

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-1980-MWD TCEQ ID: RN101527224 CASE NO.: 31748**  
**RESPONDENT NAME: Shelbyville Independent School District**

**ORDER TYPE:**

<input checked="" type="checkbox"/> <b>X1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	

**CASE TYPE:**

<input type="checkbox"/> <b>AGRICULTURE</b>	<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>	<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>
<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>
<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>	<input type="checkbox"/> <b>USED OIL</b>
<input type="checkbox"/> <b>USED OIL FILTER</b>	<input checked="" type="checkbox"/> <b>WATERQUALITY</b>		

**SITE WHERE VIOLATION(S) OCCURRED:** Shelbyville Independent School District, located 1,000 feet due south of the intersection of Farm-to-Market Road 417 and State Highway 87, on the west side of State Highway 87, Shelby County

**TYPE OF OPERATION:** Wastewater treatment plant

**SMALL BUSINESS:**  Yes  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 April 23, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Lynley Doyen, Enforcement Division, Enforcement Section I, MC 169, 512-239-1364; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Respondent:** Mr. Ray West, Superintendent, Shelbyville Independent School District, P.O. Box 325, Shelbyville, Texas 75973

Mr. Rudy Eddington, High School Principal, Shelbyville Independent School District, P.O. Box 325, Shelbyville, Texas 75973

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 7, 2006</p> <p><b>Date of NOE Relating to this Case:</b> November 1, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Four violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to install flow measurement equipment at the proper location. Specifically, during the investigation, it was noted that the staff gauge was improperly positioned on the faceplate of the 30-degree V-notch weir [30 TEX. ADMIN. CODE §319.11(d)].</p> <p>2) Failed to notify the TCEQ of effluent violations that deviated from the permitted limitations by more than 40 percent. Specifically, Shelbyville ISD failed to submit noncompliance notifications for the months of August 2005, January 2006, and March 2006 through June 2006 [30 TEX. ADMIN. CODE §305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013370001, Monitoring and Reporting Requirements No. 7.c.].</p>	<p><b>Total assessed:</b> \$3,927</p> <p><b>Total Deferred:</b> \$785  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,142</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action Taken:</b></p> <p>1) The Executive Director recognizes that Shelbyville ISD has taken the following corrective measures at the Facility:</p> <p>a. On October 31, 2006, removed and properly disposed of the accumulated sludge in the chlorine contact chamber; and</p> <p>b. On December 18, 2006, reinstalled the staff gauge at the proper location.</p> <p><b>Ordering Provision:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, update the Facility's operations guidance and conduct employee training to ensure that all record keeping and reporting requirements are properly accomplished, including the maintenance of records and information resulting from the required monitoring activities and procedures for reporting to the TCEQ all effluent violations that deviate from the permit limit by more than 40%; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

**RESPONDENT'S NAME:** Shelbyville Independent School District  
**DOCKET NO.:** 2006-1980-MWD-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3) Failed to maintain all records and information resulting from the required monitoring activities. Specifically, daily flow measurements and total chlorine residual values were not recorded on the Facility log during the period between July 1, 2006 through August 13, 2006 and records documenting calibration and use of the colorimeter were not available for review during the September 7, 2006 investigation [30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0013370001, Monitoring and Reporting Requirements No. 3.b.].</p> <p>4) Failed to ensure that the Facility and all of its systems of treatment and control are properly operated and maintained. Specifically, during the investigation it was noted that approximately one foot of sludge had settled in the chlorine contact chamber [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013370001, Operational Requirements No. 1].</p>		

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5800 S. UNIVERSITY AVENUE  
CHICAGO, ILLINOIS 60637  
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FAX: 773-936-3701  
WWW: WWW.CHEM.UCHICAGO.EDU

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# Penalty Calculation Worksheet (PCW)

<b>DATES</b>	Assigned	6-Nov-2006	Screening	15-Nov-2006	EPA Due	
	PCW	15-Nov-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Shelbyville Independent School District		
Reg. Ent. Ref. No.	RN101527224		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	31748	No. of Violations	4	
Docket No.	2006-1980-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen	
Multi-Media		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$7,100

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 131% Enhancement Subtotals 2, 3, & 7 \$9,301

Notes

The penalty is enhanced because the Respondent received one NOV with violations same or similar to those cited in this action, self-reported 43 monthly effluent violations, and received two agreed final enforcement orders containing a denial of liability.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes

Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 \$0

Extraordinary

Ordinary

N/A

	Before NOV	NOV to EDRP/Settlement Offer
	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts	\$121
Approx. Cost of Compliance	\$1,020

**0% Enhancement\*** Subtotal 6 \$0  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$16,401

**OTHER FACTORS AS JUSTICE MAY REQUIRE** -76% Adjustment -\$12,474

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Recommend reduction in the penalty so that reporting violations do not overly impact the penalty amount.

**Final Penalty Amount** \$3,927

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$3,927

**DEFERRAL** 20% Reduction Adjustment -\$785

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** \$3,142

Screening Date 15-Nov-2006

Docket No. 2006-1980-MWD-E

PCW

Respondent Shelbyville Independent School District

Policy Revision 2 (September 2002)

Case ID No. 31748

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101527224

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

### 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)	1	5%
	Other written NOVs	43	86%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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) 131%

>> 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

The penalty is enhanced because the Respondent received one NOV with violations same or similar to those cited in this action, self-reported 43 monthly effluent violations, and received two agreed final enforcement orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 131%

Screening Date 15-Nov-2006

Docket No. 2006-1980-MWD-E

PCW

Respondent Shelbyville Independent School District

Policy Revision 2 (September 2002)

Case ID No. 31748

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101527224

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text" value="x"/>	

Violation Base Penalty

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:** Shelbyville Independent School District  
**Case ID No.:** 31748  
**Reg. Ent. Reference No.:** RN101527224  
**Media:** Water Quality  
**Violation No.:** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$250	7-Sep-2006	18-Dec-2006	0.3	\$0	\$5	\$5
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install the staff gauge in the proper location. Date required is the investigation date. Final date is the date compliance was achieved.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$250

**TOTAL**

\$5

Screening Date 15-Nov-2006

Docket No. 2006-1980-MWD-E

PCW

Respondent Shelbyville Independent School District

Policy Revision 2 (September 2002)

Case ID No. 31748

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101527224

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013370001, Monitoring and Reporting Requirements No. 7.c.

Violation Description Failed to notify the TCEQ of effluent violations that deviated from the permitted limitations by more than 40 percent. Specifically, the Respondent failed to submit noncompliance notifications for the months of August 2005, January 2006, and March 2006 through June 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6

184 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$6,000

Six single events are recommended for each noncompliance notification that was not submitted.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$107

Violation Final Penalty Total \$3,319

This violation Final Assessed Penalty (adjusted for limits) \$3,319

## Economic Benefit Worksheet

**Respondent** Shelbyville Independent School District  
**Case ID No.** 31748  
**Reg. Ent. Reference No.** RN101527224  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$50	7-Sep-2006	31-Jul-2007	0.9	\$2	n/a	\$2
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop a standard operating procedure to ensure that future noncompliance notifications are submitted to TCEQ. Date required is the investigation date. Final date is the expected date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$120	25-Sep-2005	25-Jul-2006	0.8	\$5	\$100	\$105
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to prepare and submit the proper noncompliance notifications. Date required is the date the first notification was due. Final date is the date the last notification was due.

Approx. Cost of Compliance

\$170

**TOTAL**

\$107

Screening Date 15-Nov-2006

Docket No. 2006-1980-MWD-E

PCW

Respondent Shelbyville Independent School District

Policy Revision 2 (September 2002)

Case ID No. 31748

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101527224

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 319.7(c) and TPDES Permit No. WQ0013370001, Monitoring and Reporting Requirements No. 3.b.

Violation Description

Failed to maintain all records and information resulting from the required monitoring activities. Specifically, daily flow measurements and total chlorine residual values were not recorded on the Facility log during the period between July 1, 2006 through August 13, 2006 and records documenting calibration and use of the colorimeter were not available for review during the September 7, 2006 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the permit record-keeping requirements were met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

137 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended based on documentation of the violation during the September 7, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$55

This violation Final Assessed Penalty (adjusted for limits) \$55

## Economic Benefit Worksheet

**Respondent:** Shelbyville Independent School District  
**Case ID No:** 31748  
**Reg. Ent. Reference No:** RN101527224  
**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	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	7-Sep-2006	31-Jul-2007	0.9	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a record-keeping system to ensure that all required records are maintained according to permit requirements. Date required is the investigation date. Final date is the expected date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 15-Nov-2006

Docket No. 2006-1980-MWD-E

PCW

Respondent Shelbyville Independent School District

Policy Revision 2 (September 2002)

Case ID No. 31748

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101527224

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0013370001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all of its systems of treatment and control are properly operated and maintained. Specifically, during the investigation it was noted that approximately one foot of sludge had settled in the chlorine contact chamber.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential			X		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 54 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

One single event is recommended based on documentation of the violation during the September 7, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$277

This violation Final Assessed Penalty (adjusted for limits) \$277

## Economic Benefit Worksheet

**Respondent:** Shelbyville Independent School District  
**Case ID No.:** 31748  
**Reg. Ent. Reference No.:** RN101527224  
**Media:** Water Quality  
**Violation No.:** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	7-Sep-2006	31-Oct-2006	0.1	\$0	\$5	\$5
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the accumulated sludge in the chlorine contact chamber. Date required is the investigation date. Final date is the date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$500

**TOTAL**

\$5



Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.5(b)  
Rqmt Prov: ELMR 1 PERMIT  
Description: Failure to comply w/the permitted self-monitoring requirements for measurement frequency.  
During a records review, it was noted that Shelbyville ISD was collecting effluent samples for BOD, TSS,  
and DO twice a month not 1 x/week.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: M&RR 7c PERMIT  
Description: Failure to notify the TCEQ regional office and the manager of the W&MS of Enf. division, w/in  
5 days of becoming aware of the noncompliance, for effluent violations which deviate from the permit by  
more than 40%.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121  
Rqmt Prov: ELMR1 PERMIT  
Description: Failure to discharge effluent in compliance w/permitted effluent limitations.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121  
Rqmt Prov: ELMR 1 PERMIT  
Description: Failure to comply w/permit limit for TSS daily average. These violations meet referral criteria.

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 07/05/2002 (221226)
- 2 01/08/2004 (321887)
- 3 07/05/2002 (221227)
- 4 01/22/2004 (321888)
- 5 02/28/2003 (221228)
- 6 04/15/2005 (425966)
- 7 07/05/2002 (221229)
- 8 04/15/2005 (425967)
- 9 03/27/2003 (221230)
- 10 05/31/2005 (425968)
- 11 06/21/2005 (425969)
- 12 07/05/2002 (221232)
- 13 07/05/2002 (221233)
- 14 07/05/2002 (221234)
- 15 04/22/2003 (221235)
- 16 07/05/2002 (221236)
- 17 07/05/2002 (221237)
- 18 07/05/2002 (221238)
- 19 01/09/2003 (221239)
- 20 07/05/2002 (221240)
- 21 09/13/2002 (221241)
- 22 10/16/2002 (221242)
- 23 07/05/2002 (221243)
- 24 11/21/2002 (221244)
- 25 04/15/2004 (363727)
- 26 07/05/2002 (221245)
- 27 05/19/2004 (363728)
- 28 07/05/2002 (221246)
- 29 06/21/2004 (363729)
- 30 07/05/2002 (221248)
- 31 07/28/2004 (363730)
- 32 02/21/2006 (479008)
- 33 08/18/2004 (363731)
- 34 07/05/2002 (221249)
- 35 09/20/2004 (363732)
- 36 04/28/2006 (504936)
- 37 03/24/2006 (479009)
- 38 01/21/2003 (221250)
- 39 10/21/2004 (363733)

40 05/25/2006 (504937)  
41 08/16/2006 (488622)  
42 10/05/2005 (479010)  
43 04/21/2005 (373376)  
44 06/30/2006 (504938)  
45 10/03/2005 (479011)  
46 11/21/2005 (479012)  
47 12/16/2005 (479013)  
48 01/26/2006 (479014)  
49 02/28/2005 (388429)  
50 05/21/2002 (IE0018361001002)  
51 11/19/2004 (388430)  
52 08/05/2005 (446429)  
53 08/22/2005 (446430)  
54 01/14/2005 (388431)  
55 01/14/2005 (388432)  
56 04/27/2005 (373241)  
57 02/20/2004 (321878)  
58 11/01/2006 (513324)  
59 03/15/2004 (321879)  
60 05/23/2003 (321880)  
61 06/23/2003 (321881)  
62 07/23/2003 (321882)  
63 08/20/2003 (321883)  
64 09/19/2003 (321884)  
65 10/17/2003 (321885)  
66 11/24/2003 (321886)

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

Date: 11/30/2003 (321887)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (321888)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (221228)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (425966)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2002 (221229)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (425967)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (221230)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (425968)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 05/31/2005 (425969)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 03/31/2002 (221234)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 03/31/2003 (221235)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 04/30/2002 (221236)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 03/31/2004 (363727)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 04/30/2004 (363728)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 11/30/2001 (221246)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 05/31/2004 (363729)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 01/31/2006 (479008)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 12/31/2001 (221249)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 08/31/2004 (363732)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (504936)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (479009)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (221250)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/30/2004 (363733)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (504937)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (479010)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (504938)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (479011)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (479012)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (479013)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (479014)

Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G] Classification: Moderate  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (388429)

Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G] Classification: Moderate  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/28/2005 (373241)

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Moderate  
Description: Failure by the permittee to submit an annual sludge report to the TCEQ Region 10 office and TCEQ Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Minor  
Description: Failure by the permittee to properly dispose of the influent screenings.

Self Report? NO  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Classification: Minor  
Rqmt Prov: PERMIT IA  
Description: Failure by the permittee to have sludge hauled by a properly registered sludge transporter.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Minor  
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Moderate  
Description: Failure by the permittee to notify the TCEQ Region 10 Office and the Manager of the Enforcement Section III (MC 149) of the Enforcement Division, within the required notification period, for each effluent violation which deviated from the permitted effluent limitation by more than 40%.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Moderate  
Description: Failure by the permittee to discharge effluent that is compliant with permitted limitations.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Minor  
Description: Failure by the permittee to discharge effluent that is compliant with permitted limitations.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Moderate  
Description: Failure by the permittee to check the colorimeter used for chlorine residual analysis against secondary standards.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Minor  
Description: Failure by the permittee to install and maintain a flow measurement device after the last treatment unit.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Moderate  
Description: Failure by the permittee to comply with Other Permit Requirements, No. 4 and No. 5.

Self Report? NO  
Rqmt Prov: PERMIT IA Classification: Minor  
Description: Failure by the permittee to maintain the required records and have them available for review during the investigation.

Self Report? NO  
Citation: 30 TAC Chapter 106, SubChapter V 106.491[G]  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b) Classification: Moderate  
Description: Failure by the permittee to obtain the required permit by rule authorization before commencing operation.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 317 317.1(e)(3)  
Description: Failure by the permittee to maintain an Operations and Maintenance (O&M) Manual for the constructed wetland on-site and readily available for review, upon request.

Date: 10/31/2004 (388430)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (388431)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (446429)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (388432)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (321878)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2004 (321879)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (321880)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2003 (321881)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2003 (321884)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2003 (321885)

Self Report? YES  
Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Classification: Moderate

Description:

Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (321886)

Self Report? YES  
Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Classification: Moderate

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  
SHELBYVILLE INDEPENDENT  
SCHOOL DISTRICT  
RN101527224

§  
§  
§  
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§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1980-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 Shelbyville Independent School District ("Shelbyville ISD") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Shelbyville ISD appear before the Commission and together stipulate that:

1. Shelbyville ISD owns and operates a wastewater treatment plant located 1,000 feet due south of the intersection of Farm-to-Market Road 417 and State Highway 87, on the west side of State Highway 87 in Shelby County, Texas (the "Facility").
2. Shelbyville ISD has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and Shelbyville ISD agree that the Commission has jurisdiction to enter this Agreed Order, and that Shelbyville ISD is subject to the Commission's jurisdiction.
4. Shelbyville ISD received notice of the violations alleged in Section II ("Allegations") on or about November 6, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Shelbyville ISD of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Nine Hundred Twenty-Seven Dollars (\$3,927) is assessed by the Commission in settlement of the violations alleged in Section II



("Allegations"). Shelbyville ISD has paid Three Thousand One Hundred Forty-Two Dollars (\$3,142) of the administrative penalty and Seven Hundred Eighty-Five Dollars (\$785) is deferred contingent upon Shelbyville ISD'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 Shelbyville ISD fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Shelbyville ISD 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 Shelbyville ISD 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 Shelbyville ISD has taken the following corrective measures at the Facility:
  - a. On October 31, 2006, removed and properly disposed of the accumulated sludge in the chlorine contact chamber; and
  - b. On December 18, 2006, reinstalled the staff gauge at the proper location.
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 Shelbyville ISD 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, Shelbyville ISD is alleged to have:

1. Failed to install flow measurement equipment at the proper location, in violation of 30 TEX. ADMIN. CODE § 319.11(d), as documented during an investigation conducted on September 7, 2006. Specifically, during the investigation, it was noted that the staff gauge was improperly positioned on the faceplate of the 30-degree V-notch weir.
2. Failed to notify the TCEQ of effluent violations that deviated from the permitted limitations by more than 40 percent, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013370001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on September



- 7, 2006. Specifically, Shelbyville ISD failed to submit noncompliance notifications for the months of August 2005, January 2006, and March 2006 through June 2006.
3. Failed to maintain all records and information resulting from the required monitoring activities, in violation of 30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0013370001, Monitoring and Reporting Requirements No. 3.b., as documented during an investigation conducted on September 7, 2006. Specifically, daily flow measurements and total chlorine residual values were not recorded on the Facility log during the period between July 1, 2006 through August 13, 2006 and records documenting calibration and use of the colorimeter were not available for review during the September 7, 2006 investigation.
  4. Failed to ensure that the Facility and all of its systems of treatment and control are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013370001, Operational Requirements No. 1, as documented during an investigation conducted on September 7, 2006. Specifically, during the investigation it was noted that approximately one foot of sludge had settled in the chlorine contact chamber.

### III. DENIALS

Shelbyville ISD generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Shelbyville ISD pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Shelbyville ISD'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: Shelbyville Independent School District, Docket No. 2006-1980-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. It is further ordered that Shelbyville ISD shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operations guidance and conduct employee training to ensure that all record keeping and reporting requirements are properly accomplished, including the maintenance of records and information resulting from the required monitoring activities and procedures for reporting to the TCEQ all effluent violations that deviate from the permit limit by more than 40%, in accordance with 30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0013370001, Monitoring and Reporting Requirements Nos. 3.b. and 7.c.

1. The first part of the document is the title page, which contains the title, author, and date.

2. The second part of the document is the introduction, which provides a brief overview of the subject matter.

3. The third part of the document is the main body, which contains the detailed discussion and analysis.

CONCLUSION

4. The fourth part of the document is the conclusion, which summarizes the findings and provides final thoughts.

REFERENCES

5. The fifth part of the document is the references, which list the sources used in the research.

6. The sixth part of the document is the appendix, which contains additional information.

7. The seventh part of the document is the bibliography, which lists the sources used in the research.

8. The eighth part of the document is the index, which provides a list of topics and their page numbers.

9. The ninth part of the document is the glossary, which defines the key terms used in the document.

10. The tenth part of the document is the endnotes, which provide additional information on specific points.

11. The eleventh part of the document is the list of figures, which provides a list of the figures included in the document.

12. The twelfth part of the document is the list of tables, which provides a list of the tables included in the document.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Quality Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Shelbyville ISD. Shelbyville ISD is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
4. If Shelbyville ISD fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Shelbyville ISD's failure to comply is not a violation of this Agreed Order. Shelbyville ISD shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Shelbyville ISD shall notify the Executive Director within seven days after Shelbyville ISD becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Shelbyville ISD shall be made in writing to the Executive Director. Extensions are not effective until Shelbyville ISD receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.



6. This Agreed Order, issued by the Commission, shall not be admissible against Shelbyville ISD 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.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Shelbyville ISD, or three days after the date on which the Commission mails notice of the Order to Shelbyville ISD, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

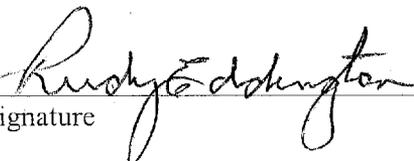
4/3/07  
\_\_\_\_\_  
Date

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

2-6-07  
\_\_\_\_\_  
Date

High School Principal  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Shelbyville Independent School District

2-6-07  
\_\_\_\_\_  
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.

10/10/2014

10/10/2014

Dear Sir,  
I have the pleasure to inform you that your application for the position of [Job Title] has been successful. We are pleased to have you join our team. The details of your appointment are as follows:  
Position: [Job Title]  
Department: [Department Name]  
Reporting to: [Supervisor Name]  
Start Date: [Start Date]  
Salary: [Salary Information]  
We look forward to welcoming you to the organization on your start date.

Yours faithfully,

[Signature]

[Name]

[Name]

[Title]

[Address]