

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1893-MWD-E **TCEQ ID:** RN101521557 **CASE NO.:** 40723
RESPONDENT NAME: Chapel Hill Independent School District

| | | |
|---|---|--|
| ORDER TYPE: | | |
| <input type="checkbox"/> 1660 AGREED ORDER | <input checked="" 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 |

SITE WHERE VIOLATION(S) OCCURRED: Chapel Hill ISD Titus CO, located approximately 1,300 feet east of the intersection of Farm-to-Market Road 1735 and County Road SE-18 in Titus County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 2, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Marc Levesque, Superintendent, Chapel Hill Independent School District, P. O. Box 1257, Mount Pleasant, Texas 75456

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|--|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 22, 2010</p> <p>Date of NOV/NOE Relating to this Case: November 3, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>1) Failed to comply with the permitted effluent limitations for total suspended solids ("TSS"), biochemical oxygen demand ("BOD"), dissolved oxygen ("DO"), and pH [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013821001 Interim Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6].</p> <p>2) Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0013821001 Sludge Provisions].</p> | <p>Total Assessed: \$17,472</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$497 (remaining \$16,975 due in 35 monthly payments of \$485 each)</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By October 16, 2009, installed aerators to address the DO exceedances;</p> <p>b. By March 3, 2010, reseeded the Facility to address TSS, BOD and pH exceedances; and</p> <p>c. By November 17, 2010, submitted the annual sludge report for the monitoring period ending July 31, 2009.</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, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.; and</p> <p>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. WQ0013821001, 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): WQ0013821001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Nov-2010 | Screening | 16-Nov-2010 | EPA Due | |
| | PCW | 30-Nov-2010 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Chapel Hill Independent School District |
| Reg. Ent. Ref. No. | RN101521557 |
| Facility/Site Region | 5-Tyler |
| Major/Minor Source | Minor |

| | | | |
|--|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 40723 | No. of Violations | 3 |
| Docket No. | 2010-1893-MWD-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Jennifer Graves |
| | | 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** **\$9,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **110.0%** Enhancement **Subtotals 2, 3, & 7** **\$10,010**

Notes: Enhancement for 16 months of self-reported effluent violations, two NOV's with same/similar violations, and one final enforcement 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 \$266
Approx. Cost of Compliance \$2,305
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$19,110**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-8.6%** **Adjustment** **-\$1,638**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction so that the self-reported violations do not overly impact the penalty and to prevent double-enhancement for violations that were self-reported.

Final Penalty Amount **\$17,472**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$17,472**

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 **\$17,472**

Screening Date 16-Nov-2010

Docket No. 2010-1893-MWD-E

PCW

Respondent Chapel Hill Independent School District

Policy Revision 2 (September 2002)

Case ID No. 40723

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101521557

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

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>) | 18 | 90% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 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 (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| <i>Please Enter Yes or No</i> | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 110%

>> **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 16 months of self-reported effluent violations, two NOVs with same/similar violations, and one final enforcement order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 110%

Screening Date 16-Nov-2010

Docket No. 2010-1893-MWD-E

PCW

Respondent Chapel Hill Independent School District

Policy Revision 2 (September 2002)

Case ID No. 40723

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101521557

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013821001 Interim Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6

Violation Description Failed to comply with the permitted effluent limitations, as documented during a record review on October 22, 2010, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | X | 10% |
| | Potential | | | | |

>>> Programmatic Matrix

| Matrix Notes | Falsification | Major | Moderate | Minor | Percent |
|--------------|---------------|-------|----------|-------|---------|
| | | | | | |

A simplified model was used to evaluate biochemical oxygen demand ("BOD") to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS"), pH, and dissolved oxygen ("DO") were also considered. As a result of these discharges, 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.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 Number of violation days 215

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

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

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 \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$248

Violation Final Penalty Total \$7,680

This violation Final Assessed Penalty (adjusted for limits) \$7,680

Economic Benefit Worksheet

Respondent Chapel Hill Independent School District
Case ID No. 40723
Reg. Ent. Reference No. RN101521557
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 | \$775 | 30-Jun-2009 | 31-Aug-2011 | 2.17 | \$6 | \$112 | \$118 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$1,180 | 31-Jan-2010 | 31-Aug-2011 | 1.58 | \$6 | \$124 | \$131 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Actual cost to have aerators installed to address the DO exceedances at the Facility. Date required is the initial month of noncompliance. Final date is the expected date of compliance. Actual cost to reseed the Facility to address TSS, BOD, and pH exceedances. Date required is the initial month 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

\$1,955

TOTAL

\$248

Screening Date 16-Nov-2010

Docket No. 2010-1893-MWD-E

PCW

Respondent Chapel Hill Independent School District

Policy Revision 2 (September 2002)

Case ID No. 40723

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101521557

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 2

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. WQ0013821001 Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limitations, as documented during a record review on October 22, 2010, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | x | | | 50% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0% |

Matrix Notes

A simplified model was used to evaluate BOD to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. TSS was also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 28

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended for the month of February 2010.

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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,600

This violation Final Assessed Penalty (adjusted for limits) \$9,600

Economic Benefit Worksheet

Respondent Chapel Hill Independent School District
Case ID No. 40723
Reg. Ent. Reference No. RN101521557
Media Water Quality
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

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

\$0

TOTAL

\$0

Screening Date 16-Nov-2010

Docket No. 2010-1893-MWD-E

PCW

Respondent Chapel Hill Independent School District

Policy Revision 2 (September 2002)

Case ID No. 40723

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101521557

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0013821001 Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009, as documented during a record review conducted on October 22, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 0% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Harm | | | Percent |
|---------------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| | | | x | 1% |

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

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 412 Number of violation days

| | | |
|-------------------------|--------------|---|
| 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 \$0

| | Reduction | |
|---------------|------------|-------------------------------|
| | 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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$192

This violation Final Assessed Penalty (adjusted for limits) \$192

Economic Benefit Worksheet

Respondent Chapel Hill Independent School District
Case ID No. 40723
Reg. Ent. Reference No. RN101521557
Media Water Quality
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$250 | 22-Oct-2010 | 30-Jun-2011 | 0.69 | \$1 | \$11 | \$12 |
| 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) | \$100 | 1-Sep-2009 | 17-Nov-2010 | 1.21 | \$6 | n/a | \$6 |

Notes for DELAYED costs

The estimated cost to update operational guidance and conduct employee training to ensure that all monitoring records are properly maintained and all reporting requirements are met. Date required is the investigation date. Final date is the expected date of compliance. Estimated cost of preparing and submitting the annual sludge report. Date required is the date the report was due. The final date is the date the sludge report was submitted.

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 \$350

TOTAL \$18

EFFLUENT VIOLATION TABLE

Chapel Hill Independent School District

TPDES Permit No. WQ0013821001

Docket No. 2010-1893-MWD-E

| Months | TSS Daily Avg. Conc. | TSS Max. Single Grab | BOD Daily Avg. Conc. | BOD Daily Avg. Loading | BOD Max. Single Grab | DO Monthly Min. | pH Monthly Min. |
|----------------|----------------------|----------------------|----------------------|------------------------|----------------------|-----------------|-----------------|
| | Limit = 20 mg/L | Limit = 65 mg/L | Limit = 20 mg/L | Limit = 2.7 lbs/d | Limit = 65 mg/L | Limit = 4 mg/L | Limit = 6 SU |
| June 2009 | c | c | c | c | c | 3.9 | c |
| August 2009 | c | c | c | c | c | 3.6 | c |
| September 2009 | c | c | c | c | c | 3 | c |
| October 2009 | c | c | c | c | c | 3.5 | c |
| January 2010 | 20.75 | 70 | 24.2 | c | 70.4 | 3.8 | 5.9 |
| February 2010 | 38.00 | c | 173.0 | 6.8 | 415.0 | c | c |
| March 2010 | c | c | 23.3 | c | c | c | c |
| May 2010 | 48.00 | 100 | c | c | c | c | c |

TSS = total suspended solids
 BOD = biochemical oxygen demand
 DO = dissolved oxygen
 Avg. = average
 Max. = maximum
 Min. = minimum

Conc. = concentration
 mg/L = milligrams per Liter
 lbs/d = pounds per day
 SU = standard units
 c = compliant

Compliance History

Customer/Respondent/Owner-Operator: CN602800351 Chapel Hill Independent School District Classification: AVERAGE Rating: 2.30

Regulated Entity: RN101521557 CHAPEL HILL ISD TITUS CO Classification: AVERAGE Site Rating: 2.48

ID Number(s): WASTEWATER PERMIT WQ0013821001
 WASTEWATER EPA ID TX0118753

Location: APPROX 1,300 FT E OF THE INTX OF FM 1735 AND CO RD SE-18 IN TITUS CO, TX

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: November 15, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 15, 2005 to November 15, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Jennifer Graves Phone: (956) 430-6023

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.

Effective Date: 06/29/2007 ADMINORDER 2006-1956-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

Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Rqmt Prov: Self-reporting Requirements PERMIT
 Description: Failure to submit DMR for the monitoring period ending October 31, 2005 and the annual sludge report for the monitoring period of July 31, 2005

Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: TPDES 13821001 PERMIT
 Description: Failed to submit the Flow Daily Maximum data on the DMR for the monitoring periods ending November 30, 2005 and January 31, 2006

- B. Any criminal convictions of the state of Texas and the federal government.
 N/A
- C. Chronic excessive emissions events.
 N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|----|------------|----------|
| 1 | 06/06/2006 | (481163) |
| 2 | 02/21/2006 | (492462) |
| 3 | 03/20/2006 | (492463) |
| 4 | 12/19/2005 | (492466) |
| 5 | 01/19/2006 | (492467) |
| 6 | 04/14/2006 | (506270) |
| 7 | 05/18/2006 | (506271) |
| 8 | 06/21/2006 | (506272) |
| 9 | 10/25/2006 | (515406) |
| 10 | 07/17/2006 | (528504) |
| 11 | 08/16/2006 | (528505) |
| 12 | 09/20/2006 | (528506) |
| 13 | 05/23/2007 | (560638) |
| 14 | 08/06/2007 | (570885) |
| 15 | 06/30/2008 | (615727) |
| 16 | 02/23/2007 | (631309) |
| 17 | 03/22/2007 | (631310) |
| 18 | 04/16/2007 | (631311) |
| 19 | 05/21/2007 | (631312) |
| 20 | 06/21/2007 | (631313) |
| 21 | 07/16/2007 | (631314) |
| 22 | 08/15/2007 | (631315) |
| 23 | 09/17/2007 | (631316) |
| 24 | 10/16/2006 | (631317) |
| 25 | 10/15/2007 | (631318) |
| 26 | 11/20/2006 | (631319) |
| 27 | 11/28/2007 | (631320) |
| 28 | 12/12/2007 | (631321) |
| 29 | 02/11/2008 | (677296) |
| 30 | 01/14/2008 | (677297) |
| 31 | 03/14/2008 | (695973) |
| 32 | 04/14/2008 | (695974) |
| 33 | 05/22/2008 | (695975) |
| 34 | 10/14/2008 | (705021) |
| 35 | 06/23/2008 | (717581) |
| 36 | 07/16/2008 | (717582) |
| 37 | 08/14/2008 | (717583) |
| 38 | 09/12/2008 | (717584) |
| 39 | 09/30/2008 | (732911) |
| 40 | 11/12/2008 | (732912) |
| 41 | 12/12/2008 | (732913) |
| 42 | 02/17/2009 | (756131) |
| 43 | 01/16/2009 | (756132) |
| 44 | 03/26/2009 | (773115) |
| 45 | 04/20/2009 | (773116) |
| 46 | 05/13/2009 | (773117) |
| 47 | 02/25/2010 | (792954) |
| 48 | 02/12/2010 | (819523) |
| 49 | 06/10/2009 | (819524) |
| 50 | 07/29/2009 | (819525) |
| 51 | 08/13/2009 | (819526) |
| 52 | 09/16/2009 | (819527) |
| 53 | 10/13/2009 | (819528) |
| 54 | 11/09/2009 | (819529) |
| 55 | 12/15/2009 | (819530) |
| 56 | 01/14/2010 | (819531) |
| 57 | 03/11/2010 | (836082) |
| 58 | 04/15/2010 | (836083) |
| 59 | 05/13/2010 | (836084) |
| 60 | 06/18/2010 | (847871) |
| 61 | 06/30/2010 | (862279) |
| 62 | 08/13/2010 | (868892) |
| 63 | 11/05/2010 | (871673) |
| 64 | 09/13/2010 | (875749) |

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

| | | | |
|--------------|---|----------|--------------------------|
| Date: | 11/30/2005 | (492466) | CN602800351 |
| Self Report? | YES | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |

Date: 02/28/2006 (492463) CN602800351
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2007 (631310) CN602800351
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2007 (631312) CN602800351
 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: 05/24/2007 (560638) CN602800351
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet permit limits.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to submit noncompliance notification.

Date: 07/31/2007 (631315) CN602800351
 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: 12/31/2007 (677297) CN602800351
 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: 05/31/2008 (717581) CN602800351
 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: 07/03/2008 (615727) CN602800351
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to submit noncompliance notification.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet permitted effluent limitations (BOD and TSS).
 The results of the Agency collected samples for BOD and TSS resulted in levels that exceeded permit effluent limitations. The BOD level was measured at 313 mg/l and the TSS was measured at 864 mg/l. Permit 13821-001 requires a BOD of 65 mg/l and a TSS of 65 mg/l for single grab samples.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet permitted effluent limitations (chlorine residual and DO).
During the investigation the chlorine residual measured in the effluent basin was 0.16 mg/l. Permit 13821-001 requires a chlorine residual of at least 1.0 mg/l not to exceed 4.0 mg/l after a 20 minute detention.
Investigation #560638 performed on 04/18/2007 noted this same problem. Chapel Hill ISD responded in a letter dated 06/11/2007 (See Attachment 4 - Facility Correspondence), that they were going to install

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.4
Description: Failure to comply with permit conditions, specifically, Monitoring and Reporting Requirement #3.a.
During the investigation, it was observed that the facility was taking monitoring samples at or near 8:00 am. This timeframe is not representative of the peak flow received by the facility. This facility receives its greatest and most representative flow after the lunch period, approximately within the 1:00 pm timeframe.

Date: 02/28/2009 (773115) CN602800351
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: 06/30/2009 (819525) CN602800351
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: 08/31/2009 (819527) CN602800351
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2009 (819528) CN602800351
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2009 (819529) CN602800351
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 (819523) CN602800351
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2010 (836082) CN602800351
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 (836083) CN602800351
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: 05/31/2010 (847871) CN602800351
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
CHAPEL HILL INDEPENDENT
SCHOOL DISTRICT
RN101521557

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1893-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 Chapel Hill 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 plant located approximately 1,300 feet east of the intersection of Farm-to-Market Road 1735 and County Road SE-18 in Titus 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 October 22, 2010, TCEQ staff documented the following from the self-reported monthly discharge monitoring reports (“DMR”):

| EFFLUENT VIOLATION TABLE | | | | | | | |
|--|-----------------------------|-----------------------------|-----------------------------|--|-----------------------------|------------------------|------------------------|
| Months | TSS Daily Avg. Conc. | TSS Max. Single Grab | BOD Daily Avg. Conc. | BOD Daily Avg. Loading | BOD Max. Single Grab | DO Monthly Min. | pH Monthly Min. |
| | Limit = 20 mg/L | Limit = 65 mg/L | Limit = 20 mg/L | Limit = 2.7 lbs/d | Limit = 65 mg/L | Limit = 4 mg/L | Limit = 6 SU |
| June 2009 | c | c | c | c | c | 3.9 | c |
| August 2009 | c | c | c | c | c | 3.6 | c |
| September 2009 | c | c | c | c | c | 3 | c |
| October 2009 | c | c | c | c | c | 3.5 | c |
| January 2010 | 20.75 | 70 | 24.2 | c | 70.4 | 3.8 | 5.9 |
| February 2010 | 38.00 | c | 173.0 | 6.8 | 415.0 | c | c |
| March 2010 | c | c | 23.3 | c | c | c | c |
| May 2010 | 48.00 | 100 | c | c | c | c | c |
| TSS = total suspended solids BOD = biochemical oxygen demand DO = dissolved oxygen Avg. = average Max. = maximum Min. = minimum | | | | Conc. = concentration mg/L = milligrams per Liter lbs/d = pounds per day SU = standard units c = compliant | | | |

4. During a record review on October 22, 2010, TCEQ staff documented that the Respondent did not submit the annual sludge report for the monitoring period ending July 31, 2009 by September 1, 2009.
5. The Respondent received notice of the violations on November 9, 2010.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By October 16, 2009, installed aerators to address the DO exceedances;

- b. By March 3, 2010, reseeded the Facility to address TSS, BOD and pH exceedances; and
- c. By November 17, 2010, submitted the annual sludge report for the monitoring period ending July 31, 2009.

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 the permitted effluent limitations, 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. WQ0013821001 Interim Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0013821001 Sludge Provisions.
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 Seventeen Thousand Four Hundred Seventy-Two Dollars (\$17,472) 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 Four Hundred Ninety-Seven Dollars (\$497) of the administrative penalty. The remaining amount of Sixteen Thousand Nine Hundred Seventy-Five Dollars (\$16,975) of the administrative penalty shall be payable in 35 monthly payments of Four Hundred Eighty-Five Dollars (\$485) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Seventeen Thousand Four Hundred Seventy-Two Dollars (\$17,472) 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: Chapel Hill Independent School District, Docket No. 2010-1893-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 annual sludge reports, in accordance with 30 TEX. ADMIN. CODE § 305.125(17);
 - 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.c; and
 - 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. WQ0013821001, 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 include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

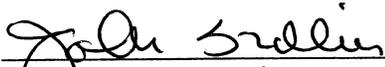
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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

4.14.2011

Date

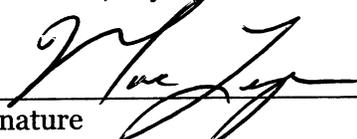
I, the undersigned, have read and understand the attached Agreed Order in the matter of the Chapel Hill Independent School District. I am authorized to agree to the attached Agreed Order on behalf of the Chapel Hill Independent School District, and do agree to the specified terms and conditions. I further 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, the Chapel Hill 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.



Signature

Marc Leresgue

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

2-23-11

Date

Superintendent

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.