EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-2046-MWD-E **TCEQ ID:** RN102075413 **CASE NO.:** 40886
RESPONDENT NAME: Sunbelt Fresh Water Supply District

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Fairgreen Facility, located approximately 1.2 miles west of United States Highway 59, on the south side of Greens Bayou, Harris County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: ___ Yes _X_ 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 April 4, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Thomas Jecha, P.G., Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Ms. Marcia A. Mattern, President, Sunbelt Fresh Water Supply District, 410 West Gulf Bank Road, Houston, Texas 77037-2902
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** November 10, 2010 **Date of NOV/NOE Relating to this Case:** December 15, 2010 (NOE) **Background Facts:** This was a records review. **WATER** Failed to comply with permitted effluent limitations for ammonia nitrogen and flow [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011791001, Effluent Limitations and Monitoring Requirements No. 1].	**Total Assessed:** $970 **Total Deferred:** $194 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $776 **Compliance History Classifications:** Person/CN - Average Site/RN - Average **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent rehabilitated the wastewater treatment system clarifier and returned to compliance with the permitted effluent limits by September 30, 2010.

Additional ID No(s).: WQ0011791001

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES						
	Assigned	20-Dec-2010				
	PCW	22-Dec-2010	**Screening**	21-Dec-2010	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	Sunbelt Fresh Water Supply District		
Reg. Ent. Ref. No.	RN102075413		
Facility/Site Region	12-Houston	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	40886	**No. of Violations**	1
Docket No.	2010-2046-MWD-E	**Order Type**	1660
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Thomas Jecha, P.G.
		EC's Team	Enforcement Team 3

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: **$1,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **22.0%** Enhancement — *Subtotals 2, 3, & 7*: **$220**

Notes: Enhancement for four self-reported effluent violations and one NOV with dissimilar violations.

Culpability — No — **0.0%** Enhancement — *Subtotal 4*: **$0**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit — **0.0%** Enhancement* — *Subtotal 6*: **$0**

Total EB Amounts $118
Approx. Cost of Compliance $14,084

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: **$970**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: **$970**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: **$970**

DEFERRAL — **20.0%** Reduction — *Adjustment*: **-$194**

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: **$776**

Screening Date 21-Dec-2010 **Docket No.** 2010-2046-MWD-E **PCW**

Respondent Sunbelt Fresh Water Supply District

Case ID No. 40886

Reg. Ent. Reference No. RN102075413

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

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 (*number of NOVs meeting criteria*)	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		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) 22%

>> 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 four self-reported effluent violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 21-Dec-2010 **Docket No.** 2010-2046-MWD-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent Sunbelt Fresh Water Supply District

Case ID No. 40886

Reg. Ent. Reference No. RN102075413

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011791001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations (see attached table).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: 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. Average flow was also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 1 — 62 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction — $250

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

Notes: The Respondent returned to compliance by September 30, 2010.

Violation Subtotal $750

Economic Benefit (EB) for this violation

Estimated EB Amount $118

Statutory Limit Test

Violation Final Penalty Total $970

This violation Final Assessed Penalty (adjusted for limits) $970

Economic Benefit Worksheet

Respondent Sunbelt Fresh Water Supply District
Case ID No. 40886
Reg. Ent. Reference No. RN102075413
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				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$14,084	31-Jul-2010	30-Sep-2010	0.17	$118	n/a	$118
Notes for DELAYED costs	Cost to rehabilitate the wastewater treatment system clarifier. The date required is the month the first non-compliant excursion was documented and the 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 $14,084

TOTAL $118

Effluent Limit Violation Table

e rev.

Respondent	Sunbelt FWSD
ID Number(s)	TPDES Permit No. WQ0011791001
Docket Number	2010-2046-MWD-E
Enf. Coordinator	Thomas E. Jecha

Corresponds to Violation Number: 1

	EFFLUENT PARAMETER											
	Permit Limit											
	NH3-N daily avg conc (mg/L)	NH3-N daily avg loading (lbs/day)	NH3-N daily maximum (mg/L)	Flow (MGD)								
Month/Year	3	25	10	0.975								
July 2010	5.15	36.12	11.9	0.9766								
August 2010	6.97	44.98	11.6	c								

mg/L = milligrams per liter
lbs/day = pounds per day
c = compliant
avg = average
NH3-N = ammonia nitrogen
MGD = million gallons per day

Compliance History

Customer/Respondent/Owner-Operator:	CN600647036	Sunbelt Fresh Water Supply District	Classification: AVERAGE	Rating: 0.17
Regulated	RN102075413	FAIRGREEN FACILITY	Classification: AVERAGE	Site Rating: 0.11

ID Number(s):	WASTEWATER	PERMIT	WQ0011791001
	WASTEWATER	EPA ID	TX0071382
	WASTEWATER LICENSING	LICENSE	WQ0011791001

Location: 1.2 miles W of US Hwy 59 on S side of Greens Bayou in Harris Co

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 21, 2010

Agency Decision Requiring Compliance: Enforcement

Compliance Period: December 21, 2005 to December 21, 2010

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

Name: Thomas Jecha Phone: 239 - 2576

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

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.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/22/05	(450141)
2	2/24/06	(475016)
3	3/24/06	(475017)
4	12/27/05	(475020)
5	1/24/06	(475021)
6	4/24/06	(502630)
7	5/30/06	(502631)
8	6/26/06	(502632)
9	7/25/06	(524957)
10	8/24/06	(524958)
11	9/25/06	(524959)
12	2/22/07	(584146)
13	4/3/07	(584147)

14	4/23/07	(584148)
15	5/24/07	(584149)
16	6/25/07	(584150)
17	10/24/06	(584151)
18	11/27/06	(584152)
19	12/28/06	(584153)
20	1/23/07	(584154)
21	7/23/07	(608444)
22	8/20/07	(608445)
23	9/18/07	(608446)
24	1/17/08	(610911)
25	10/19/07	(623106)
26	11/26/07	(623107)
27	12/27/07	(623108)
28	2/22/08	(674508)
29	1/23/08	(674509)
30	3/24/08	(692841)
31	4/21/08	(692842)
32	5/19/08	(692843)
33	7/16/08	(692844)
34	6/24/08	(714008)
35	8/19/08	(714009)
36	9/18/08	(714010)
37	10/17/08	(714011)
38	11/18/08	(730044)
39	1/19/09	(730045)
40	2/16/09	(753217)
41	3/20/09	(753218)
42	4/17/09	(753219)
43	12/16/08	(753220)
44	10/8/09	(765513)
45	5/19/09	(770746)
46	6/12/09	(770747)
47	2/19/10	(812104)
48	7/20/09	(812105)
49	8/31/09	(812106)
50	9/20/09	(812107)
51	10/16/09	(812108)
52	11/19/09	(812109)
53	12/18/09	(812110)
54	1/19/10	(812111)
55	3/19/10	(833418)
56	4/20/10	(833419)
57	5/19/10	(833420)
58	6/16/10	(847065)

59 7/19/10 (861544)

60 9/1/10 (867849)

61 9/20/10 (874799)

62 12/15/10 (876959)

63 10/19/10 (882388)

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

Date: 09/30/2006 (584151) CN600647036

Self YES Classification Moderate

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

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

Date: 07/31/2007 (608445) CN600647036

Self 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: 10/08/2009 (765513) CN600647036

Self NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)(1)
30 TAC Chapter 317 317.4(d)(2)
30 TAC Chapter 317 317.4(d)(3)
30 TAC Chapter 317 317.4(d)(4)
30 TAC Chapter 317 317.4(d)(5)
30 TAC Chapter 317 317.4(d)(6)
30 TAC Chapter 317 317.4(d)(7)(A)
30 TAC Chapter 317 317.4(d)(7)(B)
30 TAC Chapter 317 317.4(d)(7)(C)
30 TAC Chapter 317 317.4(d)(7)(D)
30 TAC Chapter 317 317.4(d)(8)
30 TAC Chapter 317 317.4(d)(9)

Description: Failure to properly operate and maintain the clarifier.

Date: 07/31/2010 (867849) CN600647036

Self 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: 08/31/2010 (874799) CN600647036

Self 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

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 SUNBELT FRESH WATER SUPPLY DISTRICT RN102075413	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-2046-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 Sunbelt Fresh Water Supply District ("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 plant located approximately 1.2 miles west of United States Highway 59, on the south side of Greens Bayou in Harris 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 December 20, 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 Nine Hundred Seventy Dollars ($970) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Hundred Seventy-Six Dollars ($776) of the administrative penalty and One Hundred Ninety-Four Dollars ($194) 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 rehabilitated the wastewater treatment system clarifier and returned to compliance with the permitted effluent limits by September 30, 2010.

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 limitations (see attached table), in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011791001, Effluent Limitations and Monitoring Requirements Nos. 1, as documented during a record review conducted on November 10, 2010.

	NH3-N daily average conc. (mg/L)	NH3-N daily average loading (lbs/day)	NH3-N daily maximum (mg/L)	Flow (MGD)
Month/Year	3	25	10	0.975
July 2010	5.15	36.12	11.9	0.9766
August 2010	6.97	44.98	11.6	compliant

mg/L = milligrams per liter NH3-N = ammonia nitrogen MGD = million gallons per day
lbs/day = pounds per day conc. = concentration

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: Sunbelt Fresh Water Supply District, Docket No. 2010-2046-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 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.

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

_____ 3/15/2011
For the Executive Director 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.

_____ 1/17/2011
Signature Date

MARIA A. MATTERN PRESIDENT
Name (Printed or typed) Title
Authorized Representative of
Sunbelt Fresh Water Supply District

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.