

**Executive Summary – Enforcement Matter – Case No. 50349
BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC
COOPERATIVE
RN102079910
Docket No. 2015-0532-IWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Randall W. Miller Generating Station, located at 2217 Farm-to-Market ("FM") Road 3137, on the west shore of Lake Palo Pinto, three miles east of FM Road 919, and approximately eleven miles north of Gordon, Palo Pinto County

Type of Operation:

Steam electric generating station

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 12, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,125

Amount Deferred for Expedited Settlement: \$1,625

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$6,500

Name of SEP: Brazoria County (Third-Party Pre-Approved)

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. 50349
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Docket No. 2015-0532-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: October 16, 2014
Date(s) of NOE(s): February 27, 2015

Violation Information

Failed to comply with permitted effluent limitations for total suspended solids and temperature [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001903000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 002].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 180 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001903000, 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

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BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC
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RN102079910
Docket No. 2015-0532-IWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Larry Butler, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-2543; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Clifton Karnei, Executive Vice-President & General Manager, BRAZOS
ELECTRIC POWER COOPERATIVE, INC., P.O. Box 2585, Waco, Texas 76702-2585

Respondent's Attorney: N/A

Attachment A

Docket Number: 2015-0532-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE
Penalty Amount:	Six Thousand Five Hundred Dollars (\$6,500)
SEP Offset Amount:	Six Thousand Five Hundred Dollars (\$6,500)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Brazoria County
Project Name:	<i>On-Site Wastewater Facilities Assistance</i>
Location of SEP:	Brazoria County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Brazoria County** for the *On-Site Wastewater Facilities Assistance* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to provide assistance to low-income homeowners in replacing their malfunctioning or failing onsite wastewater treatment systems in Brazoria County. The Third-Party Administrator shall identify property owners for potential replacement of their inoperable wastewater treatment system. Each candidate shall complete an application, including standard income documentation, to determine their eligibility. The Third-Party Administrator shall review applications for eligibility for assistance at their expense.

After a candidate's low-income income status is verified, the Third-Party Administrator shall seek bids from local onsite wastewater treatment system installers to design and install an appropriate onsite wastewater treatment system for the particular property and soil conditions. The Third-Party Administrator shall determine which kind of system is appropriate for installation at each qualified site based on factors including the size of the property and the soil composition. The Third-Party Administrator shall also determine whether a system should be repaired rather than replaced.

BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC
COOPERATIVE
Agreed Order - Attachment A

The Third-Party Administrator shall select a qualified bidder for the installation. The installer shall submit an application including all standard wastewater treatment system installation requirements that shall be reviewed by the Third-Party Administrator. Upon approval of the application, the system shall be installed by the selected contract company. After the system installation is completed by the contract company and approved by the Third-Party Administrator, payment shall be made by the Third-Party Administrator to the selected company using the SEP Offset Amount.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to onsite wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing onsite wastewater treatment systems and installation of new onsite wastewater treatment systems. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows also cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC
COOPERATIVE
Agreed Order - Attachment A

Each failing septic system that is replaced will improve the water quality in waterways and watersheds by removing raw sewage and high levels of bacteria, viruses, and protozoa. Removal of sewage as a point source of pollution will also protect ground, surface, and drinking water from contamination. This Project has the potential to not only improve the water quality in the Brazos River Basin, Christmas Bay, Galveston Bayou, Chocolate Bayou, Bastrop Bayou, and the San Bernard River Basin, but will also improve the public health for a sector of the population that is least able to afford health care. Diseases that result from sewage contaminated water range from mild gastroenteritis (causing stomach cramps and diarrhea) to life threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Karen Y. Carroll, Director
Brazoria County
111 East Locust, Building A-29, Suite 270
Angleton, Texas 77515

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	30-Mar-2015	Screening	2-Apr-2015	EPA Due	
	PCW	13-Apr-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE
Reg. Ent. Ref. No.	RN102079910
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	50349	Order Type	1660
Docket No.	2015-0532-IWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Larry Butler
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0% Enhancement	Subtotals 2, 3, & 7	\$1,875
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Notes	Enhancement for six months of self-reported effluent violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,281	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$8,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,125
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,625
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$6,500
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Screening Date 2-Apr-2015

Docket No. 2015-0532-IWD-E

PCW

BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS

Respondent ELECTRIC COOPERATIVE

Policy Revision 4 (April 2014)

Case ID No. 50349

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102079910

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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%
<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) 30%

>> 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 six months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date

2-Apr-2015

Docket No. 2015-0532-IWD-E

PCW

Respondent

BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE

Policy Revision 4 (April 2014)

Case ID No.

50349

PCW Revision March 26, 2014

Reg. Ent. Reference No.

RN102079910

Media [Statute]

Water Quality

Enf. Coordinator

Larry Butler

Violation Number

1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0001903000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 002

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on October 16, 2014, and shown in the attached table.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent

5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

0.0%

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 as a result of this violation.

Adjustment

\$23,750

\$1,250

Violation Events

Number of Violation Events

5

244

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty

\$6,250

Five quarterly events are recommended for the quarters containing the months of October 2013 and April, May, June, July, August, and September 2014 (Two quarters for Outfall No. 001 and three quarters for Outfall No. 002).

Good Faith Efforts to Comply

0.0%

Reduction

\$0

	Before NOE/NOV	NOE/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

\$6,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$1,281

Violation Final Penalty Total

\$8,125

This violation Final Assessed Penalty (adjusted for limits)

\$8,125

Economic Benefit Worksheet

Respondent BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE
Case ID No. 50349
Reg. Ent. Reference No. RN102079910
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)				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)	\$10,000	31-Oct-2013	23-May-2016	2.56	\$1,281	n/a	\$1,281

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with permitted effluent limitations. Date required is the initial date of noncompliance, and the final date is the estimated 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

\$10,000

TOTAL

\$1,281

BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA
BRAZOS ELECTRIC COOPERATIVE
 Docket No. 2015-0532-IWD-E
 Texas Pollutant Discharge Elimination System Permit No. WQ0001903000

Effluent Parameter Violation Table

	Outfall Number 001	Outfall Number 002	
	Temperature	Total Suspended Solids	
Month/Year	Daily Maximum	Daily Average Concentration	Daily Maximum Concentration
	Limit = 115 °F	Limit = 66 mg/L	Limit = 100 mg/L
October 2013	c	c	120
April 2014	c	79.25	120
May 2014	c	81	140
June 2014	116.5	114.5	160
July 2014	115.9	c	c
August 2014	c	89.2	120
September 2014	c	83	c

c = compliant

°F = degrees Fahrenheit

mg/L = milligrams per liter

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600128821, RN102079910, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600128821, BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE **Classification:** SATISFACTORY **Rating:** 1.47

Regulated Entity: RN102079910, Randle W. Miller Generating Station **Classification:** SATISFACTORY **Rating:** 1.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 06 - Electric Power Generation

Location: 2217 FARM-TO-MARKET ROAD 3137, ON THE WEST SHORE OF LAKE PALO PINTO, THREE MILES EAST OF FARM-TO-MARKET ROAD 919, AND APPROXIMATELY ELEVEN MILES NORTH OF THE CITY OF GORDON, PALO PINTO COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER PERMIT WQ0001903000 **WASTEWATER EPA ID** TX0062197

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

Date Compliance History Report Prepared: March 30, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 30, 2010 to March 30, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Larry Butler **Phone:** (512) 239-2543

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:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	May 13, 2010	(833035)	Item 4	September 10, 2010	(874663)
Item 2	June 13, 2010	(846937)	Item 5	October 13, 2010	(882246)
Item 3	August 12, 2010	(867692)	Item 6	November 13, 2010	(888713)

Item 7	December 16, 2010	(897059)	Item 28	October 10, 2012	(1080643)
Item 8	January 11, 2011	(902977)	Item 29	October 17, 2012	(1064848)
Item 9	February 09, 2011	(909847)	Item 30	November 13, 2012	(1064849)
Item 10	March 08, 2011	(917086)	Item 31	December 14, 2012	(1064850)
Item 11	April 15, 2011	(927318)	Item 32	February 11, 2013	(1080642)
Item 12	May 09, 2011	(938781)	Item 33	March 15, 2013	(1090095)
Item 13	June 13, 2011	(946149)	Item 34	April 17, 2013	(1096481)
Item 14	July 11, 2011	(953416)	Item 35	May 14, 2013	(1107430)
Item 15	August 15, 2011	(960049)	Item 36	July 16, 2013	(1117968)
Item 16	September 15, 2011	(966100)	Item 37	August 06, 2013	(1125768)
Item 17	October 03, 2011	(991364)	Item 38	September 06, 2013	(1130318)
Item 18	October 12, 2011	(978286)	Item 39	October 16, 2013	(1136086)
Item 19	November 04, 2011	(972125)	Item 40	December 11, 2013	(1147919)
Item 20	December 07, 2011	(985086)	Item 41	December 13, 2013	(1128502)
Item 21	March 09, 2012	(1004247)	Item 42	January 17, 2014	(1153994)
Item 22	April 16, 2012	(1010812)	Item 43	February 10, 2014	(1161316)
Item 23	May 11, 2012	(1017187)	Item 44	March 18, 2014	(1167966)
Item 24	June 14, 2012	(1024968)	Item 45	April 14, 2014	(1175112)
Item 25	July 12, 2012	(1032317)	Item 46	November 04, 2014	(1219248)
Item 26	August 16, 2012	(1038741)	Item 47	December 17, 2014	(1225032)
Item 27	September 11, 2012	(1047622)	Item 48	January 05, 2015	(1231899)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 04/30/2014 (1181303)	CN600128821	
	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		
2	Date: 05/31/2014 (1188199)	CN600128821	
	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		
3	Date: 06/30/2014 (1199823)	CN600128821	
	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		
4	Date: 07/31/2014 (1199824)	CN600128821	
	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		
5	Date: 08/31/2014 (1206579)	CN600128821	
	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		
6	Date: 09/30/2014 (1212996)	CN600128821	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BRAZOS ELECTRIC POWER
COOPERATIVE, INC. DBA
BRAZOS ELECTRIC
COOPERATIVE
RN102079910**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2015-0532-IWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE ("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 together stipulate that:

1. The Respondent owns and operates a steam electric generating station located at 2217 Farm-to-Market Road 3137, on the west shore of Lake Palo Pinto, three miles east of Farm-to-Market Road 919, and approximately eleven miles north of the City of Gordon, Palo Pinto County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 4, 2015.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand One Hundred Twenty-Five Dollars (\$8,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Six Hundred Twenty-Five Dollars (\$1,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Five Hundred Dollars (\$6,500) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001903000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 002, as documented during a record review conducted on October 16, 2014 and shown in the violation table below:

Effluent Parameter Violation Table			
	Outfall Number 001	Outfall Number 002	
	Temperature	Total Suspended Solids	
Month/Year	Daily Maximum	Daily Average Concentration	Daily Maximum Concentration
	Limit = 115 °F	Limit = 66 mg/L	Limit = 100 mg/L
October 2013	c	c	120
April 2014	c	79.25	120
May 2014	c	81	140
June 2014	116.5	114.5	160
July 2014	115.9	c	c
August 2014	c	89.2	120
September 2014	c	83	c

c = compliant

°F = degrees Fahrenheit

mg/L = milligrams per liter

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE, Docket No. 2015-0532-IWD-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Five Hundred Dollars (\$6,500) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001903000, 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 be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. 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.
5. 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

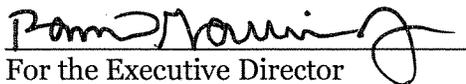
the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the 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.
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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

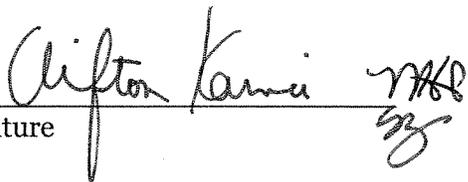
8/24/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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


Signature

5/18/15
Date

Clifton Karnei
Name (Printed or typed)
Authorized Representative of
BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE

Executive Vice President & General Manager
Title

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

Attachment A

Docket Number: 2015-0532-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE
Penalty Amount:	Six Thousand Five Hundred Dollars (\$6,500)
SEP Offset Amount:	Six Thousand Five Hundred Dollars (\$6,500)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Brazoria County
Project Name:	<i>On-Site Wastewater Facilities Assistance</i>
Location of SEP:	Brazoria County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Brazoria County** for the *On-Site Wastewater Facilities Assistance* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to provide assistance to low-income homeowners in replacing their malfunctioning or failing onsite wastewater treatment systems in Brazoria County. The Third-Party Administrator shall identify property owners for potential replacement of their inoperable wastewater treatment system. Each candidate shall complete an application, including standard income documentation, to determine their eligibility. The Third-Party Administrator shall review applications for eligibility for assistance at their expense.

After a candidate's low-income income status is verified, the Third-Party Administrator shall seek bids from local onsite wastewater treatment system installers to design and install an appropriate onsite wastewater treatment system for the particular property and soil conditions. The Third-Party Administrator shall determine which kind of system is appropriate for installation at each qualified site based on factors including the size of the property and the soil composition. The Third-Party Administrator shall also determine whether a system should be repaired rather than replaced.

BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC
COOPERATIVE
Agreed Order - Attachment A

The Third-Party Administrator shall select a qualified bidder for the installation. The installer shall submit an application including all standard wastewater treatment system installation requirements that shall be reviewed by the Third-Party Administrator. Upon approval of the application, the system shall be installed by the selected contract company. After the system installation is completed by the contract company and approved by the Third-Party Administrator, payment shall be made by the Third-Party Administrator to the selected company using the SEP Offset Amount.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to onsite wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing onsite wastewater treatment systems and installation of new onsite wastewater treatment systems. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows also cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC
COOPERATIVE
Agreed Order - Attachment A

Each failing septic system that is replaced will improve the water quality in waterways and watersheds by removing raw sewage and high levels of bacteria, viruses, and protozoa. Removal of sewage as a point source of pollution will also protect ground, surface, and drinking water from contamination. This Project has the potential to not only improve the water quality in the Brazos River Basin, Christmas Bay, Galveston Bayou, Chocolate Bayou, Bastrop Bayou, and the San Bernard River Basin, but will also improve the public health for a sector of the population that is least able to afford health care. Diseases that result from sewage contaminated water range from mild gastroenteritis (causing stomach cramps and diarrhea) to life threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Karen Y. Carroll, Director
Brazoria County
111 East Locust, Building A-29, Suite 270
Angleton, Texas 77515

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.