

**Executive Summary – Enforcement Matter – Case No. 49776  
Jasper County Water Control and Improvement District No. 1  
RN101610673  
Docket No. 2014-1823-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

MWD

**Small Business:**

Yes

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

Plant No. 1, 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 facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 15, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$21,300

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

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

**Total Paid to General Revenue:** \$615

**Total Due to General Revenue:** \$20,685

Payment Plan: 35 payments of \$591 each

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49776  
Jasper County Water Control and Improvement District No. 1  
RN101610673  
Docket No. 2014-1823-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 18 through 19, 2014 and October 10, 2014

**Date(s) of NOE(s):** November 24, 2014

***Violation Information***

Failed to prevent the discharge of sewage sludge into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010808001, Permit Conditions No. 2.d.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following:

- a. By December 30, 2014, the Respondent removed all vegetation and sludge from the discharge path and deposited approximately three cubic yards of vegetation and sludge to the Facility's drying beds; and
- b. On January 8, 2015, comparative samples of the affected area were taken, which showed levels of the constituents sampled were within or below acceptable ranges.

**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:** Jason Fraley, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2552; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Van Currie, President, Jasper County Water Control and Improvement District No. 1, P.O. Box 1207, Buna, Texas 77612-1207

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	1-Dec-2014	<b>Screening</b>	2-Dec-2014	<b>EPA Due</b>	
	<b>PCW</b>	10-Dec-2014				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49776	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1823-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jason Fraley
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$15,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **52.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,800**

Notes: Enhancement for one month of self-reported effluent violations, one NOV with dissimilar violations, one order with denial of liability, and one order without denial of liability.

**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** **-\$1,500**

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

Total EB Amounts **\$63**  
 Estimated Cost of Compliance **\$2,250**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$21,300**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$21,300**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$21,300**

**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** **\$21,300**

Screening Date 2-Dec-2014

Docket No. 2014-1823-MWD-E

PCW

Respondent Jasper County Water Control and Improvement District No. 1

Policy Revision 4 (April 2014)

Case ID No. 49776

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610673

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

### 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> )	1	5%
	Other written NOVs	1	2%
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	1	25%
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 judgments 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%

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) 52%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for one month of self-reported effluent violations, one NOV with dissimilar violations, one order with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 52%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 52%

Screening Date 2-Dec-2014

Docket No. 2014-1823-MWD-E

PCW

Respondent Jasper County Water Control and Improvement District No. 1

Policy Revision 4 (April 2014)

Case ID No. 49776

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610673

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010808001, Permit Conditions No. 2.d.

Violation Description Failed to prevent the discharge of sewage sludge into or adjacent to any water in the state, as documented during a record review conducted on October 10, 2014. Specifically, during an investigation conducted from June 18 through 19, 2014, a thick layer of sewage sludge, approximately six inches in depth, was observed in the receiving stream at Outfall No. 001 and approximately 30 yards downstream. Samples taken adjacent to Outfall No. 001 and 50 yards downstream indicated high levels of ammonia, total kjeldahl nitrogen, and total organic carbon, and contained bloodworms.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 Number of violation days 53

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

Violation Base Penalty \$15,000

Two monthly events are recommended from date of the record review, October 10, 2014, to the screening date, December 2, 2014.

Good Faith Efforts to Comply

10.0% Reduction \$1,500

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

Notes The Respondent achieved compliance by January 8, 2015.

Violation Subtotal \$13,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$21,300

This violation Final Assessed Penalty (adjusted for limits) \$21,300

# Economic Benefit Worksheet

**Respondent** Jasper County Water Control and Improvement District No. 1  
**Case ID No.** 49776  
**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
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	\$250	18-Jun-2014	30-Dec-2014	0.53	\$7	n/a	\$7
Remediation/Disposal	\$2,000	18-Jun-2014	8-Jan-2015	0.56	\$56	n/a	\$56
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove all vegetation and sludge from the discharge path and deposit them to the Facility's sludge drying beds. Date required is the investigation date and the final date is the date of compliance.

Estimated cost to sample and analyze the affected area. 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

\$2,250

**TOTAL**

\$63

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# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600660724, RN101610673, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600660724, Jasper County Water Control and Improvement District No. 1      **Classification:** SATISFACTORY      **Rating:** 6.81

**Regulated Entity:** RN101610673, Plant No 1      **Classification:** SATISFACTORY      **Rating:** 6.81

**Complexity Points:** 4      **Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** APPROXIMATELY 2,000 FEET DUE SOUTH OF THE INTERSECTION OF UNITED STATES HIGHWAY 96 AND STATE HIGHWAY 62 IN JASPER COUNTY, TEXAS

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0010808001      **WASTEWATER EPA ID** TX0021300

**Compliance History Period:** September 01, 2009 to August 31, 2014      **Rating Year:** 2014      **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** December 02, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 02, 2009 to December 02, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Jason Fraley      **Phone:** (512) 239-2552

## Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- 1      Effective Date: 08/09/2010      ADMINORDER 2010-0136-MWD-E (1660 Order-Agreed Order With Denial)  
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.
- 2      Effective Date: 03/16/2012      ADMINORDER 2011-1426-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Eff. Lim. & Monit. Req. No. 1 PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	December 21, 2009	(805683)
Item 2	January 21, 2010	(902423)
Item 3	February 18, 2010	(805675)
Item 4	March 12, 2010	(831244)
Item 5	April 19, 2010	(831245)
Item 6	August 18, 2010	(866963)
Item 7	September 16, 2010	(874021)
Item 8	October 21, 2010	(881631)
Item 9	November 19, 2010	(888131)
Item 10	February 22, 2011	(909204)
Item 11	April 18, 2011	(925045)
Item 12	August 03, 2011	(959426)
Item 13	September 21, 2011	(965458)
Item 14	October 20, 2011	(971496)
Item 15	November 14, 2011	(977668)
Item 16	December 19, 2011	(984425)
Item 17	January 19, 2012	(990717)
Item 18	February 13, 2012	(998091)
Item 19	March 19, 2012	(1003612)
Item 20	April 16, 2012	(1010175)
Item 21	May 14, 2012	(1016568)
Item 22	August 13, 2012	(1038058)
Item 23	September 17, 2012	(1046799)
Item 24	October 15, 2012	(1061243)
Item 25	December 12, 2012	(1061245)
Item 26	January 16, 2013	(1079220)
Item 27	February 15, 2013	(1079219)
Item 28	March 22, 2013	(1089428)
Item 29	April 19, 2013	(1095814)
Item 30	May 13, 2013	(1106743)
Item 31	June 24, 2013	(1110420)
Item 32	August 08, 2013	(1125065)
Item 33	September 20, 2013	(1129656)
Item 34	October 16, 2013	(1135390)
Item 35	November 19, 2013	(1140788)
Item 36	December 16, 2013	(1147248)
Item 37	January 14, 2014	(1153315)
Item 38	February 21, 2014	(1160647)
Item 39	March 21, 2014	(1167298)
Item 40	April 22, 2014	(1174427)
Item 41	June 20, 2014	(1187516)
Item 42	July 15, 2014	(1193778)
Item 43	August 19, 2014	(1198753)
Item 44	September 22, 2014	(1205917)





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>JASPER COUNTY WATER CONTROL</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>AND IMPROVEMENT DISTRICT</b>	<b>§</b>	
<b>NO. 1</b>	<b>§</b>	
<b>RN101610673</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2014-1823-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 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 facility 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 conducted on October 10, 2014, and an investigation conducted from June 18 through 19, 2014, TCEQ staff documented that a thick layer of sewage sludge, approximately six inches in depth, was observed in the receiving stream at Outfall No. 001 and approximately 30 yards downstream. Samples taken adjacent to Outfall No. 001 and 50 yards downstream indicated high levels of ammonia, total kjeldahl nitrogen, and total organic carbon, and contained bloodworms.
4. The Respondent received notice of the violation on November 26, 2014.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By December 30, 2014, the Respondent removed all vegetation and sludge from the discharge path and deposited approximately three cubic yards of vegetation and sludge to the Facility's drying beds; and
  - b. On January 8, 2015, comparative samples of the affected area were taken, which showed levels of the constituents sampled were within or below acceptable ranges.

### **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 prevent the discharge of sewage sludge into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010808001, Permit Conditions No. 2.d.
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 Twenty-One Thousand Three Hundred Dollars (\$21,300) 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 Six Hundred Fifteen Dollars (\$615) of the administrative penalty. The remaining amount of Twenty Thousand Six Hundred Eighty-Five Dollars (\$20,685) of the administrative penalty shall be payable in 35 monthly payments of Five Hundred Ninety-One Dollars (\$591) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty-One Thousand Three Hundred Dollars (\$21,300) 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. 2014-1823-MWD-E" to:  

Financial Administration Division, Revenue Operations 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. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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

Ramona  
For the Executive Director

8/14/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Jasper County Water Control and Improvement District No. 1. I am authorized to agree to the attached Agreed Order on behalf of Jasper County Water Control and 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 and 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.

Van A Currie  
Signature

4-13-15  
Date

VAN A. CURRIE  
Name (Printed or typed)  
Authorized Representative of  
Jasper County Water Control and Improvement District No. 1

BOARD PRESIDENT

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