

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0857-PWS-E **TCEQ ID:** RN101407930 **CASE NO.:** 35936

RESPONDENT NAME: Jefferson County Water Control Improvement District 10

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 checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input 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: Jefferson County WCID 10, 3707 Central Boulevard, Nederland, Jefferson County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. 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 November 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Thomas E. McDonald, District Manager, Jefferson County Water Control Improvement District 10, 3707 Central Boulevard, Nederland, Texas 77627 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(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 18, 2008</p> <p>Date of NOV/NOE Relating to this Case: May 12, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to issue a boil water notification and to provide notification to the Executive Director and the water system customers of an acute treatment technique violation within 24 hours of the surface water treatment plant exceeding the 5.0 Nephelometric Turbidity Units ("NTU") limit [30 TEX. ADMIN. CODE § 290.46(q)(3) and 290.111(j)(1)].</p>	<p>Total Assessed: \$550</p> <p>Total Deferred: \$110 <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: \$440</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted notification to the TCEQ of an acute treatment technique violation, as of February 25, 2008; and</p> <p>b. Submitted a standard operating procedure addressing the protocol to be followed when the combined filter effluent exceeds 5.0 NTU, including but not limited to issuing a boil water notification to the customers of the water system, as of May 21, 2008.</p>

Additional ID No(s): 1230003



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	19-May-2008			
	PCW	1-Jul-2008	Screening	22-May-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Jefferson County Water Control Improvement District 10
Reg. Ent. Ref. No.	RN101407930
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35936	No. of Violations	1
Docket No.	2008-0857-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Tel Croston
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	10.0% Enhancement	Subtotals 2, 3, & 7	\$50
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Notes: Penalty enhancement is due to five dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$300
 Approx. Cost of Compliance: \$300
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$550
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$550
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$550
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DEFERRAL	20.0% Reduction	Adjustment	-\$110
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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	\$440
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Screening Date 22-May-2008	Docket No. 2008-0857-PWS-E	PCW
Respondent Jefferson County Water Control Improvement District 10	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35936	<i>PCW Revision June 12, 2008</i>	
Reg. Ent. Reference No. RN101407930		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		

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 <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

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) 10%

>> 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

Penalty enhancement is due to five dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 22-May-2008	Docket No. 2008-0857-PWS-E	PCW		
Respondent Jefferson County Water Control Improvement District 10	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35936	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN101407930				
Media [Statute] Public Water Supply				
Enf. Coordinator Tel Croston				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 290.46(q)(3) and 290.111(j)(1)"/>			
Violation Description	<input 2008="" 22,="" 24="" 9.9="" a="" combined="" effluent="" exceedance="" failed="" february="" filter="" hours."="" limit.="" ntu="" ntu")="" occurred="" of="" on="" report="" specifically,="" system="" that="" the="" to="" turbidity="" type="text" value="Failed to issue a boil water notification and failed to provide notification to the Executive Director and the water system customers of an acute treatment technique violation within 24 hours of the surface water treatment plant exceeding the 5.0 Nephelometric Turbidity Units (" within=""/>			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="50%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	<input type="text" value="Failure to issue a boil water notice and provide notification could result in customers of the water supply being exposed to significant amounts of contaminants which would exceed levels that are protective of human health."/>			
		Adjustment	<input type="text" value="\$500"/>	
		<input type="text" value="\$500"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
		Violation Base Penalty	<input type="text" value="\$500"/>	
<input type="text" value="One single event is recommended."/>				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	(mark with x)		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
		Violation Subtotal	<input type="text" value="\$500"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$300"/>	Violation Final Penalty Total	<input type="text" value="\$550"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$550"/>		

Economic Benefit Worksheet

Respondent Jefferson County Water Control Improvement District 10
Case ID No. 35936
Reg. Ent. Reference No. RN101407930
Media Public Water Supply
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$300	22-Feb-2008	23-Feb-2008	0.00	\$0	\$300	\$300

Notes for AVOIDED costs

The avoided costs include the amount required to issue a boil water notice and provide notification to all customers of the water supply, calculated for the 24 hours period after the event occurred.

Approx. Cost of Compliance

\$300

TOTAL

\$300

Compliance History

Customer/Respondent/Owner-Operator: CN600661771 Jefferson County Water Control & Improvement District 10 Classification: AVERAGE Rating: 2.83

Regulated Entity: RN101407930 JEFFERSON COUNTY WCID 10 Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230003
 WATER LICENSING LICENSE 1230003

Location: 3707 CENTRAL BLVD, NEDERLAND, JEFFERSON COUNTY, TX, 77627

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 20, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 20, 2003 to May 20, 2008

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

Name: Tel Croston Phone: 239-5717

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 08/28/2003 (152488)
- 2 05/28/2004 (272242)
- 3 10/05/2004 (333860)
- 4 06/16/2005 (394571)
- 5 03/22/2006 (456838)
- 6 03/21/2007 (553956)
- 7 08/22/2007 (568039)
- 8 05/12/2008 (640313)
- 9 05/19/2008 (646491)

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

Date: 05/27/2004 (272242)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i)

Description: Failure to conduct a required annual test of an existing backflow prevention device.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)

Description: Failure to demonstrate that a chemical directly added to the water is ANSI/NSF approved.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to perform annual tank inspections of the water storage facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the water system's facilities and /or equipment.
Date 06/16/2005 (394571)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the water system's facilities and /or equipment.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)
Description: Failure to provide an appropriate intruder-resistant fence.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(5)
Description: Failure to properly locate the inlet and outlet on the ground storage tanks.
Date 03/22/2006 (456838)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)
Description: Failure to provide an appropriate intruder-resistant fence.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(5)
Description: Failure to properly locate the inlet and outlet on the ground storage tanks.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)
Description: Failure to have test reports indicating that all backflow prevention assemblies have been tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the general appearance of the water system's equipment.
Date 08/22/2007 (568039)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain a facility operated by the water system: corrosion on the cat walk of the 0.4 MG elevated tank:
Date 05/19/2008 (646491)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain a facility operated by the water system: corrosion on the cat walk of the 0.4 MG elevated tank.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)
Description: Failure to have a complete monitoring plan.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)
Description: Failure to maintain annual backflow test and maintenance reports.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)(A)
Description: Failure to identify water lines by not using the proper color coding.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain a water system's chemical containment.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain a water system's treatment facility.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)
Description: Failure to cover chemical tanks.

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
JEFFERSON COUNTY WATER
CONTROL IMPROVEMENT
DISTRICT 10
RN101407930**

§ **BEFORE THE**
§
§
§ **TEXAS COMMISSION ON**
§
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0857-PWS-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 Jefferson County Water Control Improvement District 10 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 3707 Central Boulevard in Nederland, Jefferson County, Texas (the "Facility") that has approximately 2,060 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 17, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Five Hundred Fifty Dollars (\$550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Forty Dollars (\$440) of the administrative penalty and One Hundred Ten Dollars (\$110) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. 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.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Submitted notification to the TCEQ of an acute treatment technique violation, as of February 25, 2008; and
 - b. Submitted a standard operating procedure addressing the protocol to be followed when the combined filter effluent exceeds 5.0 Nephelometric Turbidity Units ("NTU"), including but not limited to issuing a boil water notification to the customers of the water system, as of May 21, 2008.
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 the Respondent 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 of the Facility, the Respondent is alleged to have failed to issue a boil water notification and to provide notification to the Executive Director and the water system customers of an acute treatment technique violation within 24 hours of the surface water treatment plant exceeding the 5.0 NTU limit, in violation of 30 TEX. ADMIN. CODE §§ 290.46(q)(3) and 290.111(j)(1), as documented during a record review conducted on March 18, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent'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: Jefferson County Water Control Improvement District 10, Docket No. 2008-0857-PWS-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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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 Siddle
For the Executive Director

10/10/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Thomas McDonald
Signature

Aug 20, 2008
Date

THOMAS E. McDONALD
Name (Printed or typed)
Authorized Representative of
Jefferson County Water Control Improvement District 10

DISTRICT MANAGER
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.

