

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-0469-MWD-E **TCEQ ID:** RN101528420 **CASE NO.:** 37413

**RESPONDENT NAME:** Sabine River Authority of Texas

<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"/> 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 type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> SRA 1 Plant, located at the southwest corner of the intersection of State Highway 62 and the Southern Pacific Railroad approximately 2.7 miles northeast of Orangefield, Orange County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" 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 August 24, 2009. 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. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-0321; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Louis P. Jeanis II, Division Manager, Sabine River Authority of Texas, 1922 O.I. Road, Orange, Texas 77632  <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>                      October 10, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b>                      March 26, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>WATER</b></p> <p>1) Failure to comply with permitted effluent limits. Specifically, the Respondent exceeded the permitted effluent limit for daily average total suspended solids 20 milligrams per liter ("mg/L") for the months of May (29.5 mg/L) and June 2008 (32.0 mg/L) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012134001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to timely submit the annual sludge report to the TCEQ by September 1 of each year as required by the permit. Specifically, the annual sludge report for the monitoring period ending July 31, 2007 was not submitted until April 3, 2009 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0012134001, Sludge Provisions].</p> <p>3) Failure to timely submit monthly discharge monitoring reports ("DMRs") at the intervals specified in the permit. Specifically, the DMR for October 2007 was not submitted until April 3, 2009 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0012134001, Monitoring and Reporting Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$1,514</p> <p><b>Total Deferred:</b> \$302  <input checked="" 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> \$1,212</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Achieved compliance with the permitted effluent limits during August 2008;</p> <p>b. Submitted the 2007 annual sludge report on April 3, 2009;</p> <p>c. Submitted the DMR for the month of October 2007 on April 3, 2009; and</p> <p>d. Developed and began implementing an enhanced recordkeeping and reporting procedure to ensure all reporting requirements are met timely by May 5, 2009.</p>

Additional ID No(s): TPDES Permit No. WQ0012134001



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	30-Mar-2009		
	PCW	6-Apr-2009	Screening	3-Apr-2009
			EPA Due	

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Sabine River Authority of Texas
Reg. Ent. Ref. No.	RN101528420
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37413	No. of Violations	3
Docket No.	2009-0469-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	J. Craig Fleming
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$1,200

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** 47.0% Enhancement Subtotals 2, 3, & 7 \$564

Notes: An enhancement is recommended for having nine self-reported effluent violations and one NOV for non-similar violations.

**Culpability** No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$250

**Economic Benefit** 0.0% Enhancement\* Subtotal 6 \$0

Total EB Amounts	\$42
Approx. Cost of Compliance	\$1,350

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$1,514

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$1,514

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$1,514

**DEFERRAL** 20.0% Reduction Adjustment -\$302

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

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$1,212

Screening Date 3-Apr-2009

Docket No. 2009-0469-MWD-E

PCW

Respondent Sabine River Authority of Texas

Policy Revision 2 (September 2002)

Case ID No. 37413

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101528420

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	9	45%
	Other written NOV's	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%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

An enhancement is recommended for having nine self-reported effluent violations and one NOV for non-similar violations.

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

<b>Screening Date</b> 3-Apr-2009	<b>Docket No.</b> 2009-0469-MWD-E	<b>PCW</b>		
<b>Respondent</b> Sabine River Authority of Texas	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37413	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101528420				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> J. Craig Fleming				
<b>Violation Number</b> <input type="text" value="1"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012134001, Effluent Limitations and Monitoring Requirements No. 1			
<b>Violation Description</b>	Failed to comply with permitted effluent limits, as documented in a record review conducted on October 10, 2008. Specifically, the Respondent exceeded the permitted effluent limit for daily average total suspended solids ("TSS") (20 milligrams per liter ("mg/L")) for the months of May (29.5 mg/L) and June 2008 (32.0 mg/L).			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="10%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	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.			
<b>Adjustment</b>		<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<input type="text" value="61"/>	
		<b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended.				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$250"/>	
		<small>Before NOV    NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent came into compliance by August 1, 2008.			
<b>Violation Subtotal</b>		<input type="text" value="\$750"/>		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$13"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,220"/>	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$1,220"/>	

## Economic Benefit Worksheet

**Respondent** Sabine River Authority of Texas  
**Case ID No.** 37413  
**Reg. Ent. Reference No.** RN101528420  
**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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**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	1-May-2008	1-Aug-2008	0.25	\$13	n/a	\$13

Notes for DELAYED costs

The estimated cost of additional oversight and sampling to monitor the effluent discharges. The Date Required was the first day of the effluent exceedances. The Final Date was the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance \$1,000

TOTAL \$13

<b>Screening Date</b> 3-Apr-2009		<b>Docket No.</b> 2009-0469-MWD-E		<b>PCW</b>
<b>Respondent</b> Sabine River Authority of Texas		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 37413		<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101528420				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> J. Craig Fleming				
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0012134001, Sludge Provisions			
<b>Violation Description</b>	Failed to timely submit the annual sludge report to the TCEQ by September 1 of each year as required by the permit. Specifically, the annual sludge report for the monitoring period ending July 31, 2007 was submitted on April 3, 2009.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
<b>Major</b>				
<b>Moderate</b>				
<b>Minor</b>				
<input type="text"/>				
<input type="text"/>				
<input type="text"/>				
<input type="text" value="X"/>				
<b>Percent</b> <input type="text" value="1%"/>				
<b>Matrix Notes</b>	Most, but not all (at least 70%) of a permit requirement is met.			
<b>Adjustment</b>				\$9,900
				\$100
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>		
		<input type="text" value="31"/> <b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="X"/>		
<b>Violation Base Penalty</b>				\$100
One single event is recommended.				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/> <b>Reduction</b>		\$0
		<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>	
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
N/A	<input type="text" value="X"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$100
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$29"/>		<b>Violation Final Penalty Total</b>
				<input type="text" value="\$147"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$147"/>

## Economic Benefit Worksheet

**Respondent** Sabine River Authority of Texas  
**Case ID No.** 37413  
**Reg. Ent. Reference No.** RN101528420  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	1-Sep-2007	5-May-2009	1.68	\$21	n/a	\$21
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2007	3-Apr-2009	1.59	\$8	n/a	\$8

Notes for DELAYED costs

The approximate cost of developing and implementing an enhanced recordkeeping procedures (\$250), and to submit the annual sludge report (\$100). The Date Required is the date the report was due. The Final Dates are the dates of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$350

**TOTAL**

\$29

<b>Screening Date</b> 3-Apr-2009	<b>Docket No.</b> 2009-0469-MWD-E	<b>PCW</b>			
<b>Respondent</b> Sabine River Authority of Texas	<small>Policy Revision 2 (September 2002)</small>				
<b>Case ID No.</b> 37413	<small>PCW Revision October 30, 2008</small>				
<b>Reg. Ent. Reference No.</b> RN101528420					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> J. Craig Fleming					
<b>Violation Number</b> 3					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0012134001, Monitoring and Reporting Requirements No. 1				
<b>Violation Description</b>	Failed to timely submit monthly discharge monitoring reports ("DMR") at the intervals specified in the permit. Specifically, the DMR for the month of October 2007 (due by November 20, 2007) was submitted on April 3, 2009.				
<b>Base Penalty</b>		\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>&gt;&gt; Programmatic Matrix</b>					
<b>Falsification</b>					
<b>Major</b>			<b>Moderate</b>	<b>Minor</b>	
<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="1%"/>
<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
<b>Matrix Notes</b>	Most, but not all (at least 70%) of a permit requirement is met.				
<b>Adjustment</b>			\$9,900		
<b>\$100</b>					
<b>Violation Events</b>					
<b>Number of Violation Events</b> <input type="text" value="1"/>		<b>Number of violation days</b> <input type="text" value="31"/>			
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>		
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input checked="" type="checkbox"/>			
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>					
<b>0.0% Reduction</b>		<b>\$0</b>			
<small>Before NOV</small>		<small>NOV to EDPRP/Settlement Offer</small>			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>			\$100		
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$147"/>			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$147"/>					

## Economic Benefit Worksheet

**Respondent:** Sabine River Authority of Texas  
**Case ID No.:** 37413  
**Reg. Ent. Reference No.:** RN101528420  
**Media:** Water Quality  
**Violation No.:** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

**Avoided Costs**

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance \$0

TOTAL \$0

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600801864	Sabine River Authority of Texas	Classification: AVERAGE	Rating: 2.01
Regulated Entity:	RN101528420	SRA 1 PLANT	Classification: AVERAGE	Site Rating: 0.54
ID Number(s):	WASTEWATER	PERMIT	WQ0012134001	
	WASTEWATER	PERMIT	TPDES0079651	
	WASTEWATER	PERMIT	TX0079651	
	WASTEWATER LICENSING	LICENSE	WQ0012134001	
Location:	Located at the southwest corner of the intersection of State Highway 62 and the Southern Pacific Railroad approximately 2.7 miles northeast of Orangefield in Orange County, Texas			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	April 02, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 02, 2004 to April 02, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	J. Craig Fleming		Phone:	239 - 5806

## 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. Rating Date: 9/1/2008 Repeat Violator: NO   |     |

### 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 09/17/2004 (360401)   |  |
|    | 2 12/03/2004 (386537)   |  |
|    | 3 12/13/2004 (386538)   |  |
|    | 4 01/18/2005 (386539)   |  |
|    | 5 02/21/2005 (386535)   |  |
|    | 6 03/25/2005 (386536)   |  |
|    | 7 04/18/2005 (371402)   |  |
|    | 8 04/22/2005 (424377)   |  |
|    | 9 05/19/2005 (424378)   |  |
|    | 10 06/23/2005 (424379)  |  |
|    | 11 07/20/2005 (445152)  |  |
|    | 12 08/09/2005 (445153)  |  |
|    | 13 09/07/2005 (399686)  |  |
|    | 14 09/13/2005 (445154)  |  |
|    | 15 10/14/2005 (476265)  |  |
|    | 16 11/21/2005 (476266)  |  |
|    | 17 12/19/2005 (476267)  |  |
|    | 18 01/17/2006 (476268)  |  |

19	02/21/2006	(476263)
20	03/20/2006	(476264)
21	04/24/2006	(503368)
22	05/17/2006	(503369)
23	06/22/2006	(503370)
24	07/28/2006	(525743)
25	08/22/2006	(525744)
26	09/15/2006	(525745)
27	10/16/2006	(585871)
28	11/16/2006	(585872)
29	12/15/2006	(585873)
30	01/18/2007	(585874)
31	02/22/2007	(585866)
32	03/19/2007	(585867)
33	04/27/2007	(585868)
34	05/17/2007	(585869)
35	06/18/2007	(585870)
36	07/25/2007	(623933)
37	08/13/2007	(623934)
38	09/17/2007	(623935)
39	10/17/2007	(623936)
40	12/12/2007	(623937)
41	01/29/2008	(675071)
42	02/25/2008	(675070)
43	03/28/2008	(693424)
44	04/21/2008	(693426)
45	04/21/2008	(714678)
46	05/19/2008	(693425)
47	07/16/2008	(714679)
48	08/18/2008	(714680)
49	09/24/2008	(714681)
50	11/24/2008	(730619)
51	12/22/2008	(730620)
52	03/26/2009	(705214)

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

Date:	04/18/2005	(371402)	CN600801864
Self	NO		Classification Moderate
Citation:	PC 1a PERMIT		
Description:	Failure by the permittee to accurately complete the discharge monitoring reports (DMRs).		
Self	NO		Classification Minor
Citation:	OpR 1 PERMIT		
Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Date:	04/30/2005	(424378)	CN600801864
Self	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2005	(476265)	CN600801864
Self	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2006	(525744)	CN600801864
Self	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date:	01/31/2007	(585866)	CN600801864		
Self Report?	YES			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	03/31/2007	(585868)	CN600801864		
Self Report?	YES			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	05/31/2007	(585870)	CN600801864		
Self Report?	YES			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	05/31/2008	(693426)	CN600801864		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	06/30/2008	(714679)	CN600801864		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	07/31/2008	(714680)	CN600801864		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				

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  
SABINE RIVER AUTHORITY OF  
TEXAS  
RN101528420

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-0469-MWD-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sabine River Authority of Texas ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at the southwest corner of the intersection of State Highway 62 and the Southern Pacific Railroad approximately 2.7 miles northeast of Orangefield in Orange County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 31, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand Five Hundred Fourteen Dollars (\$1,514) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Two Hundred Twelve Dollars (\$1,212) of the administrative penalty and Three Hundred Two Dollars (\$302) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
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 Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Achieved compliance with the permitted effluent limits during August 2008;
  - b. Submitted the 2007 annual sludge report on April 3, 2009;
  - c. Submitted the discharge monitor report ("DMR") for the month of October 2007 on April 3, 2009; and
  - d. Developed and began implementing an enhanced recordkeeping and reporting procedure to ensure all reporting requirements are met timely by May 5, 2009.
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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to comply with permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012134001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on October 10, 2008. Specifically, the

Respondent exceeded the permitted effluent limit for daily average total suspended solids (20 milligrams per liter ("mg/L")) for the months of May (29.5 mg/L) and June 2008 (32.0 mg/L).

2. Failed to timely submit the annual sludge report to the TCEQ by September 1 of each year as required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0012134001, Sludge Provisions, as documented during a record review conducted on October 10, 2008. Specifically, the annual sludge report for the monitoring period ending July 31, 2007 was not submitted until April 3, 2009.
3. Failed to timely submit monthly DMR at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0012134001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 10, 2008. Specifically, the DMR for October 2007 was not submitted until April 3, 2009.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sabine River Authority of Texas, Docket No. 2009-0469-MWD-E" to:  

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Szelmer  
For the Executive Director

8/6/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

Louis P. Jeanis II  
Signature

6/2/09  
Date

LOUIS P. JEANIS II  
Name (Printed or typed)  
Authorized Representative of  
Sabine River Authority of Texas

DIVISION MANAGER  
Title

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

