

Executive Summary – Enforcement Matter – Case No. 39984
Eastland County Water Supply District
RN102185295
Docket No. 2011-1612-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:

Yes

Location(s) Where Violation(s) Occurred:

Eastland County WDS, located 1.5 miles south of Interstate Highway 20 on Farm-to-Market Road 2461, Eastland 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: February 24, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,990

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,990

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. 39984
Eastland County Water Supply District
RN102185295
Docket No. 2011-1612-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 4, 2011

Date(s) of NOE(s): August 31, 2011

Violation Information

1. Failed comply with permitted effluent limits for total suspended solids [Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013726001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TCEQ Agreed Order Docket No. 2010-1101-MWD-E, Ordering Provision No. 2].
2. Failed to submit complete monitoring results at the intervals specified in the permit [TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4].
3. Failed to submit the monthly discharge monitoring reports (“DMRs”) by the 20th day of the following month [TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d)].
4. Failed to submit monitoring results at the intervals specified in the permit [TPDES Permit No. WQ0013726001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(17)].
5. Failed to maintain records for a minimum of at least three years and make them readily available for review upon request by a TCEQ representative [TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 3.b. and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

a. By August 6, 2011, the Respondent:

- i. Updated the Facility's standard operating procedures to ensure that all reporting procedures are properly accomplished and accurately completed; and
- ii. Developed and implemented a record keeping system and began maintaining records and to make them readily available for review upon request by a TCEQ representative.

b. By September 2, 2011, the Respondent cleaned the backwash pond and returned to compliance with permit effluent limits;

c. By December 7, 2011, the Respondent:

**Executive Summary – Enforcement Matter – Case No. 39984
Eastland County Water Supply District
RN102185295
Docket No. 2011-1612-MWD-E**

- i. Submitted revised DMRs for the monitoring periods ending December 31, 2010 and January 31, 2011 that included all missing data;
- ii. Submitted DMRs for the months of September 2010 through November 2010 and February 2011 through July 2011; and
- iii. Submitted the annual sludge report for the reporting period ending July 31, 2010.

Technical Requirements:

N/A

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: Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Dale Bennington, District General Superintendent, Eastland County Water Supply District, P.O. Box 16, Eastland, Texas 76448
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	13-Sep-2011	Screening	13-Sep-2011	EPA Due	
	PCW	16-Sep-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Eastland County Water Supply District
Reg. Ent. Ref. No.	RN102185295
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	5	
Enf./Case ID No.	39984		Order Type	Findings
Docket No.	2011-1612-MWD-E	Government/Non-Profit	Yes	
Media Program(s)	Water Quality	Enf. Coordinator	Jorge Ibarra, P.E.	
Multi-Media		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	\$5,300
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	85.0% Enhancement	Subtotals 2, 3, & 7	\$4,505
---------------------------	--------------------------	--------------------------------	----------------

Notes: Enhancement for one Agreed Order with denial of liability, four NOV's with same/similar violations, and nine months of self-reported effluent 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	\$550
--	-------------------	--------------

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

Total EB Amounts: \$205
 Approx. Cost of Compliance: \$5,775
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,255
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	-2.9%	Adjustment	-\$265
---	--------------	-------------------	---------------

Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount	\$8,990
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,990
-----------------------------------	-------------------------------	----------------

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$8,990
------------------------	----------------

Screening Date 13-Sep-2011

Docket No. 2011-1612-MWD-E

PCW

Respondent Eastland County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 39984

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185295

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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>)	13	65%
	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) 85%

>> 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 one Agreed Order with denial of liability, four NOVs with same/similar violations, and nine months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 85%

Screening Date 13-Sep-2011

Docket No. 2011-1612-MWD-E

PCW

Respondent Eastland County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 39984

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185295

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013726001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TCEQ Agreed Order Docket No. 2010-1101-MWD-E, Ordering Provision No. 2

Violation Description

Failed to comply with permitted effluent limits. Specifically, a grab sample collected during the August 4, 2011 investigation indicated total suspended solids ("TSS") of 1,390 milligrams per liter ("mg/L"), the permitted limit for TSS single grab is 100 mg/L.

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

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 3

272 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended from effective date of Agreed Order Docket No. 2010-1101-MWD-E of December 4, 2010 to the compliance date of September 2, 2011.

Good Faith Efforts to Comply

10.0% Reduction

\$300

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

Notes

The Respondent achieved compliance by September 2, 2011 for this violation.

Violation Subtotal \$2,700

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$186

Violation Final Penalty Total \$5,100

This violation Final Assessed Penalty (adjusted for limits) \$5,100

Economic Benefit Worksheet

Respondent Eastland County Water Supply District
Case ID No. 39984
Reg. Ent. Reference No. RN102185295
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)	\$5,000	4-Dec-2010	2-Sep-2011	0.75	\$186	n/a	\$186

Notes for DELAYED costs

Estimated cost to clean the backwash pond and return to compliance with permit effluent limits. Date required is the effective date of the order and the final date is the compliance date.

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

\$5,000

TOTAL

\$186

Screening Date 13-Sep-2011

Docket No. 2011-1612-MWD-E

PCW

Respondent Eastland County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 39984

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185295

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code §§ 305.125(1) and 319.4

Violation Description

Failed to submit complete monitoring results at the intervals specified in the permit. Specifically, the Respondent incorrectly reported values for flow and TSS and failed to report pH maximum values for the monitoring period ending January 31, 2011 and failed to include the pH maximum and minimum values for the monitoring period ending December 31, 2010. Additionally, TSS values were not properly calculated in pounds per day.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

236 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$200

Two single 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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$359

This violation Final Assessed Penalty (adjusted for limits) \$359

Economic Benefit Worksheet

Respondent Eastland County Water Supply District
Case ID No. 39984
Reg. Ent. Reference No. RN102185295
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	4-Aug-2011	6-Aug-2011	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Jan-2011	7-Dec-2011	0.88	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to update the Facility's standard operating procedures to ensure that all reporting procedures are properly accomplished and to accurately complete and submit revised discharge monitoring reports ("DMRs") (\$25 per report). Dates required are the investigation date and the date the first DMR was due 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 \$300

TOTAL \$2

Screening Date 13-Sep-2011

Docket No. 2011-1612-MWD-E

PCW

Respondent Eastland County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 39984

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185295

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s)

TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d)

Violation Description

Failed to timely submit the monthly DMRs by the 20th day of the following month. Specifically, the Respondent did not submit DMRs for the months of August 2010 through November 2010 and February 2011 through July 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 10

358 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

Ten single 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$1,797

This violation Final Assessed Penalty (adjusted for limits) \$1,797

Economic Benefit Worksheet

Respondent Eastland County Water Supply District
Case ID No. 39984
Reg. Ent. Reference No. RN102185295
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$250	20-Sep-2010	7-Dec-2011	1.21	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to submit the missing DMRs (\$25 per report). Date required is the date the first DMR was due and the final date is the date of compliance. The cost to update the Facility's guidance and conduct training is included in the economic benefit for Violation No. 2.

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

\$250

TOTAL

\$15

Screening Date 13-Sep-2011

Docket No. 2011-1612-MWD-E

PCW

Respondent Eastland County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 39984

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185295

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s) TPDES Permit No. WQ0013726001, Sludge Provisions and 30 Tex. Admin. Code § 305.125(17)

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the annual sludge report for the reporting period ending July 31, 2010 by September 1, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

377 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is 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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$180

This violation Final Assessed Penalty (adjusted for limits) \$180

Economic Benefit Worksheet

Respondent Eastland County Water Supply District
Case ID No. 39984
Reg. Ent. Reference No. RN102185295
Media Water Quality
Violation No. 4

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)	\$25	1-Sep-2010	7-Dec-2011	1.27	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to prepare and submit the required sludge report (\$25 per report). Date required is the date the report was due and the final date is the date of compliance. The cost to update the Facility's guidance and conduct training is included in the economic benefit for Violation No. 2.

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

TOTAL

\$2

Screening Date 13-Sep-2011

Docket No. 2011-1612-MWD-E

PCW

Respondent Eastland County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 39984

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185295

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 5

Rule Cite(s) TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 3.b. and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(c)

Violation Description

Failed to maintain records for a minimum of at least three years and make them readily available for review upon request by a TCEQ representative. Specifically, effluent monitoring records were not available for the period prior to September 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

2 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single 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 achieved compliance by August 6, 2011 for this violation.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,554

This violation Final Assessed Penalty (adjusted for limits) \$1,554

Economic Benefit Worksheet

Respondent Eastland County Water Supply District
Case ID No. 39984
Reg. Ent. Reference No. RN102185295
Media Water Quality
Violation No. 5

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	\$200	4-Aug-2011	6-Aug-2011	0.01	\$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 develop and implement a record keeping system and begin maintaining records and make them readily available for review upon request by a TCEQ representative. Date required is the investigation date 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

\$200

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600685978 Eastland County Water Supply District	Classification: AVERAGE	Rating: 3.02
Regulated Entity:	RN102185295 EASTLAND COUNTY WSD	Classification: AVERAGE	Site Rating: 3.06
ID Number(s):	WASTEWATER PERMIT WASTEWATER EPA ID		WQ0013726001 TX0113883
Location:	LOCATED 1.5 MI S OF I-20 ON FM 2461 IN EASTLAND COUNTY TX		
TCEQ Region:	REGION 03 - ABILENE		
Date Compliance History Prepared:	September 20, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 20, 2006 to September 20, 2011		

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

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: 9/1/2011 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: 12/04/2010

ADMINORDER 2010-1101-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent and Monitoring Req. No. 1 PERMIT

Description: Failure to comply with the permitted effluent limitations as documented during a record review conducted on June 3, 2010.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: Monitoring and Reporting Req. No. 1 PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as documented during a record review conducted on June 3, 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 | 02/28/2007 | (542198) |
| 2 | 11/13/2008 | (594635) |
| 3 | 02/12/2007 | (629896) |
| 4 | 07/16/2008 | (695456) |
| 5 | 07/16/2008 | (695457) |
| 6 | 07/16/2008 | (695458) |

7	07/16/2008	(695459)
8	07/16/2008	(695460)
9	07/16/2008	(695461)
10	07/16/2008	(695462)
11	07/16/2008	(695463)
12	07/16/2008	(695464)
13	07/16/2008	(695465)
14	07/16/2008	(695466)
15	07/16/2008	(695467)
16	07/16/2008	(695468)
17	07/16/2008	(695469)
18	07/03/2008	(699473)
19	05/22/2009	(743327)
20	10/26/2009	(818250)
21	03/11/2010	(818251)
22	04/24/2009	(818252)
23	10/26/2009	(818253)
24	07/20/2009	(818254)
25	10/26/2009	(818255)
26	06/15/2009	(818256)
27	10/26/2009	(818257)
28	07/20/2009	(818258)
29	10/26/2009	(818259)
30	08/10/2009	(818260)
31	10/26/2009	(818261)
32	11/02/2009	(818262)
33	10/26/2009	(818263)
34	11/02/2009	(818264)
35	10/26/2009	(818265)
36	11/19/2009	(818266)
37	10/26/2009	(818267)
38	12/11/2009	(818268)
39	10/26/2009	(818269)
40	01/21/2010	(818270)
41	06/25/2010	(825745)
42	03/19/2010	(835642)
43	05/03/2010	(835643)
44	05/17/2010	(835644)
45	06/28/2010	(847733)
46	02/16/2011	(910729)
47	01/14/2011	(930005)
48	06/30/2011	(935271)
49	08/31/2011	(949616)

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

Date: 01/31/2007

(629896)

CN600685978

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Description:	30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter		
Date:	02/28/2007	(542198)	CN600685978
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013726001 PERMIT		
Description:	Failure to maintain accurate flow records.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013726001 PERMIT		
Description:	Failure to calibrate the flow meter annually.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.5(b) WQ0013726001 PERMIT		
Description:	Failure to conduct pH and Total Suspended Solids (TSS) analyses during the August 28, 2006 discharge.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b) WQ0013726001 PERMIT		
Description:	Failure to record the pH analytical time.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) WQ0013726001 PERMIT		
Description:	Failure to provide a pond liner certification in accordance with permit provisions.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) WQ0013726001 PERMIT		
Description:	Failure to provide all records and information resulting from the required monitoring activities, including but not limited to, all records concerning measurements and analyses performed and concerning calibration and maintenance of flow measurement and other instrumentation, shall be retained for a minimum of three years.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013726001 PERMIT		
Description:	Failure to correctly report self-reported effluent data on the August 2006 DMR.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)		
Description:	Failure to analyze TSS with an EPA approved method.		
Date:	07/03/2008	(699473)	CN600685978
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

Date	10/31/2009	(818266)	CN600685978
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	11/30/2009	(818268)	CN600685978
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2009	(818270)	CN600685978
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2010	(818251)	CN600685978
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	(847733)	CN600685978
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	06/29/2011	(935271)	CN600685978
Self Report?	NO		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent and Monitoring Req. No. 1 PERMIT		
Description:	Failure to comply with the permitted effluent limitations as documented during a record review conducted on June 3, 2010.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EASTLAND COUNTY WATER
SUPPLY DISTRICT
RN102185295**

§ **BEFORE THE**
§
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-1612-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 Eastland County 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 presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located 1.5 miles south of Interstate Highway 20 on Farm-to-Market Road 2461 in Eastland 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 an investigation on August 4, 2011, TCEQ staff documented the Respondent did not comply with permitted effluent limits. Specifically, a grab sample collected during the August 4, 2011 investigation indicated total suspended solids ("TSS") of 1,390 milligrams per liter ("mg/L"), the permitted limit for TSS single grab is 100 mg/L.
4. During an investigation on August 4, 2011, TCEQ staff documented the Respondent did not submit complete monitoring results at the intervals specified in the permit. Specifically, the Respondent incorrectly reported values for flow and TSS and failed to report pH maximum values for the monitoring period ending January 31, 2011 and did not include the pH maximum and minimum values for the monitoring period ending December 31, 2010. Additionally, TSS values were not properly calculated in pounds per day.
5. During an investigation on August 4, 2011, TCEQ staff documented the Respondent did not submit the monthly discharge monitoring reports ("DMRs") by the 20th day of the following month. Specifically, the Respondent did not submit DMRs for the months of August 2010 through November 2010 and February 2011 through July 2011.
6. During an investigation on August 4, 2011, TCEQ staff documented the Respondent did not submit monitoring results at the intervals specified in the permit. Specifically, the Respondent did not submit the annual sludge report for the reporting period ending July 31, 2010 by September 1, 2010.
7. During an investigation on August 4, 2011, TCEQ staff documented the Respondent did not maintain records for minimum of at least three years and make them readily available for review upon request by a TCEQ representative. Specifically, effluent monitoring records were not available for the period prior to September 2010.
8. The Respondent received notice of the violations on September 5, 2011.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By August 6, 2011, the Respondent:
 - i. Updated the Facility's standard operating procedures to ensure that all reporting procedures are properly accomplished and accurately completed; and
 - ii. Developed and implemented a record keeping system and began maintaining records and to make them readily available for review upon request by a TCEQ representative.

- b. By September 2, 2011, the Respondent cleaned the backwash pond and return to compliance with permit effluent limits;
- c. By December 7, 2011, the Respondent:
 - i. Submitted revised DMRs for the monitoring periods ending December 31, 2010 and January 31, 2011 that included all missing data;
 - ii. Submitted DMRs for the months of September 2010 through November 2010 and February 2011 through July 2011; and
 - iii. Submitted the annual sludge report for the reporting period ending July 31, 2010.

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 comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013726001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TCEQ Agreed Order Docket No. 2010-1101-MWD-E, Ordering Provision No. 2.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit complete monitoring results at the intervals specified in the permit, in violation of TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit the monthly DMRs by the 20th day of the following month, in violation of TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to submit monitoring results at the intervals specified in the permit, in violation of TPDES Permit No. WQ0013726001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(17).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to maintain records for a minimum of at least three years and make them readily available for review upon request by a TCEQ representative, in violation of TPDES Permit No. WQ0013726001, Monitoring and Reporting Requirements No. 3.b. and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c).

7. 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.
8. An administrative penalty in the amount of Eight Thousand Nine Hundred Ninety Dollars (\$8,990) 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 Eight Thousand Nine Hundred Ninety Dollar (\$8,990) 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 Eight Thousand Nine Hundred Ninety Dollars (\$8,990) as set forth in Section II, Paragraph 8 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: Eastland County Water Supply District, Docket No. 2011-1612-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. 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.
4. 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.

5. 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.
6. 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.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

For the Executive Director

3/2/12
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Eastland County Water Supply District. I am authorized to agree to the attached Agreed Order on behalf of Eastland County Water Supply 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, Eastland County Water Supply 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.

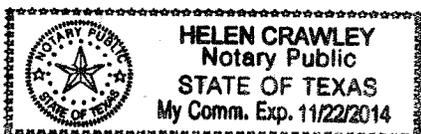
Dale Bennington
Signature

01/10/2012
Date

Dale Bennington
Name (Printed or typed)
Authorized Representative of
Eastland County Water Supply District

District General Superintendent
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.



Helen Crawley
1-10-12