

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-1375-MWD-E **TCEQ ID:** RN101516714 **CASE NO.:** 34405**RESPONDENT NAME:** Victoria County Water Control and Improvement 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: Victoria Co. WCID 1, located northwest of and adjacent to the Missouri Pacific Railroad right-of-way approximately 3,000 feet northeast, along the Missouri Pacific Railroad from its intersection with State Highway 185, Bloomington, Victoria County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment system</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 January 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 754-3048; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Bill Tindall, Board President, Victoria County Water Control and Improvement District No. 1, P.O. Box 667, Bloomington, Texas 77951 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: June 15, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 10, 2007 (NOE)</p> <p>Background Facts: This was a routine records review investigation.</p> <p>WATER</p> <p>1) Failure to comply with permit effluent limits for flow, dissolved oxygen, and total suspended solids [TEX. WATER Code § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010513002, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].</p> <p>2) Failure to submit the monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the Discharge Monitoring Report ("DMR") for the month of February 2007 [30 TEX. ADMIN. CODE § 319.7(d), 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$8,280</p> <p>Total Deferred: \$1,656 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,624</p> <p>Total Paid (Due) to General Revenue: \$0</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>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has achieved compliance with the permit effluent limits in March 2007, by increasing the wasting schedule and increasing monitoring and maintenance activities.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit the February 2007 DMR; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): CN600736946

Attachment A
Docket Number: 2007-1375-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Victoria County Water Control and Improvement District
No. 1

Payable Penalty Amount: Six Thousand Six Hundred Twenty-Four Dollars (\$6,624)

SEP Amount: Six Thousand Six Hundred Twenty-Four Dollars (\$6,624)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development
Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up

Location of SEP: Victoria County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
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 payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

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

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

The Respondent shall also mail a copy of the check 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 advertising, public relations, and press releases.

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned PCW	16-Jul-2007	Screening	1-Aug-2007	EPA Due	
		1-Aug-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Victoria County Water Control and Improvement District No. 1		
Reg. Ent. Ref. No.	RN101516714		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34405	No. of Violations	2
Docket No.	2007-1375-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Total EB Amounts	<input type="text" value="\$64"/>	0% Enhancement*	Subtotal 6 <input type="text" value="\$0"/>
Approx. Cost of Compliance	<input type="text" value="\$2,100"/>		

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 1-Aug-2007

Docket No. 2007-1375-MWD-E

PCW

Respondent Victoria County Water Control and Improvement District I

Policy Revision 2 (September 2002)

Case ID No. 34405

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101516714

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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>)	21	105%
	Other written NOVs	1	2%
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 judgments 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%
<i>Please Enter Yes or No</i>			
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) 107%

>> **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 penalty is enhanced because the Respondent self reported 15 months of effluent quality violations, received six notices of violation ("NOVs") for same or similar violations, and received one NOV for violations that are not same or similar to the violations stated in this case.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 107%

Screening Date 1-Aug-2007	Docket No. 2007-1375-MWD-E	PCW			
Respondent Victoria County Water Control and Improvement District No. 1	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 34405	<i>PCW Revision June 26, 2007</i>				
Reg. Ent. Reference No. RN101516714					
Media [Statute] Water Quality					
Enf. Coordinator Heather Brister					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010513002, Effluent Limitations and Monitoring Requirements Nos. 1 and 6				
Violation Description	Failed to comply with permit effluent limits as documented by a TCEQ record review of self-reported data conducted on June 15, 2007. See attached table.				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
		Percent	<input type="text" value="10%"/>		
>> 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	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 as a result of the violation.				
		Adjustment	<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>			
Violation Events					
		Number of Violation Events	<input type="text" value="3"/>	Number of violation days	<input type="text" value="124"/>
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input checked="" type="text" value="x"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
		Violation Base Penalty	<input type="text" value="\$3,000"/>		
Three quarterly events are recommended.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$58"/>	Violation Final Penalty Total		<input type="text" value="\$6,210"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$6,210"/>	

Economic Benefit Worksheet

Respondent Victoria County Water Control and Improvement District No. 1
Case ID No. 34405
Reg. Ent. Reference No. RN101516714
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
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)	\$2,000	31-Jul-2006	1-Mar-2007	0.6	\$58	n/a	\$58

Notes for DELAYED costs

Estimated cost for additional wasting schedule, monitoring, and maintenance, which alleviated the noncompliance. Date Required is the initial month of noncompliance. Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$58

Screening Date 1-Aug-2007

Docket No. 2007-1375-MWD-E

PCW

Respondent Victoria County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 34405

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101516714

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 319.7(d), 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1

Violation Description
Failed to submit the monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the Discharge Monitoring Report ("DMR") for the month of February 2007, as documented by a record review conducted on June 15, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input checked="" type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Victoria County Water Control and Improvement District No. 1
Case ID No. 34405
Reg. Ent. Reference No. RN101516714
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
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)	\$100	20-Mar-2007	30-Apr-2008	1.1	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the missing DMR. Date Required is the date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$6

Effluent Limit Violation Table

table rev.

Respondent	Victoria County Water Control and Improvement District No. 1
ID Number(s)	WQ0010513002
Docket Number	2007-1375-MWD-E
Enf. Coordinator	Heather Brister

Corresponds to Violation Number: 1

<i>EFFLUENT PARAMETER</i>				
<i>Permit Limit</i>				
	Flow Daily Average 0.30 Million Gallons per Day	Dissolved Oxygen Minimum 4.0 Milligrams per Liter	Total Suspended Solids Daily Average 15 Milligrams per Liter	Total Suspended Solids Daily Average Loading 38 Pounds per Day
<i>Month/Year</i>				
Jul-06	c	3.8	c	c
Aug-06	c	3.3	c	c
Dec-07	c	c	20	59
Jan-07	0.324	c	25	38.5

c = compliant

Compliance History

Customer/Respondent/Owner-Operator: CN600736946 Victoria Co WCID 1
Regulated Entity: RN101516714 Victoria County Water Control and Improvement District No. 1

Classification: AVERAGE Rating: 5.39

Classification: AVERAGE Site Rating: 9.69

ID Number(s): WASTEWATER PERMIT WQ0010513002
WASTEWATER PERMIT TPDES0122246
WASTEWATER PERMIT TX0122246

Rating Date: 9/1/2006 Repeat Violator: NO

Location: Located northwest of and adjacent to the Missouri Pacific Railroad right-of-way approximately 3000 feet northeast, along the Missouri Pacific Railroad from its intersection with State Highway 185 in the City of Bloomington in Victoria County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: July 30, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 30, 2002 to July 30, 2007

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

Name: Heather Brister Phone: 512-239-1203

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Victoria County Wcid 1
4. If Yes, who was/were the prior owner(s)? Victoria County
5. When did the change(s) in ownership occur? 09/20/2002

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 08/28/2002 (235963)
 - 2 09/27/2002 (235965)
 - 3 02/18/2003 (235951)
 - 4 03/21/2003 (235953)
 - 5 04/22/2003 (328272)
 - 6 05/21/2003 (328273)
 - 7 06/13/2003 (328274)
 - 8 07/18/2003 (328276)
 - 9 08/20/2003 (328277)
 - 10 09/12/2003 (328278)
 - 11 02/12/2004 (257701)
 - 12 02/17/2004 (328270)
 - 13 03/18/2004 (328271)
 - 14 04/22/2004 (367574)
 - 15 05/13/2004 (367575)
 - 16 06/21/2004 (328275)
 - 17 07/21/2004 (367576)
 - 18 09/16/2004 (367577)
 - 19 02/14/2005 (427811)
 - 20 03/14/2005 (373954)
 - 21 03/15/2005 (427813)
 - 22 03/17/2005 (427812)
 - 23 05/12/2005 (427814)
 - 24 06/06/2005 (427815)
 - 25 06/23/2005 (397079)

26 07/18/2005 (447825)
 27 08/15/2005 (447826)
 28 09/13/2005 (447827)
 29 10/11/2005 (434014)
 30 10/11/2005 (433977)
 31 10/11/2005 (432000)
 32 02/17/2006 (493128)
 33 03/22/2006 (493129)
 34 05/18/2006 (506597)
 35 05/19/2006 (506598)
 36 06/19/2006 (506599)
 37 07/10/2006 (528769)
 38 08/11/2006 (528770)
 39 09/21/2006 (528771)
 40 11/10/2006 (518257)
 41 01/23/2007 (534711)
 42 03/02/2007 (542228)
 43 04/25/2007 (538599)
 44 06/20/2007 (563661)
 45 07/11/2007 (564582)

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

Date: **02/28/2003** (235953)

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: **07/31/2003** (328277)

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: **08/07/2003** (148957)

Self Report? NO

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: PERMIT WQ0010513-002

Description: Failure to prevent the unauthorized discharge of wastewater into or adjacent to waters of the state.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: PERMIT WQ0010513-002

Description: Failure to provide noncompliance notification for an unauthorized discharge of wastewater.

Date: **08/31/2003** (328278)

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: **02/13/2004** (257701)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT TPDES PERMIT NO. 10513-0002
 Description: Failure to comply with effluent limitation of total chlorine residual minimum.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT TPDES Permit No. 10513-002
 Description: Failure to meet the two hour peak flow limit. The Victoria WCID No. 1 reported 1.533 MGD and 3.53 MGD for the months of November and July, respectively.
 Failure to meet the two hour peak flow limit. The Victoria WCID No. 1 reported 1.533 MGD and 3.53 MGD for the months of November and July, respectively.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT TPDES Permit No. 10513-002
 Description: Failure to comply with self-monitored effluent limitations.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT TPDES Permit No. 10513-002
 Description: Failure to report effluent violations which deviates from the permitted effluent limitations by more than 40 %.

Date: **02/29/2004** (328271)
 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: **05/31/2004** (328275)
 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: **06/30/2004** (367576)
 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: **07/21/2004** (282117)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT TPDES Permit WQ0010521-002
 Description: Failure to properly operate and maintain the wastewater collection system.

Date: **02/28/2005** (427812)
 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** (427813)
 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** (427815)
 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: **06/24/2005** (397079)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT TPDES Permit No. WQ0010513-002
 Description: Failure to maintain the chlorine residual at or above the minimum required concentration of 1.0 mg/l.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT TPDES Permit No. WQ0010513-002
 Description: Failure to comply with the permitted effluent limits for ammonia-nitrogen daily average concentration, ammonia-nitrogen daily maximum concentration, chlorine residual minimum, and Total Suspended Solids (TSS) daily average loading during the month of June 2004.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.9(c)
 Rqmt Prov: PERMIT TPDES Permit No. WQ0010513-002
 Description: Failure to perform adequate quality control for the analysis of chlorine residual and dissolved oxygen.

Date: **06/30/2005** (447825)
 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: **07/31/2005** (447826)
 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: **07/31/2006** (528770)
 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: **08/31/2006** (528771)
 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: **11/10/2006** (518257)
Self Report? NO Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Permit Conditions 2.g.
Description: Failure to prevent an unauthorized discharge of wastewater or any other waste.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Permit Conditions 2.d.
Description: Failure to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has the reasonable likelihood of adversely affecting human health or the environment.

Date: **12/31/2006**
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: **01/24/2007** (534711)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.3(e)(5)
Description: Failure to provide an audio-visual alarm system (red flashing light and horn) for all lift stations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.6(b)(1)(E)
Description: Failure to provide forced mechanical ventilation for the chlorination room which will provide a complete air change a minimum of every three minutes.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP Effluent Limitations 2. (page 2)
Description: Failure to maintain a chlorine residual in the effluent of at least 1.0 milligrams per liter (mg/l) after a detention time of at least 20 minutes (based on peak flow).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP Monitoring and Reporting 2. (page 4)
Description: Failure to ensure that test procedures for the analysis of pollutants complies with procedures specified in 30 TAC Chapters 319.11-319.12.

Date: **01/31/2007**
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: **04/26/2007** (538599)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Permit Conditions 2.d.
Description: Failure to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has the reasonable likelihood of adversely affecting human health or the environment.

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
VICTORIA COUNTY WATER
CONTROL AND IMPROVEMENT
DISTRICT NO. 1
RN101516714**

§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1375-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 Victoria County Water Control and Improvement District No. 1 ("the District") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the District appear before the Commission and together stipulate that:

1. The District owns and operates a domestic wastewater treatment system located northwest of and adjacent to the Missouri Pacific Railroad right-of-way approximately 3,000 feet northeast, along the Missouri Pacific Railroad from its intersection with State Highway 185 in Bloomington, Victoria County, Texas (the "Facility").
2. The District has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the District agree that the Commission has jurisdiction to enter this Agreed Order, and that the District is subject to the Commission's jurisdiction.
4. The District received notice of the violations alleged in Section II ("Allegations") on or about July 15, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the District of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Two Hundred Eighty Dollars (\$8,280) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Six Thousand Six Hundred Twenty-Four Dollars (\$6,624) of the administrative penalty shall be conditionally offset by the District's completion of a Supplemental Environmental Project ("SEP") and One Thousand Six Hundred Fifty-Six Dollars (\$1,656) is deferred contingent upon the District'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 District fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the District 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 the District 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 the District has achieved compliance with the permit effluent limits in March 2007, by increasing the wasting schedule and increasing monitoring and maintenance activities.
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 the District has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the District is alleged to have:

1. Failed to comply with permit effluent limits, 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. WQ0010513002, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as documented by a TCEQ record review of self-reported data conducted on June 15, 2007, and shown in the following table:

EFFLUENT PARAMETER				
Permit Limit				
	Flow Daily Average 0.30 Million Gallons per Day	Dissolved Oxygen Minimum 4.0 Milligrams per Liter	Total Suspended Solids Daily Average 15 Milligrams per Liter	Total Suspended Solids Daily Average Loading 38 Pounds per Day
<i>Month/Year</i>				
Jul-06	c	3.8	c	c
Aug-06	c	3.3	c	c
Dec-06	c	c	20	59
Jan-07	0.324	c	25	38.5

c = compliant

- Failed to submit the monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 319.7(d), 30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1, as documented by a record review conducted on June 15, 2007. Specifically, the District failed to submit the Discharge Monitoring Report ("DMR") for the month of February 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the District pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the District'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: Victoria County Water Control and Improvement District No. 1, Docket No. 2007-1375-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

- The District shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Six Hundred Twenty-Four Dollars (\$6,624) of the assessed administrative penalty shall be offset with the condition that the District implement the SEP defined in Attachment A, incorporated herein by reference. The District'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.
- It is further ordered that the District shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, submit the February 2007 DMR in accordance with the requirements of 30 TEX. ADMIN. CODE § 319.7(d), 30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. WQ0010513002 Monitoring and Reporting Requirements No. 1. This report shall be submitted to:

Compliance Monitoring Team (MC 224)
Enforcement Division
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with the Ordering Provision No. 3.a. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the District. The District 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 the District 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, the District's failure to comply is not a violation of this Agreed Order. The District shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The District shall notify the Executive Director within seven days after the District

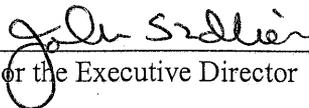
becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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 the District shall be made in writing to the Executive Director. Extensions are not effective until the District 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 the District 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 the District, or three days after the date on which the Commission mails notice of the Order to the District, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 1/29/2008

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.



Signature

Date NOVEMBER 26, 2007

BILL TINDALL

Name (Printed or typed)
Authorized Representative of
Victoria County Water Control and Improvement District No. 1

Title **BOARD PRESIDENT**

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

Attachment A
Docket Number: 2007-1375-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Victoria County Water Control and Improvement District
No. 1

Payable Penalty Amount: Six Thousand Six Hundred Twenty-Four Dollars (\$6,624)

SEP Amount: Six Thousand Six Hundred Twenty-Four Dollars (\$6,624)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development
Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up

Location of SEP: Victoria County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
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 payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

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

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

The Respondent shall also mail a copy of the check 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 advertising, public relations, and press releases.

6. Clean Texas Program

The 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.

