

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-0264-PWS-E **TCEQ ID:** RN101201002 **CASE NO.:** 35377  
**RESPONDENT NAME:** Houston County Water Control and Improvement District No. 1

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	
<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> Houston County WCID 1, located at 589 County Road 2125, Houston County</p> <p><b>TYPE OF OPERATION:</b> Surface water treatment plant</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 June 2, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Sonny Rollo, President, Houston County Water Control and Improvement District No. 1, P.O. Box 1246, Crockett, Texas 75835  Mr. Tex Terry, General Manager, Houston County Water Control and Improvement District No. 1, P.O. Box 1246, Crockett, Texas 75835  <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> February 11, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 20, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>WATER</b></p> <p>Exceeded the turbidity level of the combined filter effluent of 0.3 Nephelometric Turbidity Units ("NTU") in more than 5% of the samples tested and exceeded the turbidity level of the combined filter effluent of 1.0 NTU [30 TEX. ADMIN. CODE § 290.111(e)(1)(B) and (e)(1)(A)].</p>	<p><b>Total Assessed:</b> \$2,600</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> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,600</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>Findings Orders Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent came into compliance with the turbidity level requirements on February 27, 2007.</p>

Additional ID No(s): 1130010



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

<b>TCEQ</b> <b>DATES</b>	<b>Assigned</b>	19-Dec-2007	<b>Screening</b>	11-Feb-2008	<b>EPA Due</b>	
	<b>PCW</b>	15-Feb-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Houston County Water Control and Improvement District No. 1
<b>Reg. Ent. Ref. No.</b>	RN101201002
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35377	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0264-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Tel Croston
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	29% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$725

**Notes** Enhancement due to five Notices of Violations (NOV) for the same or similar violations and two NOV's for dissimilar violations.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	\$625
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

**Notes** The Respondent came into compliance as of February 27, 2007.

<b>Total EB Amounts</b>	\$1,457	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$1,300	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,600
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	
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**Notes**

**Final Penalty Amount** \$2,600

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,600
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	\$0
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**Notes** No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$2,600
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Screening Date 11-Feb-2008 Docket No. 2008-0264-PWS-E

PCW

Respondent Houston County Water Control and Improvement District

Policy Revision 2 (September 2002)

Case ID No. 35377

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101201002

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

## Compliance History Worksheet

## &gt;&gt; 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> )	5	25%
	Other written NOVs	2	4%
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) 29%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement due to five Notices of Violations (NOV) for the same or similar violations and two NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 29%

**Screening Date** 11-Feb-2008 **Docket No.** 2008-0264-PWS-E **PCW**  
**Respondent** Houston County Water Control and Improvement District No. 1 *Policy Revision 2 (September 2002)*  
**Case ID No.** 35377 *PCW Revision January 29, 2008*  
**Reg. Ent. Reference No.** RN101201002  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Tel Croston  
**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 290.111(e)(1)(B) and (e)(1)(A)

**Violation Description** Exceeded the turbidity level of the combined filter effluent of 0.3 Nephelometric Turbidity Units ("NTU") in more than 5% of the samples tested in August and September 2005, March and April 2006, and January 2007 and exceeded the turbidity level of the combined filter effluent of 1.0 NTU in January 2007.

**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		50%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Exceeding the turbidity level has exposed human health to significant amounts of pollutants which did not exceed levels that are protective of human health.

**Adjustment** \$500

\$500

Violation Events

Number of Violation Events 5 153 Number of violation days

mark only one with an x

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,500

Five monthly events are recommended based on the violation which occurred during the months of August and September, 2005, March and April, 2006, and January 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount** \$1,457

**Violation Final Penalty Total** \$2,600

**This violation Final Assessed Penalty (adjusted for limits)** \$2,600

### Economic Benefit Worksheet

**Respondent** Houston County Water Control and Improvement District No. 1  
**Case ID No.** 35377  
**Reg. Ent. Reference No.** RN101201002  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**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]	\$1,300	1-Aug-2005	31-Jan-2007	2.4	\$157	\$1,300	\$1,457
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to maintain water turbidity below 0.3 NTU, in at least 95% of the samples taken. Date required is the first month of noncompliance. Final date is the last month of noncompliance.

Approx. Cost of Compliance

\$1,300

TOTAL

\$1,457

# Compliance History

Customer/Respondent/Owner-Operator:	CN600645790	Houston County Water Control And Improvement District 1	Classification:	Rating: 0.25
Regulated Entity:	RN101201002	HOUSTON COUNTY WCID 1	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1130010
	WATER LICENSING		LICENSE	1130010
Location:	589 County Road 2125, Houston County, Texas			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	February 07, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 07, 2003 to February 07, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Tel Croston		Phone:	239-5717

## Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |            |          |
|----|------------|----------|
| 1  | 02/12/2003 | (24529)  |
| 2  | 08/31/2004 | (288729) |
| 3  | 03/22/2005 | (373698) |
| 4  | 06/30/2005 | (395344) |
| 5  | 12/02/2005 | (437604) |
| 6  | 08/30/2006 | (509938) |
| 7  | 08/02/2007 | (566769) |
| 8  | 08/03/2007 | (570383) |
| 9  | 08/20/2007 | (571828) |
| 10 | 08/20/2007 | (571823) |
| 11 | 08/20/2007 | (571840) |
| 12 | 08/20/2007 | (571837) |
| 13 | 12/19/2007 | (601215) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |          |                 |          |
|--------------|--|----------|-----------------|----------|
| Date:        | 09/07/2004   | (288729) |                 |          |
| Self Report? | NO   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.44(h)   |          |                 |          |
| Description: | Failure to have backflow prevention assemblies tested annually.                      |          |                 |          |
| Self Report? | NO   |          | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)                                    |          |                 |          |
| Description: | Failure to conduct monitoring at peak hourly flows.                                  |          |                 |          |
| Self Report? | NO   |          | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.112(b)  |          |                 |          |
| Description: | Failure to submit an alternative compliance criteria (ACC) or for approval of step 2 |          |                 |          |

total organic carbon (TOC) removal requirements.

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121		
Description:	Failure to maintain an up-to-date chemical and microbiological monitoring plan.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)		
Description:	Failure to maintain buoys at the direction of the Executive Director.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v) 30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failure to calibrate rate-of-flow controllers and the backwash meter annually.		
Date	10/26/2005	(570383)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
Description:	August 2005 - 8.6% of the combined filter effluent turbidity readings were above 0.3 NTU, exceeding the 5.0% limit for the month.		
Date	12/08/2005	(571823)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
Description:	September 2005 - 33.9% of the combined filter effluent turbidity readings were above 0.3 NTU, exceeding the 5.0% limit for the month.		
Date	06/02/2006	(571828)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
Description:	March 2006 - 28.0% of the combined filter effluent turbidity readings were above 0.3 NTU, exceeding the 5.0% limit for the month.		
Date	06/06/2006	(571837)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
Description:	April 2006 - 13.9% of the combined filter effluent turbidity readings were above 0.3 NTU, exceeding the 5.0% limit for the month.		
Date	03/07/2007	(571840)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
Description:	January 2007 - 26.9% of the combined filter effluent turbidity readings were above 0.3 NTU, exceeding the 5.0% limit for the month.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i) 30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
Description:	January 2007 - 2 days with combined filter effluent above 1.0 NTU.		
Date	08/01/2007	(566769)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)		
Description:	Failure to prevent ponding on the roof of the 0.36 MG clearwell.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)		
Description:	Failure to take bacteriological samples from different sites within the distribution.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)		
Description:	Failure to maintain a daily chlorine residual record.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to perform the annual tank inspections on the ground and pressure tanks.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)		

Description: Failure to provide a device to readily determine air-water-volume for the surge tank used for the City of Crockett.

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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>HOUSTON COUNTY WATER CONTROL</b>	<b>§</b>	
<b>AND IMPROVEMENT DISTRICT NO. 1</b>	<b>§</b>	
<b>RN101201002</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2008-0264-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Houston County Water Control and Improvement District No. 1 (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a surface water treatment plant at 589 County Road 2125 in Houston County, Texas (the “Facility”) that has approximately five water wholesale service



connections with a wholesale population of approximately 9,000 people that serves at least 25 people per day for at least 60 days per year.

2. During a record review on February 11, 2007, TCEQ staff documented that the Respondent exceeded the turbidity level of the combined filter effluent of 0.3 Nephelometric Turbidity Units ("NTU") in more than 5% of the samples tested in August and September 2005, March and April 2006, and January 2007 and exceeded the turbidity level of the combined filter effluent of 1.0 NTU in January 2007.
3. The Respondent received notice of violation on December 26, 2007.
4. The Executive Director recognizes that the Respondent came into compliance with the turbidity level requirements on February 27, 2007.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent exceeded the turbidity level of the combined filter effluent of 0.3 NTU in more than 5% of the samples tested and exceeded the turbidity level of the combined filter effluent of 1.0 NTU, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(1)(B) and (e)(1)(A).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Two Thousand Six Hundred Dollars (\$2,600) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Two Thousand Six Hundred Dollar (\$2,600) administrative penalty.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Two Thousand Six Hundred Dollars (\$2,600) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and



shall be sent with the notation "Re: Houston County Water Control and Improvement District No. 1, Docket No. 2008-0264-PWS-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. 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.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*John S. Soler*  
For the Executive Director

5/21/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Houston County Water Control and Improvement District No. 1. I am authorized to agree to the attached Agreed Order on behalf of Houston County Water Control and Improvement District No. 1, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Houston County Water Control and Improvement District No. 1 waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

*Ray Perry*  
Signature

3-2008  
Date

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

Gen mgr.  
Title

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

