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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1593-MWD-E **TCEQ ID:** RN101519387 **CASE NO.:** 40466  
**RESPONDENT NAME:** Paradise Independent School District

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 166o 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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Paradise Independent School District, located approximately 500 feet west of State Highway 114 and 0.5 mile south of Paradise, Wise County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 3, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5363; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Monty Chapman, Superintendent, Paradise Independent School District, 338 School House Road, Paradise, Texas 76073  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 1, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 22, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>WATER</b></p> <p>Failed to comply with permitted effluent limits for Total Suspended Solids, Biochemical Oxygen Demand, and Flow [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013439001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$3,600</p> <p><b>Total Deferred:</b> \$720  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,880</p> <p><b>Compliance History Classifications:</b>            Person/CN - Average            Site/RN - Average</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By November 30, 2009, implemented procedures to ensure that toxic materials do not enter the Facility;</p> <p>b. On January 6, 2010, reseeded the Facility;</p> <p>c. By January 7, 2010, completed the repairs on the clarifier rakes;</p> <p>d. On February 23, 2010, completed the repairs on the blower control box; and</p> <p>e. By April 30, 2010, returned to compliance with the permitted effluent limits.</p>

Additional ID No(s): WQ0013439001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	27-Sep-2010	<b>Screening</b>	27-Sep-2010	<b>EPA Due</b>	
	<b>PCW</b>	29-Sep-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Paradise Independent School District
<b>Reg. Ent. Ref. No.</b>	RN101519387
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40466	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-1593-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Samuel Short
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,000**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**  
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.  
**Compliance History** **45.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,350**

Notes: Enhancement for nine months of self-reported effluent violations within the last five years.

**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** **\$750**

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

Total EB Amounts: \$549  
 Approx. Cost of Compliance: \$8,881  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$3,600**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**  
 Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$3,600**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$3,600**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$720**  
 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$2,880**

Screening Date 27-Sep-2010

Docket No. 2010-1593-MWD-E

PCW

Respondent Paradise Independent School District

Policy Revision 2 (September 2002)

Case ID No. 40466

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101519387

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

### 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 ( <i>number of NOVs meeting criteria</i> )	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

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)** 45%

#### >> 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 within the last five years.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

Screening Date 27-Sep-2010

Docket No. 2010-1593-MWD-E

PCW

Respondent Paradise Independent School District

Policy Revision 2 (September 2002)

Case ID No. 40466

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101519387

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

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. WQ0013439001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on September 1, 2010 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand 5-Day ("BOD") to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") and flow were also considered. As a result of these discharges, human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 154 Number of violation days

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

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$750

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

Notes

The Respondent returned to compliance by April 30, 2010.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$549

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

# Economic Benefit Worksheet

**Respondent** Paradise Independent School District  
**Case ID No.** 40466  
**Reg. Ent. Reference No.** RN101519387  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$8,381	31-May-2009	30-Apr-2010	0.92	\$26	\$511	\$537
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)	\$500	31-May-2009	30-Nov-2009	0.50	\$13	n/a	\$13

Notes for DELAYED costs

Actual cost to repair the clarifier rakes, repair the blower control box, and reseed the wastewater treatment facility. Date required is the first date of non-compliance. The final date is date the Respondent returned to compliance. Estimated cost to implement procedures to ensure that toxic materials do not enter the wastewater treatment facility. Date required is the first date of non-compliance. The final date is the date the procedures were implemented.

### 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

\$8,881

**TOTAL**

\$549

Effluent Limit Violation Table

table rev.

<b>Respondent</b>	Paradise Independent School District
<b>ID Number(s)</b>	TPDES Permit No. WQ0013439001; Case No. 40466
<b>Docket Number</b>	2010-1593-MWD-E
<b>Enf. Coordinator</b>	Samuel Short

Corresponds to Violation Number: 1

**EFFLUENT PARAMETER**

**Permit Limit**

	TSS Daily Average Conc.	TSS Single Grab Max. Conc.	BOD Daily Average Conc.	BOD Single Grab Max. Conc.	Daily Average Flow								
<b>Month/Year</b>	20 mg/L	65 mg/L	20 mg/L	65 mg/L	0.03 MGD								
5/31/2009	c	c	c	c	0.25								
11/30/2009	33	68	c	c	c								
12/31/2009	c	c	22	c	c								
1/31/2010	c	c	34.8	83	c								
3/31/2010	31	c	c	c	c								

Name	Abbreviation
milligrams per liter	mg/L
biochemical oxygen demand	BOD
total suspended solids	TSS
million gallons per day	MGD
maximum	Max.
concentration	Conc.
compliant	c



# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600794473	Paradise Isd	Classification: AVERAGE	Rating: 0.40
Regulated Entity:	RN101519387	PARADISE ISD	Classification: AVERAGE	Site Rating: 0.40
ID Number(s):	WASTEWATER	PERMIT		WQ0013439001
	WASTEWATER	EPA ID		TX0103446
	WASTEWATER LICENSING	LICENSE		WQ0013439001
	STORMWATER	PERMIT		TXR15NH61
	STORMWATER	PERMIT		TXR15NI53
Location:	LOCATED APPROXIMATELY 500 FEET WEST OF STATE HIGHWAY 114 AND 0.5 MILE SOUTH OF PARADISE IN WISE COUNTY, TEXAS			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	September 27, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 27, 2005 to September 27, 2010			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Samuel Short	Phone:	(512) 239-5363	

## 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
- 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	10/17/2005	(479162)
2	11/17/2005	(479163)
3	12/19/2005	(479164)
4	01/17/2006	(479165)
5	02/21/2006	(479160)
6	03/23/2006	(479161)
7	04/24/2006	(505008)
8	05/25/2006	(505009)
9	06/19/2006	(505010)
10	07/20/2006	(527309)
11	08/16/2006	(527310)
12	09/18/2006	(527311)
13	10/02/2006	(510449)
14	10/19/2006	(628420)
15	11/16/2006	(628422)
16	12/18/2006	(628424)
17	01/18/2007	(628426)
18	02/15/2007	(628412)
19	03/22/2007	(628413)
20	04/16/2007	(628414)
21	05/11/2007	(628415)
22	06/22/2007	(628416)

23	07/23/2007	(628417)
24	08/14/2007	(628418)
25	09/17/2007	(628419)
26	10/17/2007	(628421)
27	11/19/2007	(628423)
28	12/12/2007	(628425)
29	01/14/2008	(676395)
30	02/15/2008	(694852)
31	03/12/2008	(694853)
32	04/09/2008	(676394)
33	05/15/2008	(694854)
34	06/13/2008	(716323)
35	07/18/2008	(716324)
36	08/18/2008	(716325)
37	09/19/2008	(716326)
38	10/20/2008	(731809)
39	10/21/2008	(703993)
40	10/31/2008	(731810)
41	12/22/2008	(731811)
42	01/15/2009	(755212)
43	02/17/2009	(755211)
44	03/12/2009	(772320)
45	04/17/2009	(772321)
46	05/15/2009	(772322)
47	06/19/2009	(861984)
48	07/23/2009	(816980)
49	09/08/2009	(816981)
50	09/21/2009	(816982)
51	10/22/2009	(816983)
52	11/20/2009	(816984)
53	12/11/2009	(816985)
54	01/20/2010	(816986)
55	02/11/2010	(816979)
56	03/24/2010	(835175)
57	04/22/2010	(835176)
58	05/19/2010	(835177)
59	06/23/2010	(847584)
60	09/24/2010	(857955)

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

Date:	12/31/2005	(479165)	<b>CN600794473</b>		
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:	04/30/2007	(628415)			
Self Report?	YES			Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	01/31/2008	(694852)	<b>CN600794473</b>		
Self Report?	YES			Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	02/29/2008	(694853)	<b>CN600794473</b>		
Self Report?	YES			Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	05/31/2009	(861984)			
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	(816985)		
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	(816986)	CN600794473	
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	(816979)		
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	03/31/2010	(835176)	CN600794473	
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  
PARADISE INDEPENDENT  
SCHOOL DISTRICT  
RN101519387**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2010-1593-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 Paradise 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 500 feet west of State Highway 114 and 0.5 mile south of Paradise in Wise 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 September 27, 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 Three Thousand Six Hundred Dollars (\$3,600) is assessed by the Commission in settlement of the violations alleged in Section

- II ("Allegations"). The Respondent has paid Two Thousand Eight Hundred Eighty Dollars (\$2,880) of the administrative penalty and Seven Hundred Twenty Dollars (\$720) 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 November 30, 2009, implemented procedures to ensure that toxic materials do not enter the Facility;
    - b. On January 6, 2010, reseeded the Facility;
    - c. By January 7, 2010, completed the repairs on the clarifier rakes;
    - d. On February 23, 2010, completed the repairs on the blower control box; and
    - e. By April 30, 2010, returned to compliance with the permitted effluent limits.
  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 permitted effluent limits, 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. WQ0013439001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on September 1, 2010, and as shown in the table below:

**EFFLUENT PARAMETER**  
**Permit Limit**

	TSS Daily Average Conc.	TSS Single Grab Max. Conc.	BOD Daily Average Conc.	BOD Single Grab Max. Conc.	Daily Average Flow
<b>Month/Year</b>	20 mg/L	65 mg/L	20 mg/L	65 mg/L	0.03 MGD
5/31/2009	c	c	c	c	0.25
11/30/2009	33	68	c	c	c
12/31/2009	c	c	22	c	c
1/31/2010	c	c	34.8	83	c
3/31/2010	31	c	c	c	c

<u>Name</u>	<u>Abbreviation</u>
milligrams per liter	mg/L
biochemical oxygen demand	BOD
total suspended solids	TSS
million gallons per day	MGD
maximum concentration	Max. Conc.
compliant	c

**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: Paradise Independent School District, Docket No. 2010-1593-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 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.
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

John Szolter  
For the Executive Director

12/6/2010  
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.

Monty Chap  
Signature

10/25/2010  
Date

Monty Chapman  
Name (Printed or typed)  
Authorized Representative of  
Paradise 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.