

**Executive Summary – Enforcement Matter – Case No. 42746  
Peaster Independent School District Public Facility Corporation  
RN102078045  
Docket No. 2011-1901-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:**

Peaster ISD, located at 8512 Farm-to-Market (“FM”) Road 920, approximately 1,200 feet southeast of the intersection of FM Road 920 and Harwell Lake Road, Parker County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 17, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$7,300

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$7,300

**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. 42746  
Peaster Independent School District Public Facility Corporation  
RN102078045  
Docket No. 2011-1901-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** August 30, 2011  
**Date(s) of NOE(s):** September 14, 2011

***Violation Information***

Failed to comply with permitted effluent limits for ammonia nitrogen, total suspended solids, 5-day carbonaceous biochemical oxygen demand, and chlorine residual [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013589001, 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.

***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; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Matt Adams, Superintendent, Peaster Independent School District Public Facility Corporation, P.O. Box 129, Peaster, Texas 76485  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	19-Sep-2011	Screening	3-Oct-2011	EPA Due	
	PCW	12-Oct-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Peaster Independent School District Public Facility Corporation		
Reg. Ent. Ref. No.	RN102078045		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	42746	No. of Violations	1
Docket No.	2011-1901-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* **\$2,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** *Subtotals 2, 3, & 7* **\$5,300**

Notes: Enhancement for 36 months of self-reported effluent violations, three NOV's with same/similar violations, one order with denial language, one order without denial of liability, and repeat violator.

**Culpability** *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$0**

**Economic Benefit** *Subtotal 6* **\$0**

Total EB Amounts **\$150** *\*Capped at the Total EB \$ Amount*  
 Approx. Cost of Compliance **\$2,000**

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$7,300**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$7,300**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$7,300**

**DEFERRAL** *Adjustment* **\$0**

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

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$7,300**

Screening Date

Docket No. 2011-1901-MWD-E

PCW

Respondent Peaster Independent School District Public Facility Corporation

Policy Revision 2 (September 2002)

Case ID No. 42746

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078045

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 ( <i>number of NOVs meeting criteria</i> )	39	195%
	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	1	25%
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)** 240%

>> Repeat Violator (Subtotal 3)

Yes

**Adjustment Percentage (Subtotal 3)** 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 36 months of self-reported effluent violations, three NOVs with same/similar violations, one order with denial language, one order without denial of liability, and repeat violator.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 265%

Screening Date

Docket No. 2011-1901-MWD-E

PCW

Respondent

Peaster Independent School District Public Facility Corporation

Policy Revision 2 (September 2002)

Case ID No.

42746

PCW Revision October 30, 2008

Reg. Ent. Reference No.

RN102078045

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. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permit effluent limits, as documented during a record review conducted on August 30, 2011 and shown in the attached effluent violation table.

Base Penalty

\$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent

10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

0%

Matrix Notes

A simplified model was used to evaluate ammonia-nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and chlorine residual 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

2

90

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty

\$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Extraordinary

Before NOV

NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

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

Violation Subtotal

\$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$150

Violation Final Penalty Total

\$7,300

This violation Final Assessed Penalty (adjusted for limits)

\$7,300

## Economic Benefit Worksheet

**Respondent** Peaster Independent School District Public Facility Corporation  
**Case ID No.** 42746  
**Reg. Ent. Reference No.** RN102078045  
**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)				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	31-Jan-2011	31-Jul-2012	1.50	\$150	n/a	\$150

Notes for DELAYED costs

Estimated cost to assess the source of the effluent noncompliances and to determine options for corrective actions. 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**

\$150

Respondent: Peaster Independent School District Public Facility Corporation  
 TPDES Permit No. WQ0013589001  
 Docket No. 2011-1901-MWD-E

Month/Year	CBOD <sub>5</sub> Daily Avg. Conc. Permit Limit = 10 mg/L	Chlorine Residual Conc. Min. Permit Limit = 1.0 mg/L	NH <sub>3</sub> -N Daily Avg. Conc. Permit Limit = 3 mg/L	TSS Daily Avg. Conc. Permit Limit = 15 mg/L
January 2011	c	c	c	23.75
February 2011	14.6	c	4.2	32
May 2011	c	0.83	c	c

CBOD<sub>5</sub> = five-day carbonaceous biochemical oxygen demand      NH<sub>3</sub>-N = ammonia nitrogen  
 Avg. = average      Min. = minimum      Conc. = concentration      c = compliant  
 TSS = total suspended solids      mg/L = milligrams per liter



# Compliance History

Customer/Respondent/Owner-Operator: CN600623094 Peaster Independent School District Public Facility Corporation Classification: AVERAGE Rating: 13.74

Regulated Entity: RN102078045 PEASTER ISD Classification: AVERAGE Site Rating: 13.74

ID Number(s): WASTEWATER PERMIT WQ0013589001  
WASTEWATER EPA ID TX0107981  
WASTEWATER LICENSING LICENSE WQ0013589001

Location: AT 8512 FM 920, APPROXIMATELY 1200 FT SE OF THE INTERSECTION OF FM 920 AND HARWELL LAKE RD., PARKER COUNTY, TX.

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: October 09, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 09, 2006 to October 09, 2011

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

Name: Merrilee 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: 9/1/2011 Repeat Violator: YES

## 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: 09/21/2007 ADMINORDER 2005-0797-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.

Classification: Moderate

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

Rqmt Prov Self-reporting Requirements PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

Effective Date: 02/07/2010 ADMINORDER 2009-0227-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov Operational Requirements No. 4 PERMIT

Description: Failure to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.

Classification: Moderate

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

Rqmt Prov Monitoring and Reporting Requirements PERMIT

Description: Failure to submit the noncompliance notification when any effluent violation deviates by more than 40% of the permitted limit.

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	11/30/2007	(600888)
2	02/15/2008	(618737)
3	02/20/2007	(629197)
4	03/12/2007	(629198)
5	04/19/2007	(629199)
6	05/23/2007	(629200)
7	06/15/2007	(629201)
8	07/23/2007	(629202)
9	08/20/2007	(629203)
10	11/15/2007	(629204)
11	10/16/2006	(629205)
12	11/15/2007	(629206)
13	11/22/2006	(629207)
14	11/15/2007	(629208)
15	12/21/2006	(629209)
16	12/27/2007	(629210)
17	01/12/2007	(629211)
18	04/22/2008	(640536)
19	02/21/2008	(676636)
20	01/21/2008	(676637)
21	03/17/2008	(695181)
22	04/22/2008	(695182)
23	05/16/2008	(695183)
24	06/12/2008	(716685)
25	07/17/2008	(716686)
26	08/11/2008	(716687)
27	09/19/2008	(716688)
28	02/11/2009	(724313)
29	06/26/2009	(726224)
30	09/30/2008	(732129)
31	10/16/2008	(732130)
32	11/10/2008	(732131)
33	12/19/2008	(732132)
34	02/19/2009	(755469)
35	01/29/2009	(755470)
36	03/12/2009	(772537)
37	04/22/2009	(772538)
38	05/18/2009	(772539)
39	03/22/2010	(794901)
40	06/17/2010	(801455)
41	02/11/2010	(817690)

42	07/16/2009	(817691)
43	08/17/2009	(817692)
44	09/18/2009	(817693)
45	10/15/2009	(817694)
46	11/16/2009	(817695)
47	12/14/2009	(817696)
48	01/15/2010	(817697)
49	03/15/2010	(835436)
50	04/15/2010	(835437)
51	05/13/2010	(835438)
52	06/14/2010	(847665)
53	06/30/2010	(862068)
54	10/22/2010	(865229)
55	08/12/2010	(868655)
56	09/15/2010	(875544)
57	11/15/2010	(876917)
58	10/15/2010	(883087)
59	11/15/2010	(889500)
60	12/13/2010	(897863)
61	01/05/2011	(903767)
62	02/07/2011	(910656)
63	03/09/2011	(917913)
64	04/08/2011	(929740)
65	05/06/2011	(939612)
66	07/25/2011	(942653)
67	06/14/2011	(947027)
68	09/15/2011	(951625)
69	07/14/2011	(954284)
70	08/30/2011	(960866)

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

Date:	10/31/2006	(629207)	CN600623094
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:	11/30/2006	(629209)	CN600623094
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:	01/31/2007	(629197)	CN600623094
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	(629198)	CN600623094
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	(629200)	CN600623094
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: 06/30/2007 (629202) CN600623094  
 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 07/31/2007 (629203) CN600623094  
 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 08/31/2007 (629204) CN600623094  
 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 09/30/2007 (629206) CN600623094  
 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 10/31/2007 (629208) CN600623094  
 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 11/30/2007 (600888) CN600623094  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 WQ13589-001 PERMIT

Description: Failure to consistently comply with the effluent permits limits.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 WQ13589-001 PERMIT

Description: Failure to comply with the effluent chlorine residual limits.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 WQ13589-001 PERMIT

Description: Failure to submit the required noncompliance notifications for permit effluent exceedances.  
 Date 11/30/2007 (629210) CN600623094  
 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 (676637) CN600623094  
 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 (676636) CN600623094  
 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 (695181) CN600623094  
 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 03/31/2008 (695182) CN600623094  
 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	04/30/2008	(695183)	CN600623094
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	(716685)	CN600623094
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	06/30/2008	(716686)	CN600623094
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	07/31/2008	(716687)	CN600623094
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	08/31/2008	(716688)	CN600623094
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	09/30/2008	(732130)	CN600623094
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	10/31/2008	(732131)	CN600623094
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	11/30/2008	(732132)	CN600623094
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	12/31/2008	(755470)	CN600623094
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	01/31/2009	(755469)	CN600623094
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	02/28/2009	(772537)	CN600623094
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	(817691)	CN600623094
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	(817693)	CN600623094
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	(817694)	CN600623094
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	(817695)	CN600623094
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	(817690)	CN600623094
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	06/17/2010	(801455)	CN600623094
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0013589-001 PERMIT		
Description:	Failure to maintain the digester unit.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013589-001 PERMIT		
Description:	Failure to comply with the permit effluent limitations.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013589-001 PERMIT		
Description:	Failure to comply with the self-monitoring permit limitations.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013589-001 PERMIT		
Description:	Failure to comply with the Special Provisions/Other Requirements as required in the permit.		
Date	06/30/2010	(862068)	CN600623094
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	01/31/2011	(910656)	CN600623094
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	02/28/2011	(917913)	CN600623094
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	05/31/2011	(947027)	CN600623094
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	07/25/2011	(942653)	CN600623094
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to provide adequate lift station security.		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013589-001 PERMIT		
Description:	Failure to comply with the permit effluent limitations during the investigation.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013589-001 PERMIT		
Description:	Failure to annually calibrate the secondary flow measuring device.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013589-001 PERMIT		
Description:	Failure to comply with the self-monitoring permit limitations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013589-001 PERMIT		
Description:	Failure to correctly calculate effluent loading.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to comply with Other Requirements, number 7, dealing with grease trap monitoring.		
Date	07/31/2011 (960866)	CN600623094	
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



<b>IN THE MATTER OF AN</b>	§	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	§	
<b>CONCERNING</b>	§	
<b>PEASTER INDEPENDENT SCHOOL</b>	§	<b>TEXAS COMMISSION ON</b>
<b>DISTRICT PUBLIC FACILITY</b>	§	
<b>CORPORATION</b>	§	
<b>RN102078045</b>	§	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2011-1901-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 Peaster Independent School District Public Facility Corporation (“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 at 8512 Farm-to-Market Road 920, approximately 1,200 feet southeast of the intersection of

Farm-to-Market Road 920 and Harwell Lake Road in Parker 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 August 30, 2011, TCEQ staff documented violations of the permitted effluent limits as shown on the table below:

Month/Year	CBOD <sub>5</sub> Daily Avg. Conc. Permit Limit = 10 mg/L	Chlorine Residual Conc. Min. Permit Limit = 1.0 mg/L	NH <sub>3</sub> -N Daily Avg. Conc. Permit Limit = 3 mg/L	TSS Daily Avg. Conc. Permit Limit = 15 mg/L
January 2011	c	c	c	23.75
February 2011	14.6	c	4.2	32
May 2011	c	0.83	c	c

CBOD<sub>5</sub> = five-day carbonaceous biochemical oxygen demand      NH<sub>3</sub>-N = ammonia nitrogen  
 Avg. = average      Min. = minimum      Conc. = concentration      c = compliant  
 TSS = total suspended solids      mg/L = milligrams per liter

4. The Respondent received notice of the violations on September 16, 2011.

## 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 permitted 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. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. 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.
4. An administrative penalty in the amount of Seven Thousand Three Hundred Dollars (\$7,300) 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 Seven Thousand Three Hundred Dollar (\$7,300) 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 Seven Thousand Three Hundred Dollars (\$7,300) as set forth in Section II, Paragraph 4 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: Peaster Independent School District Public Facility Corporation, Docket No. 2011-1901-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, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013589001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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

*Paul B. Hyslop*

\_\_\_\_\_  
For the Executive Director

*3/29/12*  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Peaster Independent School District Public Facility Corporation. I am authorized to agree to the attached Agreed Order on behalf of Peaster Independent School District Public Facility Corporation, 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, Peaster Independent School District Public Facility Corporation 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.

*Matt Adams*

\_\_\_\_\_  
Signature

*12-19-11*

\_\_\_\_\_  
Date

*Matt Adams*

\_\_\_\_\_  
Name (Printed or typed)

*Superintendent*

\_\_\_\_\_  
Title

Authorized Representative of

Peaster Independent School District Public Facility Corporation

**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.