EXECUTIVE SUMMARY - ENFORCEMENT MATTER

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

ORDER TYPE:								
X_1660 AGREED ORDER	_FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING						
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	_imminent and substantial endangerment order						
_AMENDED ORDER	EMERGENCY ORDER							
CASE TYPE:								
_ATR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE						
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION						
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL						
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION						
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  TYPE OF OPERATION: Wastewater treatment facility  SMALL BUSINESS: Yes X No  OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.  INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired on November 8, 2010. No comments were received.  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								

# RESPONDENT NAME: West Hardin County Consolidated Independent School District Page 2 of 2 DOCKET NO.: 2010-1162-MWD-E

VIOLATION SUMMARY CHART:							
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED					
Type of Investigation: ComplaintRoutineEnforcement Follow-up X_Records Review  Date(s) of Complaints Relating to this Case: None  Date of Investigation Relating to this Case: July 1, 2010  Date of NOV/NOE Relating to this Case: July 14, 2010 (NOE)  Background Facts: This was a records review.  WATER  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)].	Total Assessed: \$3,500  Total Deferred: \$700	Corrective Actions Taken:  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.					

Additional ID No(s).: WQ0011274001

DATES: Assignagi 19-Jul-2010   Serconing 19-Jul-2010   EPA Due    RESPONDENT/ACILETY (REORMATION   Respondent (West Fardin County Consolidated Independent School District   Reg. Ent. Ref. No. (RNI01518793   Major/Minor Source) (Winor Pacific Reg. Ent. Ref. No. (RNI01518793   Major/Minor Source) (Winor Pacific Reg. Ent. Ref. No. (RNI01518793   Major/Minor Source) (Winor Pacific Reg. Ent. Ref. No. (RNI01518793   Major/Minor Source) (Winor Pacific Reg. Ent. Ref. No. (RNI01518793   Major/Minor Source) (Winor Pacific Reg. Ent. Ref. No. (RNI01518793   Reg. (RNI01518794   Reg. (RNI01518794   Reg. (RNI01518794   Reg. (RNI01518794   RNI01618794   Reg. (RNI01518794   RNI01618794   RNI01618	Politi	cy Revision 2 (Sep	Penalty Calculation Worksheet (PCW) PCW Revi	ision Ociober 30, 2008
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Docket No. 2010-1102-MWD-E   GovernmentNon-Profit   Yes   Enf. Coordinator   Jorge   Ibarra, P.H.				
Media Program(s) Water Quality GovernmentNon-Profit (Yes) Enf. Coordinator Jorge Ibarra, P.E. EC's Team Inforcement Team 3  Admin. Penalty \$ Limit Minimum \$0 Meximum \$10,000  Penalty Calculation Section  TOTALBASE PENALTY (Sum of violation base penalties) \$2,000  ADJUSTMENTS (#-) TO \$UBTOTAL 1 Stationals 2 / 9 to obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.  Compilance Riskoty [100.09 Ephacement   \$0.00	En			
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Screening Date 19-Jul-2010

#### Docket No. 2010-1162-MWD-E

PCW

Respondent West Hardin County Consolidated Independent School D.

Case ID No. 40046

Policy Revision 2 (September 2002) PGW Revision October 30, 2008

Reg. Ent. Reference No. RN101518793

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

**Compliance History Worksheet** 

Component		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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	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%
Judgments	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%
and Consent Decrees	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%
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)	<b>0</b>	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other .	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	Nö	0%
	Adjustment P		
t Violator (Su	btotal 3)		100 (100 (100) 100 (100)
No	Adjustment P	ercentage (St	ıbtotal 3)
iance History	Person Classification (Subfotal 7)	A-regite it in a	
Average P	erformer Adjustment P	ercentage (St	ıbtotal 7)
iance History	Summary:	FOR CHIEF CO.	POPT CAR
Compliance History Notes	Enhancement for one Agreed Order with denial, one NOV with the same/similar type of viol months of self-reported effluent violations.	ations, and 15	
	Total Adjustment Percentage	(0.14.4.1	0 0 70

Screening Date	19-Jul-2010	Docket No. 2010-1162-	MWD-E	PCW
	West Hardin County Consolidated Inde	f +		vision 2 (September 2002)
Case ID No			PCW F	Revision October 30, 2008
Reg. Ent. Reference No	RN101518793			1
Media [Statute	Water Quality			2.00
Enf. Coordinato				
Violation Numbe				
Rule Cite(s	Texas Pollutant Discharge Eliminatio	n System ("TPDES") Permit.f	No. WQ0011274001,	
·	Effluent Limitations and Monitorin	g Requirements No. 1, 30 Te Tex. Water Code § 26.121(a)		
	a05.125(1);sanu	rex. wajer code 3 20. 12 ((a)		
Violation Descriptio	Falled to comply with permit effluent	imits. See attached Effluent	imit Violation Table.	
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			Base Penalty	\$10,000
			Dago / Olivery (	
>> Environmental, Property a	nd Human Health Matrix	The state of the s	To selline comities as consection as a selline committee	
	Harm	•		Attached
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OR Actual Potential		Percent	10%	
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Failure	comply with permit effluent limits for to	tal suspended solids resulted	in the release of	
Matrix Inslonificar	amounts of pollutants which do not exc	eed levels that are protective	of human health or	
Notes  Notes  Notes	environmental receptors as	a result of the violaiton.		and Alberta
			<u></u> Цаниоприя	
		Adjüstment	\$9,000	
100 TO 10			F	\$1,000
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Violation Events		A contract of the contract of	The department of the second s	
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mark only one	monthly x	V	iolation Base Penalty	\$2,000
with an x	semiannual	ď		
	annual annual			
	single event			
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	Two quarterly events	are recommended.		
			MB-200	
		The control of the co	AND	\$500
Good Faith Efforts to Compl	25.0% Reductio	N EDPRP/Setllement	THE ADMITT TO COME TO SEE THE PROPERTY OF THE	Φ000
Transfer.	8efore NOV NOV to Extraordinary	TO 10 VOORIGIIIOIIC		1
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	Notes The Respondent acr	ieved compliance by June 30	, 2010 for	
		this violation.	· .	
				The second secon
			Violation Subtotal	\$1,500
CONTRACTOR AND	- Welston	21/21/10/20	y Limit Test	CONTRACTOR
Economic Benefit (EB) for th	IS VIOIATION	ətatütor	y Limit 1981	per general de la Contra y La Contra de la Contra del Contra de la Contra del Contra de la Contra de la Contra de la Contra de la Contra del Contra de la Contra
Estima	ed EB Amount \$	7240 Violati	ion Final Penalty Total	\$3,500
		<del></del>		46.050
	This viol	ation Final Assessed Penal	ty (adjusted for limits)	\$3,500
ANALYSIS AND ANALYSIS OF THE STATE OF THE ST		Company of the Compan	P 2 P Commence of the Commence	My make the second seco

	i de E	conomic	Benefit W	/orks	heet		
Respondent	A CONTRACTOR OF THE PROPERTY O	ounty Consolidated	SPERFSYNREEDDAY**********************************	Militaria per emedicaria e 153 e	. 741		(AAL AF AND
Case ID No.					•		
Reg. Ent. Reference No.							
	Water Quality					Ribert et en	Years of
						Percent Interest	Depreciation
Violation No.		PERMIT AT AT	r - 7, 19, 1986, 74	1 1999	er entre alle de la comp		Debicolation
		rangana an aku. Sekalas berikan				5.0	15
	Item Cost	Date Required	Final Date:	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Masy . 4, Ista	et Hoodelings.	and gran	g dereja firtig	initia	no april no proper
Parisonal Operate	r Al eftely www.	triklari ar Alberen.	ardridenthous voice 1		NGC Netrola-Vietoše		elika kan ingalis, alia
Delayed Costs	A PARTE DE CAMENTO DE DESERVA	2009-0-146-2 (166-246-246)		0.00	\$0	\$0	<b>\$0</b>
Buildings				0.00	\$0 \$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	1			0.00	\$0	\$0	\$0
Land		2.0		0.00	\$0	mana n/a	\$0
Record Keeping System				0.00	\$0	a n/a	\$0
Training/Sampling	·			0.00	\$0	⇒ n/a	\$0
Remediation/Disposal		X		0.00	\$0	as, da et en/a	\$0
Permit Costs	ra da	al, and mile models.	tana da ang tanan an	0.00	\$0	n/= in/a	\$0
Other (as needed)	\$50,000	31-Dec-2009	30-Jun-2010	0,50	\$1,240	Section n/a	\$1,240
Notes for DELAYED costs  Avoided Costs		Required is the	first day of non-co	mpliance	Final Date is the	ully sewer lines and compliance date.	
Disposal		IOALIZE [1] avoid	eu costa betote e	0.00	\$0	\$0	\$0
Personnel			The state of the state of the	0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling		in the second se		0.00	\$0	\$0	\$0
Supplies/equipment		Market and Allies	tenata.	0.00	\$D	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			Company of	0.00	\$0	\$0	\$0
Other (as needed)	s 11.1 ft 11.1 ft 57.7	terene nigrata	EMENTE DE LA COMPANIONE DE	0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$50,000			TOTAL		\$1,240

Effluent Limit V	iolation Tab	ie							table rev.
	West Hardi	n County C	onsolidate	ed Indepen	dent Scho	ol District			
ana an Alban dhee an Ca	RN101518	793				1 ( CO ( CO )			
	2010-1162-	-MWD-E, C	ase No. 4	0046	100				tini sa
	Jorge Ibarra, P.E.								
Corresponds to	Violation N	umber:		1	- 424 (t. 14 )				
<i>EFFL</i> Permit L	UENT PARAME	TER	jans toji kilidi. Partosi otogo						(e. 2007) (e.
	TSS Daily Average Concentration	TSS Daily Average Loading							
Month/Year	20 mg/L	1.3 lbs/d	and the second second				organia y 1 MS		100 100 100 100 100 100 100 100 100 100
December 31, 2009	С	1.629							
January 31, 2010	25,83	1.4975							
February 28, 2010	28.13	1.9638							
March 31, 2010	31.75	1.9657							
	1				1		I	1	I

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

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				:
	ı			

**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

Classification: **AVERAGE** 

Site Rating: 3.50

PERMIT

ID Number(s):

WASTEWATER

EPA ID

WQ0011274001 TX0030813

WASTEWATER

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 !barra, 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?

Nο

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:

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rgmt 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)

Rgmt Prov: MRR PERMIT

Description: Failure to submit 5-day written report for greater than 40% permit exceedances.

Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

Rgmt Prov: Permit Conditions - Compliance 2(d) PERMIT

Description: Failure to prevent the discharge and accumulation of solids in the

receiving stream.

Classification: Minor

30 TAC Chapter 305, SubChapter F 305.128(a)

Rgmt 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)

Ramt 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: Fallure 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)

Ramt Prov:

MRR PERMIT

1 07/19/2005

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

(442489)

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.)

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)(442508)20 07/19/2005 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)(769484) 32 05/22/2008 33 06/09/2008 (691391) 34 06/09/2008 (691392)

35 06/09/2008

(691393)

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      04/19/2010
                          (832131)
                          (832132)
 86
      05/20/2010
 87
      07/16/2010
                          (829639)
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36 06/09/2008

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

Date:

E.

YES Classification: Moderate Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date: 11/30/2005 (712339)CN600794044

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

Description:

Description:

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter

12/31/2005 (712340)Date: CN600794044

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date: 01/31/2006 (691391)CN600794044

Classification: Moderate Self Report? YES

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date: 02/28/2006 (691393)CN600794044

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date: 03/31/2006 (691396)CN600794044

Classification: Moderate Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (691398)CN600794044

YES Classification: Moderate Self Report?

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) Description: Fallure to meet the limit for one or more permit parameter

(691401) Date: 05/31/2006 CN600794044

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

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

OpR 1 PERMIT Citation:

Failure by the permittee to have the backflow prevention device tested annually. Description:

Classification: Self Report? NO

Citation: FEL&MR 2 PERMIT

Failure by the permittee to discharge effluent that is compliant with permitted Description:

limitations.

NO Classification: Minor Self Report?

M&RR 1 PERMIT Citation:

Failure by the permittee to submit the discharge monitoring report (DMR) by the Description:

twentieth of the month.

Classification: Minor NO Self Report?

Citation: M&RR 3c PERMIT

Failure by the permittee to maintain complete calibration and analysis logs. Description:

Classification: Self Report? NO 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

(691405)

Description:

Failure by the permittee to ensure that all systems of collection, treatment, and

disposal are properly operated and maintained.

Date: 07/31/2006

CN600794044

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date: 07/31/2007

(691406)

(621155)

CN600794044

Self Report?

CN600794044

Moderate Classification:

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

Classification: Moderate

Self Report? Citation:

YES

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

YES Self Report?

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Fallure to meet the limit for one or more permit parameter

Date: 01/31/2010

(808095)

(832130)

CN600794044

Classification: Moderate

Moderate

Moderate

Self Report? 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

CN600794044

Self Report? YES

YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2010

(832131)

CN600794044

Self Report? YES Classification:

Classification:

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.

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. H.

Participation in a voluntary pollution reduction program. ١.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
WEST HARDIN COUNTY	§	TEXAS COMMISSION ON
CONSOLIDATED INDEPENDENT	§	
SCHOOL DISTRICT	§	
RN101518793	§	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.

West Hardin County Consolidated Independent School District DOCKET NO. 2010-1162-MWD-E Page 2

- 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	С	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.

West Hardin County Consolidated Independent School District DOCKET NO. 2010-1162-MWD-E Page 4

- 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.

West Hardin County Consolidated Independent School District DOCKET NO. 2010-1162-MWD-E Page 5

### SIGNATURE PAGE

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	Date 10 7 2010
I, the undersigned, have read and understand the agree to the attached Agreed Order on behalf of the agree to the terms and conditions specified the accepting payment for the penalty amount, is material.	the entity indicated below my signature, and I crein. I further acknowledge that the TCEQ, in
<ul><li>additional penalties, and/or attorney fee</li><li>Increased penalties in any future enforcem</li></ul>	nay result in: s submitted; neral's Office for contempt, injunctive relief, es, or to a collection agency; ent actions; al's Office of any future enforcement actions; v law.
Signature  Chad Jone S  Name (Printed or typed)  Authorized Representative of  West Hardin County Consolidated Independent S	S-23-10 Date  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.

