Executive Summary – Enforcement Matter – Case No. 41304
Bloomington Independent School District
RN101274140
Docket No. 2011-0395-MWD-E

Order Type:
Findings Agreed Order
Findings Order Justification:
Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).
Media:
MWD
Small Business:
No
Location(s) Where Violation(s) Occurred:
Bloomington Junior High-High School, 150 feet southeast of Farm-to-Market Road 616, approximately 2.0 miles southwest of the intersection of Farm-to-Market Road 616 and United States Highway 87, Victoria County
Type of Operation:
Wastewater treatement facility
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: July 8, 2011
Comments Received: No

Penalty Information

Total Penalty Assessed: $3,008
Amount Deferred for Expedited Settlement: $0
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $3,008
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $0
Name of SEP: N/A
Compliance History Classifications:
Person/CN - Average
Site/RN - Average
Major Source: No
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41304
Bloomington Independent School District
RN101274140
Docket No. 2011-0395-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: January 21, 2011
Date(s) of NOE(s): February 18, 2011

Violation Information

1. Failed to comply with permit effluent limits for total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014578001, Effluent Limitations and Monitoring Requirements No. 1].

2. Failed to timely submit the discharge monitoring reports ("DMRs") [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014578001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By May 5, 2011, the Respondent submitted the DMRs for the monitoring periods ending July 31, 2010, August 31, 2010, September 30, 2010, and October 31, 2010, and the quarterly monitoring periods ending June 30, 2010 and September 30, 2010.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly and quarterly DMRs;

b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a; and

c. Within 90 days, submit written certification demonstrating compliance with the effluent limits of TPDES Permit No. WQ0014578001, 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.

Executive Summary – Enforcement Matter – Case No. 41304
Bloomington Independent School District
RN101274140
Docket No. 2011-0395-MWD-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A
Respondent: Delores Warnell, Interim Superintendent, Bloomington Independent School District, P.O. Box 158, Bloominton, Texas 77951
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

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

TCEQ

DATES						
Assigned	22-Feb-2011					
PCW	9-Mar-2011	**Screening**	2-Mar-2011	**EPA Due**		

RESPONDENT/FACILITY INFORMATION

Respondent	Bloomington Independent School District		
Reg. Ent. Ref. No.	RN101274140		
Facility/Site Region	14-Corpus Christi	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	41304	**No. of Violations**	2
Docket No.	2011-0395-MWD-E	**Order Type**	Findings
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*: **$1,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **93.0%** Enhancement — *Subtotals 2, 3, & 7*: **$1,488**

Notes: Enhancement for nine months of self-reported effluent violations, four NOVs with same/similar violations, four NOVs with dissimilar violations, and one order with denial of liability.

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*: **$0**

Economic Benefit — **0.0%** Enhancement* — *Subtotal 6*: **$0**

Total EB Amounts $187
Approx. Cost of Compliance $2,400

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: **$3,088**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **-2.6%** — *Adjustment*: **-$80**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction to prevent double-enhancement for violations that were self-reported.

Final Penalty Amount: **$3,008**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: **$3,008**

DEFERRAL — **0.0%** Reduction — *Adjustment*: **$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY: **$3,008**

Screening Date 2-Mar-2011 **Docket No.** 2011-0395-MWD-E **PCW**

Respondent Bloomington Independent School District

Policy Revision 2 (September 2002)

Case ID No. 41304

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101274140

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	13	65%
	Other written NOVs	4	8%
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%

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

Adjustment Percentage (Subtotal 2) 93%

>> 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

Enhancement for nine months of self-reported effluent violations, four NOVs with same/similar violations, four NOVs with dissimilar violations, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 93%

Screening Date 2-Mar-2011 **Docket No.** 2011-0395-MWD-E **PCW**

Respondent Bloomington Independent School District *Policy Revision 2 (September 2002)*

Case ID No. 41304 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101274140

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") Permit No. WQ0014578001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permit effluent limits, as documented during a record review conducted on January 21, 2011 and shown in the attached 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 this violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 1 — 91 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is 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 $1,000

Economic Benefit (EB) for this violation

Estimated EB Amount $167

Statutory Limit Test

Violation Final Penalty Total $1,880

This violation Final Assessed Penalty (adjusted for limits) $1,880

Economic Benefit Worksheet

Respondent Bloomington Independent School District
Case ID No. 41304
Reg. Ent. Reference No. RN101274140
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				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)	$2,000	30-Apr-2010	31-Dec-2011	1.67	$167	n/a	$167
Notes for DELAYED costs	Estimated cost for an assessment to determine the cause of the total suspended solids violations and the corrective action to be taken to resolve them. Date required is the first noncompliant month and the 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 $2,000

TOTAL $167

Screening Date 2-Mar-2011 **Docket No.** 2011-0395-MWD-E **PCW**

Respondent Bloomington Independent School District *Policy Revision 2 (September 2002)*

Case ID No. 41304 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101274140

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014578001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit the discharge monitoring reports for the monthly monitoring periods ending July 31, 2010, August 31, 2010, September 30, 2010, and October 31, 2010 and the quarterly monitoring periods ending June 30, 2010 and September 30, 2010, as documented during a record review conducted on January 21, 2011.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Over 70% of the requirement was met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events: 6 — 225 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $600

Six single 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 $600

Economic Benefit (EB) for this violation

Estimated EB Amount $20

Statutory Limit Test

Violation Final Penalty Total $1,128

This violation Final Assessed Penalty (adjusted for limits) $1,128

Economic Benefit Worksheet

Respondent Bloomington Independent School District
Case ID No. 41304
Reg. Ent. Reference No. RN101274140
Media Water Quality
Violation No. 2

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	$250	20-Aug-2010	20-Oct-2011	1.17	$15	n/a	$15
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$150	20-Aug-2010	5-May-2011	0.71	$5	n/a	$5
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 date the first DMR was due. Final date are the dates of compliance for the date the DMRs were submitted electronically to TCEQ (May 5, 2011) and the date training is expected to be achieved (October 20, 2011).						
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 $400

TOTAL $20

Respondent: Bloomington Independent School District
TPDES Permit No. WQ0014578001
Docket No. 2011-0395-MWD-E

Effluent Violation Table

Effluent Parameter	***Monitoring Period End Date***	***Monitoring Period End Date***	***Monitoring Period End Date***
	April 2010	May 2010	June 2010
	Reported Value	Reported Value	Reported Value
TSS Daily Avg. Concentration Permit Limit = 20 mg/L	23	23	35
TSS Daily Avg. Loading Permit Limit= 0.8 lbs/day	1.12	1.24	1.05

TSS: total suspended solids mg/L: milligrams per liter lbs/day: pounds per day

Compliance History

Customer/Respondent/Owner-Operator:	CN600702690	Bloomington Independent School District	Classification: AVERAGE	Rating: 2.57
Regulated Entity:	RN101274140	BLOOMINGTON JUNIOR HIGH-HIGH SCHOOL	Classification: AVERAGE	Site Rating: 2.14

ID Number(s):			
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2350016
	WATER LICENSING	LICENSE	2350016
	WASTEWATER	PERMIT	WQ0014578001
	WASTEWATER	EPA ID	TX0127353

Location: 150 FEET SOUTHEAST OF FM 616, APPROXIMATELY 2.0 MILES SOUTHWEST OF THE INTERSECTION OF FM 616 AND US HWY 87, VICTORIA COUNTY

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: March 14, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 14, 2006 to March 14, 2011

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

N/A

Effective Date: 02/08/2008 ADMINORDER 2007-1050-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. (CCEDS Inv. Track. No.)

N/A (554089)

1	05/03/2007	
2	08/30/2007	(562967)
3	06/27/2007	(564771)
4	02/27/2007	(634212)
5	03/27/2007	(634213)
6	04/30/2007	(634214)
7	05/25/2007	(634215)

8	07/05/2007	(634216)
9	08/13/2007	(634217)
10	12/03/2007	(634218)
11	10/16/2007	(634219)
12	12/03/2007	(634220)
13	12/27/2007	(634221)
14	02/02/2007	(634222)
15	04/15/2007	(644463)
16	07/01/2007	(645107)
17	06/04/2008	(654184)
18	02/11/2008	(678025)
19	03/17/2008	(678026)
20	04/17/2008	(678027)
21	01/22/2008	(678028)
22	05/08/2008	(696873)
23	06/10/2008	(696874)
24	07/16/2008	(696875)
25	08/18/2008	(718599)
26	09/19/2008	(718600)
27	10/20/2008	(718601)
28	01/12/2009	(722630)
29	11/20/2008	(733830)
30	12/17/2008	(733831)
31	01/20/2009	(733832)
32	05/01/2009	(742801)
33	02/23/2009	(756948)
34	03/19/2009	(756949)
35	04/20/2009	(756950)
36	05/20/2009	(773779)
37	06/15/2009	(773780)
38	07/20/2010	(829699)
39	01/10/2011	(886405)
40	12/30/2010	(886501)
41	12/29/2010	(890003)
42	12/29/2010	(890004)
43	12/29/2010	(890005)
44	02/18/2011	(892698)

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

Date: 01/31/2007 (634212) CN600702690
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2007 (634213) CN600702690
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2007 (634214) CN600702690
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 04/15/2007 (644463) CN600702690
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS
Date 04/30/2007 (634215) CN600702690
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date 05/03/2007 (554089) CN600702690
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit WQ0014578-001 PERMIT
Description: Failure to comply with permitted effluent limitation for Cl2.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit WQ0014578-001 PERMIT
Description: Failure to comply with the effluent limitations as specified in the permit for BOD, TSS, DO, Cl2.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
TPDES Permit WQ0014578-001 PERMIT
Description: Failure to accurately and properly complete the Discharge Monitoring Reports (DMRs).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
TPDES Permit WQ0014578-001 PERMIT
Description: Failure to maintain records for a period of three years.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
TPDES Permit WQ0014578-001 PERMIT
Description: Failure to perform the required monitoring frequencies as specified in the permit.
Date 07/01/2007 (645107) CN600702690
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE
Date 08/30/2007 (562967) CN600702690
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit WQ0014578-001 PERMIT
Description: Failure to comply with the effluent limitations as specified in the permit.
Date 08/31/2007 (634219) CN600702690
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 01/12/2009 (722630) CN600702690
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations No. 2, Pg. 2 PERMIT
Description: Failure to comply with the effluent limitations as specified in the permit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Description: Failure to conform to the flow measurements, equipment, installation, and procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the executive director.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
Description: Failure to analyze effluents according to test methods specified in 40 CFR Part 136 or

more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring Requirements No. 3(c), Pg. 5 PERMIT

Description: Failure to maintain complete records of monitoring activities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to ensure measurements, tests, and calculations are accurately accomplished in a representative manner.

Date 01/31/2009 (756948) CN600702690

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date 05/01/2009 (742801) CN600702690

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring Requirements No. 3(c), Pg. 5 PERMIT

Description: Failure to maintain complete records of monitoring activities.

Date 04/30/2010 (890003) CN600702690

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date 05/12/2010 (798212) CN600702690

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)

Description: Failure to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to have a properly designed overflow on the ground storage tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failure to conduct interior surface inspections of the ground storage tank and pressure tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to provide proper maintenance and housekeeping practices in order to ensure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to calibrate the well meter at least once every three years.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 mg/L free chlorine.

Date 05/31/2010 (890004) CN600702690

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date 06/30/2010 (890005) CN600702690

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date 07/20/2010 (829699) CN600702690

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring Requirements No. 3(c), Pg. 5 PERMIT

Description: Failure to maintain complete records of monitoring activities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Monitoring and Reporting Req. 1. PERMIT

Description: Failure to submit the Discharge Monitoring Reports for the months of January, March, April, and May, 2010.

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 BLOOMINGTON INDEPENDENT SCHOOL DISTRICT RN101274140	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2011-0395-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bloomington Independent School District ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located 150 feet southeast of Farm-to-Market Road 616, approximately 2.0 miles southwest of the intersection of Farm-to-Market Road 616 and United States Highway 87 in Victoria County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. During a record review on January 21, 2011, TCEQ staff documented the following effluent violations from a review of the Respondent's self-reported monthly discharge monitoring reports ("DMRs"):

Effluent Parameter	***Monitoring Period End Date***	***Monitoring Period End Date***	***Monitoring Period End Date***
	April 2010	May 2010	June 2010
	Reported Value	Reported Value	Reported Value
TSS Daily Avg. Concentration Permit Limit = 20 mg/L	23	23	35
TSS Daily Avg. Loading Permit Limit= 0.8 lbs/day	1.12	1.24	1.05

TSS: total suspended solids mg/L: milligrams per liter lbs/day: pounds per day

4. During a record review on January 21, 2011, TCEQ staff documented that the Respondent did not timely submit the DMRs for the monitoring periods ending July 31, 2010, August 31, 2010, September 30, 2010, and October 31, 2010 and the quarterly monitoring periods ending June 30, 2010 and September 30, 2010.

5. The Respondent received notice of the violations on February 24, 2011.

6. The Executive Director recognizes that by May 5, 2011, the Respondent submitted the DMRs for the monitoring periods ending July 31, 2010, August 31, 2010, September 30, 2010, and October 31, 2010, and the quarterly monitoring periods ending June 30, 2010 and September 30, 2010.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014578001, Effluent Limitations and Monitoring Requirements No. 1.

3. As evidenced by Findings of Fact Nos. 4, the Respondent failed to timely submit the DMRs, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014578001, Monitoring and Reporting Requirements No. 1.

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of Three Thousand Eight Dollars ($3,008) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Three Thousand Eight Dollar ($3,008) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Three Thousand Eight Dollars ($3,008) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bloomington Independent School District, Docket No. 2011-0395-MWD-E" to:

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

2. The Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly and quarterly DMRs;

   b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d below;

c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014578001, 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, include the certification language, and be mailed to the address described in Ordering Provision No. 2.d below;

d. The certification required by Ordering Provision Nos. 2.b and 2.c shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, and 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. 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.

8. 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.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

8/31/11
Date

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

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

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

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

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

Delores Warnell
Signature

August 16, 2011
Date

Delores Warnell
Name (Printed or typed)
Authorized Representative of
Bloomington Independent School District

August 16, 2011
Title

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