

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-0872-MWD-E **TCEQ ID:** RN103019709 **CASE NO.:** 39765
RESPONDENT NAME: Angelina and Neches River Authority

| | | |
|---|--|--|
| 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 |

SITE WHERE VIOLATION(S) OCCURRED: North Angelina Regional Wastewater Treatment Facility, located approximately 0.6 mile northeast of United States Highway 69, approximately 1.5 miles northwest of Lufkin, and 1.9 miles southeast of the intersection of United States Highway 69 and Farm-to-Market Road 202, Angelina County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 6, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2554; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Ms. Julie Dowell, President, Angelina and Neches River Authority, P.O. Box 387, Lufkin, Texas 75902
 Mr. Kelley Holcomb, General Manager, Angelina and Neches River Authority, P.O. Box 387, Lufkin, Texas 75902

Respondent's Attorney: Not represented by counsel on this enforcement matter

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 Investigation Relating to this Case: April 8, 2010</p> <p>Date of NOV/NOE Relating to this Case: May 21, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limits for ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011620001, Effluent Limitations and Monitoring Requirements No. 1].</p> | <p>Total Assessed: \$2,880</p> <p>Total Deferred: \$576 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,304</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site 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 Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By July 31, 2009, repaired the rotor that malfunctioned causing the June 2009 ammonia nitrogen exceedance; and</p> <p>b. By February 28, 2010, completed the rehabilitation of the wet well, which allowed the Facility to waste sludge, and returned to compliance with all permitted effluent limits.</p> |

Additional ID No(s): WQ0011620001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 24-May-2010 | Screening | 26-May-2010 | EPA Due | |
| | PCW | 26-May-2010 | | | | |

| | | | |
|--|-------------------------------------|--------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Angelina and Neches River Authority | | |
| Reg. Ent. Ref. No. | RN103019709 | | |
| Facility/Site Region | 10-Beaumont | Major/Minor Source | Minor |

| | | | |
|---------------------------------|-----------------|-----------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 39765 | No. of Violations | 1 |
| Docket No. | 2010-0872-MWD-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Lanae Foard |
| | | 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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement recommended due to eight self-reported monthly effluent violations, one NOV with violations same or similar to those cited in this order, two unrelated NOVs, and one final agreed order containing a denial of liability.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 26-May-2010

Docket No. 2010-0872-MWD-E

PCW

Respondent Angelina and Neches River Authority

Policy Revision 2 (September 2002)

Case ID No. 39765

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN103019709

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

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 | 2 | 4% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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) 69%

>> 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

Enhancement recommended due to eight self-reported monthly effluent violations, one NOV with violations same or similar to those cited in this order, two unrelated NOVs, and one final agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 69%

Screening Date 26-May-2010

Docket No. 2010-0872-MWD-E

PCW

Respondent Angelina and Neches River Authority

Policy Revision 2 (September 2002)

Case ID No. 39765

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN103019709

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011620001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on April 8, 2010, and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 92

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

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

| | 25.0% Reduction | |
|---------------|-----------------|-------------------------|
| | Before NOV | NOV to EDPRP/Settlement |
| Extraordinary | | |
| Ordinary | X | |
| N/A | | (mark with x) |

\$500

Notes The Respondent achieved compliance with effluent limits by February 28, 2010.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$47

Statutory Limit Test

Violation Final Penalty Total \$2,880

This violation Final Assessed Penalty (adjusted for limits) \$2,880

Economic Benefit Worksheet

Respondent Angelina and Neches River Authority
Case ID No. 39765
Reg. Ent. Reference No. RN103019709
Media Water Quality
Violation No. 1

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

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
 Item Description 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 | \$1,000 | 30-Jun-2009 | 28-Feb-2010 | 0.67 | \$2 | \$44 | \$47 |
| 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

Estimated cost to repair the rotor that malfunctioned and to waste sludge after rehabilitation of the influent wet well was complete. Date required is the first month of non-compliance. Final date is 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

Approx. Cost of Compliance

\$1,000

TOTAL

\$47

EFFLUENT VIOLATION TABLE
Angelina and Neches River Authority
TPDES Permit No. WQ0011620001
Docket No. 2010-0872-MWD-E

| Permitted Effluent Limits | Monitoring Period End Date | | |
|--|----------------------------|----------|---------|
| | 6/30/09 | 12/31/09 | 1/31/10 |
| NH ₃ -N daily avg. loading Limit = 9.2 lbs/day | c | 10.802 | 12.042 |
| NH ₃ -N daily avg. conc. Limit = 3 mg/L | 3.840 | 4.712 | 4.848 |
| NH ₃ -N single grab Limit = 15 mg/L | c | c | 19.000 |

NH₃-N = ammonia nitrogen
 conc. = concentration
 c = compliant

mg/L = milligrams per liter
 lbs/day = pounds per day
 avg. = average

Compliance History Report

| | | | | |
|---|---|--|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN601550635 | Angelina and Neches River Authority | Classification: AVERAGE | Rating: 2.58 |
| Regulated Entity: | RN103019709 | NORTH ANGELINA REGIONAL WASTEWATER TREATMENT FACILITY | Classification: AVERAGE | Site Rating: 2.15 |
| ID Number(s): | WASTEWATER | PERMIT | | WQ0011620001 |
| | WASTEWATER | PERMIT | | WQ0011620001 |
| | WASTEWATER | PERMIT | | TPDES0056154 |
| | WASTEWATER | EPA ID | | TX0056154 |
| | WASTEWATER | PERMIT | | TX0056154 |
| | WASTEWATER LICENSING | LICENSE | | WQ0011620001 |
| Location: | approximately 0.6 mile northeast of United States Highway 69, approximately 1.5 miles northwest of the City of Lufkin, and 1.9 miles southeast of the Intersection of United States Highway 69 and Farm-to-Market Road 2021 in Angelina County, Texas | | | |
| TCEQ Region: | REGION 10 - BEAUMONT | | | |
| Date Compliance History Prepared: | May 25, 2010 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | May 25, 2005 to May 25, 2010 | | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | | |
| Name: | Lanae Foard | Phone: | 512-239-2554 | |

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/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.
- | | |
|---|----------------------------|
| Effective Date: 08/20/2006 | ADMINORDER 2006-0305-MWD-E |
| Classification: Moderate | |
| Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: Effluent Limits PERMIT | |
| Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) 30 TAC Chapter 319, SubChapter A 319.7(d) | |
| Rqmt Prov: Self-reporting Requirements PERMIT | |
| Description: Failure to submit monitoring results specified in the permit as documented by a TCEQ record review. | |
- 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 | 06/29/2005 | (430301) |
| 2 | 08/22/2005 | (443551) |
| 3 | 08/22/2005 | (443552) |
| 4 | 09/22/2005 | (443553) |
| 5 | 10/20/2005 | (473503) |
| 6 | 11/17/2005 | (473504) |
| 7 | 12/08/2005 | (473505) |
| 8 | 01/19/2006 | (473506) |
| 9 | 02/24/2006 | (473501) |
| 10 | 03/14/2006 | (449651) |
| 11 | 03/22/2006 | (473502) |
| 12 | 04/24/2006 | (501626) |
| 13 | 05/23/2006 | (501626) |
| 14 | 06/21/2006 | (501627) |
| 15 | 07/24/2006 | (523864) |
| 16 | 08/27/2006 | (510322) |

| | | |
|----|------------|----------|
| 17 | 09/01/2006 | (523885) |
| 18 | 09/20/2006 | (523886) |
| 19 | 10/18/2006 | (523887) |
| 20 | 11/20/2006 | (548914) |
| 21 | 12/19/2006 | (548915) |
| 22 | 01/19/2007 | (548916) |
| 23 | 02/20/2007 | (548913) |
| 24 | 03/20/2007 | (582235) |
| 25 | 04/17/2007 | (582236) |
| 26 | 05/01/2007 | (556028) |
| 27 | 05/17/2007 | (582237) |
| 28 | 06/19/2007 | (582238) |
| 29 | 07/20/2007 | (582239) |
| 30 | 08/20/2007 | (603525) |
| 31 | 09/20/2007 | (603526) |
| 32 | 10/19/2007 | (603527) |
| 33 | 11/20/2007 | (622044) |
| 34 | 12/11/2007 | (611484) |
| 35 | 12/20/2007 | (622045) |
| 36 | 01/18/2008 | (622046) |
| 37 | 02/20/2008 | (673693) |
| 38 | 03/20/2008 | (673694) |
| 39 | 04/18/2008 | (673695) |
| 40 | 05/19/2008 | (692148) |
| 41 | 06/20/2008 | (692149) |
| 42 | 07/18/2008 | (692150) |
| 43 | 08/09/2008 | (713231) |
| 44 | 09/19/2008 | (713232) |
| 45 | 10/20/2008 | (713233) |
| 46 | 11/19/2008 | (729355) |
| 47 | 12/19/2008 | (729356) |
| 48 | 01/20/2009 | (729357) |
| 49 | 02/20/2009 | (752549) |
| 50 | 03/19/2009 | (762650) |
| 51 | 04/20/2009 | (752551) |
| 52 | 05/14/2009 | (770183) |
| 53 | 07/14/2009 | (747118) |
| 54 | 07/15/2009 | (810206) |
| 55 | 07/16/2009 | (810207) |
| 56 | 08/13/2009 | (810208) |
| 57 | 09/10/2009 | (810209) |
| 58 | 10/05/2009 | (776655) |
| 59 | 10/16/2009 | (810210) |
| 60 | 11/09/2009 | (810211) |
| 61 | 12/11/2009 | (810212) |
| 62 | 01/08/2010 | (810213) |
| 63 | 02/08/2010 | (810205) |
| 64 | 05/21/2010 | (798618) |

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

| | | |
|--------------|---|--------------------------|
| Date: | 05/31/2005 (430301) | CN601550635 |
| 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: | 04/20/2006 (456699) | CN601550635 |
| Self Report? | NO | Classification: Minor |
| Citation: | WQ 11620-001 PERMIT | |
| Description: | Self-reported effluent results were noted to be routinely submitted past the due date of the 20th of the month following the month reported. | |
| Self Report? | NO | Classification: Moderate |
| Citation: | WQ 11620-001 PERMIT | |
| Description: | Clarifier #1 contained an estimated 40% surface coverage of fine grease balls and surface scum. The skimmer rake was not moving the floating solids to the scum box efficiently. The centerwell on Clarifier 1 did not appear to be level. The walkway and supports were observed to be corroded. | |
| Self Report? | NO | Classification: Minor |
| Citation: | OpR 1 PERMIT | |
| Description: | Failure by the Angelina and Neches River Authority to prevent surcharging of the eight inch trunk line between the Clawson Lift Station and Manhole A2-11. | |
| Self Report? | NO | Classification: Minor |
| Citation: | OpR 1 PERMIT | |
| Description: | Failure by the Angelina and Neches River Authority to adequately waste solids from the North Regional Wastewater Treatment Plant. | |
| Self Report? | NO | Classification: Minor |
| Citation: | M&RR 5 PERMIT | |
| Description: | On 02/23/2006, a flow accuracy check conducted during the investigation, determined the flow error rate to be -17.9%. | |

Self Report? NO Classification: Moderate
 Citation: PC 4a iii PERMIT
 Description: Failure by the Angelina and Neches River Authority to dispose of municipal wastewater treatment plant sludge at a location authorized by the permit.

Self Report? NO Classification: Minor
 Citation: OpR 1 PERMIT
 Description: Failure by the Angelina and Neches River Authority to equip the collection system lift stations with audio-visual alarm systems.

Date: 04/30/2008 (501626) CN601550635
 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: 07/20/2008 (510322) CN601550635
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Self-reporting Requirements PERMIT
 Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results

Date: 12/31/2008 (548916) CN601550635
 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: 12/31/2008 (729357) CN601550635
 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: 01/31/2009 (752548) CN601550635
 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: 08/30/2009 (810207) CN601550635

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: 07/14/2009 (747118) CN601550635

Self Report? NO Classification: Moderate
 Citation: PC 4(a)(ii) PERMIT
 Description: Failure by ANRA to notify, and/or submit engineering plans and specifications to the Wastewater Permitting section, Water Quality Division, 90 days prior to installing and operating a belt press at the treatment plant.

Self Report? NO Classification: Moderate
 Citation: PC 2g PERMIT
 Description: Failure by ANRA to prevent unauthorized discharge of wastewater into or adjacent to water in the state.

Self Report? NO Classification: Minor
 Citation: M&RR 5 PERMIT
 Description: Failure by ANRA to have all automatic flow measuring devices accurately calibrated by a trained person as often as necessary to ensure accuracy.

Self Report? NO Classification: Moderate
 Citation: EL&MR 1 PERMIT
 Description: Failure by ANRA to comply with self monitored effluent limitations (NH3-N).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter C 319.302(b)(3)
 Description: Failure by ANRA to issue a public notice of spills or accidental discharges of 100,000 gallons or more; from wastewater facilities owned or operated by local governments.

Date: 12/31/2009 (810213) CN601550635
 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: 01/31/2010 (810205) CN601550635
 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
ANGELINA AND NECHES RIVER
AUTHORITY
RN103019709

§
§
§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0872-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 the Angelina and Neches River Authority ("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 approximately 0.6 mile northeast of United States Highway 69, approximately 1.5 miles northwest of Lufkin, and 1.9 miles southeast of the intersection of United States Highway 69 and Farm-to-Market Road 2021 in Angelina County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 May 26, 2010.
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 Two Thousand Eight Hundred Eighty Dollars (\$2,880) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Three Hundred Four Dollars (\$2,304) of the administrative penalty and Five Hundred Seventy-Six Dollars (\$576) 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. By July 31, 2009, repaired the rotor that malfunctioned causing the June 2009 ammonia nitrogen exceedance; and
 - b. By February 28, 2010, completed the rehabilitation of the wet well, which allowed the Facility to waste sludge, and returned to compliance with all permitted effluent limits.
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 failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011620001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on April 8, 2010, and as shown in the following violation table:

| EFFLUENT VIOLATION TABLE | | | |
|--|----------------------------|----------|---------|
| Permitted Effluent Limits | Monitoring Period-End Date | | |
| | 6/30/09 | 12/31/09 | 1/31/10 |
| NH ₃ -N daily avg. loading Limit = 9.2 lbs/day | c | 10.802 | 12.042 |
| NH ₃ -N daily avg. conc. Limit = 3 mg/L | 3.840 | 4.712 | 4.848 |
| NH ₃ -N single grab Limit = 15 mg/L | c | c | 19.000 |

NH₃-N = ammonia nitrogen
 conc. = concentration
 c = compliant

mg/L = milligrams per liter
 lbs/day = pounds per day
 avg. = average

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: Angelina and Neches River Authority, Docket No. 2010-0872-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 Szallier

For the Executive Director

8/13/2010

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.

[Signature]

Signature

July 1, 2010

Date

Kelley Holcomb

Name (Printed or typed)
Authorized Representative of
Angelina and Neches River Authority

General 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.

