EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-0051-MWD-E **TCEQ ID:** Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13092001 and RN101517308 **CASE NO.:** 23644

RESPONDENT NAME: Brookeland Independent School District

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__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: Brookeland Independent School District, on the east side of State Highway Loop No. 149, approximately 1,000 feet south of the intersection of State Highway Loop No. 149 and State Highway Spur No. 165, Brookeland, Sabine County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: ____ **Yes** __X__ **No**

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on October 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768

TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Ms. Lana L. Comeaux, Superintendent, Brookeland Independent School District, P.O. Box 8, Brookeland, Texas 75931

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 _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** October 14, 2004 **Date of NOV/NOE Relating to this Case:** November 29, 2004 (NOE) **Background Facts:** This was a routine investigation. Four violations were documented. **WATER** 1) Failed to properly operate and maintain all facilities and systems of treatment and control [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 13092001, Operational Requirement No. 1]. 2) Failed to comply with the chlorine residual effluent limitations of TPDES Permit No. 13092001. Specifically, the Respondent exceeded the TPDES Permit No. 13092001 chlorine residual maximum concentration limit of 4.0 milligrams per liter (mg/L) in April 2004, reported as 7.0 mg/L [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 13092001, Final Effluent Limitations and Monitoring Requirement No. 2, and TEX. WATER CODE § 26.121(a)]. 3) Failed to report, in writing, to the TCEQ Regional Office and the Enforcement Division, within five working days, any effluent violation which deviated from the permitted effluent limitation by more than 40% [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13092001, Monitoring and Reporting Requirement No. 7c.]. 4) Failed to employ a licensed wastewater treatment operator to perform chlorine residual analysis and monitoring [30 TEX.	**Total Assessed:** $4,500 **Total Deferred:** $900 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $3,600 **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 implemented the following corrective measures at the Facility: a. On October 14, 2004, assigned a wastewater operator with a current class C license, expiring on December 5, 2006, to perform all operations and monitoring of the Facility; b. On October 15, 2004, pumped out settled solids from receiving waters which had accumulated in the past; c. On October 20, 2004, purchased new standard solutions for the chlorine residual analysis for quality assurance and control; and d. On May 31, 2004, achieved compliance with effluent limitations of TPDES Permit No. 13092001. **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. Immediately upon the effective date of this Agreed Order, begin properly operating and maintaining the Facility and all of its systems of collection, treatment, and disposal. This includes the development of a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or a class "A" TCEQ Certified Wastewater Operator; b. Within 90 days after the effective date of this Agreed Order, have the engineer or a class "A" operator review the SMP in the

ADMIN. CODE §§ 30.331(b) and 30.350(d) and TPDES Permit No. 13092001, Operational Requirement No. 9].		field with the Respondent's wastewater treatment plant operator(s). Immediately following the field review implement the SMP; c. Immediately upon implementation of the SMP, begin maintaining organized, written records of the process control tests results for a period of three years at the plant site in a daily log book and/or checklist and make available to TCEQ representatives upon request; and d. Within 105 days after the effective date of this Agreed Order, submit a written certification statement demonstrating compliance with Ordering Provisions 3.a., 3.b., and 3.c.

Attachment A
Docket Number: 2005-0051-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Brookeland Independent School District**
Payable Penalty Amount:	**Three Thousand Six Hundred Dollars ($3,600)**
SEP Amount:	**Three Thousand Six Hundred Dollars ($3,600)**
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:	**Sabine 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
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 December 10, 2004*

DATES							
Assigned	06-Dec-2004						
PCW	08-Jan-2005	Screening	10-Jan-2005	Priority Due	04-Feb-2005	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Brookeland Independent School District		
Reg. Ent. Ref. No.	RN101517308		
Additional ID No(s).	TPDES No. 13092001		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	23644	No. of Violations	4
Docket No.	2005-0051-MWD-E	Order Type	1660 with deferral
Case Priority	3	Enf. Coordinator	Merrilee Hupp
Media Program(s)	Water Quality	EC's Team	Enforcement Team 1
Multi-Media			
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $3,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 50% Enhancement *Subtotals 2, 3, & 7* $1,500

Notes: Upward adjustment due to eight same or similar self-reported NOVs and two other NOVs issued for same or similar 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: Events include a past event with no opportunity to comply.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$5,163
Approx. Cost of Compliance	$20,555

SUM OF SUBTOTALS 1-7 Final Subtotal $4,500

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 $4,500

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $4,500

DEFERRAL 20% Reduction Adjustment -$900

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 $3,600

Screening Date 10-Jan-2005 **Docket No.** 2005-0051-MWD-E **PCW**

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

Case ID No. 23644 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN101517308

Additional ID No(s). TPDES No. 13092001

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Site Address East side of State Highway Loop No. 149, approximately 1000 feet south of the intersection of State Highway Loop No. 149 and State Spur No. 165, Sabine County

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)*	10	50%
	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) **50%**

>> **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 Upward adjustment due to eight same or similar self-reported NOVs and two other NOVs issued for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **50%**

Screening Date 10-Jan-2005 **Docket No.** 2005-0051-MWD-E **PCW**

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

Case ID No. 23644 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN101517308

Additional ID No(s). TPDES No. 13092001

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. 13092001, Operational Requirement No. 1

Secondary Rule Cite(s)

Violation Description Failure to properly operate and maintain all facilities and systems of treatment and control. Specifically, corrosion was observed throughout the wastewater treatment facility ("WWTF"), the settled volume for the mixed liquor was 94 percent (%), the sludge volume index was 245, and the sludge blanket depth in the clarifier was 73% of its operating depth. These measurements were all beyond the recommended process control levels and served as an indication of the WWTF retaining old solids which could then wash out of the plant during peak flow periods.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to properly operate and maintain the wastwater treatment facility may result in corrosion throughout the plant walls and piping as well as the accumulation of solids which could result in a discharge of an insignificant amount of pollutants below levels protective of the environment or human health.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $5,147

Statutory Limit Test

Violation Final Penalty Total $750

This violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Brookeland Independent School District
Case ID No. 23644
Reg. Ent. Reference No. RN101517308
Additional ID No(s). TPDES No. 13092001
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	$20,000	10-Feb-2003	14-Oct-2006	3.7	$245	$4,902	$5,147
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: Cost is estimate for an engineer providing a solids management plan as well as an assessment and plan for a new wastewater treatment plant. Date required was date of initial notice of violation. Final date is when the construction of a new plant is expected to be completed.

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: $20,000

TOTAL $5,147

Screening Date 10-Jan-2005 **Docket No.** 2005-0051-MWD-E **PCW**

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

Case ID No. 23644 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN101517308

Additional ID No(s). TPDES No. 13092001

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 13092001, Final Effluent Limitations and Monitoring Requirements No. 2, and Tex. Water Code § 26.121(a)

Secondary Rule Cite(s)

Violation Description Failed to comply with chlorine residual effluent limitations of TPDES Permit No. 13092001. Specifically, the TPDES Permit No. 13092001 chlorine residual maximum concentration limit of 4.0 milligrams per liter (mg/L) was exceeded in April 2004, reported as 7.0 mg/L.

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: Noncompliance with effluent limitations resulted in a release of an insignificant amount of pollutants which would 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 1

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

Violation Base Penalty $1,000

One quarterly event is recommended for the non-compliant quarter including the month of April 2004, since compliance was achieved by May 31, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,500

This violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Brookeland Independent School District
Case ID No. 23644
Reg. Ent. Reference No. RN101517308
Additional ID No(s). TPDES No. 13092001
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	$50	30-Apr-2004	31-May-2004	0.1	$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)				0.0	$0	n/a	$0
Notes for DELAYED costs	Cost is approximation for some additional equipment which was necessary to prevent excursions of the chlorine residual maximum permit limit.						
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 $50

TOTAL $0

PCW

Policy Revision 2 (September 2002)
PCW Revision December 10, 2004

Screening Date 10-Jan-2005 **Docket No.** 2005-0051-MWD-E
Respondent Brookeland Independent School District
Case ID No. 23644
Reg. Ent. Reference No. RN101517308
Additional ID No(s). TPDES No. 13092001
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 13092001, Monitoring and Reporting Requirement No. 7c.

Secondary Rule Cite(s)

Violation Description Failed to report, in writing, to the TCEQ Region 10 Office and the Enforcement Division, within five working days, the chlorine residual effluent violation which deviated from the permitted effluent maximum limitation by more than 40% in April 2004.

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 10%

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

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended based on the investigation date of October 14, 2004 when the violation was documented.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $1,500

This violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Brookeland Independent School District
Case ID No. 23644
Reg. Ent. Reference No. RN101517308
Additional ID No(s). TPDES No. 13092001
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				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							
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	$25	30-Apr-2004	30-Jun-2004	0.2	$0	$4	$4
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	Cost is that associated with reporting a deviation of over 40 percent of the permit effluent limitation in 2004.						

Approx. Cost of Compliance: $25

TOTAL $4

Screening Date 10-Jan-2005 **Docket No.** 2005-0051-MWD-E **PCW**

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

Case ID No. 23644 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN101517308

Additional ID No(s). TPDES No. 13092001

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 30.331(b) and 30.350(d) and TPDES Permit No. 13092001, Operational Requirement No. 9

Secondary Rule Cite(s)

Violation Description Failure by the permittee to employ a licensed wastewater treatment operator.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Operator was monitoring chlorine residuals without a current operator's license which could result in a release of an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. The respondent did, however, have a certified operator present the majority of the time to operate the plant, including overseeing the chlorine monitoring procedures used by the operator whose license had expired.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $500

A single event is recommended based on the investigation date of October 14, 2004 when the violation was documented.

Economic Benefit (EB) for this violation

Estimated EB Amount $11

Statutory Limit Test

Violation Final Penalty Total $750

This violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Brookeland Independent School District
Case ID No. 23644
Reg. Ent. Reference No. RN101517308
Additional ID No(s). TPDES No. 13092001
Media [Statute] Water Quality
Violation No. 4

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	$375	30-Apr-2004	14-Oct-2004	0.5	$9	n/a	$9
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$105	30-Apr-2004	14-Oct-2004	0.5	$2	n/a	$2
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Cost reflects those expenses associated with training and application for a wastewater operator's license. Date required is when the operator's license expired and final date is when a licensed operator performed all the operations and monitoring of the wastewater treatment facility as required.

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 $480

TOTAL $11

Compliance History

Customer/Respondent/Owner-Operator:	CN600792956	Brookeland Independent School District	Classification: AVERAGE	Rating: 0.79
Regulated Entity:	RN101517308	BROOKELAND INDEPENDENT SCHOOL DISTRICT	Classification: AVERAGE	Site Rating: 0.79

ID Number(s):	WASTEWATER	PERMIT	WQ0013092001
	WASTEWATER	PERMIT	TPDES0099082
	WASTEWATER	PERMIT	TX0099082
	WASTEWATER LICENSING	LICENSE	WQ0013092001

Location:	INTERSECTION OF STATE HIGHWAYS 149 & 165, BROOKELAND, TX, 75931	Rating Date: September 01 04 Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT	
Date Compliance History Prepared:	January 23, 2008	
Agency Decision Requiring Compliance History:	Enforcement	
Compliance Period:	January 05, 2000 to January 05, 2005	

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

Name: Michael Meyer Phone: (512) 239-4492

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.)

1	09/27/2000	(247497)
2	10/02/2000	(218827)
3	10/02/2000	(218866)
4	10/02/2000	(218862)
5	10/02/2000	(218850)
6	10/02/2000	(218847)
7	10/02/2000	(218844)
8	10/02/2000	(218841)
9	10/02/2000	(218838)
10	10/02/2000	(218834)
11	10/02/2000	(218833)
12	10/23/2000	(218853)
13	11/20/2000	(218856)
14	12/22/2000	(218859)
15	01/29/2001	(218863)
16	02/22/2001	(218828)
17	03/28/2001	(218831)
18	04/06/2001	(144699)
19	05/31/2001	(218839)
20	06/28/2001	(218842)
21	09/24/2001	(218851)

22 09/24/2001 (218848)
23 09/24/2001 (218845)
24 11/01/2001 (218854)
25 12/03/2001 (218857)
26 12/27/2001 (218860)
27 01/28/2002 (218864)
28 03/01/2002 (218829)
29 03/25/2002 (218832)
30 04/22/2002 (218836)
31 05/31/2002 (218840)
32 06/24/2002 (218843)
33 09/20/2002 (218849)
34 09/20/2002 (218846)
35 09/25/2002 (218852)
36 10/28/2002 (218855)
37 11/22/2002 (218858)
38 02/10/2003 (23761)
39 02/18/2003 (218830)
40 03/21/2003 (218865)
41 03/21/2003 (218861)
42 03/21/2003 (218835)
43 03/24/2003 (27305)
44 03/27/2003 (320906)
45 04/28/2003 (218837)
46 05/29/2003 (320908)
47 06/30/2003 (320909)
48 06/30/2003 (320910)
49 10/09/2003 (320911)
50 10/09/2003 (320912)
51 10/17/2003 (320913)
52 11/24/2003 (320914)
53 12/22/2003 (320915)
54 01/26/2004 (320916)
55 02/17/2004 (320905)
56 04/05/2004 (320907)
57 04/28/2004 (363264)
58 05/28/2004 (363265)
59 06/23/2004 (363266)
60 09/13/2004 (363267)
61 09/13/2004 (363268)
62 09/13/2004 (363269)
63 10/18/2004 (363270)
64 10/25/2004 (336681)
65 11/24/2004 (388148)
66 11/29/2004 (338087)
67 01/12/2005 (388149)
68 01/27/2005 (388150)

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

Date 04/30/2000 (218838)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 09/27/2000 (247497)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date 12/31/2000 (218863)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2001 (218839)

Self Report? YES Classification Moderate

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

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

Date 08/31/2001 (218851)

Self Report? YES Classification Moderate

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

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

Date 02/10/2003 (23761)

Self Report? NO Classification Moderate

Rqmt Prov: OP 13092-001

Description: Failure to discharge effluent that is compliant with permitted limitations

Self Report? NO Classification Moderate

Rqmt Prov: OP 13092-001

Description: Failure to accurately measure the flow according to the permit requirement

Self Report? NO Classification Moderate

Rqmt Prov: OP 13092-001

Description: Failure to discharge effluent that is compliant with permitted limitations

Self Report? NO Classification Moderate

Rqmt Prov: OP 13092-001

Description: Failure to accurately accomplish measurements, tests, and calculations in a representative manner

Self Report? NO Classification Moderate

Rqmt Prov: OP 13092-001

Description: Failure to submit noncompliance notification as required by the permit

Self Report? NO Classification Minor

Rqmt Prov: OP 13092-001

Description: Failure to analyze chlorine residual correctly.

Self Report? NO Classification Moderate

Rqmt Prov: OP 13092-001

Description: Failure to dispose of sludge properly

Self Report? NO Classification Minor

Rqmt Prov: OP 13092-001

Description: Failure to submit the annual sludge report by September 1

Self Report? NO Classification Minor

Rqmt Prov: OP 13092-001

Description: Failure to have the results of the toxicity characteristic leaching procedure (TCLP) readily available for review.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 13092-001

Description: Failure to properly operate and maintain all facilities and systems of treatment and control.

Self Report? NO Classification Minor

Rqmt Prov: OP 13092-001

Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date 05/31/2003 (320909)

Self Report? YES Classification Moderate

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

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

Date 10/31/2003 (320914)

Self Report? YES Classification Moderate

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

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

Date 04/30/2004 (363265)

Self Report? YES Classification Moderate

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

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

Date 05/31/2004 (363266)

Self Report? YES Classification Moderate

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

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	§	
BROOKELAND INDEPENDENT	§	
SCHOOL DISTRICT	§	**TEXAS COMMISSION ON**
TEXAS POLLUTANT DISCHARGE	§	
ELIMINATION SYSTEM ("TPDES")	§	
PERMIT NO. 13092001	§	
RN101517308	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-0051-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 Brookeland Independent School District ("Brookeland ISD") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Brookeland ISD appear before the Commission and together stipulate that:

1. Brookeland ISD owns and operates a wastewater treatment facility on the east side of State Highway Loop No. 149, approximately 1,000 feet south of the intersection of State Highway Loop No. 149 and State Highway Spur No. 165 in Brookeland, Sabine County, Texas (the "Facility").

2. Brookeland ISD has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

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

4. Brookeland ISD received notice of the violations alleged in Section II ("Allegations") on or about December 4, 2004.

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

6. An administrative penalty in the amount of Four Thousand Five Hundred Dollars ($4,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

Three Thousand Six Hundred Dollars ($3,600) shall be conditionally offset by Brookeland ISD's completion of a Supplemental Environmental Project. Nine Hundred Dollars ($900) is deferred contingent upon Brookeland 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 Brookeland ISD fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Brookeland 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 Brookeland 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 Brookeland ISD has implemented the following corrective measures at the Facility:

   a. On October 14, 2004, assigned a wastewater operator with a current class C license, expiring on December 5, 2006, to perform all operations and monitoring of the Facility;

   b. On October 15, 2004, pumped out settled solids from receiving waters which had accumulated in the past;

   c. On October 20, 2004, purchased new standard solutions for the chlorine residual analysis for quality assurance and control; and

   d. On May 31, 2004, achieved compliance with effluent limitations of TPDES Permit No. 13092001.

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 Brookeland 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, Brookeland ISD is alleged to have:

1. Failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 13092001, Operational Requirement No. 1, as documented during an investigation conducted on October 14, 2004.

2. Failed to comply with the chlorine residual effluent limitations of TPDES Permit No. 13092001, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 13092001, Final Effluent Limitations and Monitoring Requirement No. 2, and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on October 14, 2004. Specifically, Brookeland ISD exceeded the TPDES Permit No. 13092001 chlorine residual maximum concentration limit of 4.0 milligrams per liter (mg/L) in April 2004, reported as 7.0 mg/L.

3. Failed to report, in writing, to the TCEQ Region 10 Office and the Enforcement Division, within five working days, any effluent violation which deviated from the permitted effluent limitation by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13092001, Monitoring and Reporting Requirement No. 7c., as documented during an investigation conducted on October 14, 2004.

4. Failed to employ a licensed wastewater treatment operator to perform chlorine residual analysis and monitoring, in violation of 30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d) and TPDES Permit No. 13092001, Operational Requirement No. 9, as documented during an investigation conducted on October 14, 2004.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Brookeland ISD pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Brookeland 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: Brookeland Independent School District, Docket No. 2005-0051-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. Brookeland 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, Three Thousand Six Hundred Dollars ($3,600) of the assessed administrative penalty shall be offset with the condition that Brookeland ISD implement the SEP defined in Attachment A, incorporated herein by reference. Brookeland ISD's obligation to pay the conditionally offset portion of the administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that Brookeland ISD shall undertake the following technical requirements:

   a. Immediately upon the effective date of this Agreed Order, begin properly operating and maintaining the Facility and all of its systems of collection, treatment, and disposal. This includes the development of a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or a class "A" TCEQ Certified Wastewater Operator;

   b. Within 90 days after the effective date of this Agreed Order, have the engineer or a class "A" operator review the SMP in the field with Brookeland ISD's wastewater treatment plant operator(s). Immediately following the field review, implement the SMP;

   c. Immediately upon implementation of the SMP, begin maintaining organized, written records of the process control tests results for a period of three years at the plant site in a daily log book and/or checklist and make available to TCEQ representatives upon request; and

   d. Within 105 days after the effective date of this Agreed Order, submit a written certification statement demonstrating compliance with Ordering Provisions 3.a., 3.b., and 3.c. to:

      Work Leader
      Team 5, Section III
      Enforcement Division, MC 149
      Texas Commission on Environmental Quality
      P.O. Box 13087
      Austin, Texas 78711-3087

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon Brookeland ISD. Brookeland 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.

5. If Brookeland 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, Brookeland ISD's failure to comply is not a violation of this Agreed Order. Brookeland ISD shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Brookeland ISD shall notify the Executive Director within seven days after Brookeland ISD 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 Brookeland ISD shall be made in writing to the Executive Director. Extensions are not effective until Brookeland ISD 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 Brookeland 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.

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 Brookeland ISD, or three days after the date on which the Commission mails notice of the Order to Brookeland 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

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.

Lana L. Comeaux — 08/30/2007
Signature — Date

Lana L. Comeaux — Superintendent
Name (Printed or typed) — Title
Authorized Representative of
Brookeland Independent School District

_____ — 2/7/2008
For the Executive Director — Date

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.

LC
8/30/07

Attachment A
Docket Number: 2005-0051-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Brookeland Independent School District**
Payable Penalty Amount:	**Three Thousand Six Hundred Dollars ($3,600)**
SEP Amount:	**Three Thousand Six Hundred Dollars ($3,600)**
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:	**Sabine 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
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.