

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1274-MWD-E **TCEQ ID:** RN101518793 **CASE NO.:** 36329

**RESPONDENT NAME:** West Hardin County Consolidated Independent School District

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> West Hardin Co Consolidated ISD, located immediately south of the intersection of State Highway 105 and Farm-to-Market Road 770 and approximately 1,000 feet east of Pine Island Bayou, Hardin County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on February 2, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Ms. Sharon B. Tule, Superintendent, West Hardin County Consolidated Independent School District, 39227 Highway 105, Saratoga, Texas 77585  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2008-1274-MWD-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 22, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 17, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to timely submit the discharge monitoring reports ("DMRs") for the monthly monitoring periods of May 2005 through December 2005 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 1].</p> <p>2) Failure to timely submit the annual sludge report for the monitoring period ending July 31, 2005 by September 1, 2005 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011274001, Sludge Provisions].</p> <p>3) Failure to notify the TCEQ within five working days of becoming aware of an effluent permit excursion of 40% or greater. Specifically, no notification was received when excursions of 40% or greater were observed during February, May, and July 2006, and July 2007 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 7.c].</p> <p>4) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the investigator observed an</p>	<p><b>Total Assessed:</b> \$9,579</p> <p><b>Total Deferred:</b> \$1,915  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$7,664</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by August 28, 2008, the Respondent:</p> <p>a. Removed and properly disposed of the inert solids and thick algal growth on the sidewalls of the treatment units and repainted the areas affected by excessive corrosion;</p> <p>b. Provided notification for a change in sludge disposal practices, noting a change in sludge haulers and stating that sludge will either be disposed of at an authorized wastewater treatment facility, landfill, or land application site; and</p> <p>c. Provided certification that the authorized signatory listed on the Discharge Monitoring Report Address and Signatory Authority Form has revised the DMRs with an authorized signature.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Remove and properly dispose of the accumulated solids in the receiving stream; and</p> <p>ii. Update the Facility's standard operating procedures and conduct employee training to ensure that all reporting procedures are properly accomplished, ensuring that all DMRs are submitted by the twentieth of every month, all annual sludge reports are submitted by September 1 of every year, and all written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i through a.ii.</p>

<p>excessive amount of inert solids throughout the treatment units, thick algal growth on the sidewalls of the clarifier, and excessive corrosion throughout the Facility [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011274001, Operational Requirements No. 1].</p> <p>5) Failure to prevent the unauthorized discharge and accumulation of solids in the receiving stream. Specifically, the investigator observed solids which were thick and caked together located 233 feet from the outfall. Samples taken 233 feet downstream from the point of discharge contained elevated concentrations of total phosphorus (201 milligrams/liter (mg/L)), orthophosphate (10 mg/L), and total Kjeldahl nitrogen (505 mg/L) [30 TEX. ADMIN. CODE § 305.125(4), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011274001, Permit Conditions 2.d].</p> <p>6) Failure to have an authorized officer or agent sign the DMRs. Specifically, the Respondent was submitting DMRs signed by the operator, who was not listed on the TCEQ Discharge Monitoring Report Address and Signatory Authority Form [30 TEX. ADMIN. CODE § 305.128(a) and TPDES Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 10].</p> <p>7) Failure to give 180 days notice prior to a change in the sewage sludge disposal practice. Specifically, a review of the sludge manifest indicated that sludge was being hauled and disposed of at a wastewater treatment facility. The permit application indicated that sludge would be hauled to a permitted or registered land application site for beneficial use [30 TEX. ADMIN. CODE § 305.126(b)(3) and TPDES Permit No. WQ0011274001, Sludge Provisions, Section I.A.3].</p>		
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Additional ID No(s): WQ0011274001





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

<b>DATES</b>	Assigned	21-Jul-2008			
	PCW	6-Aug-2008	Screening	6-Aug-2008	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	West Hardin County Consolidated Independent School District		
Reg. Ent. Ref. No.	RN101518793		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36329	No. of Violations	7
Docket No.	2008-1274-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Lauren Smitherman
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$8,900</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	11.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> <b>\$979</b>
Notes	Enhancement due to one NOV with a same or similar violation and three NOVs with unrelated violations.	
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b> <b>\$0</b>
Notes	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b> <b>\$300</b>
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b> <b>\$0</b>
Total EB Amounts	\$220	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,975	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$9,579</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b> <b>\$0</b>
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	<b>Final Penalty Amount</b>	<b>\$9,579</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b> <b>\$9,579</b>
<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b> <b>-\$1,915</b>
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	Deferral offered for expedited settlement.	
<b>PAYABLE PENALTY</b>		<b>\$7,664</b>

<b>Screening Date</b> 6-Aug-2008	<b>Docket No.</b> 2008-1274-MWD-E	<b>PCW</b>
<b>Respondent</b> West Hardin County Consolidated Independent School D		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36329		<i>PCW Revision June 12, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101518793		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Lauren Smitherman		

### 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 <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
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)** 11%

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement due to one NOV with a same or similar violation and three NOVs with unrelated violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 11%

<b>Screening Date</b> 6-Aug-2008	<b>Docket No.</b> 2008-1274-MWD-E	<b>PCW</b>				
<b>Respondent</b> West Hardin County Consolidated Independent School District	<i>Policy Revision 2 (September 2002)</i>					
<b>Case ID No.</b> 36329	<i>PCW Revision June 12, 2008</i>					
<b>Reg. Ent. Reference No.</b> RN101518793						
<b>Media [Statute]</b> Water Quality						
<b>Enf. Coordinator</b> Lauren Smitherman						
<b>Violation Number</b> <input type="text" value="1"/>						
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 1					
<b>Violation Description</b>	Failed to timely submit the discharge monitoring reports ("DMRs") for the monthly monitoring periods of May 2005 through December 2005.					
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Harm</b>					
	Release	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
		<b>Percent</b>	<input type="text" value="0%"/>			
<b>&gt;&gt; Programmatic Matrix</b>						
		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
		<b>Percent</b>	<input type="text" value="1%"/>			
<b>Matrix Notes</b>	More than 70% of the permit requirement was met.					
		<b>Adjustment</b>	<input type="text" value="\$9,900"/>			
					<input type="text" value="\$100"/>	
<b>Violation Events</b>						
Number of Violation Events		<input type="text" value="8"/>	<input type="text" value="244"/>		Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
single event	<input checked="" type="checkbox"/>					
					<b>Violation Base Penalty</b>	<input type="text" value="\$800"/>
Eight single events are recommended.						
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/> Reduction		<input type="text" value="\$0"/>		
		Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary		<input type="text"/>	<input type="text"/>			
Ordinary		<input type="text"/>	<input type="text"/>			
N/A		<input checked="" type="checkbox"/>	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.					
					<b>Violation Subtotal</b>	<input type="text" value="\$800"/>
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
Estimated EB Amount		<input type="text" value="\$50"/>		Violation Final Penalty Total		<input type="text" value="\$888"/>
					<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$888"/>

## Economic Benefit Worksheet

**Respondent:** West Hardin County Consolidated Independent School District  
**Case ID No.:** 36329  
**Reg. Ent. Reference No.:** RN101518793  
**Media:** Water Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Mar-2005	1-Apr-2009	4.04	\$50	n/a	\$50
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated costs to update the standard operating procedures (SOPs) and to conduct employee training to ensure that all reporting procedures are properly accomplished. Date required is the date the first DMR was due. Final date is the expected date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance	\$250	<b>TOTAL</b>	\$50
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**Screening Date** 6-Aug-2008 **Docket No.** 2008-1274-MWD-E **PCW**  
**Respondent** West Hardin County Consolidated Independent School District *Policy Revision 2 (September 2002)*  
**Case ID No.** 36329 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN101518793  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Lauren Smitherman

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011274001, Sludge Provisions  
**Violation Description** Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2005 by September 1, 2005.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

**Number of Violation Events**  **Number of violation days**

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent:** West Hardin County Consolidated Independent School District  
**Case ID No.:** 36329  
**Reg. Ent. Reference No.:** RN101518793  
**Media:** Water Quality  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

<b>Screening Date</b> 6-Aug-2008	<b>Docket No.</b> 2008-1274-MWD-E	<b>PCW</b>			
<b>Respondent</b> West Hardin County Consolidated Independent School District	<small>Policy Revision 2 (September 2002)</small>				
<b>Case ID No.</b> 36329	<small>PCW Revision June 12, 2008</small>				
<b>Reg. Ent. Reference No.</b> RN101518793					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> Lauren Smitherman					
<b>Violation Number</b> 3					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 7.c				
<b>Violation Description</b>	Failed to notify the TCEQ within five working days of becoming aware of an effluent permit excursion of 40% or greater. Specifically, no notification was received when excursions of 40% or greater were observed during February, May, and July 2006 and July 2007.				
<b>Base Penalty</b>		\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="10%"/>	
<b>Matrix Notes</b>	100% of the permit requirement was not met.				
<b>Adjustment</b>				\$9,000	
				<b>\$1,000</b>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="4"/>	<b>Number of violation days</b> <input type="text" value="917"/>		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input checked="" type="checkbox"/>			
				<b>Violation Base Penalty</b> <input type="text" value="\$4,000"/>	
Four single events are recommended based on the number of times an excursion of 40% or greater was observed and not reported to the TCEQ, as documented during the investigation conducted on May 22, 2008.					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>		<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>		<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$4,000	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$4,440"/>			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$4,440	

## Economic Benefit Worksheet

**Respondent:** West Hardin County Consolidated Independent School District

**Case ID No.:** 36329

**Reg. Ent. Reference No.:** RN101518793

**Media:** Water Quality

**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

<b>Screening Date</b> 6-Aug-2008	<b>Docket No.</b> 2008-1274-MWD-E	<b>PCW</b>
<b>Respondent</b> West Hardin County Consolidated Independent School District		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36329		<i>PCW Revision June 12, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101518793		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Lauren Smitherman		

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0011274001, Operational Requirements No. 1

**Violation Description**

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the investigator observed an excessive amount of inert solids throughout the treatment units, thick algal growth on the sidewalls of the clarifier, and excessive corrosion throughout the Facility.

**Base Penalty**

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

OR	<b>Harm</b>				
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>

**>> Programmatic Matrix**

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

**Matrix Notes**

Failure to maintain proper solid concentrations in the treatment units could expose human health or the environment to significant amounts of pollutants which would not exceed levels protective of human health or environmental receptors.

**Adjustment**

**Violation Events**

**Number of Violation Events**  **Number of violation days**

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended from the investigation date (May 22, 2008) to the date of screening (August 6, 2008).

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	x
N/A	(mark with x)	

**Notes**

The Respondent achieved compliance on August 28, 2008.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** West Hardin County Consolidated Independent School District  
**Case ID No.** 36329  
**Reg. Ent. Reference No.** RN101518793  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	22-May-2008	28-Aug-2008	0.27	\$34	n/a	\$34

Notes for DELAYED costs

Estimated cost to remove and properly dispose of excess solids and algal growth in the treatment units and to update the solids management plan ("SMP"). Date required is the investigation date. The final date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$34

<b>Screening Date</b> 6-Aug-2008	<b>Docket No.</b> 2008-1274-MWD-E	<b>PCW</b>
<b>Respondent</b> West Hardin County Consolidated Independent School District	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36329	<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101518793		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Lauren Smitherman		

<b>Violation Number</b>	5
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(4), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011274001, Permit Conditions 2.d
<b>Violation Description</b>	Failed to prevent the unauthorized discharge and accumulation of solids in the receiving stream, as documented during an investigation conducted on May 22, 2008. Specifically, the investigator observed solids which were thick and caked together located 233 feet from the outfall. Samples taken 233 feet downstream from the point of discharge contained elevated concentrations of total phosphorus (201 milligrams/liter (mg/L)), orthophosphate (10 mg/L), and total Kjeldahl nitrogen (505 mg/L).

**Base Penalty**

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

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>		<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="10%"/>	

**>> Programmatic Matrix**

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

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

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended based on the investigation date (May 22, 2008) to the screening date (August 6, 2008).

**Good Faith Efforts to Comply**

Reduction

	<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

**Notes**  
The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

**Respondent** West Hardin County Consolidated Independent School District  
**Case ID No.** 36329  
**Reg. Ent. Reference No.** RN101518793  
**Media** Water Quality  
**Violation No.** 5

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	22-May-2008	30-Apr-2009	0.94	\$6	\$125	\$132
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remediate the receiving stream. Date required is the investigation date. Final date is the expected date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$132

**Screening Date** 6-Aug-2008 **Docket No.** 2008-1274-MWD-E **PCW**  
**Respondent** West Hardin County Consolidated Independent School District *Policy Revision 2 (September 2002)*  
**Case ID No.** 36329 *PCW Revision June 12, 2008*

**Reg. Ent. Reference No.** RN101518793  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Lauren Smitherman

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.128(a) and TPDES Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 10  
**Violation Description** Failed to have an authorized officer or agent sign the DMRs. Specifically, the Respondent was submitting DMRs signed by the operator, who was not listed on the TCEQ Discharge Monitoring Report Address and Signatory Authority Form.

**Base Penalty** \$10,000

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

**>> Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			10%

**Matrix Notes** 100% of the permit requirement was not met.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 1 Number of violation days 76

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$1,000

One single event is recommended.

**Good Faith Efforts to Comply** 10.0% Reduction \$100

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

**Notes** The Respondent achieved compliance on August 28, 2008.

**Violation Subtotal** \$900

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount \$4 Violation Final Penalty Total \$1,010

This violation Final Assessed Penalty (adjusted for limits) \$1,010

## Economic Benefit Worksheet

**Respondent** West Hardin County Consolidated Independent School District  
**Case ID No.** 36329  
**Reg. Ent. Reference No.** RN101518793  
**Media** Water Quality  
**Violation No.** 6

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

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	22-May-2008	28-Aug-2008	0.27	\$0	\$4	\$4
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the standard operating procedures to ensure the appropriate signatory authority signs the DMRs and to submit revised DMRs with the proper signatures. Date required is the investigation date. Final date is the date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$4

<b>Screening Date</b> 6-Aug-2008	<b>Docket No.</b> 2008-1274-MWD-E	<b>PCW</b>		
<b>Respondent</b> West Hardin County Consolidated Independent School District		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 36329		<i>PCW Revision June 12, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101518793				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> Lauren Smitherman				
<b>Violation Number</b>	<input type="text" value="7"/>			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.126(b)(3) and TPDES Permit No. WQ0011274001, Sludge Provisions Section I.A.3			
<b>Violation Description</b>	Failed to give 180 days notice prior to a change in the sewage sludge disposal practice. Specifically, a review of the sludge manifest indicated that sludge was being hauled and disposed of at a wastewater treatment facility. The permit application indicated that sludge would be hauled to a permitted or registered land application site for beneficial use.			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
			<b>Falsification</b>	
			Major	
			Moderate	
			Minor	
			<input type="text" value="X"/>	
		<b>Percent</b>	<input type="text" value="10%"/>	
<b>Matrix Notes</b>	100% of the permit requirement was not met.			
<b>Adjustment</b>		<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
<b>Violation Events</b>				
		<input type="text" value="1"/>	<input type="text" value="76"/> Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
One single event is recommended.				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="10.0%"/> Reduction	<input type="text" value="\$100"/>	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>		
N/A	<input type="text"/>	(mark with x)		
<b>Notes</b>	The Respondent achieved compliance on August 28, 2008.			
<b>Violation Subtotal</b>		<input type="text" value="\$900"/>		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,010"/>	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$1,010"/>	

### Economic Benefit Worksheet

**Respondent** West Hardin County Consolidated Independent School District  
**Case ID No.** 36329  
**Reg. Ent. Reference No.** RN101518793  
**Media** Water Quality  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25	22-May-2008	28-Aug-2008	0.27	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to provide the required notice for a change in disposal practices. Date required is the investigation date. Final date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance	\$25	<b>TOTAL</b>	\$0
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# Compliance History

Customer/Respondent/Owner-Operator:	CN600794044	West Hardin County Consolidated Independent School District	Classification: AVERAGE	Rating: 0.78
Regulated Entity:	RN101518793	WEST HARDIN CO CONSOLIDATED ISD	Classification: AVERAGE	Site Rating: 0.78
ID Number(s):	WASTEWATER	PERMIT		WQ0011274001
	WASTEWATER	PERMIT		TPDES0030813
	WASTEWATER	PERMIT		TX0030813
	WASTEWATER LICENSING	LICENSE		WQ0011274001
Location:	IMMEDIATELY S OF THE INTX OF SH 105 AND FM 770 AND APPRX 1,000 FT E OF PINE ISLAND BAYOU, HARDIN CO, TX			Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	August 06, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 06, 2003 to August 06, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Lauren Smitherman	Phone:	512-239-5223	

## 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 |

### 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	02/18/2005	(442509)
2	02/18/2005	(442511)
3	02/18/2005	(442514)
4	06/13/2005	(379653)
5	06/19/2005	(442512)
6	07/19/2005	(442489)
7	07/19/2005	(442490)
8	07/19/2005	(442491)
9	07/19/2005	(442492)
10	07/19/2005	(442493)
11	07/19/2005	(442494)
12	07/19/2005	(442495)
13	07/19/2005	(442496)
14	07/19/2005	(442497)
15	07/19/2005	(442498)
16	07/19/2005	(442499)
17	07/19/2005	(442500)
18	07/19/2005	(442501)
19	07/19/2005	(442502)
20	07/19/2005	(442503)
21	07/19/2005	(442504)
22	07/19/2005	(442505)
23	07/19/2005	(442506)
24	07/19/2005	(442507)
25	07/19/2005	(442508)

26 07/19/2005 (442510)  
 27 07/19/2005 (442513)  
 28 06/13/2006 (401774)  
 29 09/18/2006 (511244)  
 30 10/22/2007 (621155)  
 31 11/19/2007 (621156)  
 32 11/20/2007 (621157)  
 33 01/21/2008 (673262)  
 34 02/21/2008 (673261)  
 35 07/17/2008 (683844)

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

Date 01/31/2005 (442490)  
 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 03/31/2005 (442494)  
 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 06/14/2005 (379653)  
 Self Report? NO Classification Minor  
 Rqmt Prov: PERMIT OpR 1  
 Description: Failure by the permittee to have the backflow prevention device tested annually.  
 Self Report? NO Classification Minor  
 Rqmt Prov: PERMIT FEL&MR 2  
 Description: Failure by the permittee to discharge effluent that is compliant with permitted limitations.  
 Self Report? NO Classification Minor  
 Rqmt Prov: PERMIT M&RR 1  
 Description: Failure by the permittee to submit the discharge monitoring report (DMR) by the twentieth of the month.  
 Self Report? NO Classification Minor  
 Rqmt Prov: PERMIT M&RR 3c  
 Description: Failure by the permittee to maintain complete calibration and analysis logs.  
 Self Report? NO Classification Moderate  
 Rqmt Prov: PERMIT OpR 1  
 Description: Failure by the permittee to prevent the accumulation of solids in the receiving stream.  
 Self Report? NO Classification Minor  
 Rqmt Prov: PERMIT OpR 1  
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.  
 Date 09/30/2007 (621155)  
 Self Report? YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
WEST HARDIN COUNTY  
CONSOLIDATED INDEPENDENT  
SCHOOL DISTRICT  
RN101518793

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-1274-MWD-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding West Hardin County Consolidated Independent School District ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns a wastewater treatment plant located immediately south of the intersection of State Highway 105 and Farm-to-Market Road 770 and approximately 1,000 feet east of Pine Island Bayou in Hardin County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 22, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Nine Thousand Five Hundred Seventy-Nine Dollars (\$9,579) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Six Hundred Sixty-Four Dollars (\$7,664) of the administrative penalty and One Thousand Nine Hundred Fifteen Dollars (\$1,915) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by August 28, 2008, the Respondent:
  - a. Removed and properly disposed of the inert solids and thick algal growth on the sidewalls of the treatment units and repainted the areas affected by excessive corrosion;
  - b. Provided notification for a change in sludge disposal practices, noting a change in sludge haulers and stating that sludge will either be disposed of at an authorized wastewater treatment facility, landfill, or land application site; and
  - c. Provided certification that the authorized signatory listed on the Discharge Monitoring Report Address and Signatory Authority Form has revised the discharge monitoring reports ("DMRs") with an authorized signature.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

1. Failed to timely submit the DMRs for the monthly monitoring periods of May 2005 through December 2005, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on May 22, 2008.

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to collect and analyze the data, highlighting the challenges faced during the process.

In the second part, the focus is on the results of the study. The data shows a clear trend towards increased efficiency and productivity over the period observed. These findings are supported by statistical analysis, which indicates that the changes implemented were statistically significant. The document also discusses the implications of these results for future research and practice.

The third part of the document provides a detailed analysis of the factors that influenced the outcomes. It identifies several key variables that played a role in the success of the intervention, including changes in workflow, training, and resource allocation. The analysis suggests that a combination of these factors was necessary to achieve the desired results.

Finally, the document concludes with a summary of the findings and a set of recommendations. It suggests that the strategies used in this study could be applied to other similar situations. The authors also acknowledge the limitations of the study and provide suggestions for how these could be addressed in future work.

The overall conclusion is that the study has provided valuable insights into the effectiveness of the intervention. The results demonstrate that with careful planning and implementation, it is possible to achieve significant improvements in performance. The document serves as a guide for others looking to implement similar changes in their own organizations.

The authors would like to thank the participants and staff who made this study possible. Their cooperation and hard work were essential to the success of the project. The authors also acknowledge the support of the funding agency and the institutions involved in the study.

This document is the property of the organization and should be kept confidential. It is not to be distributed outside the organization without the express written consent of the management. Any unauthorized use or disclosure of this information is strictly prohibited.

2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2005 by September 1, 2005, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011274001, Sludge Provisions, as documented during an investigation conducted on May 22, 2008.
3. Failed to notify the TCEQ within five working days of becoming aware of an effluent permit excursion of 40% or greater, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on May 22, 2008. Specifically, no notification was received when excursions of 40% or greater were observed during February, May, and July 2006, and July 2007.
4. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011274001, Operational Requirements No. 1, as documented during an investigation conducted on May 22, 2008. Specifically, the investigator observed an excessive amount of inert solids throughout the treatment units, thick algal growth on the sidewalls of the clarifier, and excessive corrosion throughout the Facility.
5. Failed to prevent the unauthorized discharge and accumulation of solids in the receiving stream, as documented during an investigation conducted on May 22, 2008, in violation of 30 TEX. ADMIN. CODE § 305.125(4), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011274001, Permit Conditions 2.d. Specifically, the investigator observed solids which were thick and caked together located 233 feet from the outfall. Samples taken 233 feet downstream from the point of discharge contained elevated concentrations of total phosphorus (201 milligrams/liter (mg/L)), orthophosphate (10 mg/L), and total Kjeldahl nitrogen (505 mg/L).
6. Failed to have an authorized officer or agent sign the DMRs, in violation of 30 TEX. ADMIN. CODE § 305.128(a) and TPDES Permit No. WQ0011274001, Monitoring and Reporting Requirements No. 10, as documented during an investigation conducted on May 22, 2008. Specifically, the Respondent was submitting DMRs signed by the operator, who was not listed on the TCEQ Discharge Monitoring Report Address and Signatory Authority Form.
7. Failed to give 180 days notice prior to a change in the sewage sludge disposal practice, in violation of 30 TEX. ADMIN. CODE § 305.126(b)(3) and TPDES Permit No. WQ0011274001, Sludge Provisions, Section I.A.3, as documented during an investigation conducted on May 22, 2008. Specifically, a review of the sludge manifest indicated that sludge was being hauled and disposed of at a wastewater treatment facility. The permit application indicated that sludge would be hauled to a permitted or registered land application site for beneficial use.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all data is entered correctly and consistently.

3. Regular audits should be conducted to verify the accuracy of the information.

4. The second part of the document outlines the procedures for handling discrepancies.

5. These procedures include:

6. Identifying the source of the error and determining the correct amount.

7. Notifying the relevant parties and obtaining their approval for corrections.

8. Implementing controls to prevent similar errors from occurring in the future.

9. The final part of the document provides a summary of the key points discussed.

10. It is hoped that this document will be helpful to all concerned parties.

11. Thank you for your attention and cooperation.

12. Sincerely,  
[Signature]

13. [Name]  
[Title]

14. [Address]  
[City, State, Zip]

15. [Phone Number]  
[Email Address]

16. [Fax Number]

17. [Additional Contact Information]

18. [Closing Remarks]

19. [Final Signatures]

20. [Date]

21. [Page Number]

22. [Footer Information]

23. [Copyright Notice]

24. [Disclaimer]

25. [Terms and Conditions]

26. [Privacy Policy]

27. [Contact Us]

28. [Page Number]

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: West Hardin County Consolidated Independent School District, Docket No. 2008-1274-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Remove and properly dispose of the accumulated solids in the receiving stream; and
    - ii. Update the Facility's standard operating procedures and conduct employee training to ensure that all reporting procedures are properly accomplished, ensuring that all DMRs are submitted by the twentieth of every month, all annual sludge reports are submitted by September 1 of every year, and all written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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."

Section 1: Introduction

The first part of the document discusses the importance of maintaining accurate records and the role of the committee in overseeing the process. It highlights the need for transparency and accountability in all actions taken.

The second part of the document outlines the specific responsibilities of the committee members and the procedures to be followed in the event of an emergency or crisis situation.

The third part of the document provides a detailed overview of the current status of the project and the progress made to date. It includes a list of key milestones and a timeline for completion.

The fourth part of the document discusses the financial aspects of the project, including the budget and the sources of funding. It also addresses the need for ongoing financial reporting and auditing.

The fifth part of the document concludes with a summary of the key findings and recommendations. It emphasizes the need for continued collaboration and communication among all stakeholders involved in the project.

The final part of the document provides a list of references and a glossary of terms. It also includes a list of contact information for the committee members and other relevant parties.

This document is intended to provide a clear and concise overview of the project and its progress. It is subject to change as more information becomes available.

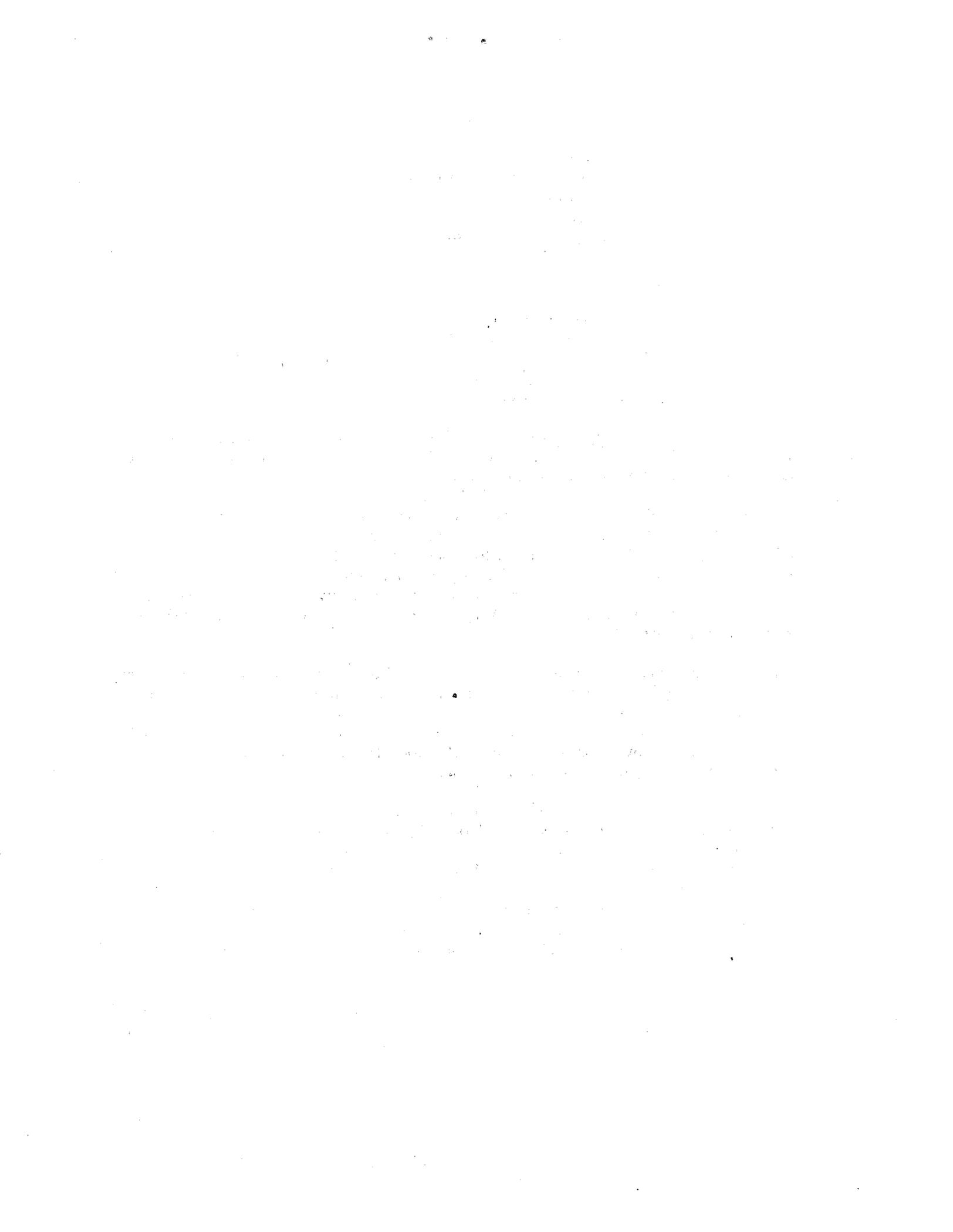
The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Sullivan  
For the Executive Director

1/30/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

Sharon B. Tole, Supt  
Signature

12-01-08  
Date

Sharon B. Tole  
Name (Printed or typed)  
Authorized Representative of  
West Hardin County Consolidated Independent School District

Superintendent  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

