EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-0797-MWD-E **TCEQ ID:** RN102078045 **CASE NO.:** 25342

RESPONDENT NAME: Peaster Independent School District Public Facility Corporation

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Peaster Independent School District wastewater treatment plant, approximately 1200 feet southeast of the intersection of Farm-to-Market ("FM") Road 2028 and FM 920, Parker County

TYPE OF OPERATION: Wastewater treatment

SMALL BUSINESS: ____ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 7, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
Respondent: Mr. Philip Bledsoe, Superintendent, Peaster Independent School District Public Facility Corporation, P.O. Box 129, Peaster, Texas 76485
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:** February 17, 2005 **Date of NOE Relating to this Case:** March 4, 2005 (NOE) **Background Facts:** This was a routine record review. Two violations were documented. **WATER** 1) Failed to comply with effluent discharge limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13589001, Final Effluent Limitations and Monitoring Requirements No. 1 and TEX. WATER CODE § 26.121(a)]. 2) Failed to submit a monthly Discharge Monitoring Report ("DMR") for the month of July 2004, and failed to report total residual chlorine and carbonaceous biochemical oxygen demand for January 2004 [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 13589001, Monitoring and Reporting Requirements No. 1].	**Total Assessed:** $9,870 **Total Deferred:** $1,974 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $7,896 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that the Respondent has accomplished the following corrective actions: a. On September 1, 2004, construction was completed on a new wastewater treatment facility and it was brought into service alongside the existing treatment facility, doubling the capacity of the system; and b. On March 28, 2005, the DMR for the month of July 2004 and the values for total residual chlorine and carbonaceous biochemical oxygen demand for the January 2004 DMR were submitted to the TCEQ. **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: a. Within 30 days after the effective date of this Agreed Order, implement measures to prevent a recurrence of exceedances of total ammonia nitrogen, total suspended solids, carbonaceous biochemical oxygen demand and dissolved oxygen; and b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.

Attachment A
Docket Number: 2005-0797-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Peaster Independent School District Public Facility Corporation**
Penalty Amount:	**Seven Thousand Eight Hundred Ninety-Six Dollars ($7,896)**
SEP Amount:	**Seven Thousand Eight Hundred Ninety-Six Dollars ($7,896)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation & Development Areas, Inc. Public Facility Corporation - Wastewater Treatment Assistance**
Location of SEP:	**Parker County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 the SEP Amount to the Third-Party Recipient pursuant to the **Supplemental Environmental Project Agreement between the Texas Commission on Environmental Quality and the *Texas Association of Resource Conservation and Development Areas, Inc. for its wastewater treatment assistance program.*** Specifically, the contribution will be used to cover the direct cost of the project to provide low-income rural homeowners with failing on-site wastewater treatment systems assistance to enable repair or replacement of their failing systems. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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 preventing possible contamination of residential areas and watersheds resulting from discharge of sewage or septage from failing systems.

Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through sewage in drinking water sources; direct contact in areas of public access such as basements, lawns or streets, or to waters used for recreation; shellfish harvested from areas contaminated by raw sewage; and inhalation and skin absorption.

A key environmental concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

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. (RC&D)
Attention: Eddi Darilek
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:

Litigation Division
Attention: SEP Coordinator, MC 175
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.

In the event of non-performance, 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	28-Mar-2005				
PCW	31-Aug-2005	Screening	08-Apr-2005	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Peaster Independent School District Public Facility Corporation		
Reg. Ent. Ref. No.	RN102078045		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	25342	No. of Violations	2
Docket No.	2005-0797-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Lawrence King
Multi-Media		EC's Team	Enforcement Team 6
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 150% Enhancement *Subtotals 2, 3, & 7* $6,300

Notes: Penalty enhanced due to 30 NOVs with same or similar violations, including 28 for self-reported effluent violations.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the 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 is not yet in compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,134
Approx. Cost of Compliance	$10,150

SUM OF SUBTOTALS 1-7 Final Subtotal $10,500

OTHER FACTORS AS JUSTICE MAY REQUIRE 6% Reduction Adjustment -$630

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 monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount $9,870

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $9,870

DEFERRAL 20% Reduction Adjustment -$1,974

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 $7,896

Screening Date 08-Apr-2005 **Docket No.** 2005-0797-MWD-E **PCW**
Respondent Peaster Independent School District Public Facility Corporation *Policy Revision 2 (September 2002)*
Case ID No. 25342 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102078045
Media [Statute] Water Quality
Enf. Coordinator Lawrence King

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)*	30	150%
	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) **150%**

>> **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 Penalty enhanced due to 30 NOVs with same or similar violations, including 28 for self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **150%**

Screening Date 08-Apr-2005 **Docket No.** 2005-0797-MWD-E **PCW**

Respondent Peaster Independent School District Public Facility Corporation *Policy Revision 2 (September 2002)*

Case ID No. 25342 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102078045

Media [Statute] Water Quality

Enf. Coordinator Lawrence King

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System (TPDES) Permit No. 13589001, Final Effluent Limitations and Monitoring Requirements No. 1

Secondary Rule Cite(s) Tex. Water Code § 26.121(a)

Violation Description The Respondent failed to comply with effluent discharge limits for the time period from November 1, 2003, through September 30, 2004. See attached 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: A simplified model indicated that the levels of constituents monitored were insignificant and did not exceed levels that are protective of human health or environmental receptors.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 4

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

Violation Base Penalty $4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,126

Statutory Limit Test

Violation Final Penalty Total $9,400

This violation Final Assessed Penalty (adjusted for limits) $9,400

Economic Benefit Worksheet

Respondent Peaster Independent School District Public Facility Corporation
Case ID No. 25342
Reg. Ent. Reference No. RN102078045
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)				0.0	$0	$0	$0
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)	$10,000	30-Nov-2003	01-Mar-2006	2.3	$1,126	n/a	$1,126

Notes for DELAYED costs Estimated cost of adjusting plant operations and/or diverting flows to alleviate the noncompliances.

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 $10,000

TOTAL $1,126

Screening Date 08-Apr-2005 **Docket No.** 2005-0797-MWD-E **PCW**

Respondent Peaster Independent School District Public Facility Corporation *Policy Revision 2 (September 2002)*

Case ID No. 25342 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102078045

Media [Statute] Water Quality

Enf. Coordinator Lawrence King

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 13589001, Monitoring and Reporting Requirements No. 1

Secondary Rule Cite(s)

Violation Description The Respondent did not submit the Discharge Monitoring Report (DMR) for July 2004 until October 2004. The Respondent failed to report values for total residual chlorine and carbonaceous biochemical oxygen demand on the January 2004 DMR. This information was submitted March 28, 2005.

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 1%

Matrix Notes: At least 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

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 $200

One single event for each report is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $470

This violation Final Assessed Penalty (adjusted for limits) $470

Economic Benefit Worksheet

Respondent Peaster Independent School District Public Facility Corporation
Case ID No. 25342
Reg. Ent. Reference No. RN102078045
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)	$100	20-Aug-2004	28-Mar-2005	0.6	$0	$4	$4
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 The amount listed above is an estimate of the cost of compiling and submitting the reports. The date required is the date the first report was due and the final date is the date the reports were submitted.

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 $100

TOTAL $4

Attachment

Table

Peaster Independent School District Public Facility Corporation

Values of Effluent Parameters

	Total Ammonia Nitrogen	Total Ammonia Nitrogen		Total Suspended Solids	Total Suspended Solids		Carbonaceous Biochemical Oxygen Demand (5 day)		Dissolved Oxygen	Flow
Permit Limits	AV	AV	MAX	AV	AV	MAX	AV	AV	MIN	AV
	*0.9 0.45 lbs/day	3.0 mg/l	15 mg/l	*2.3 4.5 lbs/day	15 mg/l	60 mg/l	*1.5 3.0 lbs/day	10 mg/l	4.0 mg/l	*0.036 0.018 M gal/day
09/04	6.21	6.3	c	15.07	c	c	11.95	12.2	c	c
08/04	0.51	7.12	17	c	19.2	c	c	15.8	c	c
05/04	c	c	c	c	20.3	c	c	c	3.3	c
04/04	c	c	c	2.41	17.8	c	c	c	3.7	c
03/04	c	c	c	7.28	58.2	240	c	c	c	c
02/04	c	c	c	c	22.5	c	c	c	c	c
01/04	c	c	c	4.5	31.8	77	c	c	c	c
11/03	c	c	c	3.6	34	c	c	c	c	c

*Permit limits effective after August 31, 2004
AV = average
MAX = maximum
MIN = minimum
lbs/dy = pounds per day
mg/l = milligrams per liter
M gal/day = million gallons per day

Compliance History

Customer: CN600623094 PEASTER INDEPENDENT SCHOOL DISTRICT PUBLIC FACILITY CORPORATION

Classification: AVERAGE Rating: 3.36

Regulated Entity: RN102078045 PEASTER ISD Classification: AVERAGE Site Rating: 3.36

ID Number(s):

WASTEWATER	PERMIT	WQ0013589001
WASTEWATER	PERMIT	TPDES0107981
WASTEWATER	PERMIT	TX0107981
WASTEWATER LICENSING	LICENSE	WQ0013589001

Location: APPROXIMATELY 1200 FT SE OF THE INTERSECTION OF FM 2028 & FM 920 AND APPROXIMATELY 800 FT E OF FM 920 IN PARKER COUNTY Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: July 13, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 13, 2001 to July 13, 2005

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

Name: Lawrence King Phone: (512) 239-7037

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership 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
6. Comments:

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.)

1 12/18/2002 (225725)
2 12/13/2001 (225724)
3 11/15/2001 (225722)

4 11/12/2004 (388938)
5 10/17/2002 (225720)
6 10/09/2001 (225719)
7 12/20/2004 (388939)
8 01/12/2005 (388940)
9 09/06/2002 (225717)
10 09/10/2001 (225716)
11 08/08/2002 (225714)
12 02/18/2005 (371338)
13 05/08/2002 (225713)
14 07/05/2002 (225712)
15 06/10/2002 (225710)
16 05/09/2002 (225708)
17 04/16/2003 (225706)
18 04/10/2002 (225705)
19 03/06/2003 (225703)
20 03/14/2002 (225702)
21 02/17/2003 (225700)
22 02/14/2002 (225699)
23 05/13/2004 (364807)
24 03/10/2005 (373339)
25 06/07/2004 (364808)
26 07/12/2004 (364809)
27 08/16/2004 (364810)
28 09/20/2004 (364811)
29 10/18/2004 (364812)
30 07/05/2002 (3672)
31 03/15/2005 (371314)
32 02/06/2004 (323753)
33 03/15/2004 (323754)
34 04/15/2004 (323755)
35 05/12/2003 (323756)
36 06/11/2003 (323757)
37 07/03/2003 (323758)
38 08/07/2003 (323759)
39 09/11/2003 (323760)
40 10/13/2003 (323761)
41 01/31/2005 (345823)
42 11/12/2002 (323762)
43 02/24/2005 (388935)
44 12/15/2003 (323763)
45 03/14/2005 (388936)
46 01/09/2004 (323764)
47 01/10/2003 (225728)
48 03/29/2005 (388937)
49 01/10/2002 (225727)

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

Date: 11/30/2002 (225725)
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: 10/31/2001 (225722)
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: 09/30/2002 (225720)
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: 10/31/2004 (388938)
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 (225717)
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 (225710)
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 (225708)
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: 03/31/2003 (225706)
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 (225705)
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 (225703)
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 (225702)
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 (225700)
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 (225699)
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: 06/26/2002 (3672)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with permitted effluent limitations. parameter

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to correctly perform loading calculations.

Date: 04/30/2004 (364807)
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 (364808)
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: 08/31/2004 (364811)
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 (364812)
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 (323753)
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 (323754)
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 (323755)
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 (323757)
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: 02/01/2005 (345823)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with permit limits for C12 minimum.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit non-compliance reports for effluent violations that deviate by more than 40% from the permit limit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to be compliant with self-monitored effluent limitations.

Date: 08/31/2003 (323760)
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 (323761)
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: 10/31/2002 (323762)
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: 01/31/2005 (388935)
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 (323763)
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: 12/31/2001 (225727)
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 (388936)
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	§	
PEASTER INDEPENDENT SCHOOL	§	**TEXAS COMMISSION ON**
DISTRICT PUBLIC FACILITY	§	
CORPORATION	§	
RN102078045	§	**ENVIRONMENTAL QUALITY**
	§	

AGREED ORDER
DOCKET NO. 2005-0797-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 Peaster Independent School District Public Facility Corporation ("Peaster I.S.D.") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Peaster I.S.D. appear before the Commission and together stipulate that:

1. Peaster I.S.D. owns and operates a wastewater treatment plant located approximately 1200 feet southeast of the intersection of Farm-to-Market ("FM") Road 2028 and FM 920 in Parker County, Texas (the "Facility").

2. Peaster I.S.D. has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and Peaster I.S.D. agree that the Commission has jurisdiction to enter this Agreed Order, and that Peaster I.S.D. is subject to the Commission's jurisdiction.

4. Peaster I.S.D. received notice of the violations alleged in Section II ("Allegations") on or about March 9, 2005.

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

6. An administrative penalty in the amount of Nine Thousand Eight Hundred Seventy Dollars ($9,870) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Nine Hundred Seventy-Four Dollars ($1,974) is deferred contingent upon Peaster I.S.D.'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 Peaster I.S.D. fails to timely and satisfactorily comply with all requirements of

this Agreed Order, the Executive Director may require Peaster I.S.D. to pay all or part of the deferred penalty. Seven Thousand Eight Hundred Ninety-Six Dollars ($7,896) shall be conditionally offset by Peaster ISD's completion of a Supplemental Environmental Project ("SEP").

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 Peaster I.S.D. 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 Peaster I.S.D. has accomplished the following corrective actions:

   a. In September 1, 2004, construction was completed on a new wastewater treatment facility and it was brought into service alongside the existing treatment facility, doubling the capacity of the system; and

   b. On March 28, 2005, the Discharge Monitoring Report ("DMR") for the month of July 2004 and the values for total residual chlorine and carbonaceous biochemical oxygen demand for the January 2004 DMR were submitted to the TCEQ.

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 Peaster I.S.D. 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, Peaster I.S.D. is alleged to have:

1. Failed to comply with effluent discharge limits (refer to table following paragraph 2), in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13589001, Final Effluent Limitations and Monitoring Requirements No. 1 and TEX. WATER CODE § 26.121(a), as documented during a record review conducted February 17, 2005.

2. Failed to submit a monthly DMR for the month of July 2004, and failed to report total residual chlorine and carbonaceous biochemical oxygen demand for January 2004, in violation of 30 TEX.

ADMIN. CODE § 305.125(1), and TPDES Permit No. 13589001, Monitoring and Reporting Requirements No. 1, as documented during a record review on February 17, 2005.

Table

Values of Effluent Parameters

	Total Ammonia Nitrogen	Total Ammonia Nitrogen		Total Suspended Solids	Total Suspended Solids		Carbonaceous Biochemical Oxygen Demand (5 day)		Dissolved Oxygen	Flow
Permit Limits	AV	AV	MAX	AV	AV	MAX	AV	AV	MIN	AV
	*0.9 0.45 lbs/day	3.0 mg/l	15 mg/l	*2.3 4.5 lbs/day	15 mg/l	60 mg/l	*1.5 3.0 lbs/day	10 mg/l	4.0 mg/l	*0.036 0.018 M gal/day
09/04	6.21	6.3	c	15.07	c	c	11.95	12.2	c	c
08/04	0.51	7.12	17	c	19.2	c	c	15.8	c	c
05/04	c	c	c	c	20.3	c	c	c	3.3	c
04/04	c	c	c	2.41	17.8	c	c	c	3.7	c
03/04	c	c	c	7.28	58.2	240	c	c	c	c
02/04	c	c	c	c	22.5	c	c	c	c	c
01/04	c	c	c	4.5	31.8	77	c	c	c	c
11/03	c	c	c	3.6	34	c	c	c	c	c

*Permit limits effective after August 31, 2004
AV = average
MAX = maximum
MIN = minimum
lbs/dy = pounds per day
mg/l = milligrams per liter
M gal/day = million gallons per day

III. DENIALS

Peaster I.S.D. generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Peaster I.S.D. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Peaster I.S.D.'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: Peaster Independent School District Public Facility Corporation, Docket No. 2005-0797-MWD-E" to:

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

2. Peaster ISD shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seven Thousand Eight Hundred Ninety-Six Dollars ($7,896) of the assessed administrative penalty shall be offset with the condition that Peaster ISD implement the SEP defined in Attachment A, incorporated herein by reference. Peaster ISD's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon full completion of all provisions of the SEP agreement.

3. It is further ordered that Peaster I.S.D. shall, undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement measures to prevent a recurrence of exceedances of total ammonia nitrogen, total suspended solids, carbonaceous biochemical oxygen demand and dissolved oxygen, in accordance with TPDES Permit No. 13589001.

   b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a. 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."

c. Submit all correspondence, reports, and documentation required by these Ordering Provisions 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:

Manager, Water Section
Dallas/Forth Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Dr.Fort Worth, TX 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon Peaster I.S.D. Peaster I.S.D. 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.

5. If Peaster I.S.D. 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, Peaster I.S.D.'s failure to comply is not a violation of this Agreed Order. Peaster I.S.D. shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Peaster I.S.D. shall notify the Executive Director within seven days after Peaster I.S.D. becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. 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 Peaster I.S.D. shall be made in writing to the Executive Director. Extensions are not effective until Peaster I.S.D. receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against Peaster I.S.D. 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.

8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Peaster I.S.D., or three days after the date on which the Commission mails notice of the Order to Peaster I.S.D., 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

Date 8/9/2007

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.

Philip Bledsoe
Signature

7/25/07
Date

PHILIP BLEDSOE
Name (Printed or typed)
Authorized Representative of
Peaster Independent School District Public Facility Corporation

SUPT.
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: 2005-0797-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Peaster Independent School District Public Facility Corporation**
Penalty Amount:	**Seven Thousand Eight Hundred Ninety-Six Dollars ($7,896)**
SEP Amount:	**Seven Thousand Eight Hundred Ninety-Six Dollars ($7,896)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation & Development Areas, Inc. Public Facility Corporation - Wastewater Treatment Assistance**
Location of SEP:	**Parker County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 the SEP Amount to the Third-Party Recipient pursuant to the **Supplemental Environmental Project Agreement between the Texas Commission on Environmental Quality and the *Texas Association of Resource Conservation and Development Areas, Inc. for its wastewater treatment assistance program.*** Specifically, the contribution will be used to cover the direct cost of the project to provide low-income rural homeowners with failing on-site wastewater treatment systems assistance to enable repair or replacement of their failing systems. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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 preventing possible contamination of residential areas and watersheds resulting from discharge of sewage or septage from failing systems.

Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through sewage in drinking water sources; direct contact in areas of public access such as basements, lawns or streets, or to waters used for recreation; shellfish harvested from areas contaminated by raw sewage; and inhalation and skin absorption.

A key environmental concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

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. (RC&D)
Attention: Eddi Darilek
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:

Litigation Division
Attention: SEP Coordinator, MC 175
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.

In the event of non-performance, 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.