

**Executive Summary – Enforcement Matter – Case No. 42273**  
**Jasper County Water Control and Improvement District No. 1**  
**RN101610673**  
**Docket No. 2011-1426-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Plant No. 1, located approximately 2,000 feet due south of the intersection of United States Highway 96 and State Highway 62, Jasper County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 25, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$6,150

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,150

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42273  
Jasper County Water Control and Improvement District No. 1  
RN101610673  
Docket No. 2011-1426-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** July 14, 2011  
**Date(s) of NOE(s):** July 26, 2011

***Violation Information***

Failed to comply with the permitted effluent limitations for ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010808001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010808001, 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.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Henry B. Ogden, Jr., Superintendent, Jasper County Water Control Improvement District No. 1, P.O. Box 1207, Buna, Texas 77612  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	1-Aug-2011	Screening	15-Aug-2011	EPA Due	
	PCW	16-Aug-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Jasper County Water Control and Improvement District No. 1		
Reg. Ent. Ref. No.	RN101610673		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	42273	No. of Violations	1
Docket No.	2011-1426-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

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,000</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	<b>110.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b> <b>\$3,300</b>

Notes: Enhancement for 16 months of self-reported effluent violations and two NOVs with same/similar violations.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$3,505		
Approx. Cost of Compliance	\$25,000		
<small>*Capped at the Total EB \$ Amount</small>			

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$6,300</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>-2.4%</b>	<b>Adjustment</b>	<b>-\$150</b>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			

Notes: Recommended reduction so that the self-reported violations do not overly impact the penalty.

<b>Final Penalty Amount</b>	<b>\$6,150</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$6,150</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$6,150</b>
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**Screening Date** 15-Aug-2011

**Docket No.** 2011-1426-MWD-E

**PCW**

**Respondent** Jasper County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

**Case ID No.** 42273

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101610673

**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> )	18	90%
	Other written NOVs	0	0%
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)** 110%

>> **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 16 months of self-reported effluent violations and two NOVs with same/similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 110%

Screening Date 15-Aug-2011

Docket No. 2011-1426-MWD-E

PCW

Respondent Jasper County Water Control and Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 42273

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101610673

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), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010808001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limitations, as documented during a record review on July 14, 2011, and shown in the attached violation 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. 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.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

180 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,505

Violation Final Penalty Total \$6,150

This violation Final Assessed Penalty (adjusted for limits) \$6,150

## Economic Benefit Worksheet

**Respondent** Jasper County Water Control and Improvement District No. 1  
**Case ID No.** 42273  
**Reg. Ent. Reference No.** RN101610673  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25,000	31-May-2010	31-May-2012	2.00	\$167	\$3,338	\$3,505
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated cost to conduct an evaluation of the wastewater treatment system to determine the cause of noncompliance and implement corrective actions. 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

\$25,000

**TOTAL**

\$3,505

**EFFLUENT VIOLATION TABLE**

Jasper County Water Control and Improvement District No. 1

TPDES Permit No. WQ0010808001

Docket No. 2011-1426-MWD-E

Months	NH <sub>3</sub> -N Daily Avg. Conc.	NH <sub>3</sub> -N Single Grab
	Limit = 6 mg/L	Limit = 15 mg/L
May 2010	7.50	c
June 2010	7.24	c
November 2010	7.71	c
December 2010	6.58	c
February 2011	6.18	c
April 2011	8.00	16

NH<sub>3</sub>-N = ammonia nitrogen

mg/L = milligrams per liter

Avg. = Average

c = compliant

Conc. = Concentration



# Compliance History

Customer/Respondent/Owner-Operator: CN600660724 Jasper County Water Control  
and Improvement District No. 1 Classification: AVERAGE Rating: 2.53

Regulated Entity: RN101610673 PLANT NO 1 Classification: AVERAGE Site Rating: 1.58

ID Number(s): WASTEWATER PERMIT WQ0010808001  
WASTEWATER EPA ID TX0021300  
WASTEWATER LICENSING LICENSE WQ0010808001

Location: APPROX. 2,000 FT DUE S OF THE INTX  
OF U.S. HWY 96 AND STATE HWY 62  
IN JASPER CO, TX

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 15, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 15, 2006 to August 15, 2011

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: 08/09/2010 ADMINORDER 2010-0136-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: Failed to comply with permitted effluent limitations as documented during a record review  
conducted on January 5, 2010.

- 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	08/25/2006	(520721)
2	09/20/2006	(520722)
3	10/19/2006	(545125)
4	11/21/2006	(545126)
5	12/15/2006	(545127)
6	01/18/2007	(545128)
7	05/03/2007	(555667)
8	02/20/2007	(576455)
9	03/19/2007	(576456)
10	04/17/2007	(576457)

11 05/22/2007 (576458)  
 12 06/18/2007 (576459)  
 13 07/16/2007 (576460)  
 14 08/23/2007 (601955)  
 15 03/10/2008 (612088)  
 16 09/17/2007 (619953)  
 17 10/18/2007 (619954)  
 18 11/26/2007 (619955)  
 19 02/15/2008 (672408)  
 20 03/17/2008 (672409)  
 21 11/30/2007 (672410)  
 22 01/22/2008 (672411)  
 23 04/14/2008 (690344)  
 24 05/21/2008 (690345)  
 25 06/12/2008 (690346)  
 26 07/21/2008 (711171)  
 27 10/06/2008 (711172)  
 28 09/19/2008 (711173)  
 29 10/20/2008 (711174)  
 30 11/21/2008 (727799)  
 31 02/19/2009 (750653)  
 32 03/13/2009 (750654)  
 33 01/05/2009 (750655)  
 34 01/20/2009 (750656)  
 35 04/21/2009 (768624)  
 36 01/22/2010 (787244)  
 37 02/18/2010 (805675)  
 38 05/14/2009 (805676)  
 39 06/23/2009 (805677)  
 40 07/21/2009 (805678)  
 41 08/11/2009 (805679)  
 42 09/24/2009 (805680)  
 43 10/21/2009 (805681)  
 44 11/20/2009 (805682)  
 45 12/21/2009 (805683)  
 46 03/12/2010 (831244)  
 47 04/19/2010 (831245)  
 48 05/20/2010 (831246)  
 49 06/18/2010 (846378)  
 50 09/08/2010 (849011)  
 51 07/22/2010 (860958)  
 52 08/18/2010 (866963)  
 53 11/16/2010 (870874)  
 54 09/16/2010 (874021)  
 55 10/21/2010 (881631)  
 56 11/19/2010 (888131)  
 57 12/20/2010 (896371)  
 58 01/21/2010 (902423)  
 59 01/24/2011 (902424)  
 60 02/22/2011 (909204)  
 61 03/24/2011 (916461)  
 62 04/18/2011 (925045)  
 63 05/23/2011 (938142)  
 64 07/28/2011 (940886)  
 65 06/20/2011 (945516)

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

Date: 05/03/2007 (555667) CN600660724  
 Self Report? NO Classification: Minor  
 Citation: OpR 1 PERMIT  
 Description: Failure by the Jasper County WCID #1 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor  
 Citation: SP III G PERMIT  
 Description: Failure by Jasper County WCID #1 to submit the annual sludge report to the Region 10 office by September 1 of each year.

Self Report? NO Classification: Moderate  
 Citation: OpR 1 PERMIT  
 Description: Failure by Jasper County WCID #1 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: OpR 1 PERMIT  
 Description: Failure by Jasper County WCID #1 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor  
 Citation: OpR 1 PERMIT  
 Description: Failure by Jasper County WCID #1 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate  
 Citation: OpR 1 PERMIT  
 Description: Failure by Jasper County WCID #1 to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate  
 Citation: EL&MR No. 6 PERMIT  
 Description: Failure by Jasper County WCID #1 to discharge effluent that is compliant with permitted limitations.

Self Report? NO Classification: Minor  
 Citation: M&RR 3c iii PERMIT  
 Description: Failure by Jasper County WCID #1 to maintain complete records of monitoring activities.

Date: 07/31/2007 (601955) CN600660724  
 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 (619955) CN600660724  
 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 (672409) CN600660724  
 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 (711172) CN600660724  
 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 (805677) CN600660724  
 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 (805678) CN600660724  
 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 (805680) CN600660724  
 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 (805681) CN600660724  
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: 04/30/2010 (831246) CN600660724  
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: 05/31/2010 (846378) CN600660724  
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: 06/30/2010 (860958) CN600660724  
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: 09/09/2010 (849011) CN600660724  
Self Report? NO Classification: Minor  
Citation: Permit OpR 1, Page 9 PERMIT  
Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor  
Citation: Permit OpR 1, Page 9 PERMIT  
Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor  
Citation: Permit M&RR 3(c)(iii), Page 5 PERMIT  
Description: Failure to record the pH analysis time on the daily logs.

Self Report? NO Classification: Minor  
Citation: Permit EL&MR No. 3 and 6, Page 2 PERMIT  
Description: Failure to discharge effluent within permit limitations.

Self Report? NO Classification: Moderate  
Citation: Permit EL&MR No. 1, Page 2 PERMIT  
Description: Failure to discharge effluent within permit limitations.

Date: 11/30/2010 (896371) CN600660724  
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: 12/31/2010 (902424) CN600660724  
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: 02/28/2011 (916461)

CN600660724

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: 04/30/2011 (938142)

CN600660724

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: 05/31/2011 (945516)

CN600660724

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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>JASPER COUNTY WATER CONTROL</b>	<b>§</b>	
<b>AND IMPROVEMENT DISTRICT NO.</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>1</b>	<b>§</b>	
<b>RN101610673</b>		

**AGREED ORDER**  
**DOCKET NO. 2011-1426-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 Jasper County Water Control and Improvement District No. 1 (“the Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment plant located approximately 2,000 feet due south of the intersection of United States Highway 96 and State Highway 62 in Jasper 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. During a record review on July 14, 2011, TCEQ staff documented the following from the self-reported monthly discharge monitoring reports ("DMR"):

EFFLUENT VIOLATION TABLE		
Months	NH <sub>3</sub> -N Daily Avg. Conc.	NH <sub>3</sub> -N Single Grab
	Limit = 6 mg/L	Limit = 15 mg/L
May 2010	7.50	c
June 2010	7.24	c
November 2010	7.71	c
December 2010	6.58	c
February 2011	6.18	c
April 2011	8.00	16
NH <sub>3</sub> -N = ammonia nitrogen		mg/L = milligrams per liter
Avg. = Average		c = compliant
Conc. = Concentration		

4. The Respondent received notice of the violations on August 1, 2011.

**II. CONCLUSIONS OF LAW**

1. The Respondent is 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 Respondent 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), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010808001, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent 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 One Hundred Fifty Dollars (\$6,150) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Six Thousand One Hundred Fifty Dollar (\$6,150) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Six Thousand One Hundred Fifty Dollars (\$6,150) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Jasper County Water Control and Improvement District No. 1, Docket No. 2011-1426-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 Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010808001, 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 receipts, and/or other records to demonstrate compliance, 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 fine and imprisonment for knowing violations.”

The certification shall be submitted to:

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

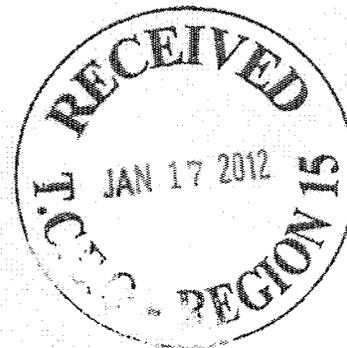
with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the

Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



Jasper County Water Control and Improvement District No. 1  
DOCKET NO. 2011-1426-MWD-E  
Page 6

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

*R. D. Hyle*  
For the Executive Director

1/20/12  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Jasper County Water Control Improvement District No. 1. I am authorized to agree to the attached Agreed Order on behalf of Jasper County Water Control Improvement District No. 1, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Jasper County Water Control Improvement District No. 1 waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

*Henry B. Ogden Jr.*  
Signature  
*Henry B. Ogden Jr.*  
Name (Printed or typed)

1-17-12  
Date  
*Superintendent*  
Title

Authorized Representative of  
Jasper County Water Control and Improvement District No. 1

**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.