

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0213-MWD-E **TCEQ ID:** RN101992089 **CASE NO.:** 32630

RESPONDENT NAME: Johnson County Fresh Water Supply District No.1

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Johnson County wastewater treatment facility, approximately 2.5 miles northeast of the intersection of State Highway 174 and Farm-to-Market Road 917, Joshua, Johnson County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 4, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Enforcement Division, Enforcement Team 3, R-04, MC 149, (817) 588-5890; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Kenneth Bransom, Board President, Johnson County Fresh Water Supply District No.1, Post Office Box 39, Joshua, Texas 76058 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 24, 2007</p> <p>Date of NOE Relating to this Case: February 7, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with permitted limits for ammonia nitrogen ("NH3-N") and total suspended solids ("TSS") [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 14350001, Effluent Limitations and Monitoring Requirements, No. 1, and 30 TEX. ADMIN. CODE § 305.125(1)].</p>	<p>Total Assessed: \$4,445</p> <p>Total Deferred: \$889 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,556</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with TPDES Permit No. 14350001, Effluent Limitations and Monitoring Requirements.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	12-Feb-2007	Screening	13-Feb-2007	EPA Due	
	PCW	15-Feb-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Johnson County Fresh Water Supply District No. 1
Reg. Ent. Ref. No.	RN101992089
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	32630	No. of Violations	2	
Docket No.	2007-0213-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Jorge Ibarra, P.E.	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	27% Enhancement	Subtotals 2, 3, & 7	\$945
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Notes The respondent was issued one NOV with the same/similar type of violations, one NOV without the same/similar type of violations and self-reported four months of effluent violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$175	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$2,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,445
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$4,445
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,445
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DEFERRAL	20% Reduction	Adjustment	-\$889
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,556
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Screening Date 13-Feb-2007

Docket No. 2007-0213-MWD-E

PCW

Respondent Johnson County Fresh Water Supply District No. 1

Policy Revision 2 (September 2002)

Case ID No. 32630

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101992089

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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)	5	25%
	Other written NOVs	1	2%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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 submitted)	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) 27%

>> 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 was issued one NOV with the same/similar type of violations, one NOV without the same/similar type of violations and self-reported four months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 13-Feb-2007

Docket No. 2007-0213-MWD-E

PCW

Respondent Johnson County Fresh Water Supply District No. 1

Policy Revision 2 (September 2002)

Case ID No. 32630

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101992089

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) TPDES Permit No. 14350001, Effluent Limitations and Monitoring Requirements, No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permit effluent limits (see attached table).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH3-N") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total Suspended Solids was also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

89 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended based on the months the permitted limits were exceeded (January, February, and March 2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$175

Violation Final Penalty Total \$1,270

This violation Final Assessed Penalty (adjusted for limits) \$1,270

Economic Benefit Worksheet

Respondent Johnson County Fresh Water Supply District No. 1
Case ID No. 32630
Reg. Ent. Reference No. RN101992089
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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)	\$2,000	1-Jan-2006	1-Oct-2007	1.7	\$175	n/a	\$175

Notes for DELAYED costs

Estimated cost to provide additional oversight and sampling which may have alleviated or prevented the noncompliance. Date Required is the first day of non-compliance, Final Date is the expected compliance date.

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

\$2,000

TOTAL

\$175

Screening Date 13-Feb-2007

Docket No. 2007-0213-MWD-E

PCW

Respondent Johnson County Fresh Water Supply District No. 1

Policy Revision 2 (September 2002)

Case ID No. 32630

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101992089

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s) TPDES Permit No. 14350001, Effluent Limitations and Monitoring Requirements, No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permit effluent limits (see attached table).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH3-N") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One monthly event is recommended based on the month the permitted limits were exceeded (April 2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,175

This violation Final Assessed Penalty (adjusted for limits) \$3,175

Economic Benefit Worksheet

Respondent: Johnson County Fresh Water Supply District No. 1
Case ID No.: 32630
Reg. Ent. Reference No.: RN101992089
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

See violation No. 1.

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

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600632319 Johnson County Fresh Water Supply District 1	Classification: AVERAGE	Rating: 1.66
Regulated Entity:	RN101992089 JOHNSON COUNTY FWSD 1 WWTP	Classification: AVERAGE	Site Rating: 0.31
ID Number(s):	SLUDGE REGISTRATION 22822		
Location:	WASTEWATER PERMIT TX0023256000		
	WASTEWATER PERMIT WQ0014350001		
	WASTEWATER PERMIT TPDES0124923		
	WASTEWATER PERMIT TX0124923		
	WASTEWATER LICENSING LICENSE WQ0010532001		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	February 12, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 12, 2002 to February 12, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History	Approx. 2.5 miles NE of intx. of SH 174 and FM 917 in Joshua, TX, Johnson County Rating Date: 9/1/2006 Repeat Violator: NO		
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890

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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|----|------------|----------|
| 1 | 11/08/2002 | (16267) |
| 2 | 11/12/2002 | (353675) |
| 3 | 12/16/2002 | (353679) |
| 4 | 02/07/2007 | (537826) |
| 5 | 07/13/2005 | (393942) |
| 6 | 05/20/2002 | (755) |
| 7 | 07/19/2005 | (448114) |
| 8 | 02/22/2006 | (493669) |
| 9 | 08/24/2005 | (448115) |
| 10 | 09/16/2005 | (448116) |
| 11 | 03/21/2006 | (493670) |
| 12 | 10/18/2005 | (493671) |
| 13 | 11/18/2005 | (493672) |
| 14 | 12/27/2005 | (493673) |
| 15 | 01/18/2006 | (493674) |
| 16 | 10/10/2002 | (10558) |
| 17 | 05/17/2004 | (368142) |
| 18 | 07/23/2004 | (368143) |
| 19 | 08/10/2004 | (368144) |
| 20 | 09/20/2004 | (368145) |
| 21 | 10/19/2004 | (368146) |

22 03/02/2005 (390728)
 23 03/18/2005 (390729)
 24 11/15/2004 (390730)
 25 12/17/2004 (390731)
 26 08/17/2006 (509309)
 27 01/11/2005 (390732)
 28 04/24/2006 (506904)
 29 05/22/2006 (506905)
 30 02/22/2002 (353649)
 31 06/21/2006 (506906)
 32 04/04/2002 (353651)
 33 04/14/2003 (236746)
 34 07/18/2006 (529055)
 35 03/19/2003 (236745)
 36 08/22/2006 (529056)
 37 02/10/2003 (236744)
 38 09/21/2006 (529057)
 39 04/22/2002 (353655)
 40 05/13/2002 (353658)
 41 06/10/2002 (353661)
 42 06/15/2004 (329161)
 43 03/16/2004 (329162)
 44 04/21/2004 (329163)
 45 07/18/2002 (353664)
 46 05/12/2003 (329164)
 47 06/20/2003 (329165)
 48 06/14/2004 (329166)
 49 04/11/2005 (428148)
 50 07/21/2003 (329167)
 51 05/17/2005 (428149)
 52 08/25/2003 (329168)
 53 06/13/2005 (428150)
 54 09/09/2002 (353669)
 55 01/12/2004 (329169)
 56 10/17/2003 (329170)
 57 10/07/2002 (353671)
 58 11/18/2003 (329171)
 59 12/30/2003 (329172)
 60 01/21/2004 (329173)

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

Date: 01/31/2006 (493669)
 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: 07/13/2005 (393942)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(d)[G]
 Description: Failure to maintain the weirs and skirts of the clarifiers, which were corroded thus allowing solids to flow through into the chlorine contact chamber.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(1)
 TWC Chapter 26 26.121(a)(2)
 TWC Chapter 26 26.121(a)(3)
 TWC Chapter 26 26.121(a)[G]
 TWC Chapter 26 26.121(b)
 TWC Chapter 26 26.121(c)
 TWC Chapter 26 26.121(d)
 TWC Chapter 26 26.121(e)
 TWC Chapter 26 26.121[G]
 Description: Failure to prevent unauthorized discharges at the plant and/or in the collection system since the last CCI.

Date: 02/28/2006 (493670)

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:	10/10/2002 (10558)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)[G]		
Description:	Failure to maintain treatment unit		
Date:	03/31/2006 (506904)		
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:	04/30/2006 (506905)		
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
ENFORCEMENT ACTION
CONCERNING
JOHNSON COUNTY FRESH WATER
SUPPLY DISTRICT NO. 1
RN101992089**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0213-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 Johnson County Fresh Water Supply District No. 1 ("Johnson County") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Johnson County appear before the Commission and together stipulate that:

1. Johnson County owns and operates a wastewater treatment facility located approximately 2.5 miles northeast of the intersection of State Highway 174 and Farm-to-Market Road 917 in Joshua, Johnson County, Texas (the "Facility").
2. Johnson County has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Johnson County agree that the Commission has jurisdiction to enter this Agreed Order, and that Johnson County is subject to the Commission's jurisdiction.
4. Johnson County received notice of the violations alleged in Section II ("Allegations") on or about February 12, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Johnson County of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Four Hundred Forty-Five Dollars (\$4,445) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Johnson County has paid Three Thousand Five Hundred Fifty-Six Dollars

THE HISTORY OF THE UNITED STATES



THE HISTORY OF THE UNITED STATES
BY
JOHN B. HENNINGSEN
VOLUME I
THE FOUNDING OF THE NATION
1776-1789

THE HISTORY OF THE UNITED STATES
BY
JOHN B. HENNINGSEN
VOLUME II
THE EARLY REPUBLIC
1789-1800

THE HISTORY OF THE UNITED STATES
BY
JOHN B. HENNINGSEN
VOLUME III
THE JACKSONIAN ERA
1800-1845

THE HISTORY OF THE UNITED STATES
BY
JOHN B. HENNINGSEN
VOLUME IV
THE CIVIL WAR
1845-1865

(\$3,556) of the administrative penalty and Eight Hundred Eighty-Nine Dollars (\$889) is deferred contingent upon Johnson County'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 Johnson County fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Johnson County 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 Johnson County have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Johnson County has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Johnson County is alleged to have failed to comply with permitted limits for ammonia nitrogen ("NH3-N") and total suspended solids ("TSS"), in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 14350001, Effluent Limitations and Monitoring Requirements, No. 1, and 30 TEX. ADMIN. CODE § 305.125(1), as documented during a record review conducted on January 24, 2007 as depicted in the table below.

<i>EFFLUENT PARAMETER</i>					
<i>Permit Limit</i>					
<i>Month/Year</i>	NH3-N Daily Average	NH3-N Daily Average	NH3-N Daily Max.	TSS Daily Average	TSS Daily Max.
	3 mg/L	18 lbs/day	10 mg/L	15 mg/L	40 mg/L
Jan-06	5.2	c	c	29	48
Feb-06	5	c	11.9	20	c
Mar-06	12.5	19	20.3	c	c
Apr-06	23	60	25	c	c

lbs/day = pounds per day

mg/L = milligrams per liter

c = compliant

III. DENIALS

Johnson County generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Johnson County pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Johnson County'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: Johnson County Fresh Water Supply District No. 1, Docket No. 2007-0213-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. It is further ordered that the City shall undertake the following technical requirements:

Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with TPDES Permit No. 14350001, Effluent Limitations and Monitoring Requirements. 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."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 79118

3. The provisions of this Agreed Order shall apply to and be binding upon Johnson County. Johnson County is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Johnson County 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, Johnson County's failure to comply is not a violation of this Agreed Order. Johnson County shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Johnson County shall notify the Executive Director within seven days after Johnson County becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Johnson County shall be made in writing to the Executive Director. Extensions are not effective until Johnson County receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Johnson County in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Johnson County, or three days after the date on which the Commission mails notice of the Order to Johnson County, 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

John Ordine

For the Executive Director

Date 7/30/07

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.

K.A. Branson

Signature

Date 3-22-07

K.A. BRANSON

Name (Printed or typed)
Authorized Representative of
Johnson County Fresh Water Supply District No. 1

BOARD 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.

