

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2009-0898-MWD-E **TCEQ ID:** RN102887213 **CASE NO.:** 37769
RESPONDENT NAME: Woden 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: Woden ISD Campus, located at the northeast corner of the intersection of Farm-to-Market Road 226 and County Road 417, Woden, Nacogdoches 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: A complaint was received on February 13, 2009, alleging malodorous smells emanating from the wastewater treatment plant. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Brent Hawkins, Superintendent, Woden Independent School District, P.O. Box 100, Woden, Texas 75978 Mr. Randy Batten, Business Manager, Woden Independent School District, P.O. Box 100, Woden, Texas 75978 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: February 13, 2009</p> <p>Date of Investigation Relating to this Case: March 12, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 11, 2009 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failure to prevent ponding or surfacing of the effluent. Specifically, ponding was noted in the southeastern portion of the disposal field as a result of cattle breaking the drip irrigation line [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 8].</p> <p>2) Failure to collect and submit for analysis annual soil samples for 2008 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 15].</p> <p>3) Failure to comply with final effluent limitations for biochemical oxygen demand [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0014345001, Final Effluent Limitations and Monitoring Requirements A].</p> <p>4) Failure to maintain records of the inspection dates for the sludge in each of the septic tanks. Specifically, there were no records showing the dates the septic tanks were inspected for sludge accumulations [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 3.b and Special Provisions No. 17].</p> <p>5) Failure to retain at the Facility all records</p>	<p>Total Assessed: \$14,225</p> <p>Total Deferred: \$2,845 <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: \$11,380</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. On March 16, 2009, repaired the wastewater line and closed the gate to prevent cattle access to the disposal field and the subsurface wastewater irrigation lines;</p> <p>b. On April 12, 2009, began monitoring pH as required by TCEQ Permit No. WQ0014345001;</p> <p>c. On June 16, 2009, provided notice to the TCEQ that the Facility was being operated in the final phase of TCEQ Permit No. WQ0014345001;</p> <p>d. On July 29, 2009, collected and submitted samples of the irrigation effluent and the soil for analysis, and by August 27, 2009, sample results were received by TCEQ; and</p> <p>e. On August 27, 2009, provided documentation that the Facility's operation guidance manual was updated and employee training had been conducted to ensure maintenance and retention of records and submittal of reports.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, develop and implement procedures to limit the effluent application rate to 0.07 g/sf/d;</p> <p>b. Within 30 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 Provision a;</p> <p>c. Within 60 days after the effective date of this Agreed Order, calibrate the flow meter;</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written</p>

<p>of monitoring. Specifically, records of biochemical oxygen demand analyses results and flow were not available prior to September 2008 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 3.b].</p> <p>6) Failure to retain records of the analysis of the irrigation effluent. Specifically, the investigator requested the records for the irrigation effluent, which was to be analyzed for nitrate, total Kjeldahl nitrogen, and total phosphorus, but there were no records of these results [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 3.b and Special Provisions No. 16].</p> <p>7) Failure to maintain records of sludge removal [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, 3.b and Special Provisions No. 18].</p> <p>8) Failure to maintain records of all grease removed from the grease trap. Specifically, records were only being maintained for the monthly grease disposal rather than for the cleanout frequency of the grease trap [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 20].</p> <p>9) Failure to record grass harvesting dates and weights in a log book kept on site. Specifically, the investigator was informed that grass had been harvested, but no records of the activity were available for review at the request of the investigator [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 8].</p> <p>10) Failure to submit a summary submittal letter within 90 days from the date of permit issuance. Specifically, TCEQ Permit No. WQ0014345001 was issued March 27, 2007, and during the investigation, the investigator documented that the Facility was operating under the final phase of the permit, with different effluent limitations and disposal practices, without prior notification to the TCEQ Wastewater Permitting Section [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Permit Conditions, 4.a and Special Provisions No. 5].</p> <p>11) Failure to monitor pH once per month</p>		<p>certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c; and</p> <p>e. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TCEQ Permit No. WQ0014345001, including specific corrective actions that were implemented at the Facility to achieve compliance, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>
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[30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Final Effluent Limitations and Monitoring Requirements, B].

12) Failure to comply with the effluent application rate of 0.07 gallons per square foot per day ("g/sf/d"). Specifically, application rates of 0.23 g/sf/d and 0.17 g/sf/d were calculated for January 9, 2009 and January 29, 2009, respectively, by the investigator, based upon the corresponding 39,800 gallons and 29,400 gallons reported for usage on the 172,000 square foot disposal site on those days [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 7].

13) Failure to calibrate the effluent flow meter at least annually [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 5].

14) Failure to report in writing within five working days any effluent violation that exceeded the permitted limit by more than 40 percent. Specifically, the Respondent failed to submit a noncompliance notification in writing within five working days of becoming aware of the biochemical oxygen demand effluent violations in the months of October 2008, November 2008, January 2009, and February 2009, which were over 40 percent of the permitted limit [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 7.c].

Additional ID No(s): WQ0014345001



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	18-May-2009	PCW	9-Jun-2009	Screening	9-Jun-2009	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	Woden Independent School District
Reg. Ent. Ref. No.	RN102887213
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37769	No. of Violations	9
Docket No.	2009-0898-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Merrilee Hupp
		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** \$17,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5.0% Enhancement **Subtotals 2, 3, & 7** \$850

Notes The Respondent received one NOV for same or similar violations to those in the current action.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$475

Economic Benefit 0.0% Enhancement **Subtotal 6** \$0

Total EB Amounts \$970
Approx. Cost of Compliance \$5,885
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$17,375

OTHER FACTORS AS JUSTICE MAY REQUIRE -18.1% **Adjustment** -\$3,150

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommend reduction in the penalty so that reporting violations do not overly impact the penalty amount.

Final Penalty Amount \$14,225

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$14,225

DEFERRAL 20.0% Reduction **Adjustment** -\$2,845

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 \$11,380

Screening Date: 9-Jun-2009	Docket No.: 2009-0898-MWD-E	PCW
Respondent: Woden Independent School District		<i>Policy Revision 2 (September 2002)</i>
Case ID No.: 37769		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.: RN102887213		
Media [Statute]: Water Quality		
Enf. Coordinator: Merrilee Hupp		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<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) 5%

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

<input style="width:90%;" type="text" value="No"/>	Adjustment Percentage (Subtotal 3) 0%
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>> **Compliance History Person Classification (Subtotal 7)**

<input style="width:90%;" type="text" value="Average Performer"/>	Adjustment Percentage (Subtotal 7) 0%
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>> **Compliance History Summary**

Compliance History Notes	The Respondent received one NOV for same or similar violations to those in the current action.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 9-Jun-2009	Docket No. 2009-0898-MWD-E	PCW					
Respondent Woden Independent School District	<i>Policy Revision 2 (September 2002)</i>						
Case ID No. 37769	<i>PCW Revision October 30, 2008</i>						
Reg. Ent. Reference No. FALSE							
Media [Statute] Water Quality							
Enf. Coordinator Merrilee Hupp							
Violation Number 1							
Rule Cite(s)	30 Tex. Adm'n. Code § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 8						
Violation Description	Failed to prevent ponding or surfacing of the effluent. Specifically, ponding was noted in the southeastern portion of the disposal field as a result of cattle breaking the drip irrigation line, as documented during the investigation on March 12, 2009.						
Base Penalty		\$10,000					
>> Environmental, Property and Human Health Matrix							
OR	Release			Harm			
		Major	Moderate	Minor			
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Percent	10%
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
>> Programmatic Matrix							
	Falsification	Major	Moderate	Minor		Percent	0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.						
Adjustment							\$9,000
							\$1,000
Violation Events							
	Number of Violation Events	1	4	Number of violation days			
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<input type="checkbox"/>				
	weekly	<input type="checkbox"/>	<input type="checkbox"/>				
	monthly	<input type="checkbox"/>	<input type="checkbox"/>				
	quarterly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Violation Base Penalty			
	semiannual	<input type="checkbox"/>	<input type="checkbox"/>	\$1,000			
	annual	<input type="checkbox"/>	<input type="checkbox"/>				
	single event	<input type="checkbox"/>	<input type="checkbox"/>				
One quarterly event is recommended from the investigation date (3/12/09) through the date of compliance (3/16/09).							
Good Faith Efforts to Comply		25.0% Reduction		\$250			
		Before NOV	NOV to EDPRP/Settlement Offer				
	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>				
	Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
	N/A	<input type="checkbox"/>	(mark with x)				
	Notes	Wastewater line was repaired on March 16, 2009 and gate was closed to prevent damage by cattle from reoccurring.					
Violation Subtotal							\$750
Economic Benefit (EB) for this violation				Statutory Limit Test			
Estimated EB Amount				\$0	Violation Final Penalty Total		\$855
This violation Final Assessed Penalty (adjusted for limits)							\$655

Economic Benefit Worksheet

Respondent: Woden Independent School District
Case ID No.: 37769
Reg. Ent. Reference No.: RN102887213
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description: 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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$60	12-Mar-2009	16-Mar-2009	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to repair broken line and ensure that gate remains closed to prevent cattle from entering irrigation field. Date required is the investigation date and final date is the date compliance was achieved.

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

\$60

TOTAL

\$0

Screening Date: 9-Jun-2009	Docket No.: 2009-0898-MWD-E	PCW		
Respondent: Woden Independent School District	Policy Revision 2 (September 2002) PCW Revision October 30, 2008			
Case ID No.: 37769				
Reg. Ent. Reference No.: RN102887213				
Media [Statute]: Water Quality				
Enf. Coordinator: Merrilee Hupp				
Violation Number: 2				
Rule Cite(s):	30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014346001, Special Provisions No. 15			
Violation Description:	Failed to collect and submit for analysis annual soil samples for 2008, as documented during the March 12, 2009 investigation.			
Base Penalty:		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
				Percent: 5%
>> 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	Number of violation days: 89	
mark only one with an x	daily	<input type="checkbox"/>	Violation Base Penalty: \$500	
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	Single event	<input checked="" type="checkbox"/>		
One single event is recommended based upon the investigation date when the violation was documented.				
Good Faith Efforts to Comply		0.0% Reduction		
		\$0		
		Before NOV	NOV to EDPR/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
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: \$184		Violation Final Penalty Total: \$430		
This violation Final Assessed Penalty (adjusted for limits): \$430				

Economic Benefit Worksheet

Respondent: Woden Independent School District
Case ID No.: 37769
Reg. Ent. Reference No.: RN102887213
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				0.00	\$0	n/a	\$0
Training/Sampling	\$1,150	12-Mar-2009	27-Aug-2009	0.46	\$26	n/a	\$26
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: Actual cost of soil sample analyses (\$900) and to update the Facility's operational guidance and conduct training to ensure correct sampling and record-keeping of the sample result (\$250). Date required is the investigation date and the final date is the date compliance was achieved.

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	\$900	1-Dec-2007	31-Jan-2008	0.17	\$8	\$150	\$158
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: Estimated cost of the avoided soil sample analyses calculated for the year in which no soil sampling was conducted. Date required and final date reflect the period of time allowed by the permit for soil sampling to be conducted for the year that was avoided.

Approx. Cost of Compliance	\$2,050	TOTAL	\$184
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Screening Date: 9-Jun-2009	Docket No.: 2009-0898-MWD-E	PCW		
Respondent: Woden Independent School District	<small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>			
Case ID No.: 37769				
Reg. Ent. Reference No.: RN102887213				
Media (Statute): Water Quality				
Enf. Coordinator: Merrilee Hupp				
Violation Number: 3				
Rule Cite(s):	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 306.125(1); and TCEQ Permit No. WG0014345001, Final Effluent Limitations and Monitoring Requirements A.			
Violation Description:	Failed to comply with final effluent limitations, as documented during the March 12, 2009 investigation and shown in the effluent violation table.			
Base Penalty:		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
		Percent	10%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		Percent	0%	
Matrix Notes:	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment:		\$9,000		
		\$1,000		
Violation Events				
Number of Violation Events:		3	Number of violation days: 91	
<small>mark only one with an x</small>	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
		Violation Base Penalty:	\$3,000	
Three quarterly events are recommended.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
	Before NOV	NOV to EDRP/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:		\$3,000		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount:	\$80	Violation Final Penalty Total:	\$2,579	
This violation Final Assessed Penalty (adjusted for limits):		\$2,579		

Economic Benefit Worksheet

Respondent: Woden Independent School District
Case ID No.: 37769
Reg. Ent. Reference No.: RN102887213
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

Equipment	\$350	3-Sep-2008	30-Mar-2010	1.57	\$2	\$37	\$38
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$200	3-Sep-2008	30-Mar-2010	1.57	\$1	\$21	\$22
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: Actual cost to repair air compressor and aerator (\$350). Additional costs are estimated for the additional modifications which may be required to prevent excess solids from entering the wastewater from construction activities, resulting in effluent excursions. Date required is the first noncompliant weekly sample and final date is the date compliance is expected to be achieved.

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

\$550

TOTAL

\$60

Screening Date: 9-Jun-2009		Docket No.: 2009-0898-MWD-E		PCW	
Respondent: Woden Independent School District			Policy Revision 2 (September 2002)		
Case ID No.: 37789			PCW Revision October 30, 2008		
Reg. Ent. Reference No.: RN102887213					
Media [Statute]: Water Quality					
Enf. Coordinator: Merrilee Hupp					
Violation Number:		4			
Rule Cite(s): 30-Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014845001, Monitoring Requirements, 3.b and Special Provisions Nos. 8, 16, 17, 18, and 20					
Violation Description: Failed to retain at the Facility, or have readily available for review, copies of all records required by the permit, as documented during the March 12, 2009 investigation. Specifically, there were no records of septic tank inspections for sludge accumulations, biochemical oxygen demand analyses or flow measurement, irrigation effluent analysis (for nitrate, total Kjeldahl nitrogen, and total phosphorus), sludge removal, grease removal, and grass harvesting dates and weights.					
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 type="text"/>	
				Percent: <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>
				Percent: <input type="text" value="10%"/>	
Matrix Notes:		100 percent of the requirement was not met.			
Adjustment:				\$9,000	
				\$1,000	
Violation Events					
Number of Violation Events:		<input type="text" value="1"/>	Number of violation days: <input type="text" value="69"/>		
<i>mark only one with an x</i>	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="text" value="X"/>			
				Violation Base Penalty: <input type="text" value="\$1,000"/>	
One single event is recommended based upon the investigation date (3/12/09) when the violation was documented.					
Good Faith Efforts to Comply					
		0.0% Reduction		\$0	
		<small>Before NOV NOV to EDRP/Settlement Offer</small>			
Extraordinary		<input type="text"/>	<input type="text"/>		
Ordinary		<input type="text"/>	<input type="text"/>		
N/A		<input checked="" type="text" value="X"/>	<small>(mark with x)</small>		
Notes:		The Respondent achieved compliance by August 27, 2009.			
Violation Subtotal:				\$1,000	
Economic Benefit (EB) for this violation					
		Statutory Limit Test			
Estimated EB Amount:		<input type="text" value="\$35"/>	Violation Final Penalty Total: <input type="text" value="\$860"/>		
This violation Final Assessed Penalty (adjusted for limits):				\$860	

Economic Benefit Worksheet

Respondent: Woden Independent School District
Case ID No.: 37769
Reg. Ent. Reference No.: RN102887213
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	12-Mar-2009	27-Aug-2009	0.46	\$23	n/a	\$23
Training/Sampling	\$500	12-Mar-2009	27-Aug-2009	0.46	\$12	n/a	\$12
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 associated with retaining all records at the Facility and to update the Facility's operational guidance and conduct training to ensure correct reporting. Date required is the investigation date and final date is the date compliance was achieved.

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	\$1,500	TOTAL	\$35
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Screening Date 9-Jun-2009	Docket No. 2009-0898-MWD-E	PCW		
Respondent Woden Independent School District	<small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>			
Case ID No. 37769				
Reg. Ent. Reference No. RN102887213				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number 5				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014345001, Permit Conditions, 4, a and Special Provisions No. 5			
Violation Description	Failed to submit a summary submittal letter within 90 days from the date of permit issuance. Specifically, TCEQ Permit No. WQ0014345001 was issued March 27, 2007, and during the investigation on March 12, 2009, the investigator documented that the Facility was operating under the final phase of the permit, with different effluent limitations and disposal practices, without prior notification to the TCEQ Wastewater Permitting Section.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	10%	
Matrix Notes	100% of the requirement was not met.			
		Adjustment	\$9,000	
		\$1,000		
Violation Events				
Number of Violation Events		1	Number of violation days	
		89		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
		Violation Base Penalty	\$1,000	
One single event is recommended based upon the investigation date when the violation was documented.				
Good Faith Efforts to Comply		10.0% Reduction	\$100	
	Extraordinary	<input type="checkbox"/>		
	Ordinary	<input checked="" type="checkbox"/>		
	N/A	<input type="checkbox"/>	<small>(mark with x)</small>	
Notes	A summary submittal letter was provided to TCEQ on June 16, 2009.			
		Violation Subtotal	\$900	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$1	Violation Final Penalty Total	\$778	
		This violation Final Assessed Penalty (adjusted for limits) \$778		

Economic Benefit Worksheet

Respondent: Woden Independent School District
Case ID No.: 37769
Reg. Ent. Reference No.: RN102887213
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)	\$75	12-Mar-2009	16-Jun-2009	0.26	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost for providing a written notice to the TCEQ regarding meeting the final phase conditions of the permit. Date required is the investigation date and final date is when compliance was achieved.

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: 9-Jun-2009	Docket No.: 2009-0898-MWD-E	PCW		
Respondent: Woden Independent School District		<small>Policy Revision 2 (September 2002)</small>		
Case ID No.: 37769		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No.: RN102887213				
Media [Statute]: Water Quality				
Enf. Coordinator: Merrilee Hupp				
Violation Number: 6				
Rule Cite(s): 30 Tex. Admin. Code, § 305.125(1) and TCEQ Permit No. WQ0014345001, Final Effluent Limitations and Monitoring Requirements, B.				
Violation Description: Failed to monitor pH once per month, as documented during the March 12, 2009 investigation.				
Base Penalty:		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Percent	5%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		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	Number of violation days: 69	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
		Violation Base Penalty: \$500		
One single event is recommended based upon the investigation date when the violation was documented.				
Good Faith Efforts to Comply		25.0% Reduction		\$125
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent began monitoring pH as required on April 12, 2009.			
		Violation Subtotal: \$375		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount:		\$217		Violation Final Penalty Total: \$327
		This violation Final Assessed Penalty (adjusted for limits): \$327		

Economic Benefit Worksheet

Respondent Woden Independent School District
Case ID No. 37769
Reg. Ent. Reference No. RN102887213
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	\$200	12-Mar-2009	12-Apr-2009	0.08	\$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 for a pH meter and buffer solutions. Date required is the investigation date and 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]	\$200	31-Aug-2008	12-Apr-2009	1.53	\$15	\$200	\$215
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for a pH meter and buffer solutions. Date required is the first known date of no pH monitoring being performed due to lack of a pH meter. Final date is date of compliance.

Approx. Cost of Compliance

\$400

TOTAL

\$217

Screening Date: 9-Jun-2009	Docket No.: 2009-0898-MWD-E	PCW		
Respondent: Woden Independent School District	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37789	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN102887213				
Media [Statute]: Water Quality				
Enf. Coordinator: Merrilee Hupp				
Violation Number: 7				
Rule Cite(s):	30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 7			
Violation Description:	Failed to comply with the effluent application rate of 0.07 gallons per square foot per day ("g/sf/d"). Specifically, application rates of 0.23 g/sf/d and 0.17 g/sf/d were calculated for January 9, 2009 and January 29, 2009, respectively, by the investigator, based upon the corresponding 39,800 gallons and 29,400 gallons reported for usage on the 172,000-square foot disposal site on those days, as documented during the March 12, 2009 investigation.			
Base Penalty:	\$10,000			
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	x	<input type="checkbox"/>
	Potential	<input 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"/>	<input type="checkbox"/>
				Percent: 0%
Matrix Notes:	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
				Adjustment: \$7,500
				\$2,500
Violation Events				
	Number of Violation Events:	2	Number of violation days:	2
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	x		
				Violation Base Penalty: \$5,000
Two single events are recommended for the two discrete noncompliant events on January 9, 2009 and January 29, 2009.				
Good Faith Efforts to Comply			0.0% Reduction	\$0
	Extraordinary	<input type="checkbox"/>	NOV to EDPRP/Settlement Offer	
	Ordinary	<input type="checkbox"/>		
	N/A	x	(mark with x)	
Notes:	The Respondent does not meet the good faith criteria for this violation.			
				Violation Subtotal: \$5,000
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount:	\$9	Violation Final Penalty Total:	\$4,298
			This violation Final Assessed Penalty (adjusted for limits):	\$4,298

Economic Benefit Worksheet

Respondent: Woden Independent School District
Case ID No.: 37769
Reg. Ent. Reference No.: RN102887213
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
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	\$200	9-Jan-2009	15-Dec-2009	0.93	\$9	n/a	\$9
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 permitted application rates. Date required is the first date the irrigation rate was exceeded and final date is when compliance is expected to be achieved.

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	\$200	TOTAL	\$9
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Screening Date 9-Jun-2009	Docket No. 2009-0898-MWD-E	PCW		
Respondent Woden Independent School District		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37789		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102887213				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code § 306.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 5			
Violation Description	Failed to calibrate the effluent flow meter at least annually, as documented during the March 12, 2009 investigation.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
		Percent	10%	
>> 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	Number of violation days 89	
<small>mark only one with an x</small>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		Violation Base Penalty	\$1,000	
One single event is recommended based upon the investigation date when the violation was documented (3/12/09).				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary				
Ordinary				
N/A	x	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$1,000		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$458	Violation Final Penalty Total	\$860	
		This violation Final Assessed Penalty (adjusted for limits) \$860		

Economic Benefit Worksheet

Respondent Woden Independent School District
Case ID No. 37769
Reg. Ent. Reference No. RN102887213
Media Water Quality
Violation No. 8

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)	\$400	12-Mar-2009	28-Feb-2010	0.97	\$19	n/a	\$19

Notes for DELAYED costs

Date required is the investigation date and final date is when compliance is expected to be achieved.

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)	\$400	12-Mar-2008	12-Mar-2009	1.92	\$38	\$400	\$438

Notes for AVOIDED costs

Actual cost for the calibration of a flow meter. Date required is twelve months prior to the investigation date and final date is the investigation date.

Approx. Cost of Compliance

\$800

TOTAL

\$458

Screening Date 9-Jun-2009	Docket No. 2009-0898-MWD-E	PCW		
Respondent Woden Independent School District	<small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>			
Case ID No. 37769				
Reg. Ent. Reference No. RN102887213				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 7.c			
Violation Description	Failed to report in writing within five working days any effluent violation that exceeded the permitted limit by more than 40 percent. Specifically, the Respondent failed to submit a noncompliance notification in writing within five working days of becoming aware of the biochemical oxygen demand effluent violations in the months of October 2008, November 2008, January 2009, and February 2009, which were over 40 percent of the permitted limit.			
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 type="text"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent	10%	
Matrix Notes	100% of the requirement was not met.			
Adjustment		\$9,000		
		\$1,000		
Violation Events				
Number of Violation Events		4	89	
		Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
		\$4,000		
Four single events (one for each report) are recommended.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$4,000	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$6	Violation Final Penalty Total	
		\$3,439		
		This violation Final Assessed Penalty (adjusted for limits)		
		\$3,439		

Economic Benefit Worksheet

Respondent: Woden Independent School District
Case ID No.: 37769
Reg. Ent. Reference No.: RN102887213
Media: Water Quality
Violation No.: 9

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	\$250	12-Mar-2009	27-Aug-2009	0.46	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct training to ensure correct reporting; Date required is the investigation date and final date is when compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$6

Respondent: Woden Independent School District
TPDES Permit No. WQ0014345001
Docket No. 2009-0898-MWD-E
Corresponds to Violation No. 3

Effluent Violation Table

	SINGLE GRAB BIOCHEMICAL OXYGEN DEMAND CONCENTRATION milligrams per liter LIMIT = 90
09/03/08	123
10/08/08	159
10/15/08	144
10/22/08	132
11/26/08	141
12/25/08	105
01/07/09	96
01/14/09	144
02/04/09	147
02/11/09	177
02/19/09	132
02/25/09	171
03/12/09*	142.8

*grab sample collected during TCEQ investigation

Compliance History Report

Customer/Respondent/Owner-Operator: CN601463904 Woden Independent School District Classification: AVERAGE Rating: 5.00
Regulated Entity: RN102887213 WODEN ISD CAMPUS Classification: AVERAGE Site Rating: 5.00
ID Number(s): WASTEWATER PERMIT WQ0014345001
Location: NE CORNER OF INTX OF FM 226 & CR 417 WODEN
NACOGDOCHES COUNTY TX
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: June 15, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 15, 2004 to June 15, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Merrilee Hupp Phone: 512-239-4490

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

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 12/29/2005 (436161)

2 05/03/2007 (566789)

3 12/11/2007 (572047)

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

Date: 12/29/2005 (436161) CN601463904

Self Report? NO Classification: Moderate

Citation: EL&MR B PERMIT

Description: Failure by the Woden ISD to read and record daily flow rates.

Self Report? NO Classification: Minor

Citation: VI, SP 10 PERMIT

Description: Failure to provide a copy of the annual soils report to the Region 10 office.

Self Report? NO Classification: Moderate

Citation: IV, EL&MR PERMIT

Description: Failure by the Woden ISD to install disinfection equipment as required by the permit.

Self Report? NO Classification: Minor

Citation: Sec. IV, EL&MR A PERMIT

Description: Failure by the Woden ISD to maintain compliance with permitted BOD limitations. Self-monitoring records reviewed on 11/02/2005 found that on 10/19/2005 and 10/26/2005, the effluent BOD concentration was measured to be 129 mg/l and 154 mg/l, respectively.

Self Report? NO Classification: Moderate

Citation: Sec. IV, EL&MR, A PERMIT

Description: Failure by the Woden ISD to perform pH and total chlorine residuals on the septic tank effluent, prior to the drip disposal field.

Self Report? NO Classification: Moderate

Citation: Sec. VI., SP 21 PERMIT

Description: Failure by the Woden ISD to monitor solids levels in facility septic tanks at a minimum monitoring frequency of twice each year. On 11/02/2005, the facility records review found that the permittee has not conducted monitoring of the septic tank sludge levels since start-up.

Self Report? NO Classification: Moderate

Citation: Sec. VII, Std P, 2c PERMIT

Description: Failure to provide noncompliance notification in accordance with requirements of the permit.

Self Report? NO Classification: Moderate

Citation: Sec VII Std P, 2b PERMIT

Description: Failure by the Woden ISD to prevent ponding of sewage in the disposal field.

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
WODEN INDEPENDENT SCHOOL
DISTRICT
RN102887213**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0898-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 Woden 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 facility at the northeast corner of the intersection of Farm-to-Market Road 226 and County Road 417 in Woden, Nacogdoches 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. 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 May 16, 2009.
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 Fourteen Thousand Two Hundred Twenty-Five Dollars (\$14,225) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Eleven Thousand Three Hundred Eighty Dollars (\$11,380) of the administrative penalty and Two Thousand Eight Hundred Forty-Five Dollars (\$2,845) 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. On March 16, 2009, repaired the wastewater line and closed the gate to prevent cattle access to the disposal field and the subsurface wastewater irrigation lines;
 - b. On April 12, 2009, began monitoring pH as required by TCEQ Permit No. WQ0014345001;
 - c. On June 16, 2009, provided notice to the TCEQ that the Facility was being operated in the final phase of TCEQ Permit No. WQ0014345001;
 - d. On July 29, 2009, collected and submitted samples of the irrigation effluent and the soil for analysis, and by August 27, 2009, sample results were received by TCEQ; and
 - e. On August 27, 2009, provided documentation that the Facility's operation guidance manual was updated and employee training had been conducted to ensure maintenance and retention of records and submittal of reports in accordance with TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 3.b and 7.c and Special Provisions Nos. 8, 16, 17, 18, and 20.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent ponding or surfacing of the effluent, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 8, as documented during an investigation conducted on March 12, 2009. Specifically, ponding was noted in the southeastern portion of the disposal field as a result of cattle breaking the drip irrigation line.
2. Failed to collect and submit for analysis annual soil samples for 2008, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 15, as documented during an investigation conducted on March 12, 2009.
3. Failed to comply with final effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0014345001, Final Effluent Limitations and Monitoring Requirements A, as documented during an investigation conducted on March 12, 2009 and shown in the following effluent violation table:

Effluent Violation Table

	SINGLE GRAB BIOCHEMICAL OXYGEN DEMAND CONCENTRATION
	milligrams per liter
	LIMIT = 90
09/03/08	123
10/08/08	159
10/15/08	144
10/22/08	132
11/26/08	141
12/25/08	105
01/07/09	96
01/14/09	144
02/04/09	147
02/11/09	177
02/19/09	132
02/25/09	171
03/12/09*	142.8

*grab sample collected during TCEQ investigation

4. Failed to maintain records of the inspection dates for the sludge in each of the septic tanks, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 3.b and Special Provisions No. 17, as documented during the March 12, 2009 investigation. Specifically, there were no records showing the dates the septic tanks were inspected for sludge accumulations.
5. Failed to retain at the Facility all records of monitoring, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 3.b, as documented during an investigation conducted on March 12, 2009. Specifically, records of biochemical oxygen demand analyses results and flow were not available prior to September 2008.

6. Failed to retain records of the analysis of the irrigation effluent, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 3.b and Special Provisions No. 16, as documented during an investigation conducted on March 12, 2009. Specifically, the investigator requested the records for the irrigation effluent, which was to be analyzed for nitrate, total Kjeldahl nitrogen, and total phosphorus, but there were no records of these results.
7. Failed to maintain records of sludge removal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, 3.b and Special Provisions No. 18, as documented during an investigation conducted on March 12, 2009.
8. Failed to maintain records of all grease removed from the grease trap, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 20, as documented during an investigation conducted on March 12, 2009. Specifically, records were only being maintained for the monthly grease disposal rather than for the cleanout frequency of the grease trap.
9. Failed to record grass harvesting dates and weights in a log book kept on site, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 8, as documented during an investigation conducted on March 12, 2009. Specifically, the investigator was informed that grass had been harvested, but no records of the activity were available for review at the request of the investigator.
10. Failed to submit a summary submittal letter within 90 days from the date of permit issuance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Permit Conditions, 4.a and Special Provisions No. 5, as documented during an investigation conducted on March 12, 2009. Specifically, TCEQ Permit No. WQ0014345001 was issued March 27, 2007, and during the investigation, the investigator documented that the Facility was operating under the final phase of the permit, with different effluent limitations and disposal practices, without prior notification to the TCEQ Wastewater Permitting Section.
11. Failed to monitor pH once per month, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Final Effluent Limitations and Monitoring Requirements, B, as documented during an investigation conducted on March 12, 2009.
12. Failed to comply with the effluent application rate of 0.07 gallons per square foot per day ("g/sf/d"), in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Special Provisions No. 7, as documented during an investigation conducted on March 12, 2009. Specifically, application rates of 0.23 g/sf/d and 0.17 g/sf/d were calculated for January 9, 2009 and January 29, 2009, respectively, by the investigator, based upon the corresponding 39,800 gallons and 29,400 gallons reported for usage on the 172,000-square foot disposal site on those days.
13. Failed to calibrate the effluent flow meter at least annually, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 5, as documented during an investigation conducted on March 12, 2009.
14. Failed to report in writing within five working days any effluent violation that exceeded the permitted limit by more than 40 percent, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014345001, Monitoring Requirements, No. 7.c, as documented during an

investigation conducted on March 12, 2009. Specifically, the Respondent failed to submit a noncompliance notification in writing within five working days of becoming aware of the biochemical oxygen demand effluent violations in the months of October 2008, November 2008, January 2009, and February 2009, which were over 40 percent of the permitted limit.

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: Woden Independent School District, Docket No. 2009-0898-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 15 days after the effective date of this Agreed Order, develop and implement procedures to limit the effluent application rate to 0.07 g/sf/d, in accordance with TCEQ Permit No. WQ0014345001, Special Provisions No. 7;
 - b. Within 30 days after the effective date of this Agreed Order, submit written certification in accordance with Ordering Provision No. 2.e below and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
 - c. Within 60 days after the effective date of this Agreed Order, calibrate the flow meter;
 - d. Within 75 days after the effective date of this Agreed Order, submit written certification, in accordance with Ordering Provision No. 2.e below and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c; and
 - e. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TCEQ Permit No. WQ0014345001, including specific corrective actions that were implemented at the Facility to achieve compliance, demonstrating at least three consecutive months of compliance with all permitted effluent

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

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 12/11/2009

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

Date 9/16/09

RANDY BATTEN
Name (Printed or typed)
Authorized Representative of
Woden Independent School District

BUSINESS MANAGER
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.