

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-1430-PWS-E **TCEQ ID:** RN101283919 **CASE NO.:** 36474
RESPONDENT NAME: Sidney Independent School District

ORDER TYPE:		
<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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input 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>SITE WHERE VIOLATION(S) OCCURRED: Sidney ISD, 4100 Farm-to-Market Road 1689, Comanche County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 16, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Doug Bowden, Superintendent, Sidney Independent School District, P.O. Box 190, Sidney, Texas 76474 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 6, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 28, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to operate the water system at all times under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p> <p>2) Failure to make available and provide for Commission review all of the public water system's operating records [30 TEX. ADMIN. CODE § 290.46(f)(2) and (3)(A)(i)(III)].</p> <p>3) Failure to maintain an up-to-date map of the distribution system and an up-to-date chemical and microbiological monitoring plan for the distribution system [30 TEX. ADMIN. CODE §§ 290.46(n)(2) and 290.121(a)].</p> <p>4) Failure to calibrate the well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>5) Failure to monitor the disinfectant residual in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].</p>	<p>Total Assessed: \$892</p> <p>Total Deferred: \$178 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$714</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin monitoring the disinfectant residual in the distribution system at least once every seven days.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin operating the water system under the direct supervision of a water works operator who holds a Class "D" or higher license;</p> <p>ii. Begin compiling and maintaining a record of all of the water system's operations and maintenance activities, including but not limited to, a record of the amount of each chemical used each week, in such a manner that they can be made available for review at the Facility; and</p> <p>iii. Compile and keep on file at the Facility, an up to date map of the distribution system and an up-to-date chemical and microbiological monitoring plan for the distribution system.</p> <p>c. Within 60 days after the effective date of this Agreed Order, properly calibrate the well meter; and</p> <p>d. Within 75 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 through c.</p>

Additional ID No(s): PWS ID 0470019



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	2-Sep-2008	Screening	4-Sep-2008	EPA Due	
	PCW	9-Sep-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Sidney Independent School District
Reg. Ent. Ref. No.	RN101283919
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36474	No. of Violations	5
Docket No.	2008-1430-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Enhancement* Subtotal 6

Total EB Amounts
 Approx. Cost of Compliance

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 4-Sep-2008

Docket No. 2008-1430-PWS-E

PCW

Respondent Sidney Independent School District

Policy Revision 2 (September 2002)

Case ID No. 36474

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101283919

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

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	0	0%
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%

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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement is due to one prior Notice of Violation that contains violations that are the same or similar to those contained in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

<p>Screening Date 4-Sep-2008</p> <p>Respondent Sidney Independent School District</p> <p>Case ID No. 36474</p> <p>Reg. Ent. Reference No. RN101283919</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Stephen Thompson</p> <p>Violation Number <input type="text" value="1"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)"/></p> <p>Violation Description <input d"="" higher="" license."="" or="" type="text" value="Failed to operate the water system at all times under the direct supervision of a water works operator who holds a Class "/></p>	<p>Docket No. 2008-1430-PWS-E</p> <p style="text-align: right;">PCW <small>Policy Revision 2 (September 2002) PCW Revision June 12, 2008</small></p>																		
Base Penalty <input type="text" value="\$1,000"/>																			
>> Environmental, Property and Human Health Matrix																			
<p>OR</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <p style="text-align: right;">Percent <input type="text" value="25%"/></p>		Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	x	<input type="text"/>	<input type="text"/>			
	Harm																		
Release	Major	Moderate	Minor																
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																
Potential	x	<input type="text"/>	<input type="text"/>																
>> Programmatic Matrix																			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <p style="text-align: right;">Percent <input type="text" value="0%"/></p> <p>Matrix Notes <input type="text" value="Failure to employ a licensed water works operator could result in improper management of the water system which could expose consumers to a significant amount of contaminants which would exceed levels protective of human health."/></p>		Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>											
	Major	Moderate	Minor																
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																
Adjustment <input type="text" value="\$750"/>																			
<input type="text" value="\$250"/>																			
Violation Events																			
<p>Number of Violation Events <input type="text" value="1"/></p> <p>Number of violation days <input type="text" value="29"/></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:10%;">daily</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>monthly</td> <td style="text-align: center;">x</td> </tr> <tr> <td></td> <td>quarterly</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>single event</td> <td><input type="text"/></td> </tr> </table> <p style="text-align: right;">Violation Base Penalty <input type="text" value="\$250"/></p> <p><i>mark only one with an x</i></p> <p><input type="text" value="One monthly is event is recommended, calculated from the date of the investigation, August 6, 2008, to the date of screening, September 4, 2008."/></p>		daily	<input type="text"/>		monthly	x		quarterly	<input type="text"/>		semiannual	<input type="text"/>		annual	<input type="text"/>		single event	<input type="text"/>	
	daily	<input type="text"/>																	
	monthly	x																	
	quarterly	<input type="text"/>																	
	semiannual	<input type="text"/>																	
	annual	<input type="text"/>																	
	single event	<input type="text"/>																	
Good Faith Efforts to Comply																			
<p style="text-align: center;">0.0% Reduction</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p>Notes <input type="text" value="The Respondent does not meet the good faith criteria for this violation."/></p>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	x	(mark with x)	<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	x	(mark with x)																	
Violation Subtotal <input type="text" value="\$250"/>																			
Economic Benefit (EB) for this violation	Statutory Limit Test																		
Estimated EB Amount <input type="text" value="\$30"/>	Violation Final Penalty Total <input type="text" value="\$263"/>																		
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$263"/>																			

Economic Benefit Worksheet

Respondent Sidney Independent School District
Case ID No. 36474
Reg. Ent. Reference No. RN101283919
Media Public Water Supply
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
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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

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$361	6-Aug-2008	4-Sep-2008	0.08	\$1	\$29	\$30
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

The avoided costs include the cost of the training course (\$250) and the licensing exam fee (\$111) necessary to obtain a Class "D" water operator's license. The date required is the investigation date. The final date is the screening date.

Approx. Cost of Compliance

\$361

TOTAL

\$30

Screening Date 4-Sep-2008	Docket No. 2008-1430-PWS-E	PCW
Respondent Sidney Independent School District		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 36474		<small>PCW Revision June 12, 2008</small>
Reg. Ent. Reference No. RN101283919		
Media [Statute] Public Water Supply		
Enf. Coordinator Stephen Thompson		
Violation Number 2		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2) and (3)(A)(i)(III)	
Violation Description	Failed to make available and provide for Commission review all of the public water system's operating records. Specifically, at the time of the investigation, there were not any type of records available for review relating to water works operation and maintenance activities and there were no records of the amount of chemicals used each week.	
	Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Major Moderate Minor	
Actual	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>
	Percent	0%
>> Programmatic Matrix		
	Falsification	
	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>
	x	<input type="text"/>
	Percent	10%
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment	\$900
		\$100
Violation Events		
Number of Violation Events	1	29 Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x
	Violation Base Penalty	\$100
	One single event is recommended.	
Good Faith Efforts to Comply		
	0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$100
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	\$3	Violation Final Penalty Total \$105
		This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Sidney Independent School District
Case ID No. 36474
Reg. Ent. Reference No. RN101283919
Media Public Water Supply
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	\$100	6-Aug-2008	1-Apr-2009	0.65	\$3	n/a	\$3
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
 The delayed costs include the amount necessary to begin compiling all water system records in such a manner that they can be made available for review during inspections. The date required is the date of the investigation and the final date is the estimated 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 \$100

TOTAL \$3

Screening Date 4-Sep-2008	Docket No. 2008-1430-PWS-E	PCW												
Respondent Sidney Independent School District		<small>Policy Revision 2 (September 2002)</small>												
Case ID No. 36474		<small>PCW Revision June 12, 2008</small>												
Reg. Ent. Reference No. RN101283919														
Media [Statute] Public Water Supply														
Enf. Coordinator Stephen Thompson														
Violation Number <input type="text" value="3"/>														
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 290.46(n)(2) and 290.121(a)"/>													
Violation Description	<input type="text" value="Failed to maintain an up-to-date map of the distribution system and an up-to-date chemical and microbiological monitoring plan for the distribution system."/>													
	Base Penalty	<input type="text" value="\$1,000"/>												
>> Environmental, Property and Human Health Matrix														
OR	Harm													
	Release Major Moderate Minor													
	Actual <input type="text"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="0%"/>												
Potential <input type="text"/> <input type="text"/> <input type="text"/>														
>> Programmatic Matrix														
	Falsification													
	Major Moderate Minor													
	<input type="text"/> <input checked="" type="text" value="x"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="10%"/>												
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>													
	Adjustment	<input type="text" value="\$900"/>												
		<input type="text" value="\$100"/>												
Violation Events														
Number of Violation Events	<input type="text" value="2"/>	Number of violation days <input type="text" value="29"/>												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="x"/></td></tr> </table>	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="text" value="x"/>	Violation Base Penalty <input type="text" value="\$200"/>
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="text" value="x"/>													
	<input type="text" value="Two single events are recommended, one for the distribution system map and one for the chemical/microbiological monitoring plan."/>													
Good Faith Efforts to Comply	0.0% Reduction	<input type="text" value="\$0"/>												
	Before NOV NOV to EDCRP/Settlement Offer													
Extraordinary	<input type="text"/>	<input type="text"/>												
Ordinary	<input type="text"/>	<input type="text"/>												
N/A	<input checked="" type="text" value="x"/>	(mark with x)												
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>													
	Violation Subtotal	<input type="text" value="\$200"/>												
Economic Benefit (EB) for this violation		Statutory Limit Test												
Estimated EB Amount	<input type="text" value="\$11"/>	Violation Final Penalty Total <input type="text" value="\$210"/>												
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$210"/>												

Economic Benefit Worksheet

Respondent Sidney Independent School District
Case ID No. 36474
Reg. Ent. Reference No. RN101283919
Media Public Water Supply
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)	\$250	6-Aug-2008	1-Apr-2009	0.65	\$1	\$11	\$11
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 The delayed costs include the amount necessary to compile an up-to-date map and chemical and microbiological monitoring plan for the distribution system. The date required is the date of the investigation and the final date is the estimated 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 \$250

TOTAL \$11

Screening Date 4-Sep-2008	Docket No. 2008-1430-PWS-E	PCW	
Respondent Sidney Independent School District		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36474		<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN101283919			
Media [Statute] Public Water Supply			
Enf. Coordinator Stephen Thompson			
Violation Number <input type="text" value="4"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(1)		
Violation Description	Failed to calibrate the well meter at least once every three years.		
	Base Penalty	<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual <input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential <input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
		Percent	<input type="text" value="5%"/>
>> Programmatic Matrix			
	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent
			<input type="text" value="0%"/>
Matrix Notes	Failure to calibrate the well meter could possibly contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.		
	Adjustment	<input type="text" value="\$950"/>	
			<input type="text" value="\$50"/>
Violation Events			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="29"/>	
<small>mark only one with an x</small>	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="text" value="x"/>
			Violation Base Penalty
			<input type="text" value="\$50"/>
One single event is recommended.			
Good Faith Efforts to Comply			
	0.0% Reduction	<input type="text" value="\$0"/>	
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	<input type="text" value="\$50"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$299"/>	Violation Final Penalty Total	<input type="text" value="\$53"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$53"/>

Economic Benefit Worksheet

Respondent Sidney Independent School District
Case ID No. 36474
Reg. Ent. Reference No. RN101283919
Media Public Water Supply
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
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

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]	\$250	6-Aug-2005	6-Aug-2008	3.92	\$49	\$250	\$299
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to have the well flow meter properly calibrated, calculated for the three years prior to the investigation during which no calibration was performed.

Approx. Cost of Compliance \$250

TOTAL \$299

<p>Screening Date 4-Sep-2008</p> <p>Respondent Sidney Independent School District</p> <p>Case ID No. 36474</p> <p>Reg. Ent. Reference No. RN101283919</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Stephen Thompson</p> <p>Violation Number <input type="text" value="5"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.110(c)(4)(A)"/></p> <p>Violation Description <input type="text" value="Failed to monitor the disinfectant residual in the distribution system at least once every seven days. Specifically, at the time of the investigation, the disinfectant residual was being monitored once per month."/></p>	<p>Docket No. 2008-1430-PWS-E</p> <p>PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 12, 2008</i></p>																							
<p>Base Penalty <input type="text" value="\$1,000"/></p>																								
<p>>> Environmental, Property and Human Health Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">OR</td> <td colspan="3" style="text-align: center;">Harm</td> <td rowspan="3" style="width:10%;"></td> </tr> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align: center;">Major</td> <td style="width:15%; text-align: center;">Moderate</td> <td style="width:15%; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td><input type="text" value="x"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">Percent <input type="text" value="25%"/></td> </tr> </table>		OR	Harm					Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>					Percent <input type="text" value="25%"/>
OR	Harm																							
			Major		Moderate		Minor																	
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>																			
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				Percent <input type="text" value="25%"/>																				
<p>>> Programmatic Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:15%; text-align: center;">Falsification</td> <td style="width:15%; text-align: center;">Major</td> <td style="width:15%; text-align: center;">Moderate</td> <td style="width:15%; text-align: center;">Minor</td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> </table> <p>Matrix Notes <input type="text" value="Failure to properly monitor the disinfectant residual on a weekly basis could expose customers of the water system to significant amounts of contaminants that would exceed levels that are protective of human health."/></p> <p style="text-align: right;">Adjustment <input type="text" value="\$750"/></p>			Falsification	Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>											
	Falsification	Major	Moderate	Minor																				
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																			
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<p>Good Faith Efforts to Comply <input type="text" value="0.0%"/> Reduction <input type="text" value="\$0"/></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="width:15%; text-align: center;">Before NOV</td> <td style="width:15%; text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td><input type="text" value="x"/></td> <td><input type="text" value="(mark with x)"/></td> </tr> </table> <p>Notes <input type="text" value="The Respondent does not meet the good faith criteria for this violation."/></p> <p style="text-align: right;">Violation Subtotal <input type="text" value="\$250"/></p>			Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>											
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Economic Benefit (EB) for this violation</td> <td style="width:50%;">Statutory Limit Test</td> </tr> <tr> <td style="text-align: right;">Estimated EB Amount <input type="text" value="\$50"/></td> <td style="text-align: right;">Violation Final Penalty Total <input type="text" value="\$263"/></td> </tr> <tr> <td colspan="2" style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$263"/></td> </tr> </table>		Economic Benefit (EB) for this violation	Statutory Limit Test	Estimated EB Amount <input type="text" value="\$50"/>	Violation Final Penalty Total <input type="text" value="\$263"/>	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$263"/>																		
Economic Benefit (EB) for this violation	Statutory Limit Test																							
Estimated EB Amount <input type="text" value="\$50"/>	Violation Final Penalty Total <input type="text" value="\$263"/>																							
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$263"/>																								

Economic Benefit Worksheet

Respondent Sidney Independent School District
Case ID No. 36474
Reg. Ent. Reference No. RN101283919
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$50	6-Aug-2008	4-Sep-2008	0.00	\$0	\$50	\$50

Notes for AVOIDED costs

The avoided costs include the amount necessary to ensure that disinfectant residual samples are taken at least once every seven days. The date required in the date of the investigation and the final date is the date of screening.

Approx. Cost of Compliance \$50

TOTAL \$50

Compliance History

Customer/Respondent/Owner-Operator:	CN600709349 Sidney Independent School District	Classification:	Rating:
Regulated Entity:	RN101283919 SIDNEY ISD	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0470019 0470019
Location:	4100 FM 1689, COMANCHE COUNTY, TX		
TCEQ Region:	REGION 03 - ABILENE		
Date Compliance History Prepared:	September 08, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 08, 2003 to September 08, 2008		

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

Name: Stephen Thompson Phone: (512) 239-2558

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.)

N/A 10/31/2003 (253758)

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

Date: 10/31/2003 (253758)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)

Description: Failure to provide pressure tank capacity of 220 gallons.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)

Description: Failure to provide ground water monthly operating reports.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)

Description: Failure to provide a class "D" license water operator.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)

Description: Failure to monitor disinfectant residual once every seven days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

Description: Failure to provide a record of the amount of chemicals used once a week.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to provide the amount of water treated each week.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)(i)
Description: Failure to assess backflow prevention device for the water line to the football field.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal the wellhead.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide all bacteriological sample reports for review.

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 SIDNEY
INDEPENDENT SCHOOL DISTRICT
RN101283919

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1430-PWS-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 Sidney Independent School District ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 and operates a public water supply at 4100 Farm-to-Market Road 1689 in Comanche County, Texas (the "Facility") that has approximately one service connection and serves at least 25 people per day for at least 60 days per year.
2. 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.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 2, 2008.
4. 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.
5. An administrative penalty in the amount of Eight Hundred Ninety-Two Dollars (\$892) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Hundred Fourteen Dollars (\$714) of the administrative penalty and One Hundred Seventy-Eight Dollars (\$178) 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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, the Respondent is alleged to have:

1. Failed to operate the water system at all times under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on August 6, 2008.
2. Failed to make available and provide for Commission review all of the public water system's operating records, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (3)(A)(i)(III), as documented during an investigation conducted on August 6, 2008.
3. Failed to maintain an up-to-date map of the distribution system and an up-to-date chemical and microbiological monitoring plan for the distribution system, in violation of 30 TEX. ADMIN. CODE §§ 290.46(n)(2) and 290.121(a), as documented during an investigation conducted on August 6, 2008.
4. Failed to calibrate the well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on August 6, 2008.
5. Failed to monitor the disinfectant residual in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A), as documented during an investigation conducted on August 6, 2008.

III. DENIALS

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

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 5 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: Sidney Independent School District, Docket No. 2008-1430-PWS-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. Immediately upon the effective date of this Agreed Order, begin monitoring the disinfectant residual in the distribution system at least once every seven days, as required by 30 TEX. ADMIN. CODE § 290.110.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Begin operating the water system under the direct supervision of a water works operator who holds a Class "D" or higher license, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Begin compiling and maintaining a record of all of the water system's operations and maintenance activities, including but not limited to, a record of the amount of each chemical used each week, in such a manner that they can be made available for review at the Facility, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Compile and keep on file at the Facility, an up to date map of the distribution system and an up-to-date chemical and microbiological monitoring plan for the distribution system, as required by 30 TEX. ADMIN. CODE §§ 290.46 and 290.121.
 - c. Within 60 days after the effective date of this Agreed Order, properly calibrate the well meter, as required by 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 75 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 through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

THE HISTORY OF THE UNITED STATES

The first part of the history of the United States is the period of discovery and settlement. The second part is the period of the American Revolution and the formation of the Constitution. The third part is the period of the early republic and the expansion of the United States.

The fourth part is the period of the Civil War and Reconstruction. The fifth part is the period of the Gilded Age and the Progressive Era. The sixth part is the period of the World Wars and the Cold War.

The seventh part is the period of the post-World War II era and the Vietnam War. The eighth part is the period of the 1960s and the 1970s. The ninth part is the period of the 1980s and the 1990s.

The tenth part is the period of the 2000s and the 2010s. The eleventh part is the period of the 2010s and the present.

The twelfth part is the period of the 2010s and the present. The thirteenth part is the period of the 2010s and the present.

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

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. 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.
5. 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.
6. 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.
7. 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 Bralin
For the Executive Director

2/16/2009
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.

Doug Bowden
Signature

Nov. 30, 2008
Date

Doug Bowden
Name (Printed or typed)
Authorized Representative of
Sidney Independent School District

Supt
Title

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

