Executive Summary – Enforcement Matter – Case No. 48403
Orange County Water Control and Improvement District No. 1
RN102182755
Docket No. 2014-0369-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:
No
Location(s) Where Violation(s) Occurred:
Oak Lane Plant, located approximately 300 feet northwest of the intersection of Oak Lane and Ferndale Street, Vidor, Orange 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: July 25, 2014
Comments Received: No

Penalty Information

Total Penalty Assessed: $25,000
Amount Deferred for Expedited Settlement: $0
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $25,000
Total Due to General Revenue: $0
Payment Plan: N/A
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: September 2011

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Docket No. 2014-0369-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 24, 2014
Date(s) of NOE(s): February 27, 2014

Violation Information

Failed to comply with permitted effluent limits for residual chlorine, total suspended solids, ammonia nitrogen, and *E. coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010875001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Final Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010875001, 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

Executive Summary – Enforcement Matter – Case No. 48403
Orange County Water Control and Improvement District No. 1
RN102182755
Docket No. 2014-0369-MWD-E

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Raymond Mejia, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5460; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Robert Viator, President of the Board of Directors, Orange County Water Control and Improvement District No. 1, 460 East Boliver Street, Vidor, Texas 77662
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) — *PCW Revision August 3, 2011*

TCEQ

DATES						
Assigned	3-Mar-2014					
PCW	11-Mar-2014	**Screening**	10-Mar-2014	**EPA Due**		

RESPONDENT/FACILITY INFORMATION

Respondent	Orange County Water Control and Improvement District No. 1		
Reg. Ent. Ref. No.	RN102182755		
Facility/Site Region	10-Beaumont	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	48403	**No. of Violations**	3
Docket No.	2014-0369-MWD-E	**Order Type**	Findings
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Raymond Mejia
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$20,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **25.0%** Enhancement — *Subtotals 2, 3, & 7* **$5,000**

Notes: Enhancement for four months of self-reported effluent violations and one NOV with same/similar 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* **$0**

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

Total EB Amounts $908
Approx. Cost of Compliance $10,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$25,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$25,000**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$25,000**

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 **$25,000**

Screening Date 10-Mar-2014 **Docket No.** 2014-0369-MWD-E **PCW**

Respondent Orange County Water Control and Improvement District No. 1 *Policy Revision 3 (September 2011)*

Case ID No. 48403 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN102182755

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> 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 four months of self-reported effluent violations and one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 25%

Screening Date 10-Mar-2014 **Docket No.** 2014-0369-MWD-E **PCW**

Respondent Orange County Water Control and Improvement District No. 1 *Policy Revision 3 (September 2011)*

Case ID No. 48403 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN102182755

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

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 ("TPDES") Permit No. WQ0010875001, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on February 24, 2014, and shown in the attached violation table.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual	X		
	Potential			

Percent 30.0%

>>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 — 61 Number of violation days

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 for the months of September 2013 and October 2013.

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 $15,000

Economic Benefit (EB) for this violation

Estimated EB Amount $908

Statutory Limit Test

Violation Final Penalty Total $18,750

This violation Final Assessed Penalty (adjusted for limits) $18,750

Economic Benefit Worksheet

Respondent Orange County Water Control and Improvement District No. 1
Case ID No. 48403
Reg. Ent. Reference No. RN102182755
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	28-Feb-2013	23-Dec-2014	1.82	$908	n/a	$908
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance and make necessary repairs/adjustments to Facility equipment. Date required is the initial date of noncompliance. Final date is the expected date of compliance.						
Avoided Costs	**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $10,000

TOTAL $908

Screening Date 10-Mar-2014 **Docket No.** 2014-0369-MWD-E **PCW**

Respondent Orange County Water Control and Improvement District No. 1 *Policy Revision 3 (September 2011)*

Case ID No. 48403 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN102182755

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010875001, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on February 24, 2014, and shown in the attached violation table.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual		X	
	Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One monthly event is recommended for the month of November 2013.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $4,688

This violation Final Assessed Penalty (adjusted for limits) $4,688

Economic Benefit Worksheet

Respondent Orange County Water Control and Improvement District No. 1
Case ID No. 48403
Req. Ent. Reference No. RN102182755
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.00	$0	n/a	$0
Notes for DELAYED costs	Economic benefit for this violation is included with violation No. 1.						
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 $0

TOTAL $0

Screening Date 10-Mar-2014 **Docket No.** 2014-0369-MWD-E **PCW**

Respondent Orange County Water Control and Improvement District No. 1 *Policy Revision 3 (September 2011)*

Case ID No. 48403 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN102182755

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 3

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010875001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on February 24, 2014, and shown in the attached violation table.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Harm: Release	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 the violation.

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 1 — 28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $1,250

One quarterly event is recommended for the quarter containing the month of February 2013.

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 $1,250

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,563

This violation Final Assessed Penalty (adjusted for limits) $1,563

Economic Benefit Worksheet

Respondent Orange County Water Control and Improvement District No. 1
Case ID No. 48403
Reg. Ent. Reference No. RN102182755
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.00	$0	n/a	$0
Notes for DELAYED costs	Economic benefit for this violation is included with violation No. 1.						
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 $0

TOTAL $0

EFFLUENT VIOLATION TABLE
Orange County Water Control and Improvement District No. 1
TPDES Permit No. WQ0010875001
Docket No. 2014-0369-MWD-E

Permitted Effluent Limits	Monitoring Period			
	February 2013	September 2013	October 2013	November 2013
Chlorine Residual Minimum Limit 1.0 mg/L	0.72	n/a	n/a	n/a
TSS Daily Average Concentration Limit = 15 mg/L	15.82	c	c	c
TSS Daily Average Loading Limit = 94 lbs/day	142	c	c	c
E. coli Daily Average Limit = 126 CFU/100 mL	n/a	c	322	c
E. coli Daily Maximum Limit = 394 CFU/100 mL	n/a	4,106	24,196	1,259
Ammonia Nitrogen Daily Average Concentration March - October Limit = 1 mg/L	n/a	1.85	11.08	n/a
Ammonia Nitrogen Daily Maximum Concentration Limit = 10 mg/L	c	c	16.4	c
Ammonia Nitrogen Daily Average Loading March - October Limit = 25 lbs/day	c	c	58.6	n/a

E. coli = *Escherichia coli*
TSS = total suspended solids
mg/L = milligrams per liter
CFU/100 mL = colony forming units per 100 milliliters
lbs/day = pounds per day
c = compliant
n/a = not applicable

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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 CN601441850, RN102182755, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN601441850, Orange County Water Control and Improvement District No. 1 **Classification:** SATISFACTORY **Rating:** 6.39

Regulated Entity: RN102182755, OAK LANE PLANT **Classification:** SATISFACTORY **Rating:** 1.09

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: APPROXIMATELY 300 FEET NORTHWEST OF THE INTERSECTION OF OAK LANE AND FERNDALE STREET IN VIDOR, ORANGE COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
WASTEWATER PERMIT WQ0010875001 **WASTEWATER** EPA ID TX0023795

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: May 15, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 15, 2009 to May 15, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Raymond Mejia **Phone:** (512) 239-5460

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	June 11, 2009	(768924)
Item 2	August 13, 2009	(925475)
Item 3	September 14, 2009	(925476)
Item 4	October 30, 2009	(925478)
Item 5	December 10, 2009	(925479)

Item 6	January 11, 2010	(806586)
Item 7	February 11, 2010	(806585)
Item 8	March 10, 2010	(831550)
Item 9	April 20, 2010	(831551)
Item 10	May 18, 2010	(831552)
Item 11	June 20, 2010	(846477)
Item 12	July 20, 2010	(861043)
Item 13	August 31, 2010	(867081)
Item 14	September 20, 2010	(874135)
Item 15	October 18, 2010	(881740)
Item 16	November 18, 2010	(888240)
Item 17	December 20, 2010	(896496)
Item 18	January 20, 2011	(902526)
Item 19	February 17, 2011	(909310)
Item 20	March 20, 2011	(916568)
Item 21	April 11, 2011	(925474)
Item 22	May 20, 2011	(938256)
Item 23	June 20, 2011	(945632)
Item 24	August 31, 2011	(959537)
Item 25	October 20, 2011	(971612)
Item 26	November 18, 2011	(977779)
Item 27	December 13, 2011	(984545)
Item 28	January 20, 2012	(990836)
Item 29	March 19, 2012	(1003724)
Item 30	April 17, 2012	(1010291)
Item 31	July 17, 2012	(1031797)
Item 32	September 19, 2012	(1046918)
Item 33	October 08, 2012	(1061847)
Item 34	November 13, 2012	(1061848)
Item 35	February 12, 2013	(1079461)
Item 36	April 12, 2013	(1095934)
Item 37	May 16, 2013	(1106873)
Item 38	June 19, 2013	(1110532)
Item 39	July 19, 2013	(1117419)
Item 40	January 15, 2014	(1153433)

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: 09/30/2013 (1135516) CN601441850
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: 10/23/2013 (1121768) CN601441850
Self Report? NO Classification: Moderate
Citation: EL&MR, No. 1, Pg. 2 PERMIT
Description: Failure by Orange County WCID No. 1, Oak Lane wastewater treatment plant (WWTP), to discharge effluent within the permitted limitations.

3 Date: 10/31/2013 (1140908) CN601441850
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: 11/30/2013 (1147376) CN601441850
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: 01/31/2014 (1160771) CN601441850
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 ORANGE COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 RN102182755	**§ § § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2014-0369-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 Orange 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 300 feet northwest of the intersection of Oak Lane and Ferndale Street in Vidor, Orange 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 February 24, 2014, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

Permitted Effluent Limits	Monitoring Period			
	February 2013	September 2013	October 2013	November 2013
Chlorine Residual Minimum Limit 1.0 mg/L	0.72	n/a	n/a	n/a
TSS Daily Average Concentration Limit = 15 mg/L	15.82	c	c	c
TSS Daily Average Loading Limit = 94 lbs/day	142	c	c	c
E. coli Daily Average Limit = 126 CFU/100 mL	n/a	c	322	c
E. coli Daily Maximum Limit = 394 CFU/100 mL	n/a	4,106	24,196	1,259
Ammonia Nitrogen Daily Average Concentration March - October Limit = 1 mg/L	n/a	1.85	11.08	n/a
Ammonia Nitrogen Daily Maximum Concentration Limit = 10 mg/L	c	c	16.4	c
Ammonia Nitrogen Daily Average Loading March - October Limit = 25 lbs/day	c	c	58.6	n/a

E. coli = *Escherichia coli* TSS = total suspended solids mg/L = milligrams per liter
lbs/day = pounds per day c = compliant n/a = not applicable
CFU/100 mL = colony forming units per 100 milliliters

4. The Respondent received notice of the violations on March 4, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, 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. WQ0010875001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Final Effluent Limitations and Monitoring Requirements No. 1.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Twenty-Five Thousand Dollars ($25,000) 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 Twenty-Five Thousand Dollar ($25,000) 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 Twenty-Five Thousand Dollars ($25,000) 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: Orange County Water Control and Improvement District No. 1, Docket No. 2014-0369-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. It is further ordered that within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010875001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

9/11/14
Date

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

x
Signature

6/19/2014
Date

Robert Viator
Name (Printed or typed)
Authorized Representative of
Orange County Water Control and Improvement District No. 1

President, Board of Directors
Title

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.