

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0227-MWD-E **TCEQ ID:** RN102078045 **CASE NO.:** 37169

RESPONDENT NAME: Peaster Independent School District

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: Peaster ISD, located approximately 1,200 feet southeast of the intersection of Precinct Road (also known as Peaster Cutoff Road) and Farm-to-Market Road 920 and approximately 800 feet east of Farm-to-Market Road 920, Parker County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 November 30, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Matt Adams, Superintendent, Peaster Independent School District, P.O. Box 129, Peaster, Texas 76485 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 checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 13 and June 16, 2009</p> <p>Date of NOV/NOE Relating to this Case: February 17 and June 26, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation and a record review.</p> <p>WATER</p> <p>1) Failure to comply with permit effluent limits for ammonia nitrogen, carbonaceous oxygen demand ("CBOD5"), total suspended solids ("TSS"), and dissolved oxygen [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TCBEQ Agreed Order Docket No. 2005-0797-MWD-E, Ordering Provision No. 3].</p> <p>2) Failure to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures [TPDES Permit No. WQ0013589001, Operational Requirements No. 4, and 30 TEX. ADMIN. CODE § 305.125(1) and (5)].</p> <p>3) Failure to submit the noncompliance notification when any effluent violation deviates by more than 40% of the permitted limit [TPDES Permit No. WQ0013589001, Monitoring and Reporting Requirements No. 7.c., and 30 TEX. ADMIN. CODE § 305.125(1)].</p>	<p>Total Assessed: \$31,460</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$31,460</p> <p>Total Paid (Due) to General Revenue: \$0</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>Findings Orders Justification: This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent installed an alternate power source at the Facility on June 29, 2009.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit the noncompliance notifications for exceedances of TSS and CBOD5 for the months of December 2007, and January, February, March, April, July, August, September, and October 2008;</p> <p>b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision 2.a.; and</p> <p>c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013589001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0013589001

Attachment A
Docket Number: 2009-0227-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Peaster Independent School District
Payable Penalty Amount:	Thirty-One Thousand Four Hundred Sixty Dollars (\$31,460)
SEP Amount:	Thirty-One Thousand Four Hundred Sixty Dollars (\$31,460)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 215 – Dallas-Fort Worth

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.



Peaster Independent School District
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned PCW	29-Jun-2009	Screening	29-Jun-2009	EPA Due	
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RESPONDENT/FACILITY INFORMATION			
Respondent	Peaster Independent School District		
Reg. Ent. Ref. No.	RN102078045		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37169	No. of Violations	1
Docket No.	2009-0227-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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	\$663
Approx. Cost of Compliance	\$5,000

*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 29-Jun-2009

Docket No. 2009-0227-MWD-E

PCW

Respondent Peaster Independent School District

Policy Revision 2 (September 2002)

Case ID No. 37169

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078045

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	44	220%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 240%

>> **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 was issued one 1660 Agreed Order, two NOVs with the same/similar type of violations, and self-reported 42 months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 240%

Screening Date 29-Jun-2009	Docket No. 2008-0227-MWD-E	PCW																
Respondent Peaster Independent School District		<small>Policy Revision 2 (September 2002)</small>																
Case ID No. 37169		<small>PCW Revision October 30, 2008</small>																
Reg. Ent. Reference No. RN102078045																		
Media [Statute] Water Quality																		
Enf. Coordinator Jorge Ibarra, P.E.																		
Violation Number 1																		
Rule Cite(s)	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TCEQ Agreed Order Docket No. 2005-0797-MWD-E, Ordering Provision No. 3																	
Violation Description	Failed to comply with permit effluent limits. See attached Effluent Limit Violation Table.																	
	Base Penalty	\$10,000																
>> Environmental, Property and Human Health Matrix																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <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;">Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor	Release				Actual			x	Potential				Percent 10%
	Major	Moderate	Minor															
Release																		
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OR																		
>> Programmatic Matrix																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <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></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor	Falsification				Actual				Potential				Percent 0%
	Major	Moderate	Minor															
Falsification																		
Actual																		
Potential																		
Matrix Notes	A simplified model was used to evaluate ammonia nitrogen (NH3-N) and carbonaceous biochemical oxygen demand (5-day) (CBOD5) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids (TSS) and dissolved oxygen (DO) values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.																	
	Adjustment	\$9,000																
		\$1,000																
Violation Events																		
	Number of Violation Events 8	647 Number of violation days																
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">daily</td> <td></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty \$8,000			
daily																		
weekly																		
monthly																		
quarterly	x																	
semiannual																		
annual																		
single event																		
<small>mark only one with an x</small>																		
	Eight quarterly events are recommended. The penalty was calculated from the effective date of the Agreed Order, September 21, 2007, to the screening date of June 29, 2009.																	
Good Faith Efforts to Comply	0.0% Reduction	\$0																
	Before NOV NOV to EDPRP/Settlement Offer																	
Extraordinary																		
Ordinary																		
N/A	x (mark with x)																	
Notes	The Respondent does not meet the good faith criteria for this violation.																	
	Violation Subtotal	\$8,000																
Economic Benefit (EB) for this violation	Estimated EB Amount \$663	Statutory Limit Test																
		Violation Final Penalty Total \$22,400																
		This violation Final Assessed Penalty (adjusted for limits) \$22,400																

Economic Benefit Worksheet

Respondent Peaster Independent School District
Case ID No. 37169
Reg. Ent. Reference No. RN102078045
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	\$5,000	21-Sep-2007	1-May-2010	2.61	\$653	n/a	\$653
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 and implement procedures to ensure compliance with permit effluent limits. Date Required is the effective date of the Agreed Order, Final Date is the expected compliance date.

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

\$5,000

TOTAL

\$653

Effluent Limit Violation Table

table rev.

Peaster Independent School District

RN102078045, Case No. 37169

2009-0227-MWD-E

Jorge Ibarra, P.E.

Corresponds to Violation Number:

1

EFFLUENT PARAMETER

Permit Limit

	NH3-N Daily Average Concentration	NH3-N Daily Average Loading	CBOD5 Daily Average Concentration	TSS Daily Average Concentration	TSS Daily Average Loading	TSS Daily Average Single Grab	DO Minimum		
<i>Month/Year</i>	3 mg/L	0.9 lbs/day	10 mg/L	15 mg/L	4.5 lbs/day	60 mg/L	4 mg/L		
Oct-07	c	c	c	c	c	c	3.1		
Nov-07	c	0.11	c	17	c	c	c		
Dec-07	c	c	14.1	68.3	4.66	110	c		
Jan-08	c	c	13.8	26	c	c	c		
Feb-08	c	c	11.2	21.3	c	c	c		
Mar-08	4.45	c	15.1	20.3	c	c	c		
Apr-08	c	c	c	23.3	c	c	c		
May-08	c	c	c	15.9	c	c	c		
Jun-08	c	c	c	20	c	c	c		
Jul-08	c	c	c	36.7	c	64	c		
Aug-08	c	c	c	43.8	c	c	c		
Sep-08	c	c	c	27.4	c	c	c		
Oct-08	c	c	c	21	c	c	c		
Nov-08	c	c	c	16.6	c	c	c		
Dec-08	c	c	c	28	c	c	c		
1/13/2009*	c	c	c	c	c	124	c		
Jan-09	c	c	c	20	c	c	c		
Feb-09	c	c	11.5	17.5	c	c	c		

Name	Abbreviation
milligram per liter	mg/L
pounds per day	lbs/day
total suspended solids	TSS
carbonaceous biochemical oxygen demand (5-day)	CBOD5
ammonia nitrogen	NH3-N
dissolved oxygen	DO
Grab Sample	*
compliant	c

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

TCEQ DATES	Assigned	17-Feb-2009	Screening	18-Feb-2009	EPA Due	
	PCW	17-Aug-2009				

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

CASE INFORMATION			
Enf./Case ID No.	37169	No. of Violations	2
Docket No.	2009-0227-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>		\$14,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	114.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$15,960
Notes	The Respondent was issued one 1860 Agreed Order, two NOVs with the same/similar type of violations, and self-reported 42 months of effluent violations.		
Culpability	No 0.0% Enhancement	<i>Subtotal 4</i>	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		<i>Subtotal 5</i>	\$500
Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
Total EB Amounts	\$0	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$0		
SUM OF SUBTOTALS 1-7		<i>Final Subtotal</i>	\$29,460
OTHER FACTORS AS JUSTICE MAY REQUIRE	-69.2%	<i>Adjustment</i>	-\$20,400
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes	A reduction was given so that reporting violations do not overly impact the penalty amount.		
		<i>Final Penalty Amount</i>	\$9,060
STATUTORY LIMIT ADJUSTMENT		<i>Final Assessed Penalty</i>	\$9,060
DEFERRAL	0.0% Reduction	<i>Adjustment</i>	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	No deferral is recommended for Findings Orders.		
PAYABLE PENALTY			\$9,060

Screening Date 18-Feb-2009

Docket No. 2009-0227-MWD-E

PCW

Respondent Peaster Independent School District

Policy Revision 2 (September 2002)

Case ID No. 37169

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078045

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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>	2	10%
	Other written NOVs	42	84%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	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) 114%

>> **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 was issued one 1660 Agreed Order, two NOVs with the same/similar type of violations, and self-reported 42 months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 114%

Screening Date 18-Feb-2009	Docket No. 2009-0227-MWD-E	PCW		
Respondent Peaster Independent School District	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37169	<i>PCW Revision October 30, 2009</i>			
Reg. Ent. Reference No. RN102078045				
Media [Statute] Water Quality				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number 1				
Rule Cite(s)	TPDES Permit No. WQ0013589001, Operational Requirements No. 4 and 30 Tex. Admin. Code § 305.125(1) and (5)			
Violation Description	Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the Facility did not have alternate power sources, standby generators, and/or retention of inadequately treated wastewater.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Percent			25%	
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Percent			0%	
Matrix Notes	Failure to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures could result in the exposure of significant amounts of pollutants which would exceed levels that are protective of human health or the environment as a result of this violation.			
Adjustment			\$7,500	
			\$2,500	
Violation Events				
Number of Violation Events		2	Number of violation days	
		36		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty	
	weekly	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
single event	<input type="checkbox"/>	\$5,000		
Two monthly events are recommended. The penalty was calculated from the investigation date of January 13, 2009 to the screening date of February 18, 2009.				
Good Faith Efforts to Comply				
		10.0% Reduction	\$500	
		Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent achieved compliance by June 29, 2009 for this violation.			
Violation Subtotal			\$4,500	
Economic Benefit (EB) for this violation				
Estimated EB Amount		\$224	Statutory Limit Test	
Violation Final Penalty Total			\$3,137	
This violation Final Assessed Penalty (adjusted for limits)			\$3,137	

Economic Benefit Worksheet

Respondent Peaster Independent School District
Case ID No. 37169
Reg. Ent. Reference No. RN102078045
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	\$5,000	13-Jan-2009	29-Jun-2009	0.46	\$8	\$153	\$160
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	13-Jan-2009	29-Jun-2009	0.46	\$3	\$61	\$64
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 (equipment and labor) to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Date Required is the investigation date, Final Date is the date of compliance.

Avoided Costs

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

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

\$7,000

TOTAL

\$224

Screening Date 18-Feb-2009	Docket No. 2009-0227-MWD-E														
Respondent Peaster Independent School District	PCW <small>Policy Revision 2 (September 2002)</small>														
Case ID No. 37189	<small>PCW Revision October 30, 2008</small>														
Reg. Ent. Reference No. RN102078045															
Media [Statute] Water Quality															
Enf. Coordinator Jorge Ibarra, P.E.															
Violation Number 2															
Rule Cite(s)	TPDES Permit No. WQ0013589001, Monitoring and Reporting Requirements No. 7.c. and 30 Tex. Admin. Code § 305.125(1)														
Violation Description	Failed to submit the noncompliance notification when any effluent violation deviates by more than 40% of the permitted limit. Specifically, the Respondent did not submit noncompliance notifications for exceedances of total suspended solids and carbonaceous biochemical oxygen demand (5 day) for the months of December 2007, and January, February, March, April, July, August, September, and October 2008.														
Base Penalty	\$10,000														
>> Environmental, Property and Human Health Matrix															
Harm															
Release	Major Moderate Minor														
Actual	<input type="text"/> <input type="text"/> <input type="text"/>														
Potential	<input type="text"/> <input type="text"/> <input type="text"/>														
OR	Percent <input type="text"/> 0%														
>> Programmatic Matrix															
Falsification															
Major Moderate Minor															
<input type="text"/> <input checked="" type="checkbox"/> <input type="text"/> <input type="text"/>															
Percent <input type="text"/> 10%															
Matrix Notes	100% of the rule requirement was not met.														
Adjustment	\$9,000														
\$1,000															
Violation Events															
Number of Violation Events	<input type="text"/> 9														
	<input type="text"/> 9 Number of violation days														
mark only one with an x	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</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="checkbox"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>
daily	<input type="text"/>														
weekly	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	<input checked="" type="checkbox"/>														
Violation Base Penalty	\$9,000														
Nine single events are recommended.															
Good Faith Efforts to Comply															
0.0% Reduction	\$0														
	<small>Before NOV NOV to EDP/PP/ Settlement Offer</small>														
Extraordinary	<input type="text"/>														
Ordinary	<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	\$9,000														
Economic Benefit (EB) for this violation															
Statutory Limit Test															
Estimated EB Amount	<input type="text"/> \$47														
Violation Final Penalty Total	\$5,923														
This violation Final Assessed Penalty (adjusted for limits)															
<input type="text"/> \$5,923															

Economic Benefit Worksheet

Respondent Peaster Independent School District
Case ID No. 37169
Reg. Ent. Reference No. RN102078046
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$450	5-Jan-2008	1-Feb-2010	2.08	\$47	n/a	\$47

Notes for DELAYED costs

Estimated cost to submit the required non-compliance notifications. Date Required is the date the first non-compliance notification was due, Final Date is the expected compliance date.

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

\$450

TOTAL

\$47

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600623094	Peaster Independent School District Public Facility Corporation	Classification: AVERAGE	Rating: 3.38
Regulated Entity:	RN102078045	PEASTER ISD	Classification: AVERAGE	Site Rating: 3.38
ID Number(s):	WASTEWATER	PERMIT		WQ0013589001
	WASTEWATER	PERMIT		TPDES0107981
	WASTEWATER	PERMIT		TX0107981
	WASTEWATER LICENSING	LICENSE		WQ0013589001
Location:	APPROXIMATELY 1200 FT SE OF THE INTERSECTION OF FM 2028 & FM 920 AND APPROXIMATELY 800 FT E OF FM920 IN PARKER COUNTY			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	November 04, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 01, 2004 to July 01, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jorge Ibarra, P.E.		Phone:	(817) 588-5890

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

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 | Effective Date: 09/21/2007 | ADMINORDER 2005-0797-MWD-E |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Effluent Limits PERMIT | |
| | Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Self-reporting Requirements PERMIT | |
| | Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review. | |
- 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 | 07/12/2004 | (364809) |
| | N/A | | |

2	08/16/2004	(364810)
3	09/20/2004	(364811)
4	10/18/2004	(364812)
5	11/12/2004	(388938)
6	12/20/2004	(388939)
7	01/12/2005	(388940)
8	01/31/2005	(345823)
9	02/18/2005	(371338)
10	02/24/2005	(388935)
11	03/10/2005	(373339)
12	03/14/2005	(388936)
13	03/15/2005	(371314)
14	03/29/2005	(388937)
15	04/07/2005	(426535)
16	05/16/2005	(426536)
17	06/13/2005	(426537)
18	07/14/2005	(446796)
19	08/22/2005	(446797)
20	09/15/2005	(446798)
21	10/26/2005	(490562)
22	11/21/2005	(490563)
23	12/19/2005	(490564)
24	01/23/2006	(490565)
25	02/23/2006	(490559)
26	03/27/2006	(490560)
27	04/20/2006	(505383)
28	05/22/2006	(505384)
29	06/19/2006	(505385)
30	07/19/2006	(527667)
31	08/24/2006	(527668)
32	09/12/2006	(527669)
33	10/16/2006	(629205)
34	11/22/2006	(629207)
35	12/21/2006	(629209)
36	01/12/2007	(629211)
37	02/20/2007	(629197)
38	03/12/2007	(629198)
39	04/19/2007	(629199)
40	05/23/2007	(629200)
41	06/15/2007	(629201)
42	07/23/2007	(629202)
43	08/20/2007	(629203)
44	11/15/2007	(629204)
45	11/15/2007	(629206)
46	11/15/2007	(629208)
47	11/30/2007	(600888)
48	12/27/2007	(629210)
49	01/21/2008	(676637)
50	02/15/2008	(618737)
51	02/21/2008	(676636)
52	03/17/2008	(695181)
53	04/22/2008	(640536)
54	04/22/2008	(695182)
55	05/16/2008	(695183)
56	06/12/2008	(716685)
57	07/17/2008	(716686)
58	08/11/2008	(716687)

59 09/19/2008 (716688)
 60 09/30/2008 (732129)
 61 10/16/2008 (732130)
 62 11/10/2008 (732131)
 63 12/19/2008 (732132)
 64 01/29/2009 (755470)
 65 02/11/2009 (724313)
 66 02/19/2009 (755469)
 67 03/12/2009 (772537)
 68 04/22/2009 (772538)
 69 05/18/2009 (772539)
 70 06/26/2009 (726224)

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

Date: 08/31/2004 (364811) CN600623094

N/A

Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2004 (364812) CN600623094

Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2004 (388938) CN600623094

Self 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: 01/31/2005 (388935) CN600623094

Self 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: 02/01/2005 (345823) CN600623094

Self NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to comply with permit limits for CI2 minimum.

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

Self NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to be compliant with self-monitored effluent limitations.
 Date: 02/28/2005 (388936) CN600623094

Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2005 (426537) CN600623094

Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2005 (490562) CN600623094

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

Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2005 (490563) CN600623094
 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: 11/30/2005 (490564) CN600623094
 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: 12/31/2005 (490565) CN600623094
 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: 01/31/2006 (490559) CN600623094
 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: 02/28/2006 (490560) CN600623094
 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: 03/31/2006 (505383) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2006 (505384) CN600623094
 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: 06/30/2006 (527667) CN600623094
 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: 07/31/2006 (527668) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2006 (629207) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2006 (629209) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2007 (629197) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2007 (629198) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2007 (629200) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2007 (629202) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2007 (629203) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2007 (629204) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2007 (629206) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2007 (629208) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2007 (600888) CN600623094
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ13589-001 PERMIT

Description: Failure to consistently comply with the effluent permits limits.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ13589-001 PERMIT

Description: Failure to comply with the effluent chlorine residual limits.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ13589-001 PERMIT

Description: Failure to submit the required noncompliance notifications for permit effluent exceedances.
 Date: 11/30/2007 (629210) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2007 (676637) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 01/31/2008 (676636) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2008 (695181) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2008 (695182) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2008 (695183) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2008 (716685) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2008 (716686) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2008 (716687) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2008 (716688) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2008 (732130) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2008 (732131) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2008 (732132) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2008 (755470) CN600623094
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2009 (755489) CN600623094
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2009 (772537) CN600623094
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PEASTER INDEPENDENT SCHOOL
DISTRICT
RN102078045**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0227-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Peaster Independent School District ("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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 1,200 feet southeast of the intersection of Precinct Road (also known as Peaster Cutoff Road) and Farm-

to-Market Road 920 and approximately 800 feet east of Farm-to-Market Road 920 in Parker County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on January 13, 2009 and a record review on June 16, 2009, TCEQ staff documented that the Respondent did not comply with permit effluent limits as depicted in the table below:

EFFLUENT PARAMETER							
Permit Limit							
	NH3-N Daily Average Concentration	NH3-N Daily Average Loading	CBOD5 Daily Average Concentration	TSS Daily Average Concentration	TSS Daily Average Loading	TSS Daily Average Single Grab	DO Minimum
Month/Year	3 mg/L	0.9 lbs/day	10 mg/L	15 mg/L	4.5 lbs/day	60 mg/L	4 mg/L
Oct-07	c	c	c	c	c	c	3.1
Nov-07	c	0.11	c	17	c	c	c
Dec-07	c	c	14.1	68.3	4.66	110	c
Jan-08	c	c	13.8	26	c	c	c
Feb-08	c	c	11.2	21.3	c	c	c
Mar-08	4.45	c	15.1	20.3	c	c	c
Apr-08	c	c	c	23.3	c	c	c
May-08	c	c	c	15.9	c	c	c
Jun-08	c	c	c	20	c	c	c
Jul-08	c	c	c	36.7	c	64	c
Aug-08	c	c	c	43.8	c	c	c
Sep-08	c	c	c	27.4	c	c	c
Oct-08	c	c	c	21	c	c	c
Nov-08	c	c	c	16.6	c	c	c
Dec-08	c	c	c	28	c	c	c
1/13/2009*	c	c	c	c	c	124	c
Jan-09	c	c	c	20	c	c	c
Feb-09	c	c	11.5	17.5	c	c	c

DO = dissolved oxygen NH3-N = ammonia nitrogen CBOD5 = carbonaceous oxygen demand (5-day)
TSS = total suspended solids mg/L = milligrams per liter c = compliant lbs/day = pounds per day
* From grab sample taken during the January 13, 2009 investigation

4. During an investigation on January 13, 2009, TCEQ staff documented that the Respondent did not provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the Facility did not have alternate power sources, standby generators, and/or a retention of inadequately treated wastewater.
5. During an investigation on January 13, 2009, TCEQ staff documented that the Respondent did not submit the noncompliance notification when any effluent violation deviates by more than 40% of the permitted limit. Specifically, the Respondent did not submit noncompliance notifications for exceedances of TSS and CBOD5 for the months of December 2007, and January, February, March, April, July, August, September, and October 2008.
6. The Respondent received notices of the violations on February 22, 2009 and July 1, 2009.
7. The Executive Director recognizes that the Respondent installed an alternate power source at the Facility on June 29, 2009.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permit effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TCEQ Agreed Order Docket No. 2005-0797-MWD-E, Ordering Provision No. 3.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in violation of TPDES Permit No. WQ0013589001, Operational Requirements No. 4 and 30 TEX. ADMIN. CODE § 305.125(1) and (5).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit the noncompliance notification when any effluent violation deviates by more than 40% of the permitted limit, in violation of TPDES Permit No. WQ0013589001, Monitoring and Reporting Requirements No. 7.c. and 30 TEX. ADMIN. CODE § 305.125(1).
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Thirty-One Thousand Four Hundred Sixty Dollars (\$31,460) is justified by the facts recited in this Agreed Order, and considered in light of the

factors set forth in TEX. WATER CODE § 7.053. Thirty-One Thousand Four Hundred Sixty Dollars (\$31,460) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Thirty-One Thousand Four Hundred Sixty Dollars (\$31,460) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Peaster Independent School District, Docket No. 2009-0227-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Thirty-One Thousand Four Hundred Sixty Dollars (\$31,460) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit the noncompliance notifications for exceedances of TSS and CBOD5 for the months of December 2007, and January, February, March, April, July, August, September, and October 2008, in accordance with TPDES Permit No. WQ0013589001, Monitoring and Reporting Requirements;
 - b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision 3.a. as described in Ordering Provision 3.d. below;
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No.

WQ0013589001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations; and

- d. 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 fines 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. 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.
5. 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.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sallier
For the Executive Director

12/11/2009
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Peaster Independent School District. I am authorized to agree to the attached Agreed Order on behalf of Peaster Independent School District, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Peaster Independent School District waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Matt Adams
Signature

9-22-09
Date

Matt Adams
Name (Printed or typed)
Authorized Representative of
Peaster 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.

Attachment A
Docket Number: 2009-0227-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Peaster Independent School District
Payable Penalty Amount:	Thirty-One Thousand Four Hundred Sixty Dollars (\$31,460)
SEP Amount:	Thirty-One Thousand Four Hundred Sixty Dollars (\$31,460)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 215 – Dallas-Fort Worth

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

Peaster Independent School District
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

