

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1451-MWD-E **TCEQ ID:** RN101521631 **CASE NO.:** 36441

RESPONDENT NAME: Chireno 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 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>SITE WHERE VIOLATION(S) OCCURRED: Chireno ISD, located on the north side of Farm-to-Market Road 95, approximately 0.5 mile south of the junction of Highway 21 and Farm-to-Market Road 95, Nacogdoches County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</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: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Roger D. Dees, Superintendent, Chireno Independent School District, P.O. Box 85, Chireno, Texas 75937 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: May 21, 2008</p> <p>Date of NOV/NOE Relating to this Case: July 17, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to properly maintain the staff gauge and the effluent weir. Specifically, the staff gauge was not clearly legible, not securely fastened to the effluent weir box, and was installed upside down. It was also noted that the V-notch weir was also severely corroded and in need of maintenance [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013917001, Operational Requirements No. 1].</p> <p>2) Failure to make records readily available for review by TCEQ staff. Specifically, a review of the Facility's records revealed that a copy of the November 2006 discharge monitoring report ("DMR") had not been maintained on site [30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0013917001, Monitoring and Reporting Requirements No. 3.b].</p> <p>3) Failure to maintain records of the septic tank inspections and the sludge removal manifests [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013917001, Other Requirements No. 6].</p> <p>4) Failure to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and</p>	<p>Total Assessed: \$5,114</p> <p>Total Deferred: \$1,022 <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: \$4,092</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By August 13, 2008:</p> <p>i. Installed a new staff gauge and cleaned the corrosion off the weir;</p> <p>ii. Provided a manifest demonstrating that solids were last removed from the septic system during March 2008, and a Standard Operating Procedure ("SOP") to ensure that inspection records and sludge removal records from the septic tanks are maintained; and</p> <p>iii. Placed a new lid on the septic tank, replaced the broken cleanout plug, repaired the corroded wiring, and installed a junction box cover.</p> <p>b. On August 14, 2008, removed the woody vegetation from the levees of the wetland cells, as well as removed the willow tree from wetland cell No. 3; and</p> <p>c. On August 18, 2008, submitted the November 2006 DMR to the Beaumont Regional Office.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, repair the corroded chlorine contact chamber;</p> <p>b. Within 45 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that flow monitoring measurements are based on a 90° V-notch weir;</p> <p>c. Within 60 days after the effective date of this Agreed Order, submit to the Beaumont Regional Office a copy of the flow measurement daily log for one month that lists measurements taken using</p>

<p>maintained. Specifically, a willow tree was observed growing in wetland cell No. 3 as well as other woody vegetation growing on the levees [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013917001, Operational Requirements No. 1].</p> <p>5) Failure to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorine contact chamber was severely corroded and the paint was peeling [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013917001, Operational Requirements No. 1].</p> <p>6) Failure to properly operate and maintain septic tanks. Specifically, the investigator could not determine if the pumps on the seven-tank septic system were all connected to the audio/visual alarm, one septic tank did not have a water-tight, secure lid, the cleanout plug was broken, and the junction box did not have a cover, resulting in corroded wiring [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013917001, Operational Requirements No. 1].</p> <p>7) Failure to monitor samples and take measurements in a manner representative of the monitored activity. Specifically, the Respondent was monitoring flow based on measurements for a 60° V-notch weir; however, a 90° V-notch weir is installed at the Facility. It was also noted that the Respondent was reading the staff gauge as eighths of an inch when the gauge is in tenths of an inch [30 TEX. ADMIN. CODE § 319.11(c) and (d) and TPDES Permit No. WQ0013917001, Monitoring and Reporting Requirements No. 3.a].</p>		<p>calculations for the appropriate V-notch weir and staff gauge reading in tenths of an inch; 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>
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Additional ID No(s): WQ0013917001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	21-Jul-2008			
	PCW	21-Aug-2008	Screening	21-Aug-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Chireno Independent School District
Reg. Ent. Ref. No.	RN101521631
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36441	No. of Violations	7
Docket No.	2008-1451-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	19.0% Enhancement	Subtotals 2, 3, & 7	\$874
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Notes: The Respondent received one Notice of Violation for violations ("NOVs") that are considered to be same or similar and received seven NOVs for violations that are not considered to be same or similar.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$360
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$14
 Approx. Cost of Compliance: \$455
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,114
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$5,114
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,114
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,022
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,092
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Screening Date 21-Aug-2008	Docket No. 2008-1451-MWD-E	PCW
Respondent Chireno Independent School District	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36441	<i>PCW Revision June 12, 2008</i>	
Reg. Ent. Reference No. RN101521631		
Media [Statute] Water Quality		
Enf. Coordinator Heather Brister		

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	7	14%
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) 19%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent received one Notice of Violation for violations ("NOVs") that are considered to be same or similar and received seven NOVs for violations that are not considered to be same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 19%

Screening Date 21-Aug-2008 **Docket No.** 2008-1451-MWD-E **PCW**
Respondent Chireno Independent School District *Policy Revision 2 (September 2002)*
Case ID No. 36441 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101521631
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013917001, Operational Requirements No. 1
Violation Description Failed to properly maintain the staff gauge and the effluent weir, as documented during the investigation conducted on May 21, 2008. Specifically, the staff gauge was not clearly legible, not securely fastened to the effluent weir box, and was installed upside down. The V-notch weir was also severely corroded and in need of maintenance.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

Violation Events

Number of Violation Events 2 **Number of violation days** 84
mark only one with an x
 daily
 monthly
 quarterly
 semiannual
 annual
 single event

Violation Base Penalty \$1,000

Two single events are recommended.

Good Faith Efforts to Comply 10.0% Reduction \$100

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

Notes The Respondent achieved compliance on August 13, 2008.

Violation Subtotal \$900

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$1,090
This violation Final Assessed Penalty (adjusted for limits) \$1,090

Economic Benefit Worksheet

Respondent: Chireno Independent School District
Case ID No.: 36441
Reg. Ent. Reference No.: RN101521631
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	\$50	21-May-2008	13-Aug-2008	0.23	\$0	\$1	\$1
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

Estimated cost to properly install a new staff gauge and to remove corrosion from the weir. Date Required is the date of the investigation. 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

\$50

TOTAL

\$1

Screening Date 21-Aug-2008 **Docket No.** 2008-1451-MWD-E **PCW**
Respondent Chireno Independent School District *Policy Revision 2 (September 2002)*
Case ID No. 36441 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101521631
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 319.7(c) and TPDES Permit No. WQ0013917001, Monitoring and Reporting Requirements No. 3.b
Violation Description Failed to make records readily available for review by TCEQ staff. Specifically, a review of the Facility's records revealed that a copy of the November 2006 Discharge Monitoring Report had not been maintained on site, as documented during the investigation conducted on May 21, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes At least 75% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 **Number of violation days** 89

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$10

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

Notes The Respondent achieved compliance on August 18, 2008.

Violation Subtotal \$90

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$109

This violation Final Assessed Penalty (adjusted for limits) \$109

Economic Benefit Worksheet

Respondent Chireno Independent School District
Case ID No. 36441
Reg. Ent. Reference No. RN101521631
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
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	\$25	21-May-2008	18-Aug-2008	0.24	\$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 submit a copy of the November 2006 DMR to the Regional Office. Date Required is the date of the investigation. 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

\$25

TOTAL

\$0

Screening Date 21-Aug-2008	Docket No. 2008-1451-MWD-E	PCW
Respondent Chireno Independent School District	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36441	<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN101521631		
Media [Statute] Water Quality		
Enf. Coordinator Heather Brister		
Violation Number 3		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013917001, Other Requirements No. 6	
Violation Description	Failed to maintain records of the septic tank inspections and the sludge removal manifests, as documented during the investigation conducted on May 21, 2008.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate	Minor	
	Actual				
	Potential				Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			
					Percent 10%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 84 Number of violation days

<small>mark only one with an x</small>	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	<small>(mark with x)</small>	

Notes The Respondent achieved compliance on August 13, 2008.

Violation Subtotal \$900

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

Estimated EB Amount \$0 Violation Final Penalty Total \$1,090

This violation Final Assessed Penalty (adjusted for limits) \$1,090

Economic Benefit Worksheet

Respondent: Chireno Independent School District
Case ID No.: 36441
Reg. Ent. Reference No.: RN101521631
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
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	\$25	21-May-2008	13-Aug-2008	0.23	\$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 develop a Standard Operating Procedure to maintain inspection records and sludge removal manifests. Date Required is the date of the investigation. 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

TOTAL

\$0

Screening Date 21-Aug-2008 **Docket No.** 2008-1451-MWD-E **PCW**
Respondent Chireno Independent School District *Policy Revision 2 (September 2002)*
Case ID No. 36441 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101521631
Media [Statute] Water Quality
Enf. Coordinator Heather Brister
Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0013917001, Operational Requirements No. 1
Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, a willow tree was observed growing in wetland cell No. 3 as well as other woody vegetation growing on the levees, as documented during the investigation conducted on May 21, 2008.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 85 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$50

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

Notes The Respondent achieved compliance on August 14, 2008

Violation Subtotal \$450

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

Estimated EB Amount \$1 Violation Final Penalty Total \$545

This violation Final Assessed Penalty (adjusted for limits) \$545

Economic Benefit Worksheet

Respondent Chireno Independent School District
Case ID No. 36441
Reg. Ent. Reference No. RN101521631
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
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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)	\$75	21-May-2008	14-Aug-2008	0.23	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to remove the willow tree from wetland cell No. 3 and all other woody vegetation from the levees.
 Date Required is the date of the investigation. 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

\$75

TOTAL

\$1

Screening Date 21-Aug-2008	Docket No. 2008-1451-MWD-E	PCW
Respondent Chireno Independent School District	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36441	<i>PCW Revision June 12, 2008</i>	
Reg. Ent. Reference No. RN101521631		
Media [Statute] Water Quality		
Enf. Coordinator Heather Brister		
Violation Number	5	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0013917001, Operational Requirements No. 1	
Violation Description	Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorine contact chamber was severely corroded and the paint was peeling, as documented during the investigation conducted on May 21, 2008.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text"/>	
				Percent <input type="text" value="5%"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$9,500	
				<input type="text" value="\$500"/>	

Violation Events															
	Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="92"/>												
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input checked="" type="text"/></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"/>		
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"/>														
			Violation Base Penalty <input type="text" value="\$500"/>												
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"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text"/>	<input type="text"/>	<input type="text"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$500

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$10"/>	Violation Final Penalty Total	<input type="text" value="\$595"/>
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$595"/>

Economic Benefit Worksheet

Respondent: Chireno Independent School District
Case ID No.: 36441
Reg. Ent. Reference No.: RN101521631
Media: Water Quality
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$150	21-May-2008	21-Apr-2009	0.92	\$0	\$9	\$10
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/Samplings				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 repair the contact chlorine chamber. Date Required is the date of the investigation. Final Date is the anticipated 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	\$150	TOTAL	\$10
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Screening Date 21-Aug-2008 **Docket No.** 2008-1451-MWD-E **PCW**
Respondent Chireno Independent School District *Policy Revision 2 (September 2002)*
Case ID No. 36441 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101521631
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0013917001, Operational Requirements No. 1

Violation Description Failed to properly operate and maintain septic tanks. Specifically, the investigator could not determine if the pumps on the seven-tank septic system were all connected to the audio/visual alarm, one septic tank did not have a water-tight, secure lid, and the cleanout plug was broken, and the junction box did not have a cover, resulting in corroded wiring, as documented during the investigation conducted on May 21, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential			x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 84 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from investigation date (May 21, 2008) to date of compliance (August 13, 2008).

Good Faith Efforts to Comply 10.0% Reduction \$100

	10.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent achieved compliance on August 13, 2008.

Violation Subtotal \$900

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

Estimated EB Amount \$1 Violation Final Penalty Total \$1,090

This violation Final Assessed Penalty (adjusted for limits) \$1,090

Economic Benefit Worksheet

Respondent: Chireno Independent School District
Case ID No.: 36441
Reg. Ent. Reference No.: RN101521631
Media: Water Quality
Violation No.: 6

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)	\$100	21-May-2008	13-Aug-2008	0.23	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to install a water-tight, secure lid on the mentioned septic tank, replace the broken cleanout plug, and to repair the corroded wiring and install a cover for the junction box. Date Required is the date of the investigation. 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

\$100

TOTAL

\$1

Screening Date 21-Aug-2008 **Docket No.** 2008-1451-MWD-E **PCW**
Respondent Chireno Independent School District *Policy Revision 2 (September 2002)*
Case ID No. 36441 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101521631
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 319.11(c) and (d) and TPDES Permit No. WQ0013917001, Monitoring and Reporting Requirements No. 3.a
Violation Description
 Failed to monitor samples and take measurements in a manner representative of the monitored activity, as documented during the investigation conducted on May 21, 2008. Specifically, the Respondent was monitoring flow based on measurements for a 60° V-notch weir; however, a 90° V-notch weir is installed at the Facility. It was also noted that the Respondent was reading the staff gauge as eighths of an inch when the gauge is in tenths of an inch.

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"/>	<input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes
 Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of violation days
mark only one with an x
 daily
 monthly
 quarterly
 semiannual
 annual
 single event

Violation Base Penalty

One single event is recommended.

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
 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: Chireno Independent School District
Case ID No.: 36441
Reg. Ent. Reference No.: RN101521631
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
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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)	\$30	21-May-2008	21-Apr-2009	0.92	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to update standard operational procedures and conduct employee training to ensure that monitoring and measurements are properly conducted. Date Required is the date of the investigation. Final Date is the anticipated 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

\$30

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN600796262 Chireno Independent School District Classification: AVERAGE Rating: 0.65

Regulated Entity: RN101521631 CHIRENO ISD Classification: AVERAGE Site Rating: 0.65

ID Number(s):
 WASTEWATER PERMIT WQ0013917001
 WASTEWATER PERMIT TPDES0118915
 WASTEWATER PERMIT TX0118915

Location: Located on the north side of Farm-to-Market Road 95, approximately 0.5 mile south of the junction of Highway 21 and Farm-to-Market Road 95 in Nacodoches County, Texas. Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 11, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 11, 2003 to August 11, 2008

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

Name: Heather Brister Phone: 254/761-3034

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	09/10/2003	(327302)
2	10/07/2003	(327303)
3	11/10/2003	(327304)
4	12/08/2003	(327305)
5	01/12/2004	(327306)
6	02/17/2004	(327296)
7	03/11/2004	(327297)
8	04/22/2004	(327298)
9	05/07/2004	(366998)
10	06/14/2004	(366999)
11	07/22/2004	(367000)
12	08/23/2004	(367001)
13	08/31/2004	(367003)
14	09/17/2004	(367002)
15	10/04/2004	(367004)
16	11/08/2004	(390019)
17	12/20/2004	(390020)
18	01/21/2005	(390021)
19	02/09/2005	(390017)
20	03/17/2005	(390018)
21	04/13/2005	(427530)
22	04/25/2005	(427532)
23	05/16/2005	(427531)
24	06/08/2005	(379646)
25	06/24/2005	(395095)
26	07/11/2005	(447568)
27	07/11/2005	(447569)
28	09/12/2005	(447570)
29	10/03/2005	(492522)
30	11/04/2005	(492523)
31	12/12/2005	(492524)
32	01/09/2006	(492525)

33 01/31/2006 (451571)
 34 02/21/2006 (492520)
 35 03/09/2006 (492521)
 36 05/08/2006 (506293)
 37 05/08/2006 (506294)
 38 07/31/2006 (528530)
 39 08/28/2006 (528529)
 40 08/28/2006 (528531)
 41 09/15/2006 (528532)
 42 10/09/2006 (631409)
 43 11/20/2006 (631411)
 44 01/09/2007 (631413)
 45 01/09/2007 (631415)
 46 04/09/2007 (631401)
 47 04/09/2007 (631402)
 48 04/09/2007 (631403)
 49 05/10/2007 (631404)
 50 05/31/2007 (631405)
 51 08/03/2007 (631406)
 52 09/10/2007 (631407)
 53 09/10/2007 (631408)
 54 11/09/2007 (631410)
 55 11/09/2007 (631412)
 56 12/12/2007 (631414)
 57 01/10/2008 (677315)
 58 02/11/2008 (677314)
 59 07/17/2008 (682963)

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

Date: **12/31/2003** (327306)
 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: **01/31/2004** (327296)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: **02/29/2004** (327297)
 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: **03/31/2004** (327298)
 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: **11/30/2004** (390020)
 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: **12/31/2004** (390021)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (390018)
 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: 06/09/2005 (379646)
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT SP III G
 Description: Failure by the permittee to submit an annual sludge report to the TCEQ Region 10 office by September 1 of each year.

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.

Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT PC 2g
 Description: Failure by the permittee to prevent unauthorized discharges into or adjacent to the waters of the state.

Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT M&RR 3c
 Description: Failure by the contract lab to properly complete the chain of custody (COC) forms.

Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT PC 1a
 Description: Failure by the permittee to accurately complete the discharge monitoring reports (DMRs)

Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT M&RR 3b
 Description: Failure by the permittee to maintain records of waste disposal and have them readily available for review at the time of the investigation.

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
CHIRENO INDEPENDENT SCHOOL
DISTRICT
RN101521631

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1451-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 Chireno 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 and operates a wastewater treatment plant located on the north side of Farm-to-Market Road 95, approximately 0.5 mile south of the junction of Highway 21 and Farm-to-Market Road 95 in Nacogdoches County, Texas (the "Facility").
2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
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 Five Thousand One Hundred Fourteen Dollars (\$5,114) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Ninety-Two Dollars (\$4,092) of the administrative penalty and One Thousand Twenty-Two Dollars (\$1,022) 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 the Respondent has implemented the following corrective measures at the Facility:
 - a. By August 13, 2008:
 - i. Installed a new staff gauge and cleaned the corrosion off the weir;
 - ii. Provided a manifest demonstrating that solids were last removed from the septic system during March 2008, and a Standard Operating Procedure ("SOP") to ensure that inspection records and sludge removal records from the septic tanks are maintained; and
 - iii. Placed a new lid on the septic tank, replaced the broken cleanout plug, repaired the corroded wiring, and installed a junction box cover.
 - b. On August 14, 2008, removed the woody vegetation from the levees of the wetland cells, as well as removed the willow tree from wetland cell No. 3.
 - c. On August 18, 2008, submitted the November 2006 discharge monitoring report ("DMR") to the Beaumont Regional Office.
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.

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II. ALLEGATIONS

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

1. Failed to properly maintain the staff gauge and the effluent weir, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013917001, Operational Requirements No. 1, as documented during the investigation conducted on May 21, 2008. Specifically, the staff gauge was not clearly legible, not securely fastened to the effluent weir box, and was installed upside down. It was also noted that the V-notch weir was also severely corroded and in need of maintenance.
2. Failed to make records readily available for review by TCEQ staff, in violation of 30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0013917001, Monitoring and Reporting Requirements No. 3.b, as documented during the investigation conducted on May 21, 2008. Specifically, a review of the Facility's records revealed that a copy of the November 2006 DMR had not been maintained on site.
3. Failed to maintain records of the septic tank inspections and the sludge removal manifests, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013917001, Other Requirements No. 6, as documented during the investigation conducted on May 21, 2008.
4. Failed to ensure that the Facility and all of its 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. WQ0013917001, Operational Requirements No. 1, as documented during the investigation conducted on May 21, 2008. Specifically, a willow tree was observed growing in wetland cell No. 3 as well as other woody vegetation growing on the levees.
5. Failed to ensure that the Facility and all of its 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. WQ0013917001, Operational Requirements No. 1, as documented during the investigation conducted on May 21, 2008. Specifically, the chlorine contact chamber was severely corroded and the paint was peeling.
6. Failed to properly operate and maintain septic tanks, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013917001, Operational Requirements No. 1, as documented during the investigation conducted on May 21, 2008. Specifically, the investigator could not determine if the pumps on the seven-tank septic system were all connected to the audio/visual alarm, one septic tank did not have a water-tight, secure lid, and the cleanout plug was broken, and the junction box did not have a cover, resulting in corroded wiring.
7. Failed to monitor samples and take measurements in a manner representative of the monitored activity, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and (d) and TPDES Permit No. WQ0013917001, Monitoring and Reporting Requirements No. 3.a, as documented during the investigation conducted on May 21, 2008. Specifically, the Respondent was monitoring flow based on measurements for a 60° V-notch weir; however, a 90° V-notch weir is installed at the Facility. It was also noted that the Respondent was reading the staff gauge as eighths of an inch when the gauge is in tenths of an inch.

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 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: Chireno Independent School District, Docket No. 2008-1451-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, repair the corroded chlorine contact chamber;
 - b. Within 45 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that flow monitoring measurements are based on a 90° V-notch weir;
 - c. Within 60 days after the effective date of this Agreed Order, submit to the Beaumont Regional Office a copy of the flow measurement daily log for one month that lists measurements taken using calculations for the appropriate V-notch weir and staff gauge reading in tenths of an inch; and
 - 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 No. 2. 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."

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.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/12/2009
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.



Signature

12-5-2008
Date

Roger D. Dees
Name (Printed or typed)
Authorized Representative of
Chireno 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.

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