EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1956-MWD-E **TCEQ ID:** RN101521557 **CASE NO.:** 31666

RESPONDENT NAME: Chapel Hill Independent School District

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	__AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	X WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Chapel Hill Independent School District, approximately 1300 feet east of the intersection of Farm-to-Market Road 1735 and County Road SE-18, Titus County

TYPE OF OPERATION: Domestic wastewater system

SMALL BUSINESS: X 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 March 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Mr. Cari-Michel La Caille, Enforcement Division, Enforcement Section II, MC 219, (512) 239-1387; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
Central Office Investigator: Ms. Rosie Garza, Enforcement Division, Enforcement Section V, (512) 239-4574
Respondent: Mr. Marc Levesque, Superintendent, Chapel Hill Independent School District, P.O. Box 1257, Mount Pleasant, Texas 75456-1257
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up __X__ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** October 5, 2006 **Date of NOE Relating to this Case:** October 25, 2006 (NOE) **Background Facts:** This was a routine record review. Three violations were documented. **WATER** 1) Failed to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollution Discharge Elimination System ("TPDES") Permit No. 13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A]. 2) Failed to submit the Discharge Monitoring Report ("DMR") for the monitoring period ending October 31, 2005 and the annual sludge report for the monitoring period ending July 31, 2005 [30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. 13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, Sludge Provisions]. 3) Failed to submit the Flow Daily Maximum data on the DMR for the monitoring periods ending November 30, 2005 and January 31, 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A].	**Total Assessed:** $9,240 **Total Deferred:** $1,848 __X__ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $7,392 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification:** ___High __X__Avg. ___Poor **Person Compliance History Classification:** ___High __X__Avg. ___Poor **Major Source:** ___ Yes __X__ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that Chapel Hill submitted the following documentation to the TCEQ on November 15, 2006: a. The DMR for the monitoring period ending October 31, 2005; b. The annual sludge report for the monitoring period of July 31, 2005; and c. The Flow Daily Maximum data on the DMR for the monitoring periods ending November 30, 2005 and January 31, 2006. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 3) The Order will also require the Respondent to, Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 13821001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.

Attachment A
Docket Number: 2006-1956-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Chapel Hill Independent School District**
Payable Penalty Amount:	**Seven Thousand Three Hundred Ninety-Two Dollars ($7,392)**
SEP Amount:	**Seven Thousand Three Hundred Ninety-Two Dollars ($7,392)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance**
Location of SEP:	**Titus County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	30-Oct-2006				
PCW	10-Nov-2006	Screening	08-Nov-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Chapel Hill Independent School District		
Reg. Ent. Ref. No.	RN101521557		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31666	No. of Violations	3
Docket No.	2006-1956-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Cari-Michel La Caille
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $4,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 120% Enhancement *Subtotals 2, 3, & 7* $5,040

Notes: An enhancement is recommended for having 24 self reported effluent violations within the last five years.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet culpability criteria.

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

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

Notes: The respondent does not meet good faith criteria.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$152
Approx. Cost of Compliance	$1,950

SUM OF SUBTOTALS 1-7 Final Subtotal $9,240

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

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

Notes:

Final Penalty Amount $9,240

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $9,240

DEFERRAL 20% Reduction Adjustment -$1,848

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $7,392

Screening Date 08-Nov-2006 **Docket No.** 2006-1956-MWD-E **PCW**
Respondent Chapel Hill Indeperident School District *Policy Revision 2 (September 2002)*
Case ID No. 31666 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101521557
Media [Statute] Water Quality
Enf. Coordinator Cari-Michel La Caille

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)*	24	120%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of 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*	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) **120%**

>> **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 An enhancement is recommended for having 24 self reported effluent violations within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **120%**

PCW

Policy Revision 2 (September 2002)
PCW Revision May 19, 2005

Screening Date 08-Nov-2006 **Docket No.** 2006-1956-MWD-E
Respondent Chapel Hill Independent School District
Case ID No. 31666
Reg. Ent. Reference No. RN101521557
Media [Statute] Water Quality
Enf. Coordinator Cari-Michel La Caille

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a), TPDES Permit No. 13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A

Secondary Rule Cite(s)

Violation Description Failure to comply with the permitted effluent limits for Total Suspended Solids ("TSS") for the monitoring periods ending November 30, 2005 and February 28, 2006, as documented during a record review conducted on October 5, 2006. See attached effluent violation table.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			X
Potential			

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $126

Statutory Limit Test

Violation Final Penalty Total $4,400

This violation Final Assessed Penalty (adjusted for limits) $4,400

Economic Benefit Worksheet

Respondent Chapel Hill Independent School District
Case ID No. 31666
Reg. Ent. Reference No. RN101521557
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,200	30-Nov-2005	30-May-2007	1.5	$6	$120	$126
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 for additional oversight and sampling which could have reduced or alleviated the exceedances. The date required is the initial month of noncompliance and the 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:

Approx. Cost of Compliance: $1,200

TOTAL: $126

Screening Date 08-Nov-2006 **Docket No.** 2006-1956-MWD-E **PCW**

Respondent Chapel Hill Independent School District *Policy Revision 2 (September 2002)*

Case ID No. 31666 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101521557

Media [Statute] Water Quality

Enf. Coordinator Cari-Michel La Caille

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17), TPDES Permit No.13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A and Sludge Provisions

Secondary Rule Cite(s)

Violation Description Failure to submit the Discharge Monitoring Report ("DMR") for the monitoring period ending October 31, 2005 and failure to submit the annual sludge report for the monitoring period ending July 31, 2005, as documented during a record review conducted on October 5, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $15

Statutory Limit Test

Violation Final Penalty Total $4,400

This violation Final Assessed Penalty (adjusted for limits) $4,400

Economic Benefit Worksheet

Respondent Chapel Hill Independent School District
Case ID No. 31666
Reg. Ent. Reference No. RN101521557
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$250	20-Nov-2005	15-Nov-2006	1.0	$12	n/a	$12
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)	$250	01-Sep-2006	15-Nov-2006	0.2	$3	n/a	$3

Notes for DELAYED costs: Estimated costs associated with submitting a DMR and annual sludge report. The November 20, 2005 date required is the date the DMR was due and the final date is the date of compliance. The September 1, 2005 date required is the date the reporting requirement started for the annual sludge report and the 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:

Approx. Cost of Compliance: $500

TOTAL $15

Screening Date 08-Nov-2006 **Docket No.** 2006-1956-MWD-E **PCW**

Respondent Chapel Hill Independent School District *Policy Revision 2 (September 2002)*

Case ID No. 31666 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101521557

Media [Statute] Water Quality

Enf. Coordinator Cari-Michel La Caille

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No.13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A

Secondary Rule Cite(s)

Violation Description Failure to submit the Flow Daily Maximum data on the DMR for the monitoring periods ending November 30, 2005 and January 31, 2006, as documented during a record review conducted on October 5, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: 30% of the rule requirement was not met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 2

mark only one use a small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $200

Two monthly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $11

Statutory Limit Test

Violation Final Penalty Total $440

This violation Final Assessed Penalty (adjusted for limits) $440

Economic Benefit Worksheet

Respondent Chapel Hill Independent School District
Case ID No. 31666
Reg. Ent. Reference No. RN101521557
Media [Statute] Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$250	20-Dec-2005	15-Nov-2006	0.9	$11	n/a	$11
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 associated with submitting data on a DMR. The date required is the date the reporting requirement started and the 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							

Approx. Cost of Compliance $250

TOTAL $11

Effluent Limit Violation Table for Violation No. 1	
Respondent	Chapel Hill Independent School District
ID Number(s)	TPDES Permit No. 13821001; Enforcement Case No. 31666
Docket No.	2006-1956-MWD-E

	EFFLUENT PARAMETER Permit Limit		
	TSS Daily Average (loading)	TSS Daily Average (concentration)	TSS Single Grab
	001A	001A	001A
Month/Year	2.7 lbs/per day	20 mg/l	65 mg/L
November 2005	4.16	38.6	103
December 2005	c	c	c
January 2006	c	c	c
February 2006	3.8	49.2	118

Term	Abbreviation
milligrams per Liter	mg/L
compliant	c
total suspended solids	TSS

Compliance History

Customer/Respondent/Owner-Operator:	CN602800351	Chapel Hill Independent School District	Classification: AVERAGE	Rating: 2.04
Regulated Entity:	RN101521557	CHAPEL HILL ISD	Classification: AVERAGE	Site Rating: 1.17

ID Number(s):	WASTEWATER	PERMIT	WQ0013821001
	WASTEWATER	PERMIT	TPDES0118753
Location:	Approx. 1,300 feet east of the intersection of FM 1735 and CR SE-18; Titus County	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	November 08, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 08, 2001 to November 08, 2006		

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

Name: Cari-Michel La Caille Phone: 512-239-1387

Site Compliance History Components

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

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

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.)

N/A

1	11/25/2002	(233797)
2	06/05/2003	(62004)
3	12/13/2001	(233799)
4	01/18/2002	(233802)
5	01/27/2003	(233803)
6	04/19/2004	(327180)
7	05/21/2003	(327181)
8	04/14/2006	(506270)
9	06/20/2003	(327182)
10	05/18/2006	(506271)
11	06/21/2006	(506272)
12	06/18/2004	(327183)
13	07/24/2003	(327184)
14	08/19/2003	(327185)
15	09/18/2003	(327186)
16	10/23/2003	(327187)
17	11/19/2003	(327188)
18	12/19/2003	(327189)
19	01/20/2004	(327190)
20	02/18/2005	(389982)
21	03/21/2005	(389983)
22	11/18/2004	(389984)
23	12/20/2004	(389985)
24	01/17/2005	(389986)
25	04/20/2005	(447525)

26 05/18/2005 (447526)
27 06/23/2005 (447527)
28 07/18/2005 (447528)
29 08/19/2005 (447529)
30 02/13/2002 (233767)
31 02/21/2006 (492462)
32 03/20/2006 (492463)
33 02/21/2003 (233768)
34 10/25/2006 (515406)
35 10/10/2005 (492464)
36 10/09/2005 (492465)
37 12/19/2005 (492466)
38 03/11/2002 (233770)
39 01/19/2006 (492467)
40 03/18/2003 (233771)
41 04/12/2002 (233775)
42 04/22/2003 (233776)
43 03/17/2005 (374431)
44 05/17/2002 (233779)
45 06/21/2002 (233782)
46 07/19/2002 (233785)
47 12/28/2004 (286629)
48 09/06/2002 (233788)
49 10/19/2004 (366911)
50 05/19/2004 (366912)
51 09/20/2002 (233791)
52 07/26/2004 (366913)
53 08/18/2004 (366914)
54 10/19/2004 (366915)
55 10/19/2004 (366916)
56 02/20/2004 (327178)
57 06/06/2006 (481163)
58 10/18/2002 (233794)
59 03/18/2004 (327179)
60 11/15/2001 (233796)

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

N/A

Date: 12/31/2001 (233802)
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 (233803)
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: 03/31/2004 (327180)
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 (327181)
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 (327182)
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: 05/31/2004 (327183)
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: 06/30/2003 (327184)
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 (327187)
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: 11/30/2003 (327189)
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 (327190)
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 (389985)
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 (389986)
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: 01/31/2002 (233767)
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 (492463)
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 (233768)
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 (492466)
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 (233770)
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: 03/31/2002 (233775)
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: 04/30/2002 (233779)
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: 05/31/2002 (233782)
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: 07/31/2002 (233788)
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: 08/31/2002 (233791)
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 (366916)
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 (327179)
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

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
CHAPEL HILL INDEPENDENT	§	**TEXAS COMMISSION ON**
SCHOOL DISTRICT	§	
RN101521557	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1956-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 Chapel Hill Independent School District ("Chapel Hill ISD") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Chapel Hill ISD appear before the Commission and together stipulate that:

1. Chapel Hill ISD owns and operates a domestic wastewater system located approximately 1300 feet east of the intersection of Farm-to-Market Road 1735 and County Road SE-18 in Titus County, Texas (the "Facility").

2. Chapel Hill ISD has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and Chapel Hill ISD agree that the Commission has jurisdiction to enter this Agreed Order, and that Chapel Hill ISD is subject to the Commission's jurisdiction.

4. Chapel Hill ISD received notice of the violations alleged in Section II ("Allegations") on or about October 30, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Chapel Hill ISD of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Nine Thousand Two Hundred Forty Dollars ($9,240) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Chapel Hill ISD has paid Seven Thousand Three Hundred Ninety-Two Dollars ($7,392) of the administrative penalty and One Thousand Eight Hundred Forty-Eight Dollars ($1,848) is deferred contingent upon Chapel Hill 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 Chapel Hill ISD fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Chapel Hill 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 Chapel Hill 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 Chapel Hill submitted the following documentation to the TCEQ on November 15, 2006:

   a. The Discharge Monitoring Report ("DMR") for the monitoring period ending October 31, 2005;

   b. The annual sludge report for the monitoring period of July 31, 2005; and

   c. The Flow Daily Maximum data on the DMR for the monitoring periods ending November 30, 2005 and January 31, 2006.

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 Chapel Hill 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, Chapel Hill ISD is alleged to have:

1. Failed to comply with the permitted effluent limits as detailed in the effluent violation table below, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a), and Texas Pollution Discharge Elimination System ("TPDES") Permit No. 13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, as documented during a record review conducted on October 5, 2006.

	TSS Daily Average (loading)	TSS Daily Average (concentration)	TSS Single Grab
	001A	001A	001A
Permitted Effluent Limits	2.7 lbs/per day	20 mg/l	65 mg/L
November 2005	4.16	38.6	103
December 2005	c	c	c
January 2006	c	c	c
February 2006	3.8	49.2	118

Term	Abbreviation
milligrams per Liter	mg/L
compliant	c
total suspended solids	TSS

2. Failed to submit the DMR for the monitoring period ending October 31, 2005 and the annual sludge report for the monitoring period ending July 31, 2005, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. 13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, Sludge Provisions, as documented during a record review conducted on October 5, 2006.

3. Failed to submit the Flow Daily Maximum data on the DMR for the monitoring periods ending November 30, 2005 and January 31, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13821001, Interim Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, as documented during a record review conducted on October 5, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Chapel Hill ISD pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Chapel Hill 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: Chapel Hill Independent School District, Docket No. 2006-1956-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 Chapel Hill ISD shall undertake the following technical requirements:

Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 13821001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

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

with a copy to:

Manager, Water Section
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

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

4. If Chapel Hill 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, Chapel Hill ISD's failure to comply is not a violation of this Agreed Order. Chapel Hill ISD shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Chapel Hill ISD shall notify the Executive Director within seven days after Chapel Hill 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 Chapel Hill ISD shall be made in writing to the Executive Director. Extensions are not effective until Chapel Hill 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 Chapel Hill 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 Chapel Hill ISD, or three days after the date on which the Commission mails notice of the Order to Chapel Hill ISD, 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

For the Executive Director

4/18/07
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

1-29-07
Date

Marc Levesque
Name (Printed or typed)
Authorized Representative of
Chapel Hill Independent School District

Superintendent CHISD
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.

Attachment A
Docket Number: 2006-1956-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Chapel Hill Independent School District**
Payable Penalty Amount:	**Seven Thousand Three Hundred Ninety-Two Dollars ($7,392)**
SEP Amount:	**Seven Thousand Three Hundred Ninety-Two Dollars ($7,392)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance**
Location of SEP:	**Titus County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.