjustment -\$9,500 \$500 Base Penalty Subtotal **Violation Events** Number of Violation Events daily monthly \$500 **Violation Base Penalty** quarterly mark only one use a small x semiannual annual sinale event One single event is recommended. Statutory Limit Test Economic Benefit (EB) for this violation \$755 Estimated EB Amount Violation Final Penalty Total \$12

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 Percent Years of Years Interest Depreciation Violation No. 3 5.0 Onetime Date Final Interest Cost Sayed Required .... Date . Costs Amount Description No commas or \$ But it that a CONTRACTOR AND AND AND A **Delayed Costs** \$4 Equipment Buildings \$0 \$0 \$0 Other (as needed) \$8 \$0 Engineering/construction 0,0 0.0 \$0 \$0 Land 0.0 \$0 **Record Keeping System** \$0 n/a Training/Sampling 0,0 \$0 \$0 Remediation/Disposal 0.0 \$0 n/a \$0 Permit Costs 0.0 \$0 n/a \$0 0.0 n/a \$0 Other (as needed) 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 Notes for DELAYED costs notification. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.0 \$0 \$0 \$0 \$0 0.0 \$0 Personnel 0.0 Inspection/Reporting/Sampling \$0 \$0 \$0 0.0 \$0 **\$**0 Supplies/equipment Financial Assurance [2] 0.0 \$0 \$0 \$0 0.0 \$0 \$0 ONE-TIME avoided costs [3] \$0 0.0 \$0 \$0 Other (as needed) Notes for AVOIDED costs 30 May 1869 Approx. Cost of Compliance \$12 \$750

Prooff, a real and profession will

attending of the property of

1-146-56-56

radikirik da sekeli nasi dikali majayi sili majira ayasi

This violation Final Assessed Penalty (adjusted for limits)

\$755

#### Economic Benefit Worksheet is a second to the second to th

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 Years of Interest Depreciation EDV 23 CHUERC 1 1 15:0 15:0 15

THE SHEARING

	Item	Date	Final	Yrs	Interest	Onetime	n√ EB
ltem	Cost	Required	Date	(0.45	Saved	Costs	Amount
Description	No commas or \$		lox, Admin, Og	.uu		(in)well's elected year	ું વધુ કે જ જ ફો -
Delayed Costs						ау Рию Син(в)	A. DOJ. ST
Equipment	\$400	08-Feb-2006	01-May-2006	0,2	\$0	\$6	\$6
Buildings	hala de todat to the back to the total to	udita basilata	(1)	0.0	\$0	\$0	\$0
Other (as needed).	uliki in neng	al quarre <mark>jet (</mark> gylin	Details (05) (86) (	0.0	· · · · · · · · \$0	\$0	\$0
Engineering/construction	paraga di 🕒	1. N. 1.50 P. 2.	Britanes da . ,	0,0	\$0	\$0	\$0
Land	partition of thinks	July 10 letterfie tein s	Althought for the	0.0	\$0	n/a	
Record Keeping System	F1 * 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			0.0	\$0	n/a	\$0
Training/Sampling	7 17 1 th 75	NICHOLOGIA KAN	pi ka bangangan	0.0		n/a	\$0
Remediation/Disposal				0.0		n/a	<u>\$0</u>
Permit Costs			A strain or property	0.0		n/a	\$0
Other (as needed)	1			0.0	A report from the contract of	n/a	\$0
						training staff on	
Notes for DELAYED costs	sampling. D	ate Required i		ncom ification		Date is date of co	ompliance
the commence of the commence of			1101	moan	J111		And the second

Avoided Costs	AN	NUALIZE [1] avoi	ded costs before en	ering it	em (except for o	ie-timė avoided c	osts)
Disposal	P.	1		0.0	\$0	\$0	\$0
Personnel			.67.5.	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	d2€ 4	rdahet	1 7	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	7-	1 1 17	e 13 manua y mi iku ji manu, undan li-ma unga dipandanan liki likunlan lai manan I I			·	
Approx Cost of Compliance	\$40				. "Y - g1"	TOTAL	M 1111111 AO

of down was police and special

Att and the continues

March of the grounding

THE PART AND ADDITIONS OF THE SECOND SET OF THE PROPERTY AND

the in physical light for the ex-

Same and the Barbara

with the many and the first and the first property of

All was said a second

This violation Final Assessed Penalty (adjusted for limits)

\$6,038

Other (as needed) 0.0 \$0 Notes for AVOIDED costs \$50

William I have been to be a

Approx. Cost of Compliance

enduant of the thirteen measured

TOTAL

\$3

	Page 13 of	14 08/08/06 H:\Agreed 0	orders\JacksonCount	tyWCIDNo1\Jackso	nCoWCID1.wb	53
,	Screening D	<b>ate</b> 19-Apr-2006	Docket No. 20	006-0461-MWD-E	THE THE PROPERTY OF THE PROPER	PCW
		<b>ent</b> Jackson County Water (	Control & Improvemen	nt District No. 1	Policy Revisio	n 2 (September 2002)
	Case ID I	<b>No.</b> 29276			PCW R	evísion May 19, 2005
Reg.	Ent. Reference	<b>No.</b> RN101609394				AMERICA MARKET
		ite] Water Quality				BESSITIES
		tor Laurie Eaves				9
	Violation Num					- And Harton
		30 Tex. Admin. Code §§	§ 305.125(1) and 319 Monitoring and Repor	i.7(d), and TPDES F	Permit No.	30 10 10
	Primary Rule Cit	e(a)	normormy and repor	ting requirements i	10. 1	
	Secondary Rule Cit	e(s)				
	Violation Descript	Failure to timely sub- tion through February 2006,	nit discharge monito as documented duri on May 1, 2006	ng a record review o	e 2005 conducted	
				Bas	se Penalty	\$10,000
>>	Environmental,	Property and Human H	lealth Matrix			
	Rele	Harm ease Major Moderate	Minor			
OR		ctual Control			<b></b>	
	Pote	ential		Percent	-	
>>	Programmatic I		Minor			
	Falsific	ation Major Moderate	Minor X	Percent 1%		
	<u> </u>			k		
	Matrix Notes At I	east 70% of the requirement submitted	was met. The deling on May 1, 2006.	uent reports were		•
E				Adjustment	-\$9,900	
		•		Base Penalt	y Subtotal	\$100
ļ	Violation Event	is				
	Number of V	/iolation Events 9				
-		daily				
Pilling Sp		monthly			- · · · ·	
	mark onl			Violation Ba	se Penaity	\$900
	use a si	mall x semiannual annual				
100		single event X				
	· .				· 	•
amount tallers to the second	Ni	ine single events are recomm	ended for the nine de	elinquent reports.		
	Economic Ben	efit (EB) for this violati	on S	Statutory Limit	Test	
No. of Concession, National Section 1997	Estimat	ed EB Amount \$2		Violation Final Pe	enalty Total	\$1,359

This violation Final Assessed Penalty (adjusted for limits)

#### Benefit Worksheet Salver Street Salver Street Respondent Jackson County Water Control & Improvement District No. 1 Case ID No. 29276 Reg. Ent. Reference No. RN101609394 Media [Statute] Water Quality Percent Years of Interest Depreciation Violation No. 6 5.0 Onetime Cost Required Date Saved Costs Amount Description No commas or \$ 11 pain according pain a motivity of the last of th 195,500 CS (Septemble) d (4) office of the vertice as a **Delayed Costs** \$0 .,0,0 \$0 \$0 Equipment hala dinegr Buildings 0.0 \$0 \$0 <u> رىسىلىلەندۇرۇرى</u> 0.0 \$0 \$0 Other (as needed) 0.0 \$0 \$0 \$0 Engineering/construction 0.0 \$0 \$0 n/a \$50 01-Jun-2005 01-May-2006 \$2 Record Keeping System 0.9 \$2 n/a Training/Sampling 0.0 \$0 n/a \$0 0,0 Remediation/Disposal \$0 n/a \$0. **Permit Costs** 0.0 n/a \$0 0.0 Other (as needed) \$0 n/a \$0 Estimated cost associated with providing the delinquent reports. Date Required is the date of Notes for DELAYED costs noncompliance. Final Date is date of compliance notification. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** \$0 Disposal 0.0 \$0 \$0 \$0 Personnel 0,0 \$0 \$0 \$0 Inspection/Reporting/Sampling 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 Notes for AVOIDED costs

TOTAL

There in ( ) is the transferred

\$2

Approx. Cost of Compliance

\$50

医环肠 机压缩键 网络人员 医二甲基酚 电磁流激励性管电路 经证证 医皮肤

## Effluent Violation Chart

## Jackson County WCID No. 1 RN101609394

Month	BOD5 Daily Average Loading Limit = 10 lbs/day	BOD5 Daily Average Concentrati on 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	С
04/2005	15.40	95.50	110.00	11.84	73.25	88.00	С	С
05/2005	7.92	51.20	81.00	c	41.40	С	С	С
02/2006	n/a	n/a	n/a	n/a	n/a	n/a	n/a	156.00

 $\begin{aligned} BOD5 &= \text{five-day biochemical oxygen demand} \\ lbs/day &= pounds \text{ per day} \\ c &= compliant \end{aligned}$ 

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

And the second

e foto e visit e e e de la de-La companya de la co

4 			Armiri Line		1 - 1	ente ente Seco	, -					Maryl Philip Phi	Fire to the state of the state	· · · · · · · · · · · · · · · · · · ·
	 **************************************	·								 	2.			
				:		11			1' '	\$ 10		ţ		

#### **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?

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?

4. if Yes, who was/were the prior owner(s)?

N/A N/A

Yes

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)

Rgmt 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

Ramt Prov: Not Specified PERMIT

Description: Failure to notify the Regional Office of an unauthorized discharge within 24 hours of the

noncompliance.

organi, prijesto postavaje prijesto koje. Citation: 30 TAC Chapter 319, SubChapter A 319,11(a) Rgmt 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. 300x554 Classification: Moderate 400-12-11-1 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 TAO 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) and the rose to domain to the great or govern. 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) could read with the air-26 01/27/2005 (385174) . ., . . Same and the section of 27 03/19/2003 (193250) 28 03/19/2002 (193249) 29 03/19/2002 (193247) 30 02/21/2003 (193246) i de la companya de l 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) Appendix of the second of the 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) Carlotti and broken globble na washinish

deline in the second to be presented and the ground

Classification: Minor

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)

Rgmt 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.

I/A	
6. Type of environmental management systems (EMSs).	
<b>1/</b> A	$\mathcal{A}(\mathbf{r}) = \{\mathbf{r} \in \mathcal{A}_{\mathbf{r}} \mid \mathbf{r} \in \mathcal{A}_{\mathbf{r}} : \mathbf{r} \in \mathcal{A}_{\mathbf{r}} : \mathbf{r} \in \mathcal{A}_{\mathbf{r}} \}$
Voluntary on-site compliance assessment dates.	
I/A	ar in self in a direction of the self in t
	Solid Company of the Association of the Land Company of the Association of the Land Company of the Association of the Company
Participation in a voluntary pollution reduction program.	4 · x · · · · · · · · · · · · · · · · ·
1/A	and the second of the control of the second
. Early compliance.	- 1975年 - 19
I/A	and the state of t
lites Outside of Texas	and the second of the second o
I/A	en e
	entralia. Problem a la marcina en la colonia de la Problem a la colonia de la
	i de transporter de la companya de La companya de la co
	Harris Art of Magazia (1991) Company (1991) San Charles (1991) And Andrew Agazia (1991)
	A 主事研究のATT ATT ATT ATT ATT ATT ATT ATT ATT ATT
	The All Part of Medical Control of the All Control
	利はMin Addition いがたからい。Wilder Conference Co
	AT MARIO TERRITORIO DE La PERENTE MARIO EN TATA DE APERTANDO PERENTE MARIO DE MARIO DE MARIO DE PERENTE A MARIO (Que a Transportante Conservatorio de Conservat
	<ul> <li>A first the affect of the second subtraction of the second second</li></ul>
	(10 mety factor) in the mass At a constant of the set
	。 かまちら丘が下海にいていた。 However 第四日 process process process in a section of a section at a figure in the
	The first of the control of the cont
	And the second of the control of the
	the state of the s
	The March Control of C
	The second of th
•	in the course of
	The space of a first sp

# 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 Π ("Allegations"). Ten Thousand One Hundred Forty-Four Dollars (\$10,144) shall be conditionally offset by Jackson

 The state of the control of the contro en de la composition La composition de la

en de la companya de la co La companya de la compan

A supplied to the state of the

in the contract of the state of the production of the state of the sta

in the first of the second of

and the first of the second of

CHIEF CLERKS OFFICE

ON ENVIRONMENTAL NOISSIMMOC LEXVS

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.

A state of the interpretation of the interpretation of the control of the passes of the control of the contr

- and the control of the first of the second o
- en de la companya de la co
- n white the first section of the first transfer was a same when every section of the first se
  - where with a decreasing was gold as  $\sigma^{(1)}$  , which is a constant of  $\sigma$
- A second program of the control of the program of the control of the
  - and the first of the second of
- The control of the co
- on exalter to the control of the con
- as design on the constraint of the partition of the design of the constraint of enterior elements, the constraint of the
- i and the contraction of the contraction of the contraction of the contraction of the section of the contraction of the contra
- on of the enterior of the remaining by the substitute of the enterior of the substitution of the enterior of t The enterior of the enterior of

Jackson County Water Control & Improvement District No. 1 DOCKET NO. 2006-0461-MWD-E Page 3

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 Concentrati on 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	С
04/2005	15.40	95.50	110.00	11.84	73.25	88.00	С	С
05/2005	7.92	51.20	81.00	С	41.40	С	С	С
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.

The contract of the second contract of the s

(2) A supplied of the control of

and the second of the first of the control of the c

				4			
	1	* * * *			2.1	1.45 (0.5)	
and the second second				•	San Area	+ 2	
	* · · · · · · · · · · · · · · · · · · ·	100 mg 1 m	er forger en	•		e, te	
	100	e de la companya de l		<u> •</u>	Material Control	10000	
	i			•		2.7	
1 17							
**			**		the second		
		4	* # # · ·	•	1/2		
				i			
	4 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)						
		÷ .					
					$\mathcal{L}_{i} = \{\mathcal{L}_{i}, \mathcal{L}_{i}, $		
		* *	r <sub>a</sub>		F	1 *4	

. The constant of the constant of the Virginian of the Virginian of the Constant of the Const

en a grand production of the contraction of the contraction of the conputation of the con-

Control of the Control

(i) The first of the configuration of the entropy of the entropy of the configuration of the configuration.

្រុមប្រជាពលប្រជាពលប្រជាពលប្រធានប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រធានប្រជាពលប្រ ប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជ ការប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្ ការប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រជាពលប្រ

- 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  $\frac{A_{ij}(abb)^{ij}(ab)^{ij}($ 

And the second of the second control of the second control of the second of the second

A control of the c

The second of the second desired the second of the second

#### THE RESIDENCE OF STREET OF STREET

• A consistency of a property of the first of the sum of the standard of the standard of the sum of the sum

(i) the second proof, the EAG of process of the region.
(ii) the second proof of the second proof of the second proof of the second proof.
(iii) the second proof of the second proof of the second proof of the second proof.

(1) 医自己性小型 (1) (1) (1) (1)

Jackson County Water Control & Improvement District No. 1 DOCKET NO. 2006-0461-MWD-E Page 5

- 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

. . .

The design of the experience of the management of the management of the control o

and the control of th

ortonia. The second of the The second of the second of

the community of the factor of the property of the article of the second of the second

and and the common the state of the state o

The second of th

ina filozof (gantisen) Selektrikoa, alektrikai tako Selektrikoa (harriselektrikoa) Salektrikoa (harriselektrikoa) Selektrikoa (harriselektrikoa)

A section of the contract of t

Jackson County Water Control & Improvement District No. 1 DOCKET NO. 2006-0461-MWD-E Page 6

- 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.

in a mentral com a contrar produce a made analogica factorio de la comenzació de la comenzación de la

A second of the control of the co

and the second of the second o

(a) California Carreszy out membry out on the control of Validate Carresponding Carresponding (Validate Carresponding Carresp

(a) The second of the configuration of the confi

en de la composition La disconsideration de la composition La composition de la La composition de la composition del composition de la composition de la composition del composition de la composition de la composition del composition del composition del composition del composition d Jackson County Water Control & Improvement District No. 1 DOCKET NO. 2006-0461-MWD-E Page 7

### SIGNATURE PAGE

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

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my

9/11/06

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

penalty amount, is materially relying on such representation.

Jackson County Water Control & Improvement District No. 1

failure to timely pay the penalty amount, may result in:

Authorized Representative of

For the Commission

A negative impact on my compliance history;	
<ul> <li>Greater scrutiny of any permit applications submitted by me;</li> <li>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;</li> <li>Increased penalties in any future enforcement actions against me;</li> </ul>	
• TCEQ seeking other relief as authorized by law.	
In addition, any falsification of any compliance do	cuments may result in criminal prosecution. 7–18–•6
Signature /	Date
J. Aubrey Mollis	President
Name (Printed or typed)	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.

### 赞 课 "我一家庭一只是家的,这

计算数据 计二次设置符号 海绵 网络拉拉斯 以来,不得

THE STATE OF THE S

Carlos and a second

99/1/6

Markey, an eighte committee of the committee of the entering of the experience of the engine of the

inger of the state of the stat

- and the second of the second o
- en de la composition La composition de la La composition de la
- An graden variation for the production of the pr
- The second of th

and the control of the control of the second of the second of the control of the control of the control of the

7-18-0E

J. Ambrey Rollie

The second of th

and the state of t

m (DA) and the earliern of the most of the extreme conservation of the conservation of the conservation of the earlier of the

#### 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.

# 

(i) It is not to the second of the content of th

All Colombia Williams Colombia

4 4

the office of a second content of the execution is the second content of the end of the first of the second content of the end of the second content of the end of th

and the second of the second o

omiento a legizione la monte presti con esta del monte de la servicio de la completa de la completa de la comp La constanta de la completa de la c La completa de la co

Selfer of the self-of-

ting the energy of the form of the most of the state of the state of the energy of the section o

The control of the co

Jackson County Water Control & Improvement District No. 1 AGREED ORDER Docket 2006-0461-MWD-E Attachment A

#### 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:

# Andrew Breeze Mark

internative de la proposition de la destruction de la compresentation de la compresentation de la compresentat La compresentation de la compresentation de la compresentation de la compresentation de la compresentation de

# an de Sue dino de

o de la filonomia de la Maria de la comprese de la comprese de la combinación de la filonomia de la comprese d La comprese de la co La comprese de la comprese del comprese de la comprese del comprese de la comprese de la comprese del comprese de la comprese del comprese della comprese della

and the first of the product of the first of the first state of the first of the fi

Burney and a second of the second of the second

and the second of the second o

the confiction of the control of particle of parenting the configuration between which applied out of the control of the contr

respondente des la companya de la c La companya de la companya del companya de la companya de la companya del companya de la companya del la companya de la

n Moneral Sanot, est opposition and a secondaria of the probability of the control of the contro

And in the Community of the Community of

# The Control of the Co

and the strong of the end of the mean collection and collections of the end of the end of the collection of the collections of the end of the e

tigas filosoficiales de la como en especial de menos que tital en experiencia, en actualismo en la desentación A desentación de la como en especial de l Jackson County Water Control & Improvement District No. 1 AGREED ORDER Docket 2006-0461-MWD-E Attachment A

> 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.

A term of a more active of a bid paper and a contraction of a contraction of a contraction of the contraction.

the state of the s

Carrier in Son of the appropriate by the country

As Burgara Commencer State of

Richard Cold

SPROFE TO A SECULIAR SE

All the second of the second o

#### Employee and the

un infertiore in turn problem of the control form and the control gardenium one control and the control of the control for the control of the

### Contraga Marina a granda A

en in militar in can tract, for encourse comment our Eigen environ i societare compet en la fillater es tod politiques a for encour establiques for a primitar y subspace and encourse en la late. In the encourse for the fill the season of the environment of the environment.

# PROBLEM OF SECURITION AND

onomination in the Australia Calendra Lawrence of the Australia Australia Australia (1995) yield The River of the Calendra Australia (1996) Australia (1996) Australia (1996) Australia (1996) Australia (1996) The Australia (1996)