

Executive Summary – Enforcement Matter – Case No. 61054
Jackson County Water Control and Improvement District No. 2
RN102185071
Docket No. 2021-0937-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Jackson County WCID 2, located approximately 2,000 feet east of Farm-to-Market Road 234 and approximately 1,200 feet north of Farm-to-Market Road 616, Jackson 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: April 19, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,100

Amount Deferred for Expedited Settlement: \$3,420

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$13,680

Name of SEP: WWTP Improvements (Compliance)

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 25, 2021

Date(s) of NOE(s): June 30, 2021

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Jackson County Water Control and Improvement District No. 2
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Violation Information

1. Failed to submit a closure plan for the existing pond system for review and approval. Specifically, the Facility transitioned to an activated sludge treatment system on December 1, 2011, and did not submit a closure plan for the old pond system within the required timeframe of no later than six months after the start of the final permit phase [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010196001, Other Requirements No. 4].
2. Failed to accurately report monitoring activities. Specifically, on the 2019 Annual Sludge Report ("ASR") the unused sludge disposal methods, sewage treatment processes, the owner and location of each receiving facility, and the dates of disposal at each receiving facility were not included [30 TEX. ADMIN. CODE § 305.125(1) and (12) and TPDES Permit No. WQ0010196001, Permit Conditions No. 1.a].
3. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the Facility does not have safeguards in place to prevent an unauthorized discharge from the lift station in the event of power outages [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010196001, Operational Requirements No. 4].
4. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the aeration basin rotors were inoperative [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010196001, Operational Requirements No. 1].
5. Failed to submit sufficient evidence of legal restriction prohibiting residential structures within the part of the buffer zone not owned by the Respondent [30 TEX. ADMIN. CODE §§ 305.125(1) and 309.13(e)(3) and TPDES Permit No. WQ0010196001, Other Requirements No. 3].

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:
 - a. Within 30 days:

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- i. Develop and submit a closure plan for the existing pond system; and
- ii. Correct and resubmit the 2019 ASR to include unused sludge disposal methods, sewage treatment processes, the owner and location of each receiving facility, and the dates of disposal at each receiving facility.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days, submit evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the Respondent.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days:
 - i. Install adequate safeguards at the lift station, including alternate power sources, standby generators, and/or retention for inadequately treated or untreated wastewater, to prevent unauthorized discharges during power outages;
 - ii. Repair or install new aeration basin rotors to ensure the maximum design air requirements can be met; and
 - iii. Obtain approval for the closure plan for existing pond system.
- f. Within 105 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mistie Gonzales, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3056; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

Respondent: Clifford Born, President, Jackson County Water Control and Improvement District No. 2, P.O. Box 574, Vanderbilt, Texas 77991

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Jul-2021		
	PCW	19-Sep-2022	Screening	12-Jul-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Jackson County Water Control and Improvement District No. 2			
Reg. Ent. Ref. No.	RN102185071			
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	61054	No. of Violations	5
Docket No.	2021-0937-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Mistie Gonzales
		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	\$19,000
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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	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,900
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Notes	Reduction for High Performer Classification.			
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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	\$1,487
Estimated Cost of Compliance	\$10,300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,100
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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	\$17,100
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,100
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,420
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$13,680
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Screening Date12-Jul-2021

RespondentJackson County Water Control and Improvement District No. 2

Case ID No.61054

Reg. Ent. Reference No.RN102185071

MediaWater Quality

Enf. CoordinatorMistie Gonzales

Docket No.2021-0937-MWD-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	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%
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)0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7)-10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)-10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%-10%

Screening Date	12-Jul-2021	Docket No.	2021-0937-MWD-E	PCW
Respondent	Jackson County Water Control and Improvement District No. 2			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61054			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102185071			
Media	Water Quality			
Enf. Coordinator	Mistie Gonzales			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010196001, Other Requirements No. 4			
Violation Description	Failed to submit a closure plan for the existing pond system for review and approval. Specifically, the Facility transitioned to an activated sludge treatment system on December 1, 2011, and did not submit a closure plan for the old pond system within the required timeframe of no later than six months after the start of the final permit phase.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual			
	Potential			
			Percent	0.0%
>>Programmatic Matrix				
	Falsification	Major Moderate Minor		
		x		
			Percent	10.0%
Matrix Notes	Greater than 70% of the rule requirement was not met.			
		Adjustment	\$22,500	
			\$2,500	
Violation Events				
	Number of Violation Events	2	48	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$5,000
	Two monthly events are recommended from the May 25, 2021 record review date to the July 12, 2021 screening date.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$5,000	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$47	Violation Final Penalty Total	\$4,500
	This violation Final Assessed Penalty (adjusted for limits)			\$4,500

Economic Benefit Worksheet

Respondent Jackson County Water Control and Improvement District No. 2
Case ID No. 61054
Reg. Ent. Reference No. RN102185071
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	Costs Saved	EB Amount
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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)	\$100	24-Jan-2013	7-Jun-2022	9.37	\$47	n/a	\$47
Notes for DELAYED costs	Estimated cost to develop and submit a closure plan for the existing pond system and obtain approval. Date Required is the date the violation was initially documented. Final Date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$100

TOTAL \$47

Screening Date 12-Jul-2021 Respondent Jackson County Water Control and Improvement District No. 2 Case ID No. 61054 Reg. Ent. Reference No. RN102185071 Media Water Quality Enf. Coordinator Mistie Gonzales		Docket No. 2021-0937-MWD-E <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	PCW																	
Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (12) and TPDES Permit No. WQ0010196001, Permit Conditions No. 1.a Violation Description Failed to accurately report monitoring activities. Specifically, on the 2019 Annual Sludge Report ("ASR") the unused sludge disposal methods, sewage treatment processes, the owner and location of each receiving facility, and the dates of disposal at each receiving facility were not included.		Base Penalty \$25,000																		
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1"> <tr> <td></td> <td colspan="3">Harm</td> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent 0.0%
		Harm																		
	Release	Major	Moderate	Minor																
Actual																				
Potential																				
>> Programmatic Matrix																				
	<table border="1"> <tr> <td></td> <td>Falsification</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>x</td> </tr> </table>				Falsification	Major	Moderate	Minor					x	Percent 1.0%						
	Falsification	Major	Moderate	Minor																
				x																
Matrix Notes	Less than 30% of the rule requirement was not met.																			
Adjustment \$24,750																				
\$250																				
Violation Events																				
Number of Violation Events 1		48 Number of violation days																		
	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td>x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$250				
daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	x																			
One single event is recommended.																				
Good Faith Efforts to Comply 0.0%		Reduction \$0																		
	<table border="1"> <tr> <td></td> <td>Before NOE/NOV</td> <td>NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>x</td> <td></td> </tr> </table>				Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x						
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary																				
N/A	x																			
Notes	The Respondent does not meet the good faith criteria for this violation.																			
Violation Subtotal \$250																				
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount \$9		Violation Final Penalty Total \$225																		
This violation Final Assessed Penalty (adjusted for limits) \$225																				

Economic Benefit Worksheet

Respondent Jackson County Water Control and Improvement District No. 2
Case ID No. 61054
Reg. Ent. Reference No. RN102185071
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$100	26-Jul-2020	7-Jun-2022	1.87	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to correct and resubmit the 2019 ASR to include unused sludge disposal methods, sewage treatment processes, the owner and location of each receiving facility, and the dates of disposal at each receiving facility. Date Required is the date the violation was initially documented. Final Date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$100	TOTAL	\$9
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Screening Date 12-Jul-2021		Docket No. 2021-0937-MWD-E		PCW	
Respondent Jackson County Water Control and Improvement District No. 2		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61054		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102185071					
Media Water Quality					
Enf. Coordinator Mistie Gonzales					
Violation Number 3					
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010196001, Operational Requirements No. 4			
Violation Description		Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the Facility does not have safeguards in place to prevent an unauthorized discharge from the lift station in the event of power outages.			
		Base Penalty		\$25,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 15.0%
Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would 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	2	48	Number of violation days
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daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

\$7,500

Two monthly events are recommended from the May 25, 2021 record review date to the July 12, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal

\$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$711	Violation Final Penalty Total	\$6,750
This violation Final Assessed Penalty (adjusted for limits)		\$6,750	

Economic Benefit Worksheet

Respondent Jackson County Water Control and Improvement District No. 2
Case ID No. 61054
Reg. Ent. Reference No. RN102185071
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment	\$5,000	26-Jul-2020	6-Aug-2022	2.03	\$34	\$677	\$711
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	Estimated cost to install adequate safeguards at the lift station. Date required is the date the violation was initially documented. Final date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$5,000	TOTAL	\$711
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Screening Date 12-Jul-2021		Docket No. 2021-0937-MWD-E		PCW	
Respondent Jackson County Water Control and Improvement District No. 2		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61054		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102185071					
Media Water Quality					
Enf. Coordinator Mistie Gonzales					
Violation Number 4					
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010196001, Operational Requirements No. 1					
Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the aeration basin rotors were inoperative.					
		Base Penalty		\$25,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 5.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would 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

48

Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the May 25, 2021 record review date to the July 12, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$711

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent Jackson County Water Control and Improvement District No. 2
Case ID No. 61054
Reg. Ent. Reference No. RN102185071
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$5,000	26-Jul-2020	6-Aug-2022	2.03	\$34	\$677	\$711
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	Estimated cost to repair or install new aeration basin rotors. Date required is the date the violation was initially documented. Final date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$5,000	TOTAL	\$711
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Screening Date 12-Jul-2021		Docket No. 2021-0937-MWD-E		PCW	
Respondent Jackson County Water Control and Improvement District No. 2		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61054		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102185071					
Media Water Quality					
Enf. Coordinator Mistie Gonzales					
Violation Number 5					
Rule Cite(s)		30 Tex. Admin. Code §§ 305.125(1) and 309.13(e)(3) and TPDES Permit No. WQ0010196001, Other Requirements No. 3			
Violation Description		Failed to submit sufficient evidence of legal restriction prohibiting residential structures within the part of the buffer zone not owned by the Respondent.			
		Base Penalty		\$25,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 0.0%
Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment

\$22,500

\$2,500

Violation Events

Number of Violation Events	2	48	Number of violation days
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	daily		Violation Base Penalty \$5,000
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Two monthly events are recommended from the May 25, 2021 record review date to the July 12, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal

\$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$10	Violation Final Penalty Total	\$4,500
This violation Final Assessed Penalty (adjusted for limits)		\$4,500	

Economic Benefit Worksheet

Respondent Jackson County Water Control and Improvement District No. 2
Case ID No. 61054
Reg. Ent. Reference No. RN102185071
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$100	26-Jul-2020	7-Jul-2022	1.95	\$10	n/a	\$10
Notes for DELAYED costs	Estimated cost to submit evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the Respondent. Date required is the date the violation was initially documented. Final date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$100	TOTAL	\$10
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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.



Compliance History Report

Compliance History Report for CN600738330, RN102185071, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600738330, Jackson County Water Control and Improvement District No. 2
Classification: HIGH
Rating: 0.00

Regulated Entity: RN102185071, JACKSON COUNTY WCID 2 WWTP
Classification: HIGH
Rating: 0.00

Complexity Points: 4
Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: Approximately 2,000 feet east of Farm-to-Market Road 234 and approximately 1,200 feet north of Farm-to-Market Road 616, in Jackson County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
WASTEWATER PERMIT WQ0010196001
WASTEWATER EPA ID TX0027669

Compliance History Period: September 01, 2016 to August 31, 2021
Rating Year: 2021
Rating Date: 09/01/2021

Date Compliance History Report Prepared: January 30, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 30, 2017 to January 30, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Stephanie Frederick
Phone: (512) 239-1001

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

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	February 22, 2017	(1404438)	Item 14	March 14, 2018	(1490823)
Item 2	March 21, 2017	(1411530)	Item 15	April 09, 2018	(1494071)
Item 3	April 26, 2017	(1418028)	Item 16	June 12, 2018	(1508106)
Item 4	May 23, 2017	(1425619)	Item 17	June 14, 2018	(1501017)
Item 5	June 22, 2017	(1431652)	Item 18	July 30, 2018	(1520491)
Item 6	July 25, 2017	(1440240)	Item 19	August 01, 2018	(1514439)
Item 7	August 16, 2017	(1443922)	Item 20	September 12, 2018	(1527661)
Item 8	September 19, 2017	(1450528)	Item 21	October 10, 2018	(1534021)
Item 9	October 13, 2017	(1456383)	Item 22	December 18, 2018	(1545626)
Item 10	November 19, 2017	(1461847)	Item 23	January 19, 2019	(1560877)
Item 11	December 16, 2017	(1468231)	Item 24	February 18, 2019	(1560875)
Item 12	January 11, 2018	(1474932)	Item 25	April 05, 2019	(1560876)
Item 13	February 26, 2018	(1487148)	Item 26	April 17, 2019	(1572224)

Item 27	May 15, 2019	(1584054)	Item 41	September 16, 2020	(1687311)
Item 28	June 17, 2019	(1584055)	Item 42	September 25, 2020	(1680742)
Item 29	July 17, 2019	(1593562)	Item 43	October 16, 2020	(1693651)
Item 30	September 17, 2019	(1606793)	Item 44	November 15, 2020	(1713645)
Item 31	October 12, 2019	(1613636)	Item 45	December 03, 2020	(1713646)
Item 32	November 19, 2019	(1619450)	Item 46	January 09, 2021	(1713647)
Item 33	December 17, 2019	(1626803)	Item 47	March 19, 2021	(1726710)
Item 34	January 17, 2020	(1634444)	Item 48	April 15, 2021	(1726711)
Item 35	February 18, 2020	(1641060)	Item 49	June 14, 2021	(1740663)
Item 36	February 25, 2020	(1660500)	Item 50	July 20, 2021	(1752101)
Item 37	March 15, 2020	(1647578)	Item 51	August 17, 2021	(1757555)
Item 38	April 17, 2020	(1653920)	Item 52	September 17, 2021	(1766668)
Item 39	June 18, 2020	(1667014)	Item 53	October 13, 2021	(1777228)
Item 40	July 17, 2020	(1673963)	Item 54	November 18, 2021	(1784021)

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.

N/A

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
JACKSON COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 2
RN102185071

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

AGREED ORDER DOCKET NO. 2021-0937-MWD-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 Jackson County Water Control and Improvement District No. 2 (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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 2,000 feet east of Farm-to-Market Road 234 and approximately 1,200 feet north of Farm-to-Market Road 616, in Jackson County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$17,100 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$3,420 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$13,680 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. 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). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on May 25, 2021, an investigator documented that the Respondent:

1. Failed to submit a closure plan for the existing pond system for review and approval, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010196001, Other Requirements No. 4. Specifically, the Facility transitioned to an activated sludge treatment system on December 1, 2011, and did not submit a closure plan for the old pond system within the required timeframe of no later than six months after the start of the final permit phase.
2. Failed to accurately report monitoring activities, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (12) and TPDES Permit No. WQ0010196001, Permit Conditions No. 1.a. Specifically, on the 2019 Annual Sludge Report ("ASR") the unused sludge disposal methods, sewage treatment processes, the owner and location of each receiving facility, and the dates of disposal at each receiving facility were not included.
3. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010196001, Operational Requirements No. 4. Specifically, the Facility does not have safeguards in place to prevent an unauthorized discharge from the lift station in the event of power outages.
4. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010196001, Operational Requirements No. 1. Specifically, the aeration basin rotors were inoperative.
5. Failed to submit sufficient evidence of legal restriction prohibiting residential structures within the part of the buffer zone not owned by the Respondent, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 309.13(e)(3) and TPDES Permit No. WQ0010196001, Other Requirements No. 3.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Jackson County Water Control and Improvement District No. 2, Docket No. 2021-0937-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 Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$13,680 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment

3. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:

- i. Develop and submit a closure plan for the existing pond system to:

Municipal Permits Team
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087; and

- ii. Correct and resubmit the 2019 ASR to include unused sludge disposal methods, sewage treatment processes, the owner and location of each receiving facility, and the dates of disposal at each receiving facility.

- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
- c. Within 60 days after the effective date of this Order, submit evidence of legal restrictions prohibiting residential structures within the part of the buffer zone

not owned by the Respondent, in accordance with 30 TEX. ADMIN. CODE
§ 309.13(e)(3) to:

Wastewater Permitting Section
Water Quality, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 90 days after the effective date of this Order:
 - i. Install adequate safeguards at the lift station, including alternate power sources, standby generators, and/or retention for inadequately treated or untreated wastewater, to prevent unauthorized discharges during power outages;
 - ii. Repair or install new aeration basin rotors to ensure the maximum design air requirements can be met; and
 - iii. Obtain approval for the closure plan for existing pond system.
- f. Within 105 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e. The certification shall be signed by the Respondent and shall 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:

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

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401-0318

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
8. This 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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 effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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

Date

Clifford K. Born

Title

Name (Printed or typed)

Authorized Representative of

Jackson County Water Control and Improvement District No. 2

☐ If mailing address has changed, please check this box and provide the new address below:

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

Attachment A
Docket Number: 2021-0937-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Jackson County Water Control and Improvement District No. 2
Penalty Amount:	Thirteen Thousand Six Hundred Eighty Dollars (\$13,680)
SEP Offset Amount:	Thirteen Thousand Six Hundred Eighty Dollars (\$13,680)
Type of SEP:	Compliance
Project Name:	<i>WWTP Improvements</i>
Location of SEP:	Jackson County

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

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

1. Project Description

A. Project

Respondent shall hire a contractor to rebuild the aeration chamber at the Facility. The SEP will ensure that the maximum design air requirements are met at the Facility and the collection, treatment, and disposal systems are operating properly. Specifically, the SEP Offset Amount shall be used for aeration basin rehabilitation (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any invitation for bids, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing wastewater discharges being released into the environment during the collection process.

Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Total
Aeration Chamber Rehabilitation	1	\$33,883.78
Total		\$33,883.78

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 105 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 105-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
105	Notice of SEP completion

B. Final Report

Within 105 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

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

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If 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 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, 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, Respondent shall include the docket number of the attached

Agreed Order and a note that the enclosed payment is for 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

6. Publicity

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

7. Recognition

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

8. 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 Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.