

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1162-MWD-E **TCEQ ID:** RN101518793 **CASE NO.:** 40046
RESPONDENT NAME: West Hardin County Consolidated Independent School District

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: West Hardin County Consolidated ISD, located immediately south of the intersection of State Highway 105 and Farm-to-Market Road 770 and approximately 1,000 feet east of Pine Island Bayou, Hardin County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 8, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Mildred Budro, Maintenance Director, West Hardin County Consolidated Independent School District, 39227 Highway 105, Saratoga, Texas 77585 Mr. Chad Jones, Superintendent, West Hardin County Consolidated Independent School District, 39227 Highway 105, Saratoga, Texas 77585 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 1, 2010</p> <p>Date of NOV/NOE Relating to this Case: July 14, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permit effluent limits for total suspended solids [Texas Pollutant Discharge Elimination System Permit No. WQ0011274001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$3,500</p> <p>Total Deferred: \$700 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,800</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent smoke tested all gravity sewer lines, made repairs to all faulty sewer lines and manholes, and returned to compliance with permitted effluent limits by June 30, 2010.</p>

Additional ID No(s): WQ0011274001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	19-Jul-2010	Screening	19-Jul-2010	EPA Due	
	PCW	21-Jul-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	West Hardin County Consolidated Independent School District
Reg. Ent. Ref. No.	RN101518793
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	40046	No. of Violations	1
Docket No.	2010-1162-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7
		\$2,000

Notes
Enhancement for one Agreed Order with denial, one NOV with the same/similar type of violations, and 15 months of self-reported effluent violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$500
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts \$1,240
Approx. Cost of Compliance \$50,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$3,500

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$700
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,800
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Screening Date 19-Jul-2010

Docket No. 2010-1162-MWD-E

PCW

Respondent West Hardin County Consolidated Independent School D.

Policy Revision 2 (September 2002)

Case ID No. 40046

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101518793

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	16	80%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements 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) 100%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one Agreed Order with denial, one NOV with the same/similar type of violations, and 15 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 100%

Screening Date 19-Jul-2010 **Docket No.** 2010-1162-MWD-E **PCW**
Respondent West Hardin County Consolidated Independent School District *Policy Revision 2 (September 2002)*
Case ID No. 40046 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101516793
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.
Violation Number 1
Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011274001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)
Violation Description Failed to comply with permit effluent limits. See attached Effluent Limit Violation Table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	<input type="text" value="10%"/>
Potential					

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
				<input type="text" value="0%"/>

Matrix Notes

Failure to comply with permit effluent limits for total suspended solids resulted in the release of 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

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty

Two quarterly events are recommended.

Good Faith Efforts to Comply

Reduction

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

Notes

The Respondent achieved compliance by June 30, 2010 for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: West Hardin County Consolidated Independent School District

Case ID No.: 40046

Reg. Ent. Reference No.: RN101518793

Media: Water Quality

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	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)	\$50,000	31-Dec-2009	30-Jun-2010	0.50	\$1,240	n/a	\$1,240

Notes for DELAYED costs

Estimated cost to smoke test all gravity sewer lines and make repairs to all faulty sewer lines and manholes. Date Required is the first day of non-compliance, Final Date is the compliance date.

Avoided Costs

ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$1,240

Effluent Limit Violation Table

table rev.

West Hardin County Consolidated Independent School District	
RN101518793	
2010-1162-MWD-E, Case No. 40046	
Jorge Ibarra, P.E.	

Corresponds to Violation Number: 1

EFFLUENT PARAMETER

Permit Limit								
	TSS Daily Average Concentration	TSS Daily Average Loading						
<i>Month/Year</i>	20 mg/L	1.3 lbs/d						
December 31, 2009	c	1.629						
January 31, 2010	25.83	1.4975						
February 28, 2010	28.13	1.9638						
March 31, 2010	31.75	1.9657						

Name	Abbreviation
milligram per liter	mg/L
Total Suspended Solids	TSS
pounds per day	lbs/d
compliant	c

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600794044	West Hardin County Consolidated Independent School District	Classification: AVERAGE	Rating: 3.50
Regulated Entity:	RN101518793	WEST HARDIN CO CONSOLIDATED ISD	Classification: AVERAGE	Site Rating: 3.50
ID Number(s):	WASTEWATER	PERMIT		WQ0011274001
	WASTEWATER	EPA ID		TX0030813
	WASTEWATER LICENSING	LICENSE		WQ0011274001
Location:	located immediately south of the intersection of State Highway 105 and Farm-to-Market Road 770 and approximately 1,000 feet east of Pine Island Bayou in Hardin County, Texas			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	July 19, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 19, 2005 to July 19, 2010			

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/23/2009	ADMINORDER 2008-1274-MWD-E
Classification: Minor	
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)	
Rqmt Prov: OpR PERMIT	
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.	
Classification: Moderate	
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: MRR PERMIT	
Description: Failure to submit 5-day written report for greater than 40% permit exceedances.	
Classification: Moderate	
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(4)	
Rqmt Prov: Permit Conditions - Compliance 2(d) PERMIT	
Description: Failure to prevent the discharge and accumulation of solids in the receiving stream.	
Classification: Minor	
Citation: 30 TAC Chapter 305, SubChapter F 305.128(a)	
Rqmt Prov: MRR PERMIT	
Description: Failure to have authorized officer or agent sign the DMRs.	
Classification: Minor	

Citation: 30 TAC Chapter 305, SubChapter F 305.126(b)(3)
Rqmt Prov: SP I PERMIT
Description: Failure to give 180 days notice prior to change in sewage sludge disposal practice.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: SP PERMIT
Description: Failure to submit Annual Sludge Reports.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: MRR PERMIT
Description: Failure to submit the discharge monitoring report (DMR) by the twentieth of every month.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/19/2005	(442489)
2	07/19/2005	(442490)
3	07/19/2005	(442491)
4	07/19/2005	(442492)
5	07/19/2005	(442493)
6	07/19/2005	(442494)
7	07/19/2005	(442495)
8	07/19/2005	(442496)
9	07/19/2005	(442497)
10	07/19/2005	(442498)
11	07/19/2005	(442499)
12	07/19/2005	(442500)
13	07/19/2005	(442501)
14	07/19/2005	(442502)
15	07/19/2005	(442503)
16	07/19/2005	(442504)
17	07/19/2005	(442505)
18	07/19/2005	(442506)
19	07/19/2005	(442507)
20	07/19/2005	(442508)
21	07/19/2005	(442510)
22	07/19/2005	(442513)
23	06/13/2006	(401774)
24	09/18/2006	(511244)
25	10/22/2007	(621155)
26	11/19/2007	(621156)
27	11/20/2007	(621157)
28	01/21/2008	(673262)
29	02/21/2008	(673261)
30	03/17/2008	(691395)
31	05/22/2008	(691400)
32	05/22/2008	(769484)
33	06/09/2008	(691391)
34	06/09/2008	(691392)
35	06/09/2008	(691393)

	36	06/09/2008	(691394)
	37	06/09/2008	(691396)
	38	06/09/2008	(691397)
	39	06/09/2008	(691398)
	40	06/09/2008	(691399)
	41	06/09/2008	(691401)
	42	06/09/2008	(691402)
	43	06/09/2008	(691403)
	44	06/09/2008	(691404)
	45	06/09/2008	(691405)
	46	06/09/2008	(691406)
	47	06/09/2008	(691407)
	48	06/09/2008	(691408)
49	06/09/2008		(691409)
50	06/09/2008		(691410)
51	06/09/2008		(691411)
52	06/09/2008		(691412)
53	06/20/2008		(712330)
54	07/17/2008		(683844)
55	07/21/2008		(712332)
56	08/22/2008		(712334)
57	08/31/2008		(728619)
58	09/03/2008		(712329)
59	09/03/2008		(712331)
60	09/03/2008		(712333)
61	09/03/2008		(712335)
62	09/03/2008		(712336)
63	09/03/2008		(712338)
64	09/03/2008		(712339)
65	09/03/2008		(712340)
66	10/09/2008		(728620)
67	10/17/2008		(712337)
68	11/20/2008		(728621)
69	12/22/2008		(728622)
70	01/22/2009		(751699)
71	02/23/2009		(751698)
72	03/23/2009		(769483)
73	04/22/2009		(769485)
74	05/22/2009		(769486)
75	06/18/2009		(808096)
76	07/20/2009		(808097)
77	09/10/2009		(808098)
78	09/21/2009		(808099)
79	10/19/2009		(808100)
80	11/20/2009		(808101)
81	12/21/2009		(808102)
82	01/21/2010		(808103)
83	02/19/2010		(808095)
84	03/18/2010		(832130)
85	04/19/2010		(832131)
86	05/20/2010		(832132)
87	07/16/2010		(829639)

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

Date: 10/31/2005

(712338)

CN600794044

Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2005	(712339)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2005	(712340)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2006	(691391)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2006	(691393)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006	(691396)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2006	(691398)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2006	(691401)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/14/2006	(401774)	CN600794044
Self Report?	NO	Classification:	Minor
Citation:	OpR 1 PERMIT		
Description:	Failure by the permittee to have the backflow prevention device tested annually.		
Self Report?	NO	Classification:	Minor
Citation:	FEL&MR 2 PERMIT		
Description:	Failure by the permittee to discharge effluent that is compliant with permitted limitations.		
Self Report?	NO	Classification:	Minor
Citation:	M&RR 1 PERMIT		
Description:	Failure by the permittee to submit the discharge monitoring report (DMR) by the twentieth of the month.		
Self Report?	NO	Classification:	Minor
Citation:	M&RR 3c PERMIT		
Description:	Failure by the permittee to maintain complete calibration and analysis logs.		
Self Report?	NO	Classification:	Moderate

Citation:	OpR 1 PERMIT		
Description:	Failure by the permittee to prevent the accumulation of solids in the receiving stream.		
Self Report?	NO	Classification:	Minor
Citation:	OpR 1 PERMIT		
Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Date:	07/31/2006	(691405)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2007	(691406)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2007	(621155)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2009	(808103)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2010	(808095)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2010	(832130)	CN600794044
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2010	(832131)	CN600794044
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
WEST HARDIN COUNTY
CONSOLIDATED INDEPENDENT
SCHOOL DISTRICT
RN101518793**

§
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§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1162-MWD-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding West Hardin County Consolidated Independent School District ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located immediately south of the intersection of State Highway 105 and Farm-to-Market Road 770 and approximately 1,000 feet east of Pine Island Bayou in Hardin 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. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 19, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Three Thousand Five Hundred Dollars (\$3,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Eight Hundred Dollars (\$2,800) of the administrative penalty and Seven Hundred Dollars (\$700) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent smoke tested all gravity sewer lines, made repairs to all faulty sewer lines and manholes, and returned to compliance with permitted effluent limits by June 30, 2010.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permit effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011274001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on July 1, 2010 and as depicted in the table below:

EFFLUENT PARAMETER		
Permit Limit		
	TSS Daily Average Concentration	TSS Daily Average Loading
Month/Year	20 mg/L	1.3 lbs/d
Dec 31, 2009	c	1.629
Jan 31, 2010	25.83	1.4975
Feb 28, 2010	28.13	1.9638
Mar 31, 2010	31.75	1.9657

TSS = total suspended solids mg/L = milligrams per liter lbs/d = pounds per day
 c = compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: West Hardin County Consolidated Independent School District, Docket No. 2010-1162-MWD-E" to:

Financial Administration Division, Revenues Section
 Attention: Cashier's Office, MC 214
 Texas Commission on Environmental Quality
 P.O. Box 13088
 Austin, Texas 78711-3088

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

4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. ...
For the Executive Director

10/7/2010
Date

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

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

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

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

Chad Jones
Signature

8-23-10
Date

Chad Jones
Name (Printed or typed)
Authorized Representative of
West Hardin County Consolidated Independent School District

Superintendent
Title

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

