

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2005-1044-PWS-E **TCEQ ID:** RN101400315 **CASE NO.:** 25834  
**RESPONDENT NAME:** West Jefferson County Municipal Water District

<b>ORDER TYPE:</b>		
<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"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> West Jefferson County MWD, 7824 Glenbrook Drive, Beaumont, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Retail public water supply</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 26, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223  <b>TCEQ Enforcement Coordinator:</b> Ms. Dana Shuler, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2505; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Dennis Greene, General Manager, West Jefferson County Municipal Water District, 7824 Glenbrook Drive, Beaumont, Texas 77705  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 26, 2005</p> <p><b>Date of NOVs Relating to this Case:</b> August 20, 2004; February 10, February 15, April 21, and April 27, 2005 .</p> <p><b>Background Facts:</b> These were routine record reviews. Two violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to comply with the maximum contaminant level ("MCL") based on a running annual average for total trihalomethanes ("TTHM") during the third and fourth quarters of 2004 and the first quarter of 2005 [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>2) Failed to comply with the MCL based on a running annual average for haloacetic acids (five) ("HAA5") for the third and fourth quarters of 2004 and the first quarter of 2005 [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$1,510</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$1,510</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></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 365 days after the effective date of this Agreed Order, return to compliance with the running annual average maximum contaminant level for TTHM;</p> <p>b. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average maximum contaminant level for HAA5; and</p> <p>c. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including copies of water analysis, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2a and 2b.</p>

Additional ID(s): PWS 1230021

Attachment A  
Docket Number: 2005-1044-PWS -E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** West Jefferson County Municipal Water District  
**Payable Penalty Amount:** One Thousand Five Hundred Ten Dollars (\$1,510)  
**SEP Amount:** One Thousand Five Hundred Ten Dollars (\$1,510)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Jefferson County-Pleasure Island Stabilization  
**Location of SEP:** Jefferson 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 the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to stabilize the shoreline by placing vinyl sheets of piling and erosion control blankets along a stretch of waterway along Pleasure Island. Continued erosion from wave action caused by passing ships is compromising the integrity of the shoreline along Pleasure Island. The embankment will be reclaimed and sloped to stabilize approximately 5 miles of shoreline.

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 correcting erosion problems and will result in less silt and turbidity in the water. Improving the waterway will promote bird and aquatic life, and make the area safer for recreational uses.

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:

The Honorable Carl R. Griffith, Jr.  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**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 May 19, 2005

<b>DATES</b>	<b>Assigned</b>	31-May-2005	<b>Screening</b>	09-Jun-2005	<b>EPA Due</b>	26-Feb-2005
	<b>PCW</b>	11-Jul-2005				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	West Jefferson County Municipal Water District
<b>Reg. Ent. Ref. No.</b>	RN101400315
<b>Facility/Site Region</b>	10-Beaumont <input type="text" value="&lt;"/>
<b>Major/Minor Source</b>	Major Source <input type="text" value="&lt;"/>

<b>CASE INFORMATION</b>	
<b>Enf./Case ID No.</b>	25834
<b>Docket No.</b>	2005-1044-PWS-E
<b>Media Program(s)</b>	Public Water Supply <input type="text" value="&lt;"/>
<b>Multi-Media</b>	
<b>Admin. Penalty \$ Limit Minimum</b>	\$50
<b>Maximum</b>	\$1,000
<b>No. of Violations</b>	2
<b>Order Type</b>	1660 <input type="text" value="&lt;"/>
<b>Enf. Coordinator</b>	Dana Shuler
<b>EC's Team</b>	Enforcement Team 8 <input type="text" value="&lt;"/>

## 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** **Subtotals 2, 3, & 7**

**Notes**

**Culpability** **Subtotal 4**

**Notes**

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

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with a small x)

**Notes**

**Economic Benefit** **Subtotal 6**

<b>Total EB Amounts</b>	<input style="width: 80px;" type="text" value="\$640"/>
<b>Approx. Cost of Compliance</b>	<input style="width: 80px;" type="text" value="\$5,000"/>

\*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** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

<b>Screening Date</b> 09-Jun-2005	<b>Docket No.</b> 2005-1044-PWS-E	<b>PCW</b>
<b>Respondent</b> West Jefferson County Municipal Water District	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 25834	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN101400315		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Dana Shuler		

**Compliance History Worksheet**

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

Component	Number of...	<i>Enter Number Here</i>	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	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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 (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 ( <i>number of audits for which notices were</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%
Other	<i>Please Enter Yes or No</i>		
	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) 26%**

>> Repeat Violator (Subtotal 3)

N/A

**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 has three (3) dissimilar NOV's. In addition, the respondent has an agreed order.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 26%**

<b>Screening Date</b>	09-Jun-2005	<b>Docket No.</b>	2005-1044-PWS-E	<b>PCW</b>
<b>Respondent</b>	West Jefferson County Municipal Water District		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	25834	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN101400315			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Dana Shuler			
<b>Violation Number</b>	<input type="text" value="1"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.113(f)(4)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text" value="Tex. Health &amp; Safety Code § 341.0315(c)"/>			
<b>Violation Description</b>	<p>The respondent exceeded the maximum contaminant level of 0.080 mg/L for trihalomethanes (TTHM) for the 3rd &amp; 4th quarters of 2004 and for the first quarter of 2005, as documented during a record review conducted on May 26, 2005. Specifically, it was determined that the running annual average level was 0.122 mg/L during the 3rd quarter of 2004, 0.129 mg/L during the 4th quarter of 2004, and 0.100 mg/L during the 1st quarter of 2005.</p>			

**Base Penalty**

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

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<b>X</b>	<input type="text"/>	<b>Percent</b> <input type="text" value="50%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<b>X</b>
	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 West Jefferson County Municipal Water District  
 Case ID No. 25834  
 Reg. Ent. Reference No. RN101400315  
 Media [Statute] 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
<b>Delayed Costs</b>							
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)	\$2,500	01-Jul-2004	22-Jan-2007	2.6	\$320	n/a	\$320

Notes for DELAYED costs: Estimated cost to implement an alternate method of disinfection. The date required (07/01/2004) is the beginning of the quarter in which the TTHM exceedance began. The final date (01/22/2007) is the expected date of compliance.

Item	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 **\$2,500** TOTAL **\$320**

**Screening Date** 09-Jun-2005

**Docket No.** 2005-1044-PWS-E

**PCW**

**Respondent** West Jefferson County Municipal Water District

*Policy Revision 2 (September 2002)*

**Case ID No.** 25834

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101400315

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Dana Shuler

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

The respondent exceeded the maximum contaminant level of 0.060 mg/L for haloacetic acids (HAA5) for the 3rd & 4th quarters of 2004 and 1st quarter of 2005, as documented during a record review conducted on May 26, 2005. Specifically, it was determined that the running annual average level was 0.098 mg/L during the 3rd quarter of 2004, 0.102 mg/L during the 4th quarter of 2004, and 0.091 mg/L during the 1st quarter of 2005.

**Base Penalty**

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="50%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>		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**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input checked="" type="checkbox"/>
	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 West Jefferson County Municipal Water District  
 Case ID No. 25834  
 Reg. Ent. Reference No. RN101400315  
 Media [Statute] Public Water Supply  
 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
<b>Delayed Costs</b>							
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)	\$2,500	01-Jul-2004	22-Jan-2007	2.6	\$320	n/a	\$320

Notes for DELAYED costs: Estimated cost to implement an alternate method of disinfection. The date required (07/01/2004) is the beginning of the quarter in which the HAA5 exceedance began. The final date (01/22/2007) is the expected date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **\$2,500** TOTAL **\$320**

## Compliance History

Customer/Respondent/Owner-Operator: CN600630487 West Jefferson County Municipal Water District Classification: AVERAGE Rating: 2.630

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Regulated Entity: RN101400315 WEST JEFFERSON COUNTY MWD Classification: N/A Site Rating: 0.00

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ID Number(s):

WATER LICENSING	LICENSE	1230021
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230021

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Location: 7824 GLENBROOK DR, BEAUMONT, TX, 77705

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TCEQ Region: REGION 10 - BEAUMONT

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Date Compliance History Prepared: June 08, 2005

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Agency Decision Requiring Compliance History: Enforcement

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Compliance Period: June 08, 2000 to June 08, 2005

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

Name: Dana Shuler Phone: (512)239-2505

### 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
6. Comments:

### Components (Multimedia) for the Site :

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

Effective Date: 2/10/01

ADMINORDER 2000-0540-PWS-E

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)[G]  
 Description: Failure to properly complete monthly operations reports for the Fannett and La Belle water treatment plants by reporting incorrect treatment parameters  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)[G]  
 Description: Failure to properly complete supplementary operating reports for daily contact time (CT) determinations by improperly calculating disinfection contact times.  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to maintain and remove excessive vegetation from the fences at the Fannett and La Belle plants  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to properly maintain the interior coatings of the clarifiers at the Fannett and La Belle plants  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to remove excessive algal buildup in the clarifiers at the Fannett and La Belle plants  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to properly maintain the interior coatings of filters one and two at the Fannett plant  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to repair or replace the severely corroded and damaged weirs on filters one and two at the Fannett water treatment plant.  
 Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to replace the missing strand of barbed wire on the fence at the La Belle water treatment plant raw water intake.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
30 TAC Chapter 290, SubChapter D 290.46(t)  
Description: Failure to repair the excessively leaking raw water pump at the LaBelle water treatment plant raw water intake  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to properly level the collection launders on the clarifier at the La Belle water treatment plant  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to remove accumulated oil and other floating debris from the ground storage tank located at the Beaumont booster station by periodically overflowing the tank  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)  
Description: Failure to provide the roof hatch openings on the new 0.175 MG ground storage and the new 0.010 MG ground storage tank with suitable gaskets  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
Description: Failure to provide the new 0.010 MG ground storage tank with a water level indicator  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)  
Description: Failure to provide chlorination scales for the chlorine facilities located at the Fannett and La Belle water treatment plants for all chlorination cylinders in use  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)  
Description: Failure to meet the Commission's "Minimum Water System Capacity Requirements" for a treatment plant capacity of 0.6 gallons per minute per connection under normal rated design flow  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)  
Description: Failure to meet the Commission's "Minimum Water System Capacity Requirements" for a raw water pump capacity of 0.6 gallons per minute per connection with the largest pump out of service.  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)  
Description: Failure to meet the Commission's "Minimum Water System Capacity Requirements" for a transfer pump capacity of 0.6 gallons per minute per connection with the largest pump out of service  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)  
Description: Failure to provide and maintain raw water intake restriction signs visible from all parts of the restricted area around the raw water intake, specifically along Garner Road  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(3)(C)  
Description: Failure to provide intruder resistant fencing on the east side of the Fannett water treatment plant along the LNVA canal  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
Description: Failure to provide a raw water meter for the Fannett water treatment plant and a treated water meter for the La Belle water treatment plant  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)(G)  
Description: Failure to provide a complete plant operations manual with telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A)  
Description: Failure to provide a vacuum breaker on the hose bib adjacent to the filters at the Fannett water treatment plant  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(G)  
30 TAC Chapter 290, SubChapter F 290.104(G)  
30 TAC Chapter 290, SubChapter F 290.121(G)  
Description: Failure to utilize a Commission approved test method for determining the free chlorine residual used for reporting on the monthly operations report  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(G)  
30 TAC Chapter 290, SubChapter F 290.121(c)(G)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT C 141.23(k)(1)  
Description: Failure to utilize a Commission approved test method for determining pH.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(G)  
Description: Failure to perform calibration checks weekly and calibrations quarterly on the continuous turbidity meter used to reporting  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(G)

30 TAC Chapter 290, SubChapter F 290.121(c)[G]  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT C 141.22(a)

Description: Failure to accurately record the extent of primary calibrations of the bench top turbidity meter used for reporting and to validate the continuous turbidity meter

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(7)(A)

Description: Failure to provide the caustic feed facilities at the La Belle water treatment plant with calibration cylinders for proper metering and flow adjustment

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(i)

Description: Failure to provide the chemical bulk storage facilities with secondary containment at both plants

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(9)(A)

Description: Failure to provide a means for sludge depth measurement for the clarifiers located at the Fannett water treatment plant

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(ii)

Description: Failure to provide suitable flow limiting devices on the discharge piping on all filters at the Fannett and La Belle water treatment plants

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(i)

Description: Failure to provide the filter discharge piping with suitable samples taps at the La Belle water treatment plant

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(v)

Description: Failure to provide, maintain, repair, or replace loss of head gauges on each of the filters located at both water treatment plants, specifically the 6 filters located at La Belle WP require individual loss of head gauges and filter one at Fannett WP.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(12)

Description: Failure to properly identify WTP piping with color coding or the use of labels, specifically, the backwash line serving the filters at the Fannett plant was not properly identified and the entire plant piping serving La Belle was not properly ident.

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 05/17/2005 (377552)  
2 05/26/2005 (393120)  
3 01/28/2004 (259679)  
4 02/28/2001 (286361)  
5 06/04/2004 (272510)  
6 06/17/2003 (34424)

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

Date: 06/17/2003 (34424)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)

Description: Failure to have on file annual test reports for backflow assembly devices installed in the water system's distribution.

Self Report? NO

Classification: Minor

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

Description: Failure to maintain flushing records.

Self Report? NO

Classification: Minor

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

Description: Failure to provide ANSI/NSF standards for chemicals used in the water treatment process.

Self Report? NO

Classification: Minor

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

Description: Failure to perform the annual inspection of the 1000-gallon pressure tank at the purchase water plant on FM 124.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]  
Description: Failure to perform the Annual Inspection of the 11,000-gallon ground storage at water plant on FM 124.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)  
Description: Failure to meet the TCEQ minimum capacity requirements for raw water pumps.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]  
Description: Failure to provide containment for a liquid chemical tank.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]  
Description: Failure to properly maintain a facility used by the water system.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(7)  
Description: Failure to prevent the entrance of dust and other contaminants into a chemical container used by the water system.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)[G]  
Description: Failure to take daily chlorine residual samples at representative locations in the distribution.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(3)(C)  
Date: 06/04/2004 (272510)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)  
Description: Failure to meet the TCEQ minimum capacity requirements for raw water pumps.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]  
Description: Failure to provide containment for a liquid chemical tank.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(3)(C)  
Description: Failure to meet the TCEQ minimum capacity requirements for transfer pumps.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
Description: Failure to perform annual calibrations of the water system's flow meters.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)  
Description: Failure to provide adequate containment facilities for liquid chemical storage tanks.

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.  
Description: Failure to meet the TCEQ minimum capacity requirements for transfer pumps.

Date: 05/16/2005 (377552)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)  
Description: Failure to maintain on file a backflow assembly test report.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]  
Description: Failure to have an adequate monitoring plan.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)[G]  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)[G]  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)[G]  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)[G]  
30 TAC Chapter 290, SubChapter F 290.119[G]  
Description: Failure to properly calibrate Laboratory equipment used for compliance testing.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(B)  
Description: Failure to collect microbial samples at the required time intervals.

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  
WEST JEFFERSON COUNTY  
MUNICIPAL WATER DISTRICT  
RN101400315**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2005-1044-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 West Jefferson County Municipal Water District ("West Jefferson") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and West Jefferson appear before the Commission and together stipulate that:

1. West Jefferson owns and operates a retail public water supply at 7824 Glenbrook Drive in Beaumont, Jefferson County, Texas (the "Facility") that has approximately 2,789 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and West Jefferson agree that the Commission has jurisdiction to enter this Agreed Order, and that West Jefferson is subject to the Commission's jurisdiction.
3. West Jefferson received notices of the violations alleged in Section II ("Allegations") on or about August 25, 2004 and February 15 and 20, April 26, and May 2, 2005.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by West Jefferson of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Five Hundred Ten Dollars (\$1,510) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Five Hundred Ten Dollars (\$1,510) shall be conditionally offset by West Jefferson's completion of a Supplemental Environmental Project.
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 West Jefferson have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. 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 West Jefferson has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. 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, West Jefferson is alleged to have:

1. Failed to comply with the maximum contaminant level ("MCL") based on a running annual average for total trihalomethanes ("TTHM") during the third and fourth quarters of 2004 and the first quarter of 2005, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review investigation conducted on May 26, 2005.
2. Failure to comply with the MCL based on a running annual average for haloacetic acids (five) ("HAA5") for the third and fourth quarters of 2004 and the first quarter of 2005, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review investigation conducted on May 26, 2005.

## **III. DENIALS**

West Jefferson generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that West Jefferson pay an administrative penalty as set forth in Section I, Paragraph 5 above. The imposition of this administrative penalty and West Jefferson'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: West Jefferson County Municipal Water District, Docket No. 2005-1044-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. West Jefferson shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. ADMIN. CODE § 7.067. As set forth in Section I, Paragraph 5 above, One Thousand Five Hundred Ten Dollars (\$1,510) of the assessed administrative penalty shall be offset with the condition that West Jefferson implement the SEP defined in Attachment A, incorporated herein by reference. West Jefferson's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that West Jefferson shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average maximum contaminant level for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113 and TEX. HEALTH & SAFETY CODE § 341.0315;
  - b. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average maximum contaminant level for HAA5, in accordance with 30 TEX. ADMIN. CODE § 290.113 and TEX. HEALTH & SAFETY CODE § 341.0315; and
  - c. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including copies of water analysis, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. through 3.b. 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 certificate 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:

DBP Compliance Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

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



West Jefferson County Municipal Water District  
DOCKET NO. 2005-1044-PWS-E  
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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*[Signature]*  
For the Executive Director

4/6/2008  
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, 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 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]*  
Signature

3-27-08  
Date

DENNIS GREENE  
Name (Printed or typed)  
Authorized Representative of  
West Jefferson County Municipal Water District

G. M.  
Title

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



Attachment A  
Docket Number: 2005-1044-PWS -E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** West Jefferson County Municipal Water District  
**Payable Penalty Amount:** One Thousand Five Hundred Ten Dollars (\$1,510)  
**SEP Amount:** One Thousand Five Hundred Ten Dollars (\$1,510)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Jefferson County-Pleasure Island Stabilization  
**Location of SEP:** Jefferson 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 the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to stabilize the shoreline by placing vinyl sheets of piling and erosion control blankets along a stretch of waterway along Pleasure Island. Continued erosion from wave action caused by passing ships is compromising the integrity of the shoreline along Pleasure Island. The embankment will be reclaimed and sloped to stabilize approximately 5 miles of shoreline.

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 correcting erosion problems and will result in less silt and turbidity in the water. Improving the waterway will promote bird and aquatic life, and make the area safer for recreational uses.

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:

The Honorable Carl R. Griffith, Jr.  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**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.

