

**RESPONDENT NAME: ANGELINA COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 3
DOCKET NO.: 2006-2239-MWD-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 17, 2006</p> <p>Date of NOE Relating to this Case: December 6, 2006</p> <p>Background Facts: The EDPRP was filed December 13, 2007. The Respondent filed an Answer and the case was referred to SOAH. A signed Agreed Order was received on January 14, 2009.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>MWD: Failed to comply with permit effluent limits [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 14201001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p>	<p>Initial Calculated Penalty: \$4,410</p> <p>Total Assessed: \$0</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$0</p> <p>The administrative penalty of \$4,410 is waived based on the Respondent's financial inability to pay.</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 Action Taken: The Executive Director recognizes that the Respondent has no outstanding violations.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	11-Dec-2006	Screening	20-Dec-2006	EPA Due	
	PCW	1-Mar-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Angelina County Water Control and Improvement District No. 3
Reg. Ent. Ref. No.	RN102739422
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	32019	No. of Violations	1
Docket No.	2006-2239-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	47% Enhancement	Subtotals 2, 3, & 7	\$1,410
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Notes: The penalty is enhanced because the respondent self-reported eight effluent violations, received one NOV with same or similar violations, and one NOV for violations that are not the same or similar to those cited in the action.

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

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

Notes: The respondent does not meet the good faith criteria.

Total EB Amounts	\$150	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$2,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,410
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes		Final Penalty Amount	\$4,410
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,410
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DEFERRAL	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

PAYABLE PENALTY	\$4,410
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Screening Date 20-Dec-2006

Docket No. 2006-2239-MWD-E

PCW

Respondent Angelina County Water Control and Improvement District

Policy Revision 2 (September 2002)

Case ID No. 32019

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102739422

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 (number of NOVs meeting criteria)	9	45%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 47%

>> 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 eight effluent violations, received one NOV with same or similar violations, and one NOV for violations that are not the same or similar to those cited in the action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

Screening Date 20-Dec-2006

Docket No. 2006-2239-MWD-E

PCW

Respondent Angelina County Water Control and Improvement District No. 3

Policy Revision 2 (September 2002)

Case ID No. 32019

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102739422

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 14201001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permit effluent limits as documented by a TCEQ record review of self-reported data conducted on November 17, 2006. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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 \$9,000

\$1,000

Violation Events

Number of Violation Events 3

122 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$150

Violation Final Penalty Total \$4,410

This violation Final Assessed Penalty (adjusted for limits) \$4,410

Economic Benefit Worksheet

Respondent Angelina County Water Control and Improvement District No. 3
Case ID No. 32019
Reg. Ent. Reference No. RN102739422
Media Water Quality
Violation No. 1

Percent-Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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-Dec-2005	30-Jun-2007	1.5	\$150	n/a	\$150

Notes for DELAYED costs

Estimated cost for additional oversight and sampling, which may have alleviated or prevented the noncompliance. Date Required is the initial month of noncompliance. Final Date is the anticipated 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

\$150

Docket Number 2006-2239-MWD-E

Enf. Coordinator Heather Brister

Corresponds to Violation Number:

1

<i>EFFLUENT PARAMETER</i>			
<i>Permit Limit</i>			
	Total Suspended Solids Daily Average Concentration 15 Milligrams per Liter	Total Suspended Solids Single Grab 60 Milligrams per Liter	Minimum Residual Chlorine 1.0 Milligrams per Liter
<i>Month/Year</i>			
1/31/2006	15.75	c	c
4/30/2006	c	c	0.8
6/30/2006	35.98	103.7	c
7/31/2006	22.08	c	c

Compliance History

Customer/Respondent/Owner-Operator: CN600629588 Angelina County Water Control and Improvement District No. 3 Classification: AVERAGE Rating: 1.11

Regulated Entity: RN102739422 ANGELINA CO WCID NO 3 Classification: AVERAGE Site Rating: 1.11

ID Number(s): WASTEWATER PERMIT WQ0014201001
 WASTEWATER PERMIT TPDES0123021
 WASTEWATER PERMIT TX0123021

Location: 22,700' EAST & 10,450' NORTH OF INTERSECTION OF US 59 AND FM 2021 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: December 11, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 11, 2001 to December 11, 2006

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? 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 05/20/2004 (367694)
 - 2 10/07/2003 (328478)
 - 3 03/22/2006 (493237)
 - 4 06/25/2004 (367695)
 - 5 09/25/2003 (328479)
 - 6 08/06/2004 (367696)
 - 7 11/07/2003 (328480)
 - 8 10/24/2005 (493238)
 - 9 08/26/2004 (367697)
 - 10 12/05/2003 (328481)
 - 11 11/21/2005 (493239)
 - 12 09/23/2004 (367698)
 - 13 01/30/2004 (328482)
 - 14 12/19/2005 (493240)
 - 15 01/30/2004 (328483)
 - 16 01/18/2006 (493241)
 - 17 02/28/2005 (390411)
 - 18 03/23/2005 (390412)
 - 19 11/22/2004 (390413)
 - 20 11/22/2004 (390414)
 - 21 12/31/2004 (390415)
 - 22 01/18/2005 (390416)
 - 23 12/06/2006 (531479)
 - 24 08/22/2005 (447867)
 - 25 04/11/2003 (236237)
 - 26 08/22/2005 (447868)
 - 27 09/22/2005 (447869)
 - 28 04/03/2003 (236236)

29 04/24/2006 (506678)
 30 05/23/2006 (506679)
 31 06/21/2006 (506680)
 32 07/24/2006 (528821)
 33 08/21/2006 (528822)
 34 02/05/2004 (262152)
 35 09/25/2006 (528823)
 36 04/18/2005 (427898)
 37 08/28/2006 (488664)
 38 07/13/2005 (427899)
 39 05/23/2005 (427900)
 40 06/29/2005 (427901)
 41 09/21/2003 (61173)
 42 02/23/2004 (328472)
 43 04/12/2004 (328473)
 44 06/20/2003 (328474)
 45 06/20/2003 (328475)
 46 08/25/2003 (328476)
 47 02/24/2006 (493236)
 48 04/26/2004 (367693)
 49 08/25/2003 (328477)

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

1 Date: 07/18/2003 (61173)

Self Report? NO

Classification: Moderate

Rqmt Prov: PERMIT IA

Description Failure by the ACWCID3 to maintain a minimum total chlorine residual in the plant effluent.

Self Report? NO

Classification: Minor

Rqmt Prov: PERMIT IA

Description Failure by ACWCID3 to maintain Chain of Custody records.

Self Report? NO

Classification: Minor

Rqmt Prov: PERMIT IA

Description Failure by ACWCID3 to maintain Quality Assurance/Quality Control data that indicated the date and time the procedures were performed and the identity of the analyst performing the tests.

Self Report? NO

Classification: Minor

Rqmt Prov: PERMIT IA

Description Failure by Angelina County Water Control and Improvement District No. 3 to provide a written report within five days of becoming aware of an effluent excursion the deviated by more than 40% of the permit limitation.

Self Report? NO

Classification: Minor

Rqmt Prov: PERMIT IA

Description Failure by Angelina County Water Control and Improvement District to properly operate and maintain units of treatment by failure to implement a solids management plan at the facility.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 317 317.3(b)(6)(A)
 30 TAC Chapter 317 317.3(e)(5)

Description Failure by Angelina County Water Control and Improvement District No. 3 to install audible alarms and properly ventilate lift stations.

Self Report? NO

Classification: Minor

Rqmt Prov: PERMIT IA

Description Failure by Angelina County Water Control and Improvement District No. 3 to submit Discharge Monitoring Reports for Permit No. WQ 14201-001 by the 20th day of the following month for each discharge described by the permit.

- 2 Date: 01/31/2006 (493236)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Discription: Failure to meet the limit for one or more permit parameter
- 3 Date: 09/30/2004 (390413)
 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
- 4 Date: 02/28/2003 (236237)
 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
- 5 Date: 01/31/2003 (236236)
 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
- 6 Date: 04/30/2006 (506679)
 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
- 7 Date: 06/30/2006 (528821)
 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
- 8 Date: 07/31/2006 (528822)
 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
- 9 Date: 08/29/2006 (488664)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description Failure by Angelina County WCID #3 to have the backflow prevention device tested annually.
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)[G]
 Rqmt Prov: PERMIT IA
 Description Failure by Angelina County WCID #3 to properly operate and maintain all systems of collection, treatment, and disposal.
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA

Description Failure by Angelina County WCID #3 to have the secondary flow measuring device calibrated at least annually or as often as necessary to ensure accuracy.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: PERMIT IA

Description Failure by Angelina County WCID #3 to comply with test procedures as specified in 30 TAC 319.11 - 30 TAC 319.12.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PERMIT IA

Description Failure by Angelina County WCID #3 to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PERMIT IA

Description Failure by Angelina County WCID #3 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

10 Date: 03/31/2003 (328474)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/

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
ANGELINA COUNTY WATER
CONTROL AND IMPROVEMENT
DISTRICT NO. 3,
RN102739422

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

AGREED ORDER DOCKET NO. 2006-2239-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Angelina County Water Control and Improvement District No. 3 (the "District") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and the District, represented by John D. Stover of the Law Offices of John D. Stover, appear before the Commission and together stipulate that:

1. The District owns and operates a wastewater treatment facility located 10,450 feet north of the intersection of State Highway 59 and Farm-to-Market Road 2021 and 22,700 feet east of the intersection of State Highway 59 and Farm-to-Market Road 2021, Angelina County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE chs. 5 and 26, and TCEQ rules.
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 December 11, 2006.
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 four thousand four hundred ten dollars (\$4,410.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Commission's Financial Administration Division reviewed the financial documentation submitted by the District and determined that the District is unable to pay the administrative penalty. Therefore, as justice may require, four thousand four hundred ten dollars (\$4,410.00) of the penalty will not be assessed.
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 as of the execution date of this Agreed Order, the District has no outstanding violations.
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

The District is alleged to have violated TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 14201001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 by failing to comply with permit effluent limits as documented during a record review conducted on November 17, 2006 and as set forth below:

<i>EFFLUENT PARAMETER</i>			
<i>Permit Limit</i>			
	Total Suspended Solids Daily Average Concentration 15 Milligrams per Liter	Total Suspended Solids Single Grab 60 Milligrams per Liter	Minimum Residual Chlorine 1.0 Milligrams per Liter
<i>Month/Year</i>			
1/31/2006	15.75	c	c
4/30/2006	c	c	0.8
6/30/2006	35.98	103.7	c
7/31/2006	22.08	c	c

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that the District will not be assessed an administrative penalty in the amount of four thousand four hundred ten dollars (\$4,410.00) as set forth in Section I, Paragraph 6 above. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here.
2. 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.
3. 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.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order 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

[Signature]
For the Executive Director

April 1, 2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 also understand that my failure to comply with the Ordering Provisions, if any, in this order may result in:

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

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

ER Brook
Signature

1-13-09
Date

ER Brook
Name (Printed or typed)
Authorized Representative of
Angelina County Water Control and
Improvement District No. 3

Pres.
Title