

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0592-MWD-E **TCEQ ID:** RN102341328 **CASE NO.:** 39488
RESPONDENT NAME: Orange County Water Control and Improvement District No. 1

| | | |
|---|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input checked="" type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Cloverleaf Facility, 1,320 feet east of the intersection of Willow Drive and Dogwood Drive and approximately 3,960 feet southwest of the intersection of State Highway 105 and the Southern Pacific Railroad, Vidor, Orange County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 20, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Water Enforcement Section, MC 169, 512-239-4930; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Darlene Jackson, District Manager, Orange County Water Control and Improvement District No. 1, 460 East Bolivar Street, Vidor, Texas 77662 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

| VIOLATION SUMMARY CHART: | | |
|--|--|---|
| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: March 1, 2010</p> <p>Date of NOV Relating to this Case: March 25, 2010 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>Failure to comply with permitted effluent limits for carbonaceous biochemical oxygen demand, ammonia-nitrogen, total suspended solids, and flow [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010875008, Final Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)(1)].</p> | <p>Total Assessed: \$15,045</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$15,045</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>Findings Orders Justification:</p> <p>This is a Findings Order because human health or the environment has been exposed to significant amounts of pollutants.</p> | <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 90 days after the effective date of this Agreed Order, and on a quarterly basis thereafter, submit a progress report that contains information regarding the progress of the corrective actions implemented, including any construction activities conducted at the Facility to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0010875008; and</p> <p>b) Within 730 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010875008, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this ordering provision.</p> |

Additional ID No(s): WQ0010875008



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 29-Mar-2010 | Screening | 5-Apr-2010 | EPA Due | |
| | PCW | 6-Apr-2010 | | | | |

| | |
|--|--|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Orange County Water Control and Improvement District No. 1 |
| Reg. Ent. Ref. No. | RN102341328 |
| Facility/Site Region | 10-Beaumont |
| Major/Minor Source | Minor |

| | | | |
|--------------------------------|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 39488 | No. of Violations | 3 |
| Docket No. | 2010-0592-MWD-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Steve Villatoro |
| | | 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 | \$8,500 |
|---|-------------------|---------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|---------|
| Compliance History | 80.0% Enhancement | Subtotals 2, 3, & 7 | \$6,800 |
|---------------------------|-------------------|--------------------------------|---------|

Notes: The penalty is enhanced due to 14 self-reported effluent violations and two NOV's with same/similar violations to those cited in this action.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| 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 | \$0 |
|--|-------------------|-----|

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

Total EB Amounts \$2,622,872
Approx. Cost of Compliance \$10,440,400
*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$15,300 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|-------|-------------------|--------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | -1.7% | Adjustment | -\$255 |
|---|-------|-------------------|--------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction to prevent the double-enhancement of the penalty amount for same violations that were self-reported.

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$15,045 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$15,045 |
|-----------------------------------|-------------------------------|----------|

| | | | |
|-----------------|----------------|-------------------|-----|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|----------------|-------------------|-----|

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

Notes: No deferral is recommended for Findings Orders.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$15,045 |
|------------------------|----------|

Screening Date 5-Apr-2010

Docket No. 2010-0592-MWD-E

PGW

Respondent Orange County Water Control and Improvement District I

Policy Revision 2 (September 2002)

Case ID No. 39488

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102341328

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

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) | 16 | 80% |
| | Other written NOVs | 0 | 0% |
| 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 judgements 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% |
| <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) 80%

>> 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 due to 14 self reported effluent violations and two NOVs with same/similar violations to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 80%

Screening Date 5-Apr-2010

Docket No. 2010-0592-MWD-E

PCW

Respondent Orange County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 39488

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102341328

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s) Tex. Water Code § 28.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010875008, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on March 1, 2010, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | x | | | 60% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0% |

Matrix Notes

A simplified model was used to evaluate ammonia-nitrogen ("NH₃-N"), flow, and carbonaceous biochemical oxygen demand ("CBOD") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which exceed levels protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 31

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended for the monitoring period ending October 31, 2009.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement \$0

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,622,972

Violation Final Penalty Total \$8,850

This violation Final Assessed Penalty (adjusted for limits) \$8,850

Economic Benefit Worksheet

Respondent Orange County Water Control and Improvement District No. 1
Case ID No. 39488
Reg. Ent. Reference No. RN102341328
Media Water Quality
Violation No. 1

| | |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|--------------|-------------|-------------|------|-----------|-------------|-------------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | \$10,440,400 | 30-Apr-2009 | 30-Nov-2012 | 3.59 | \$124,903 | \$2,498,068 | \$2,622,972 |
| 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: Actual costs to construct 3.0 MGD Oak Lane wastewater treatment plant and to divert influent from the Facility to new plant. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$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:

Approx. Cost of Compliance

\$10,440,400

TOTAL

\$2,622,972

Screening Date 5-Apr-2010

Docket No. 2010-0592-MWD-E

PCW

Respondent Orange County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 39488

PCW Revision October 30, 2005

Reg. Ent. Reference No. RN102341328

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010875008, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on March 1, 2010, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | X | | 25% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0% |

Matrix Notes

A simplified model was used to evaluate NH₃-N, flow, and CBOD to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 31

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | X |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$2,500

One monthly event is recommended for the monitoring period ending December 31, 2009.

Good Faith Efforts to Comply

0.0% Reduction \$0

| Extraordinary | Before NOV | NOV to EDRP/Settlement Offer |
|---------------|------------|------------------------------|
| | | |
| Ordinary | | |
| N/A | X | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,425

This violation Final Assessed Penalty (adjusted for limits) \$4,425

Economic Benefit Worksheet

Respondent Orange County Water Control and Improvement District No. 1
Case ID No. 39488
Reg. Ent. Reference No. RN102341328
Media Water Quality
Violation No. 2

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| 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 number one.

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

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 5-Apr-2010

Docket No. 2010-0592-MWD-E

PCW

Respondent Orange County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 39488

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102341328

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010875008, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on March 1, 2010, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|-----------|---------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| Actual | | | | x | 10% |
| Potential | | | | | |

>> Programmatic Matrix

| Falsification | Harm | | | Percent |
|---------------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| | | | | 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 this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 30 Number of violation days

| | | |
|-------------------------|------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | |
| | quarterly | x |
| | semiannual | |
| | annual | |
| single event | | |

Violation Base Penalty \$1,000

One quarterly event is recommended for the quarter containing the month of April 2009.

Good Faith Efforts to Comply

| | | |
|---------------|----------------|------------------------------|
| | 0.0% Reduction | |
| | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

\$0

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$1,770

This violation Final Assessed Penalty (adjusted for limits) \$1,770

Economic Benefit Worksheet

Respondent Orange County Water Control and Improvement District No. 1
Case ID No. 39488
Reg. Ent. Reference No. RN102341328
Media Water Quality
Violation No. 3

| | |
|-------------------------|------------------------------|
| 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 | | | | 0.00 | \$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 number one.

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

Approx. Cost of Compliance

\$0

TOTAL

\$0

| EFFLUENT VIOLATION TABLE | | | | |
|--|-------------------------|-------------------------------------|------------------------|------------------|
| Orange County Water Control and Improvement District No. 1 | | | | |
| TPDES Permit No. WQ0010875008 | | | | |
| Docket No. 2010-0592-MWD-E | | | | |
| Months | CBOD Daily Avg. Loading | Ammonia-Nitrogen Daily Avg. Loading | TSS Daily Avg. Loading | Flow Daily Avg. |
| | Limit = 37 lbs/day | Limit = 11 lbs/day | Limit = 79 lbs/day | Limit = 0.63 MGD |
| 4/30/2009 | c | c | 83.4 | c |
| 10/31/2009 | 53 | 24.06 | 99.8 | 0.7366 |
| 12/31/2009 | 62.9 | 16.7 | 81.9 | 0.7958 |

TSS = total suspended solids

avg. = average

c = compliant

lbs/day = pounds per day

MGD = million gallons per day

CBOD = carbonaceous biochemical oxygen demand

Compliance History Report

| | | | | |
|---|--|--|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN601441850 | Orange County Water Control and Improvement District No. 1 | Classification: AVERAGE | Rating: 2.48 |
| Regulated Entity: | RN102841328 | CLOVERLEAF FACILITY | Classification: AVERAGE | Site Rating: 0.92 |
| ID Number(s): | WASTEWATER | PERMIT | | WQ0010876008 |
| | WASTEWATER | PERMIT | | TPDES0108081 |
| | WASTEWATER | PERMIT | | TX0108081 |
| Location: | 1,320 feet east of the intersection of Willow Drive and Dogwood Drive and approximately 3,980 feet southwest of the intersection of State Highway 105 and the Southern Pacific Railroad in Vidor, Orange County, Texas | | | |
| TCEQ Region: | REGION 10 - BEAUMONT | | | |
| Date Compliance History Prepared: | April 02, 2010 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | April 02, 2005 to April 02, 2010 | | | |

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

Name: Steve Villatoro Phone: 512-239-4930

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 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 | 04/26/2005 | (426548) |
| 2 | 05/23/2005 | (426549) |
| 3 | 06/20/2005 | (426550) |
| 4 | 07/18/2005 | (446805) |
| 5 | 08/30/2005 | (446806) |
| 6 | 09/19/2005 | (446807) |
| 7 | 10/09/2005 | (490580) |
| 8 | 11/18/2005 | (490581) |
| 9 | 12/19/2005 | (490582) |
| 10 | 01/23/2006 | (490583) |
| 11 | 02/27/2006 | (490578) |
| 12 | 03/21/2006 | (490579) |
| 13 | 04/19/2006 | (505391) |
| 14 | 04/25/2006 | (456271) |
| 15 | 05/22/2006 | (505392) |
| 16 | 05/30/2006 | (467592) |
| 17 | 06/21/2006 | (505393) |
| 18 | 07/24/2006 | (527677) |
| 19 | 09/15/2006 | (527678) |
| 20 | 09/22/2006 | (527679) |
| 21 | 10/23/2006 | (551336) |
| 22 | 11/13/2006 | (487829) |

| | | |
|----|------------|----------|
| 23 | 11/27/2006 | (551337) |
| 24 | 12/22/2006 | (561338) |
| 25 | 01/22/2007 | (568089) |
| 26 | 02/20/2007 | (588084) |
| 27 | 03/16/2007 | (541271) |
| 28 | 03/20/2007 | (588085) |
| 29 | 04/23/2007 | (588086) |
| 30 | 05/14/2007 | (588087) |
| 31 | 06/21/2007 | (588088) |
| 32 | 07/20/2007 | (605326) |
| 33 | 08/22/2007 | (605327) |
| 34 | 09/11/2007 | (605328) |
| 35 | 10/19/2007 | (629218) |
| 36 | 11/16/2007 | (629219) |
| 37 | 12/20/2007 | (629220) |
| 38 | 01/16/2008 | (676646) |
| 39 | 02/21/2008 | (676644) |
| 40 | 03/16/2008 | (676645) |
| 41 | 04/21/2008 | (695189) |
| 42 | 05/21/2008 | (695190) |
| 43 | 06/20/2008 | (716697) |
| 44 | 07/22/2008 | (716698) |
| 45 | 08/21/2008 | (716699) |
| 46 | 09/18/2008 | (716700) |
| 47 | 09/30/2008 | (732138) |
| 48 | 10/17/2008 | (732139) |
| 49 | 11/10/2008 | (732140) |
| 50 | 12/29/2008 | (755482) |
| 51 | 01/13/2009 | (755483) |
| 52 | 02/16/2009 | (755479) |
| 53 | 03/13/2009 | (755480) |
| 54 | 04/20/2009 | (755481) |
| 55 | 05/26/2009 | (772544) |
| 56 | 06/12/2009 | (772545) |
| 57 | 01/07/2010 | (784569) |
| 58 | 03/25/2010 | (794188) |

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

| | | |
|--------------|--|--------------------------|
| Date: | 04/25/2006 (456271) | CN601441850 |
| Self Report? | NO | Classification: Minor |
| Citation: | OT 5, Pg. 26 PERMIT | |
| Description: | Failure by Orange County WCID #1 to submit an annual sludge report to the Region 10 office, and to submit complete reports to the Enforcement Division or the Regional office. | |
| Self Report? | NO | Classification: Moderate |
| Citation: | OpR 1, Pg. 9 PERMIT | |
| Description: | Failure by Orange County WCID #1 Cloverleaf WWTP to ensure that all systems of collection, treatment and disposal are properly operated and maintained. | |
| Self Report? | NO | Classification: Moderate |
| Citation: | OpR 1, Pg. 9 PERMIT | |
| Description: | Failure by Orange County WCID #1 Cloverleaf to ensure that all system of collection, treatment, and disposal are properly operated and maintained. | |
| Self Report? | NO | Classification: Moderate |
| Citation: | OpR 1, Pg. 9 PERMIT | |
| Description: | Failure by Orange County WCID #1 Cloverleaf WWTP to ensure that all system of collection, treatment, and disposal are properly operated and maintained. | |
| Self Report? | NO | Classification: Moderate |
| Citation: | OpR 1, Pg. 9 PERMIT | |
| Description: | Failure by Orange County WCID #1 Cloverleaf to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. | |
| Self Report? | NO | Classification: Moderate |
| Citation: | PC 2g, Pg. 7 PERMIT | |
| Description: | Failure by Orange County WCID #1 Cloverleaf WWTP to prevent the unauthorized discharge of wastewater. | |
| Self Report? | NO | Classification: Minor |
| Citation: | M&RR 2, Pg. 4 PERMIT | |
| Description: | Failure by Orange County WCID #1 to comply with test procedures specified in 30 TAC 319.11 - 319.12. | |

Date 10/31/2009 CN601441850
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 12/31/2009 CN601441850
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 01/08/2010 (784669) CN601441850
Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT
Description: Failure by OCWCID 1 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: the clarifier's sawtooth-weir was not properly leveled and some leakage was noted from under weir ring.

Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT
Description: Failure by OCWCID 1 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: breakthrough corrosion appears to be damaging the inner walls of the CCC.

Self Report? NO Classification: Moderate
Citation: FEL&MR PERMIT
Description: Failure by OCWCID 1 to comply with self-monitored effluent limitations (TSS daily average loading).

Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT
Description: Failure by OCWCID 1 to provide a visual alarm at Pine Shadows lift station (LS).

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

| | | | |
|--------------|---|-----------------|-------------|
| Self Report? | NO | Classification: | Minor |
| Citation: | M&RR 2, Pg. 4 PERMIT | | |
| Description: | Failure by Orange County WCID #1 Cloverleaf WWTP to comply with test procedures specified in 30 TAC 319.11 - 319.12 | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | OpR 1, Pg. 9 PERMIT | | |
| Description: | Failure by Orange County WCID #1 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | M&RR 5, Pg. 5 PERMIT | | |
| Description: | Failure by Orange County WCID #1 Cloverleaf WWTP to have automatic flow measuring device calibrated by a trained person not less than annually. | | |
| Date | 05/31/2006 | (505393) | CN601441850 |
| 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 | 06/30/2006 | (527677) | CN601441850 |
| 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 | 07/31/2006 | (527678) | CN601441850 |
| 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 | 10/31/2006 | (551337) | CN601441850 |
| 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 | 12/31/2006 | (598089) | CN601441850 |
| 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 | 01/31/2007 | (588084) | CN601441850 |
| 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 | 07/31/2007 | (605327) | CN601441850 |
| 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 | 01/31/2008 | (676644) | CN601441850 |
| 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 | 02/29/2008 | (676645) | CN601441850 |
| 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 | 03/31/2008 | (695189) | CN601441850 |
| 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 | 08/31/2008 | (718700) | CN601441850 |
| 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 | 04/30/2009 | (772544) | CN601441850 |
| 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 | | |

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ORANGE COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 1
RN102341328

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2010-0592-MWD-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 Orange County Water Control and Improvement District No. 1 ("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 presented this agreement to the Commission.

The Respondent understands that they have 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 wastewater treatment plant located 1,320 feet east of the intersection of Willow Drive and Dogwood Drive and approximately 3,960 feet southwest of 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 Fifteen Thousand Forty-Five Dollars (\$15,045) 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 Respondent has paid the Fifteen Thousand Forty-Five Dollar (\$15,045) 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 Fifteen Thousand Forty-Five Dollars (\$15,045) 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: Orange County Water Control and Improvement District No. 1, Docket No. 2010-0592-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Agreed Order, and on a quarterly basis thereafter, submit a progress report, to the address in Ordering Provision No. 2.b below, that contains information regarding the progress of the corrective actions implemented, including any construction activities conducted, at the Facility to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0010875008; and
 - b. Within 730 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010875008, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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 Szolter
For the Executive Director

9/2/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Orange County Water Control and Improvement District No. 1. I am authorized to agree to the attached Agreed Order on behalf of Orange 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, Orange 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.

Darlene Jackson
Signature

7/13/2010
Date

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

DISTRICT 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