

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1604-MWD-E **TCEQ ID:** RN102179652 **CASE NO.:** 40463
RESPONDENT NAME: City of Anahuac and Trinity Bay Conservation District

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
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: Anahuac WWTP, located on the west bank of Anahuac Ditch, approximately 2,200 feet southeast of the intersection of Farm-to-Market Road 563 and Poskey Road, southeast of the City of Anahuac, Chambers 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 March 28, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Sue Hawthorne, Mayor, City of Anahuac, P.O. Box 578, Anahuac, Texas 77514 Mr. John C. Finn, Utility Superintendent, Trinity Bay Conservation District, P.O. Box 578, Anahuac, Texas 77514 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: August 20, 2010</p> <p>Date of NOV/NOE Relating to this Case: September 3, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limitations for ammonia nitrogen and chlorine [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010396001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p>	<p>Total Assessed: \$6,620</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 (Due) to General Revenue: \$570 (remaining \$6,050 due in 11 monthly payments of \$550 each)</p> <p>Compliance History Classification: Person/CN – Average Site/RN – Average</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 the Respondent had three or more repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010396001, 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 the permitted effluent limitations.</p>

Additional ID No(s): WQ0010396001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	7-Sep-2010	Screening	24-Sep-2010	EPA Due	
	PCW	28-Oct-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Anahuac and Trinity Bay Conservation District
Reg. Ent. Ref. No.	RN102179652
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	40463	No. of Violations	1
Docket No.	2010-1604-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jennifer Graves
		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	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	239.0% Enhancement	Subtotals 2, 3, & 7	\$4,780
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Notes: Enhancement for 39 months of self-reported effluent violations, four NOVs with same/similar violations, two NOVs with dissimilar violations, and one order with a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$4,938
 Approx. Cost of Compliance: \$50,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,780
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-2.4%	Adjustment	-\$160
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction to prevent double-enhancement for violations that were self-reported.

Final Penalty Amount	\$6,620
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,620
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$6,620
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Screening Date 24-Sep-2010

Docket No. 2010-1604-MWD-E

PCW

Respondent City of Anahuac and Trinity Bay Conservation Dist

Policy Revision 2 (September 2002)

Case ID No. 40463

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102179652

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	43	215%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 239%

>> **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 for 39 months of self-reported effluent violations, four NOVs with same/similar violations, two NOVs with dissimilar violations, and one order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 239%

Screening Date 24-Sep-2010

Docket No. 2010-1604-MWD-E

PCW

Respondent City of Anahuac and Trinity Bay Conservation District

Policy Revision 2 (September 2002)

Case ID No. 40463

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102179652

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

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. WQ0010396001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with the permitted effluent limitations, as documented during a record review on August 20, 2010, and shown in the attached violation 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	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 levels protective of human health or the environment. Chlorine residual was also considered. As a result of these discharges, 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.

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

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,938

Violation Final Penalty Total \$6,620

This violation Final Assessed Penalty (adjusted for limits) \$6,620

Economic Benefit Worksheet

Respondent City of Anahuac and Trinity Bay Conservation District
Case ID No. 40463
Reg. Ent. Reference No. RN102179652
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	\$50,000	31-Jan-2010	30-Jun-2011	1.41	\$235	\$4,703	\$4,938
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 conduct an evaluation of the wastewater treatment system to determine the cause of noncompliance. Date required is the initial month of noncompliance. 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

\$50,000

TOTAL

\$4,938

EFFLUENT VIOLATION TABLE**City of Anahuac and Trinity Bay Conservation District****TPDES Permit No. WQ0010396001****Docket No. 2010-1604-MWD-E**

Months	Chlorine Residual Max. Conc.	NH₃-N Daily Avg. Conc.	NH₃-N Daily Max. Conc.
	Limit = 4 mg/L	Limit = 3 mg/L	Limit = 10 mg/L
January 2010	4.01	c	c
March 2010	c	6.36	12.6
April 2010	c	7.30	16.0

NH₃-N = ammonia nitrogen

mg/L = milligrams per Liter

Max. = maximum

c = compliant

Conc. = concentration

Avg. = average

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600675417 Trinity Bay Conservation District	Classification: AVERAGE	Rating: 1.40
Regulated Entity:	RN102179652 ANAHUAC WWTP	Classification: AVERAGE	Site Rating: 3.85
ID Number(s):	WASTEWATER	PERMIT	WQ0010396001
	WASTEWATER	EPA ID	TX0033944
	WASTEWATER LICENSING	LICENSE	WQ0010396001
Location:	ON THE W BANK OF ANAHUAC DITCH, APPROX 2,200 FT SE OF THE INTX OF FM 563 AND POSKEY RD, SE OF ANAHUAC IN CHAMBERS CO, TX		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	September 16, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 16, 2005 to September 16, 2010		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Jennifer Graves	Phone:	(956) 430-6023

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: 9/1/2010 Repeat Violator: NO | |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 10/04/2007	ADMINORDER 2007-0153-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)	
Rqmt Prov: Self-reporting Requirements PERMIT	
Description: Failure to timely submit monitoring DMRs for the months of December 2005 and January 2006.	

- 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 | 09/22/2005 | (442726) |
| 2 | 10/25/2005 | (472043) |
| 3 | 11/18/2005 | (472044) |
| 4 | 12/19/2005 | (472045) |

5	03/27/2006	(472042)
6	05/02/2006	(500464)
7	05/15/2006	(500465)
8	06/22/2006	(500466)
9	07/06/2006	(463927)
10	07/13/2006	(522562)
11	08/14/2006	(522563)
12	08/28/2006	(509970)
13	09/14/2006	(522564)
14	10/16/2006	(547256)
15	11/16/2006	(547257)
16	12/14/2006	(547258)
17	01/09/2007	(579860)
18	01/24/2007	(534102)
19	02/09/2007	(579854)
20	02/09/2007	(579859)
21	02/14/2007	(579855)
22	03/16/2007	(579856)
23	04/09/2007	(621375)
24	04/20/2007	(556290)
25	05/17/2007	(579857)
26	05/25/2007	(555700)
27	06/14/2007	(579858)
28	07/17/2007	(602972)
29	08/13/2007	(602973)
30	09/06/2007	(573229)
31	09/12/2007	(602974)
32	10/11/2007	(621376)
33	11/16/2007	(621377)
34	12/19/2007	(621378)
35	01/14/2008	(673409)
36	02/14/2008	(673408)
37	02/14/2008	(751928)
38	03/19/2008	(691618)
39	04/18/2008	(691619)
40	05/12/2008	(691620)
41	06/09/2008	(712565)
42	07/21/2008	(712566)
43	08/21/2008	(712567)
44	09/29/2008	(712568)
45	10/17/2008	(728794)
46	11/14/2008	(728795)
47	12/08/2008	(728796)
48	01/16/2009	(751930)
49	02/13/2009	(751929)
50	03/12/2009	(769698)
51	03/27/2009	(735768)
52	04/15/2009	(769699)
53	05/11/2009	(769700)
54	06/17/2009	(808608)
55	06/22/2009	(748878)
56	07/20/2009	(808609)
57	08/27/2009	(763303)
58	09/21/2009	(808610)
59	09/21/2009	(808611)
60	10/19/2009	(749173)
61	10/19/2009	(808612)
62	11/16/2009	(808613)
63	12/14/2009	(808614)

64 01/21/2010 (808615)
 65 02/16/2010 (808607)
 66 03/08/2010 (832320)
 67 04/16/2010 (832321)
 68 04/28/2010 (800541)
 69 04/29/2010 (800404)
 70 05/14/2010 (832322)
 71 06/30/2010 (861242)
 72 07/15/2010 (846713)
 73 09/03/2010 (849930)

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

Date: 11/30/2005 (472045) CN600675417
 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: 02/28/2006 (472042) CN600675417
 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: 04/30/2006 (500465) CN600675417
 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: 05/31/2006 (500466) CN600675417
 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 (522562) CN600675417
 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: 07/05/2006 (463927) CN600675417
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations, No. 1 PERMIT
 Effluent Limitations, No. 2 PERMIT
 Description: Failure to maintain compliance with the permitted effluent limits for ammonia-nitrogen and total chlorine residual.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain the temperature logs of the storage refrigerator.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring and Reporting Requirements PERMIT
 Description: Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limits by more than 40%.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to store and preserve the samples properly.

Date: 07/31/2006 (522563) CN600675417
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: 08/31/2006 (522564) CN600675417
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 (547257) CN600675417
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: 11/30/2006 (547258) CN600675417
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 (579860) CN600675417
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 (579855) CN600675417
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: 02/16/2007 (538876) CN600675417
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions, No. 2g, p. 7 PERMIT
TWC Chapter 26 26.121
Description: Failure to prevent the unauthorized discharge of untreated wastewater from the collection system.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)
30 TAC Chapter 305, SubChapter F 305.125(9)(A)
MRR, No. 7a, p. 5 PERMIT
Permit Conditions, No. 2g, p. 7 PERMIT
Description: Failure to submit a noncompliance notification.

Date: 02/28/2007 (579856) CN600675417
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 (621375)

CN600675417

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: 04/30/2007 (579857)

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: 05/25/2007 (555700)

Self Report? NO

Classification: Moderate

Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to record the correct sludge transporter and the correct sludge transporter registration number on the sludge hauling manifests.

Self Report? NO

Classification: Moderate

Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to calibrate the flow meter at least annually.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3

Description: Failure to provide an alarm for the onsite lift station, as required.

Self Report? NO

Classification: Moderate

Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)

Description: Failure to properly operate and maintain the collection system to prevent the unauthorized discharge of untreated wastewater.

Self Report? NO

Classification: Moderate

Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with the chlorine residual permit limits.

Self Report? NO

Classification: Moderate

Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)

Description: Failure to properly operate and maintain the aeration basins and the clarifiers.

Self Report? NO

Classification: Moderate

Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)(4)(B)

Description: Failure to provide an operative back-up blower.

Self Report? NO Classification: Minor
Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly maintain the air line to chlorine contact basin #2 and failure to prevent the effluent manhole from leaking.

Date: 05/31/2007 (579858)
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: 06/30/2007 (602972) CN600675417
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: 07/31/2007 (602973)
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: 08/31/2007 (602974) CN600675417
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: 10/31/2007 (621377) CN600675417
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: 11/30/2007 (621378)
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: 12/31/2007 (673409) CN600675417
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 (673408)
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 (691618) CN600675417
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 (691619)
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: 04/30/2008 (691620) CN600675417
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 (712566)
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 (712567)
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: 10/31/2008 (728795)
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: 11/30/2008 (728796)
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: 02/28/2009 (769698) CN600675417
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: 03/30/2009 (735768)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Description: Failure to measure the chlorine residual daily, as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to maintain a temperature log for the sample storage refrigerator, as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to properly operate and maintain two of the floating aerators for the storm water holding pond.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 10396-001 PERMIT
Description: Failure to properly maintain the fencing which encloses the wastewater treatment plant.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
Description: Failure to report unauthorized discharges, as required.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
Description: Failure to use certified operators to operate and maintain the collection system.

Self Report? NO Classification: Moderate
Citation: 10306-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly maintain the Trinity Bay and Anahuac wastewater treatment plants (WWTP).

Date: 03/31/2009 (769699) CN600675417
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: 05/31/2009 (808608) CN600675417
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: 06/30/2009 (808609) CN600675417
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: 07/31/2009 (808610) CN600675417
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: 08/31/2009 (808611) CN600675417
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: 09/30/2009 (808612) CN600675417
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: 10/13/2009 (749173) CN600675417
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

EFFLUENT LIMITS PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Date: 01/31/2010 (808607) CN600675417
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: 03/31/2010 (832321) CN600675417
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: 04/29/2010 (800404) CN600675417
Self Report? NO Classification: Moderate
Citation: 10306-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly maintain the Trinity Bay and Anahuac wastewater treatment plants (WWTP).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.3(e)(4)(D)
Description: Failure to provide a high level alarm at lift station C.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.3(a)
30 TAC Chapter 317 317.3(e)(4)(C)
Description: Failure to secure the lift stations in an intruder resistant manner.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to provide a backflow prevention device on the potable water line at the lift station at the Sunset Leisure R.V. Park on FM 563 and at the lift station at FM 563 & Oetken Road.

Date: 04/30/2010 (832322) CN600675417
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

Compliance History Report

Customer/Respondent/Owner-Operator: CN600635288 City of Anahuac Classification: AVERAGE Rating: 1.92
Regulated Entity: RN102179652 ANAHUAC WWTP Classification: AVERAGE Site Rating: 3.85

ID Number(s):
WASTEWATER PERMIT WQ0010396001
WASTEWATER EPA ID TX0033944
WASTEWATER LICENSING LICENSE WQ0010396001

Location: ON THE W BANK OF ANAHUAC DITCH,
APPROX 2,200 FT SE OF THE INTX OF
FM 563 AND POSKEY RD, SE OF ANAHUAC
IN CHAMBERS CO, TX

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 16, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 16, 2005 to September 16, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Jennifer Graves Phone: 956-430-6023

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 10/04/2007

ADMINORDER 2007-0153-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)
Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to timely submit monitoring DMRs for the months of December 2005 and January 2006.

- 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 09/22/2005 (442726)
- 2 10/25/2005 (472043)

3	11/18/2005	(472044)
4	12/19/2005	(472045)
5	03/27/2006	(472042)
6	05/02/2006	(500464)
7	05/15/2006	(500465)
8	06/22/2006	(500466)
9	07/06/2006	(463927)
10	07/13/2006	(522562)
11	08/14/2006	(522563)
12	08/28/2006	(509970)
13	09/14/2006	(522564)
14	10/16/2006	(547256)
15	11/16/2006	(547257)
16	12/14/2006	(547258)
17	01/09/2007	(579860)
18	01/24/2007	(534102)
19	02/09/2007	(579854)
20	02/09/2007	(579859)
21	02/14/2007	(579855)
22	03/16/2007	(579856)
23	04/09/2007	(621375)
24	04/20/2007	(556290)
25	05/17/2007	(579857)
26	05/25/2007	(555700)
27	06/14/2007	(579858)
28	07/17/2007	(602972)
29	08/13/2007	(602973)
30	09/06/2007	(573229)
31	09/12/2007	(602974)
32	10/11/2007	(621376)
33	11/16/2007	(621377)
34	12/19/2007	(621378)
35	01/14/2008	(673409)
36	02/14/2008	(673408)
37	02/14/2008	(751928)
38	03/19/2008	(691618)
39	04/18/2008	(691619)
40	05/12/2008	(691620)
41	06/09/2008	(712565)
42	07/21/2008	(712566)
43	08/21/2008	(712567)
44	09/29/2008	(712568)
45	10/17/2008	(728794)
46	11/14/2008	(728795)
47	12/08/2008	(728796)
48	01/16/2009	(751930)
49	02/13/2009	(751929)
50	03/12/2009	(769698)
51	03/27/2009	(735768)
52	04/15/2009	(769699)
53	05/11/2009	(769700)
54	06/17/2009	(808608)
55	06/22/2009	(748878)
56	07/20/2009	(808609)
57	08/27/2009	(763303)
58	09/21/2009	(808610)
59	09/21/2009	(808611)
60	10/19/2009	(749173)
61	10/19/2009	(808612)

62 11/16/2009 (808613)
 63 12/14/2009 (808614)
 64 01/21/2010 (808615)
 65 02/16/2010 (808607)
 66 03/08/2010 (832320)
 67 04/16/2010 (832321)
 68 04/28/2010 (800541)
 69 04/29/2010 (800404)
 70 05/14/2010 (832322)
 71 06/30/2010 (861242)
 72 07/15/2010 (846713)
 73 09/03/2010 (849930)

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

Date: 11/30/2005 (472045) CN600635288
 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: 02/28/2006 (472042) CN600635288
 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: 04/30/2006 (500465) CN600635288
 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: 05/31/2006 (500466) CN600635288
 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 (522562) CN600635288
 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: 07/05/2006 (463927) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations, No. 1 PERMIT
 Effluent Limitations, No. 2 PERMIT
 Description: Failure to maintain compliance with the permitted effluent limits for ammonia-nitrogen and total chlorine residual.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain the temperature logs of the storage refrigerator.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring and Reporting Requirements PERMIT

Description: Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limits by more than 40%.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to store and preserve the samples properly.

Date: 07/31/2006 (522563) CN600635288

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: 08/31/2006 (522564) CN600635288

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 (547257)

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: 11/30/2006 (547258) CN600635288

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 (579860) CN600635288

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 (579855) CN600635288

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: 02/16/2007 (538876)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions, No. 2g, p. 7 PERMIT
TWC Chapter 26 26.121

Description: Failure to prevent the unauthorized discharge of untreated wastewater from the collection system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)
30 TAC Chapter 305, SubChapter F 305.125(9)(A)
MRR, No. 7a, p. 5 PERMIT
Permit Conditions, No. 2g, p. 7 PERMIT

Description: Failure to submit a noncompliance notification.

Date: 02/28/2007 (579856) CN600635288
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 (621375) CN600635288
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: 04/30/2007 (579857) CN600635288
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: 05/25/2007 (555700)
Self Report? NO Classification: Moderate
Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to record the correct sludge transporter and the correct sludge transporter registration number on the sludge hauling manifests.

Self Report? NO Classification: Moderate
Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to calibrate the flow meter at least annually.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3
Description: Failure to provide an alarm for the onsite lift station, as required.

Self Report? NO Classification: Moderate
Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
Description: Failure to properly operate and maintain the collection system to prevent the unauthorized discharge of untreated wastewater.

Self Report? NO Classification: Moderate
Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the chlorine residual permit limits.

Self Report? NO Classification: Moderate
Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)
Description: Failure to properly operate and maintain the aeration basins and the clarifiers.

Self Report? NO Classification: Moderate
Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)(4)(B)
Description: Failure to provide an operative back-up blower.

Self Report? NO Classification: Minor
Citation: 10396-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly maintain the air line to chlorine contact basin #2 and failure to prevent the effluent manhole from leaking.

Date: 05/31/2007 (579858)
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: 06/30/2007 (602972) CN600635288
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: 07/31/2007 (602973) CN600635288
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: 08/31/2007 (602974) CN600635288
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: 10/31/2007 (621377)
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: 11/30/2007 (621378)
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: 12/31/2007 (673409) CN600635288
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 (673408)
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 (691618)
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 (691619) CN600635288
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: 04/30/2008 (691620) CN600635288
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 (712566)
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 (712567)
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: 10/31/2008 (728795)
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: 11/30/2008 (728796)
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: 02/28/2009 (769698)
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: 03/30/2009 (735768)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Description: Failure to measure the chlorine residual daily, as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to maintain a temperature log for the sample storage refrigerator, as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to properly operate and maintain two of the floating aerators for the storm water holding pond.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 10396-001 PERMIT
Description: Failure to properly maintain the fencing which encloses the wastewater treatment plant.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
Description: Failure to report unauthorized discharges, as required.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
Description: Failure to use certified operators to operate and maintain the collection system.

Self Report? NO Classification: Moderate
Citation: 10306-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly maintain the Trinity Bay and Anahuac wastewater treatment plants (WWTP).

Date: 03/31/2009 (769699)

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: 05/31/2009 (808608)

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: 06/30/2009 (808609)

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: 07/31/2009 (808610)

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: 08/31/2009 (808611)

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: 09/30/2009 (808612)

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: 10/13/2009 (749173) CN600635288
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
EFFLUENT LIMITS PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Date: 01/31/2010 (808607) CN600635288
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: 03/31/2010 (832321)
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: 04/29/2010 (800404)
Self Report? NO Classification: Moderate
Citation: 10306-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly maintain the Trinity Bay and Anahuac wastewater treatment plants (WWTP).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.3(e)(4)(D)
Description: Failure to provide a high level alarm at lift station C.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.3(a)
30 TAC Chapter 317 317.3(e)(4)(C)
Description: Failure to secure the lift stations in an intruder resistant manner.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to provide a backflow prevention device on the potable water line at the lift station at the Sunset Leisure R.V. Park on FM 563 and at the lift station at FM 563 & Oetken Road.

Date: 04/30/2010 (832322) CN600635288
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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF ANAHUAC AND TRINITY	§	
BAY CONSERVATION DISTRICT	§	ENVIRONMENTAL QUALITY
RN102179652	§	

AGREED ORDER DOCKET NO. 2010-1604-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 the City of Anahuac and Trinity Bay Conservation District (“the Respondents”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand 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 Respondents agree 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 Respondents.

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

I. FINDINGS OF FACT

1. The Respondents own a wastewater treatment plant at located on the west bank of Anahuac Ditch, approximately 2,200 feet southeast of the intersection of Farm-to-

Market Road 563 and Poskey Road, southeast of the City of Anahuac in Chambers County, Texas (the "Facility").

2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on August 20, 2010, TCEQ staff documented the following from the self-reported monthly discharge monitoring reports ("DMR"):

EFFLUENT VIOLATION TABLE			
Months	Chlorine Residual Max. Conc.	NH₃-N Daily Avg. Conc.	NH₃-N Daily Max. Conc.
	Limit = 4 mg/L	Limit = 3 mg/L	Limit = 10 mg/L
January 2010	4.01	c	c
March 2010	c	6.36	12.6
April 2010	c	7.30	16.0
NH ₃ -N = ammonia nitrogen mg/L = milligrams per Liter Max. = maximum c = compliant Conc. = concentration Avg. = average			

4. The Respondents received notice of the violations on September 9, 2010.

II. CONCLUSIONS OF LAW

1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondents failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010396001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review on August 20, 2010.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Six Thousand Six Hundred Twenty Dollars (\$6,620) 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 Respondents have paid Five Hundred Seventy Dollars (\$570) of the administrative penalty. The remaining amount of Six Thousand Fifty Dollars (\$6,050) of the administrative penalty shall be payable in 11 monthly payments of Five Hundred Fifty Dollars (\$550) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondents fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondents to meet the payment schedule of this Agreed Order constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The Respondents are assessed an administrative penalty in the amount of Six Thousand Six Hundred Twenty Dollars (\$6,620) 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 Respondents' 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: City of Anahuac and Trinity Bay Conservation District, Docket No. 2010-1604-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 Respondents shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010396001, 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 the permitted effluent

limitations. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H

3. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are 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.
5. If the Respondents fail 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 Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. 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.

City of Anahuac and Trinity Bay Conservation District
DOCKET NO. 2010-1604-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

3/23/2011
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Anahuac and Trinity Bay Conservation District. I am authorized to agree to the attached Agreed Order on behalf of the City of Anahuac and Trinity Bay Conservation District, 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, the City of Anahuac and Trinity Bay Conservation District 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.

Sue Hawthorne
Signature

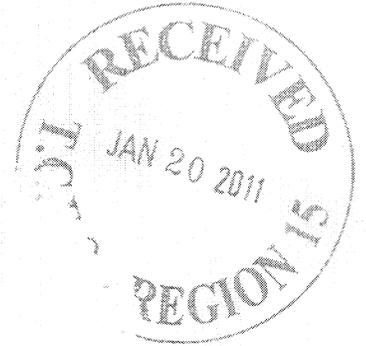
1-11-11
Date

Sue Hawthorne
Name (Printed or typed)
Authorized Representative of
City of Anahuac

Mayor
Title

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

City of Anahuac and Trinity Bay Conservation District
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sredler
For the Executive Director

3/23/2011
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Anahuac and Trinity Bay Conservation District. I am authorized to agree to the attached Agreed Order on behalf of the City of Anahuac and Trinity Bay Conservation District, 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.

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- 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.

John C. Finn
Signature

01-20-11
Date

JOHN C. FINN
Name (Printed or typed)
Authorized Representative of
Trinity Bay Conservation District

UTILITY SUPT.
Title

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