

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0848-MWD-E **TCEQ ID:** RN101702868 **CASE NO.:** 39746
RESPONDENT NAME: Tarkington 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: Tarkington ISD WWTP, approximately 1.5 miles east of the intersection of Farm-to-Market Road 163 and State Highway 321, and 8 miles southeast of Cleveland, Liberty 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 September 27, 2010. 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. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. John Kirchner, Superintendent, Tarkington Independent School District, 2770 Farm-to-Market Road 163, Cleveland, Texas 77327 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 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: April 21, 2010</p> <p>Date of NOV/NOE Relating to this Case: May 21, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permit effluent limits for biochemical oxygen demand and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011377001, Interim Effluent Limitations and Monitoring Requirements, No. 1].</p>	<p>Total Assessed: \$5,680</p> <p>Total Deferred: \$1,136 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,544</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By January 31, 2010, hired a consultant to perform three days of 24-hour influent monitoring, review material safety data sheets, and assess lift stations; and also completed the analysis of samples collected to determine the cause of the significant decrease in the bacterial population in the sludge;</p> <p>b. On February 12, 2010, began seeding the Facility with sludge from another wastewater treatment facility to increase the bacterial population and activity levels; and</p> <p>c. By March 31, 2010, achieved compliance with effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011377001.</p>

Additional ID No(s): WQ0011377001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ DATES	Assigned	24-May-2010	Screening	25-May-2010	EPA Due	
	PCW	25-May-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Tarkington Independent School District		
Reg. Ent. Ref. No.	RN101702868		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39746	No. of Violations	1
Docket No.	2010-0848-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	\$4,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage		
Compliance History	72.0% Enhancement	Subtotals 2, 3, & 7 \$2,880
Notes	The Respondent self-reported 14 effluent violations and received an NOV without same or similar violations.	
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 \$1,000
Economic Benefit	0.0% Enhancement	Subtotal 6 \$0
Total EB Amounts	\$182	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,975	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,880
OTHER FACTORS AS JUSTICE MAY REQUIRE	-3.4%	Adjustment -\$200
Notes	Recommend reduction in the penalty so that self-reported effluent violations do not overly impact the penalty amount.	
	Final Penalty Amount	\$5,680
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$5,680
DEFERRAL	20.0% Reduction	Adjustment -\$1,136
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$4,544

Screening Date 25-May-2010

Docket No. 2010-0848-MWD-E

PCW

Respondent Tarkington Independent School District

Policy Revision 2 (September 2002)

Case ID No. 39746

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101702868

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 (number of NOVs meeting criteria)	14	70%
	Other written NOVs	1	2%
Orders:	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements 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%
<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) 72%

>> 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 self-reported 14 effluent violations and received an NOV without same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 72%

Screening Date 25-May-2010

Docket No. 2010-0848-MWD-E

PCW

Respondent Tarkington Independent School District

Policy Revision 2 (September 2002)

Case ID No. 39746

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101702868

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") No. WQ0011377001, Interim Effluent Limitations and Monitoring Requirements, No. 1

Violation Description

Failed to comply with permit effluent limits, as documented during a record review conducted on April 21, 2010 and shown in the attached effluent violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to 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 4

183 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
single event		

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,000

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

Notes The Respondent achieved compliance by March 31, 2010.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$182

Statutory Limit Test

Violation Final Penalty Total \$5,680

This violation Final Assessed Penalty (adjusted for limits) \$5,680

Economic Benefit Worksheet

Respondent Tarkington Independent School District
Case ID No. 39746
Reg. Ent. Reference No. RN101702868
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

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	\$1,525	30-Apr-2009	31-Mar-2010	0.92	\$70	n/a	\$70
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,450	30-Apr-2009	31-Mar-2010	0.92	\$112	n/a	\$112

Notes for DELAYED costs

Actual cost for three days of 24-hour Influent monitoring, review of material safety data sheets (\$215), and lift station assessment (\$660) to determine cause of the effluent noncompliances, analysis of the Influent (\$1,525), and transportation of sludge from another wastewater facility to "re-seed/feed" the Facility (\$1,575) replacing bacterial populations impacted by the influent. Date required is the first noncompliant month 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,975

TOTAL

\$182

Respondent: Tarkington Independent School District
TPDES Permit No. WQ0011377001
Docket No. 2010-0848-MWD-E

Effluent Violation Table

Month/Year	Daily Average TSS Concentration (milligrams/liter)	Daily Average BOD ₅ Concentration (milligrams/liter)
	limit = 20	limit = 20
April 2009	20.8	c
September 2009	26.6	c
October 2009	23.3	c
November 2009	26.7	33.5
December 2009	32.1	26.3
January 2010	35.6	23.4

c: compliant BOD₅: 5-day biochemical oxygen demand
TSS: total suspended solids

Compliance History Report

Customer/Respondent/Owner-Operator:	CN800919443	Tarkington Independent School District	Classification: AVERAGE	Rating: 1.74
Regulated Entity:	RN101702868	TARKINGTON ISD WWTP	Classification: AVERAGE	Site Rating: 0.48
ID Number(s):	WASTEWATER	PERMIT		WQ0011377001
	WASTEWATER	PERMIT		TPDES0101257
	WASTEWATER	PERMIT		TX0101257
	WASTEWATER LICENSING	LICENSE		WQ0011377001
Location:	Approx. 1.5 miles E of intersec. of FM 163 and SH 321, and 8 miles SE of Cleveland, Liberty Co., TX.			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	June 03, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 03, 2005 to June 03, 2010			

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

Name: Merrilee G. 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: 9/1/2009 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	06/21/2005	(425865)
2	07/22/2005	(446355)
3	08/22/2005	(446356)
4	09/22/2005	(446357)
5	10/24/2005	(478848)
6	11/21/2005	(478849)
7	12/27/2005	(478850)
8	12/29/2005	(436838)
9	02/22/2006	(454279)
10	02/23/2006	(478846)
11	02/23/2006	(478851)
12	03/20/2006	(478847)
13	04/24/2006	(504852)
14	05/22/2006	(504853)
15	06/26/2006	(504854)
16	07/12/2006	(527159)
17	08/24/2006	(527160)
18	09/22/2006	(527161)

19	10/23/2006	(550995)
20	11/27/2006	(550996)
21	12/21/2006	(560997)
22	01/22/2007	(587507)
23	02/22/2007	(587503)
24	03/23/2007	(587504)
25	04/20/2007	(587505)
26	06/13/2007	(587506)
27	07/19/2007	(605049)
28	08/24/2007	(605050)
29	09/24/2007	(605051)
30	10/19/2007	(627954)
31	11/26/2007	(627955)
32	12/20/2007	(627956)
33	01/15/2008	(610540)
34	01/22/2008	(694659)
35	02/25/2008	(676279)
36	03/17/2008	(694656)
37	04/22/2008	(694657)
38	05/21/2008	(694658)
39	06/26/2008	(716120)
40	08/22/2008	(716121)
41	10/01/2008	(716122)
42	10/22/2008	(716123)
43	12/01/2008	(731674)
44	12/22/2008	(731675)
45	01/21/2009	(755060)
46	02/24/2009	(755059)
47	03/16/2009	(772206)
48	04/22/2009	(772207)
49	05/22/2009	(772208)
50	06/22/2009	(816619)
51	07/17/2009	(816620)
52	09/21/2009	(816622)
53	10/22/2009	(816623)
54	11/25/2009	(816624)
55	01/21/2010	(816625)
56	01/21/2010	(816626)
57	02/16/2010	(816621)
58	02/22/2010	(816618)
59	05/21/2010	(799981)

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

Date: 11/30/2005 (478850) CN600919443

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: 12/29/2005 (436838) CN600919443

Self NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

30 TAC Chapter 317 317.7(i)

Description: Failure to annually test the backflow prevention device on the potable water line to the wastewater treatment plant.

Self NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

30 TAC Chapter 305, SubChapter F 305.125(11)(C)

Description: Failure to submit the annual FY 05 sludge report.

Date: 07/31/2006 (527160) CN600919443

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:	08/31/2006 (527161)	CN600919443	
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:	12/31/2006 (587507)	CN600919443	
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:	01/31/2007 (587503)	CN600919443	
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:	02/28/2007 (587504)	CN600919443	
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:	01/31/2009 (755059)	CN600919443	
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:	04/30/2009 (772208)	CN600919443	
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:	09/30/2009 (816623)	CN600919443	
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:	10/31/2009 (816624)	CN600919443	
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:	11/30/2009 (816625)	CN600919443	
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:	12/31/2009 (816626)	CN600919443	
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:	01/31/2010 (816618)	CN600919443	
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:	02/28/2010	CN600919443	
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
TARKINGTON INDEPENDENT
SCHOOL DISTRICT
RN101702868

§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0848-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 Tarkington 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 approximately 1.5 miles east of the intersection of Farm-to-Market Road 163 and State Highway 321, and eight miles southeast of Cleveland, Liberty 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 26, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Six Hundred Eighty Dollars (\$5,680) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Four Thousand Five Hundred Forty-Four Dollars (\$4,544) of the administrative penalty and One Thousand One Hundred Thirty-Six Dollars (\$1,136) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By January 31, 2010, hired a consultant to perform three days of 24-hour influent monitoring, review material safety data sheets, and assess lift stations; and also completed the analysis of samples collected to determine the cause of the significant decrease in the bacterial population in the sludge;
 - b. On February 12, 2010, began seeding the Facility with sludge from another wastewater treatment facility to increase the bacterial population and activity levels; and
 - c. By March 31, 2010, achieved compliance with effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011377001.
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 failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011377001, Interim Effluent Limitations and Monitoring Requirements, No. 1, as documented during a record review conducted on April 21, 2010, and described in the following table:

Month/Year	Daily Average TSS Concentration (milligrams/liter)	Daily Average BOD ₅ Concentration (milligrams/liter)
	limit = 20	limit = 20
April 2009	20.8	c
September 2009	26.6	c
October 2009	23.3	c
November 2009	26.7	33.5
December 2009	32.1	26.3
January 2010	35.6	23.4

c: compliant BOD₅: 5-day biochemical oxygen demand
TSS: total suspended solids

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: Tarkington Independent School District, Docket No. 2010-0848-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 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.
3. 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.

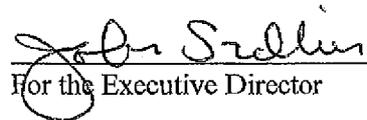
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

5. 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

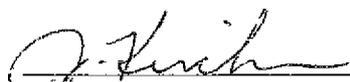
Date 9/1/10

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 7/22/10

John Kirchner

Name (Printed or typed)
Authorized Representative of
Tarkington Independent School District

Title Supt.

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.

