

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1985-MWD-E TCEQ ID: RN103930160 CASE NO.: 38819
RESPONDENT NAME: Scurry-Rosser 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: Scurry Rosser Wastewater Treatment Plant, located approximately 1,700 feet south of the intersection of Farm-to-Market Road 148 and State Highway 34 in Scurry, Kaufman County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 19, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jordan Jones, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2569; Ms. Laurie Baves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Chris Couch, Superintendent, Scurry-Rosser Independent School District, 10705 South State Highway 34, Scurry, Texas 75158 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 1, 2009</p> <p>Date of NOE Relating to this Case: December 3, 2009</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to comply with the permitted effluent limit for total suspended solids ("TSS"). Specifically, the TSS daily average concentration for the monitoring periods ending July 31, 2008, September 30, 2008, and December 31, 2008 was 30.6 milligrams per liter ("mg/L"), 29.3 mg/L, and 22 mg/L which exceeds the permit limit of 20 mg/L. In addition, the TSS single grab for the monitoring period ending July 31, 2008 was 70 mg/L which exceeds the permit limit of 65 mg/L [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014471001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to include all required data in the discharge monitoring report ("DMR"). Specifically, the DMR for the monitoring period ending February 28, 2009, did not include the 5-day biochemical oxygen demand single grab data [30 TEX. ADMIN. CODE § 319.1 and TPDES Permit No. WQ0014471001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$4,515</p> <p>Total Deferred: \$903 <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: \$3,612</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit a revised DMR for the Facility for the monthly monitoring period ending February 28, 2009 to include 5-day biochemical oxygen demand single grab; and;</p> <p>ii. Update the Facility's operational guidance and conduct employee training to ensure that all future reports are complete.</p> <p>b. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. and the permitted effluent limitations of TPDES Permit No. WQ0014471001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): TX0126128
 WQ0014471001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Dec-2009	Screening	8-Dec-2009	EPA Due	
	PCW	9-Dec-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Scurry-Rosser Independent School District		
Reg. Ent. Ref. No.	RN103930160		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38819	No. of Violations	2
Docket No.	2009-1985-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jordan Jones
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 115.0% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No Subtotal 4

Notes

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit 0.0% Enhancement* Subtotal 6
*Capped at the Total EB \$ Amount

Total EB Amounts	\$1,066
Approx. Cost of Compliance	\$10,350

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 8-Dec-2009

Docket No. 2009-1985-MWD-E

PCW

Respondent Scurry-Rosser Independent School District

Policy Revision 2 (September 2002)

Case ID No. 38819

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103930160

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

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)	19	95%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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) 115%

>> 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

An enhancement is recommended because the Respondent has 18 self-reported effluent violations, one NOCV with same or similar violations, and one agreed order with denial language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 115%

Screening Date 8-Dec-2009

Docket No. 2009-1985-MWD-E

PCW

Respondent Scurry-Rosser Independent School District

Policy Revision 2 (September 2002)

Case ID No. 38819

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN103930160

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number

1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014471001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with the permitted effluent limit for total suspended solids ("TSS"), as documented in a record review conducted on October 1, 2009. Specifically, the TSS daily average concentration for the monitoring periods ending July 31, 2008, September 30, 2008, and December 31, 2008 were 30.6 milligrams per liter ("mg/L"), 29.3 mg/L, and 22 mg/L which exceeds the permit limit of 20 mg/L. In addition, the TSS single grab for the monitoring period ending July 31, 2008 was 70 mg/L which exceeds the permit limit of 65 mg/L.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> 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 2 164 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$1,044

Statutory Limit Test

Violation Final Penalty Total \$4,300

This violation Final Assessed Penalty (adjusted for limits) \$4,300

Economic Benefit Worksheet

Respondent Scurry-Rosser Independent School District
Case ID No. 38819
Reg. Ent. Reference No. RN103930160
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$10,000	31-Jul-2006	1-Sep-2010	2.09	\$1,044	n/a	\$1,044

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected 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

\$10,000

TOTAL

\$1,044

Screening Date 8-Dec-2009

Docket No. 2009-1985-MWD-E

PCW

Respondent Scurry-Rosser Independent School District

Policy Revision 2 (September 2002)

Case ID No. 38819

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103930160

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 319.1 and TPDES Permit No. WQ0014471001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to include all required data in the discharge monitoring report ("DMR"), as documented during a record review conducted on October 1, 2009. Specifically, the DMR for the monitoring period ending February 28, 2009, did not include the 5-day biochemical oxygen demand single grab data.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes

Greater than 70% of the requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 28

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

\$0

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$215

This violation Final Assessed Penalty (adjusted for limits) \$215

Economic Benefit Worksheet

Respondent Scurry-Rosser Independent School District
Case ID No. 38819
Reg. Ent. Reference No. RN103930160
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	16

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

Delayed Costs

	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	\$250	20-Mar-2009	1-Jul-2010	1.28	\$16	n/a	\$16
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	20-Mar-2009	1-Jul-2010	1.28	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost for updating the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished. Date required is the initial month of noncompliance. Final Date is the anticipated date of compliance and to submit a revised DMR.

Avoided Costs

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

	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

\$350

TOTAL

\$22

Compliance History Report

Customer/Respondent/Owner-Operator: CN601210727 Scurry-Rosser Independent School District Classification: AVERAGE Rating: 2.60

Regulated Entity: RN103930160 SCURRY ROSSER WWTP Classification: AVERAGE Site Rating: 1.78

ID Number(s): WASTEWATER PERMIT WQ0014471001
 WASTEWATER PERMIT TX0126128

Location: LOCATED APPROX 1700 FT S OF THE INTERSECTION OF FM 148 AND SH 34 IN KAUFMAN COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: December 08, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 08, 2004 to December 08, 2009

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

Name: Jordan Jones Phone: 512-239-2569

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.

Effective Date: 04/28/2008 ADMINORDER 2007-1532-MWD-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

- 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. (CGEDS Inv. Track. No.)

1	01/14/2005	(390865)
2	02/15/2005	(390863)
3	03/14/2005	(390864)
4	04/18/2005	(428301)
5	05/19/2005	(428302)
6	06/15/2005	(428303)
7	07/18/2005	(448259)
8	08/10/2005	(448260)
9	09/23/2005	(448261)
10	10/18/2005	(493921)
11	11/17/2005	(493923)
12	12/20/2005	(493922)
13	01/19/2006	(493924)

14	02/21/2006	(493919)
15	03/15/2006	(493920)
16	03/15/2006	(529208)
17	04/17/2006	(507051)
18	04/17/2006	(507052)
19	04/17/2006	(507054)
20	05/16/2006	(461116)
21	06/19/2006	(507053)
22	08/10/2006	(529209)
23	09/21/2006	(529210)
24	10/18/2006	(633715)
25	11/27/2006	(633717)
26	01/18/2007	(633719)
27	01/22/2007	(633721)
28	02/16/2007	(633708)
29	04/19/2007	(633709)
30	05/18/2007	(633710)
31	06/21/2007	(633711)
32	07/20/2007	(633712)
33	09/04/2007	(572865)
34	09/05/2007	(633713)
35	09/12/2007	(633714)
36	10/15/2007	(633716)
37	11/16/2007	(633718)
38	12/17/2007	(633720)
39	01/18/2008	(677877)
40	02/21/2008	(677876)
41	03/17/2008	(696706)
42	04/21/2008	(696707)
43	05/16/2008	(696708)
44	06/18/2008	(718424)
45	07/14/2008	(718425)
46	08/14/2008	(718426)
47	09/17/2008	(718427)
48	09/30/2008	(733667)
49	10/21/2008	(733668)
50	11/18/2008	(733669)
51	12/22/2008	(733670)
52	01/08/2009	(722390)
53	01/20/2009	(756819)
54	02/20/2009	(756818)
55	03/12/2009	(773666)
56	04/23/2009	(773667)
57	05/21/2009	(773668)
58	12/03/2009	(778022)

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

Date:	01/31/2005	(390863)	CN601210727	
Self Report?	YES			Classification: Moderate
Citation:			30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:			Failure to meet the limit for one or more permit parameter	
Date:	04/30/2005	(428302)	CN601210727	
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:	08/31/2005	(448261)	CN601210727	
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:	09/30/2005	(493921)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	02/28/2006	(529208)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	04/30/2006	(507052)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	05/31/2006	(507053)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	06/30/2006	(507054)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	08/31/2006	(529210)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	10/31/2006	(633717)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	11/30/2006	(633719)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	02/28/2007	(493920)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	07/31/2007	(633713)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	06/30/2008	(718425)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	07/31/2008	(718426)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				

Date:	09/30/2008	(733868)	CN601210727	Classification:	Moderate
Self Report?	YES				
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	07/31/2008		CN601210727	Classification:	Moderate
Self Report?	YES				
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				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	12/31/2008	(756819)	CN601210727	Classification:	Moderate
Self Report?	YES				
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:	01/08/2009	(722390)	CN601210727	Classification:	Minor
Self Report?	NO				
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014471001 PERMIT				
Description:	Failure to keep total residual chlorine within the required range of 1.0 mg/l - 4.0 mg/l.				
Self Report?	NO			Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014471001 PERMIT				
Description:	Failure to maintain TSS levels at or below the permitted limit.				
Self Report?	NO			Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014471001 PERMIT				
Description:	Failure to notify the TCEQ within the proper time period when TSS levels exceeded the permitted limit by more than 40%.				

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

K. Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SCURRY-ROSSER INDEPENDENT
SCHOOL DISTRICT
RN103930160

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1985-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 Scurry-Rosser 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 located approximately 1,700 feet south of the intersection of Farm-to-Market Road 148 and State Highway 34 in Kaufman 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 December 8, 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 Four Thousand Five Hundred Fifteen Dollars (\$4,515) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Six Hundred Twelve Dollars (\$3,612) of the administrative penalty and Nine Hundred Three Dollars (\$903) 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 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.
10. 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.
11. 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 comply with the permitted effluent limit for total suspended solids ("TSS"), in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014471001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on October 1, 2009. Specifically, the TSS daily average concentration for the monitoring periods ending July 31, 2008, September 30, 2008, and December 31, 2008 was 30.6 milligrams per liter ("mg/L"), 29.3 mg/L, and 22 mg/L which exceeds the permit limit of 20 mg/L. In addition, the TSS single grab for the monitoring period ending July 31, 2008 was 70 mg/L which exceeds the permit limit of 65 mg/L.
2. Failed to include all required data in the discharge monitoring report ("DMR"), in violation of 30 TEX. ADMIN. CODE § 319.1 and TPDES Permit No. WQ0014471001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 1, 2009. Specifically, the DMR for the monitoring period ending February 28, 2009, did not include the 5-day biochemical oxygen demand single grab data.

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: Scurry-Rosser Independent School District, Docket No. 2009-1985-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit a revised DMR for the Facility for the monthly monitoring period ending February 28, 2009 to include 5-day biochemical oxygen demand single grab; and
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that all future reports are complete.
 - b. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. and the permitted effluent limitations of TPDES Permit No. WQ0014471001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

John Sadler
For the Executive Director

3/26/2010
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Chris Couch
Signature

2/4/10
Date

Chris Couch
Name (Printed or typed)
Authorized Representative of
Scurry-Rosser Independent School District

Superintendent
Title

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

