

Executive Summary -- Enforcement Matter -- Case No. 44030  
Woden Independent School District  
RN102887213  
Docket No. 2012-0866-MWD-E

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Woden ISD Campus, located on the northeast corner of the intersection of Farm-to-Market ("FM") Road 226 and County Road ("CR") 417 approximately 1,500 feet east of the intersection of FM Road 226 and CR 417, Woden, Nacogdoches 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:** June 14, 2013

**Comments Received:** No

*Penalty Information*

**Total Penalty Assessed:** \$33,475

**Amount Deferred for Expedited Settlement:** \$6,695

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

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$26,780

Name of SEP: Compliance SEP - Module Treatment Plant

**Compliance History Classifications:**

Person/CN - Poor

Site/RN - Poor

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44030**  
**Woden Independent School District**  
**RN102887213**  
**Docket No. 2012-0866-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** February 9, 2012

**Date(s) of NOE(s):** April 3, 2012

***Violation Information***

1. Failed to initiate engineering and financial planning for expanding/upgrading the wastewater treatment plant/collection system or submit a waiver request, when the average permitted flow reaches 75% for three consecutive months. Specifically, the flows were above 75% of the permit limit of 12,000 gallons per day ("gpd") for the months of November 2011 (10,842 gpd), December 2011 (9,036 gpd) and January 2012 (11,081 gpd) [TCEQ Permit No. WQ0014345001 Operational Requirements No. 8(a) and 30 TEX. ADMIN. CODE § 305.126(a)].
2. Failed to submit a plan for review, revision, and approval describing how the imported soils will be incorporated into the soils and how erosion will be prevented in the affected areas no later than 90 days prior to construction. Specifically, imported soil was used to build up the southeastern drain field [TCEQ Permit No. WQ0014345001 Special Provisions No. 10 and 30 TEX. ADMIN. CODE § 305.125(1)].
3. Failed to properly operate and maintain all units of collection, treatment and disposal. Specifically, the 500 gallon grease trap on the east side of the cafeteria was buried but the access port was uncovered and not secured. In addition, the fiberglass lid on the storage septic tank was not secured [TCEQ Permit No. WQ0014345001 Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5)].
4. Failed to comply with permitted effluent limits for flow and 5-day biochemical oxygen demand [TCEQ Permit No. WQ0014345001 Effluent Limitations and Monitoring Requirements A and 30 TEX. ADMIN. CODE § 305.125(1)].
5. Failed to submit notification of violations when values exceed the permitted limits by greater than 40% [TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 7(c) and 30 TEX. ADMIN. CODE § 305.125(1)].
6. Failed to properly complete chain of custody ("COC") forms. Specifically, the type of samples and the sample preservatives were not indicated on the COC forms [TCEQ Permit No. WQ0014345001 Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 319.11 and 305.125(1)].
7. Failed to submit the results of the annual soil samples for the years 2009 through 2011 no later than September 30<sup>th</sup> of each sampling year [TCEQ Permit No. WQ0014345001 Special Provisions No. 15 and 30 TEX. ADMIN. CODE § 305.125(1)].

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8. Failed to analyze the irrigation effluent for nitrates, total Kjeldahl nitrogen ("TKN") and total phosphorus from grab samples of the filtered effluent prior to injection into the dripper lines in January and July for the years of 2009, 2010, 2011 and 2012 [TCEQ Permit No. WQ0014345001 Special Provisions No. 16 and 30 TEX. ADMIN. CODE § 305.125(1)].
9. Failed to maintain records of monitoring activities. Specifically, Respondent was not maintaining a calibration log for the pH meter [TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 3(c)(ii), (iii) and (vi) and 30 TEX. ADMIN. CODE § 305.125(1) and (11)(B)].
10. Failed to maintain secondary standards used to perform accuracy checks. Specifically, Respondent was using expired pH buffers to calibrate the pH meter [TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 2(a) and 30 TEX. ADMIN. CODE § 319.11].
11. Failed to have records readily available for review by a TCEQ representative. Specifically, the records for the reduced pressure backflow assembly ("RPBA") test for the device located on the potable line to the wastewater treatment plant was not available at the time of the investigation [TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 3(b) and 30 TEX. ADMIN. CODE § 305.125(1)].
12. Failed to monitor the treated effluent for total suspended solids ("TSS") once per week by grab sample [TCEQ Permit No. WQ0014345001 Special Provisions No. 9 and 30 TEX. ADMIN. CODE § 305.125(1)].
13. Failed to submit the annual report for sludge removal to the TCEQ Beaumont Regional Office and the Enforcement Division by September 1st of each year. Specifically, the reports for 2009, 2010 and 2011 have not been submitted [TCEQ Permit No. WQ0014345001 Special Provisions No. 18 and 30 TEX. ADMIN. CODE § 305.125(1)].
14. Failed to submit to the TCEQ Wastewater Permitting Section a summary submittal letter in accordance with 30 TEX. ADMIN. CODE § 217.6(c) no later than 90 days from the date of permit issuance [TCEQ Permit No. WQ0014345001 Special Provisions No. 5 and 30 TEX. ADMIN. CODE § 305.125(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

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1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
  - a. Within 30 days:
    - i. Initiate engineering and financial planning for expansion and/or upgrading the wastewater treatment and/or collection facilities or obtain a waiver for the Facility;
    - ii. Submit documentation describing how much soil, the type of soil, and where the imported soil was placed and how soil erosion will be prevented in the affected areas. In addition, provide documentation that demonstrates that the drip lines are 6 to 12 inches from the soil surface;
    - iii. Submit a summary report for sludge removal activities for 2009 through 2011. The summary should include, the volume hauled, the dates the sludge was removed, the identity of the hauler, the TCEQ permit no. and the location of the wastewater treatment plant to which the sludge was hauled and submit the results of the toxicity characteristic leachate procedure sample taken on January 5, 2011;
    - iv. Secure the access port to the grease trap and the fiberglass lid on the storage septic tank so that force or special equipment is needed to gain access to the tanks;
    - v. Begin properly completing the the COC forms provided by the laboratory to include the type of samples and the samples preservatives;
    - vi. Begin submitting the results of the annual soil samples no later than the end of September of each sampling year and submit the annual soil samples for the years 2009 through 2011;
    - vii. Begin collecting irrigation samples of the filtered effluent prior to injection to the dripper lines and have it analyzed for nitrates, TKN and total phosphorus;
    - viii. Develop a log to record the pH meter calibrations, the log should include the name of the individual performing the calibration, date and time of the calibration and the results of the calibration and purchase current pH buffers to calibrate the pH meter;
    - ix. Submit the most recent RPBA test for the device located on the potable line to the wastewater treatment plant and begin maintaining the records on site;
    - x. Begin collecting the required TSS samples once per week and maintain the results on site;

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- xi. Submit a summary letter in accordance with requirements in 30 TEX. ADMIN. CODE § 217.6(c);
- xii. Update the Facility's operational guidance and conduct employee training to ensure that:
  - a. All permitted parameters are collected and analyzed at the minimum required frequencies;
  - b. Records are readily available for review by the TCEQ;
  - c. Noncompliance reports are properly submitted for effluent violations which deviate by more than 40% from the permitted limits; and
  - d. The annual sludge removal reports and annual soil samples are properly accomplished and submitted timely.
- b. Within 90 days, submit certification of compliance with the permitted effluent limitations of TCEQ Permit No. WQ0014345001 and Ordering Provision a., including specific corrective actions that were implemented at the Facility to achieve compliance and submit documentation demonstrating at least three consecutive months of compliance with all permitted 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:** Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stephanie Frazee, SEP Coordinator, Litigation Division, MC 175, (512) 239-3693  
**Respondent:** Brady Taylor, Superintendent, Woden Independent School District, P.O. Box 100, Woden, Texas 75978  
**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2012-0866-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Woden Independent School District
<b>Penalty Amount:</b>	Twenty-Six Thousand Seven Hundred Eighty Dollars (\$26,780)
<b>SEP Offset Amount:</b>	Twenty-Six Thousand Seven Hundred Eighty Dollars (\$26,780)
<b>Type of SEP:</b>	Compliance SEP
<b>Project Name:</b>	<i>Module Treatment Plant</i>
<b>Location of SEP:</b>	Nacogdoches County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s current wastewater treatment facility. Respondent shall purchase and install a package module wastewater treatment plant. The plant is designed and proposed to be mostly buried to simplify access and keep piping between the units underground. The plant layout will require excavation of a trough with level bottom pad to install the units. A seal slab or soil stabilization is needed to provide a firm foundation for the modular tanks. The tanks will be placed on the prepared subgrade; and backfill will have to be placed and compacted in lifts to prevent shifting or damage to the tanks. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: excavation, subgrade preparation with 8-inch soil cement, interconnections to existing lines, backfill and compaction, outfill line, rock rubble for erosion control, fencing and gates, gravel drive and precast headwall (the “Project”). Respondent shall solicit bids from qualified contractors to install the system. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

**Estimated Cost Schedule**

Item	Quantity	Units	Cost	Total
Excavation	450	cubic yards	\$5.00	\$2,250.00
Subgrade prep 8-inch soil cement	140	square yards	\$15.00	\$2,100.00
Interconnects to existing lines	3	each	\$1,200.00	\$3,600.00
Backfill and Compaction	450	cubic yards	\$12.00	\$5,400.00
Outfill Line	300	linear feet	\$15.00	\$4,500.00
Rock rubble for erosion control	9	square yards	\$60.00	\$540.00
Fencing and gates	200	linear feet	\$25.00	\$5,000.00
Gravel Drive	350	square yards	\$15.00	\$5,250.00
Precast Headwall	1	each	\$1,500.00	\$1,500.00
<b>Total</b>				<b>\$30,140.00</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

### 3. Records and Reporting

#### A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall complete the Project as set forth in the Reporting Schedule table below:

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 60-day period
90	Notice of SEP completion

#### B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below);
4. Copies of all engineering plans related to work performed pursuant to the Project;
5. Dated photographs of the site; before and after work being performed during the installation process; and include photographs of the completed Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting, described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Clean Texas Program**

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	9-Apr-2012	<b>Screening</b>	19-Apr-2012	<b>EPA Due</b>	
	<b>PCW</b>	2-May-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Woden Independent School District
<b>Reg. Ent. Ref. No.</b>	RN102887213
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	44030	<b>No. of Violations</b>	7
<b>Docket No.</b>	2012-0866-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$25,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	30.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$7,500
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Notes: Enhancement for one order with denial of liability and poor performer classification.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,684
Approx. Cost of Compliance	\$12,250

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$32,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-44.0%	<b>Adjustment</b>	-\$14,300
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction so that the reporting violations in violation no. 4 do not overly impact the penalty.

<b>Final Penalty Amount</b>	\$18,200
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$18,200
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$3,640
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$14,560
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Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 2 (September 2002)

Case ID No. 44030

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial of liability and poor performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 2 (September 2002)

Case ID No. 44030

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) TCEQ Permit No. WQ0014345001 Special Provisions No. 18 and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to submit the annual report for sludge removal to the TCEQ Beaumont Regional Office and the Enforcement Division by September 1st of each year. Specifically, the reports for 2009 and 2010 were not submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

961 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,000

Two single events are recommended, one event for each report not submitted.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$1,456

This violation Final Assessed Penalty (adjusted for limits) \$1,456

# Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	1-Sep-2009	31-Dec-2012	3.33	\$33	n/a	\$33
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**  
 Estimated cost to submit sludge reports. Date required is the date the first sludge removal report was due. Final date is the projected date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (This section is currently blank)

<b>Approx. Cost of Compliance</b>	\$200	<b>TOTAL</b>	\$33
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Screening Date 19-Apr-2012

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PCW

Respondent Woden Independent School District

Policy Revision 2 (September 2002)

Case ID No. 44030

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Special Provisions No. 5 and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit to the TCEQ Wastewater Permitting Section a summary submittal letter in accordance with 30 Tex. Admin. Code § 217.6(c) no later than 90 days from the date of permit issuance.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

283 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$74

Violation Final Penalty Total \$728

This violation Final Assessed Penalty (adjusted for limits) \$728

## Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**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
<small>No commas or \$</small>							

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)	\$1,000	11-Jul-2011	31-Dec-2012	1.48	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to submit a summary letter to the TCEQ wastewater permitting section. Date required is the date the summary submittal letter was due. Final date is the projected 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	\$1,000	<b>TOTAL</b>	\$74
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Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 2 (September 2002)

Case ID No. 44030

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Effluent Limitations and Monitoring Requirements A and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on February 9, 2012. See 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	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

182 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events are recommended for the quarters containing the months of December 2010, January through May 2011 and August 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,156

Violation Final Penalty Total \$2,184

This violation Final Assessed Penalty (adjusted for limits) \$2,184

## Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	N/A	\$0
Record Keeping System				0.00	\$0	N/A	\$0
Training/Sampling				0.00	\$0	N/A	\$0
Remediation/Disposal				0.00	\$0	N/A	\$0
Permit Costs				0.00	\$0	N/A	\$0
Other (as needed)	\$10,000	8-Dec-2010	31-Mar-2013	2.91	\$1,156	N/A	\$1,156

**Notes for DELAYED costs**

The estimated cost to evaluate the causes of the effluent violations and to implement necessary corrective actions to comply with permitted effluent limits. Date required is the date the first non-compliant excursion was documented. Final date is the expected date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$1,156

**Screening Date** 19-Apr-2012 **Docket No.** 2012-0866-MWD-E **PCW**  
**Respondent** Woden Independent School District *Policy Revision 2 (September 2002)*  
**Case ID No.** 44030 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102887213  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Cheryl Thompson  
**Violation Number** 4  
**Rule Cite(s)** TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 7(c) and 30 Tex. Admn. Code § 305.125(1)  
**Violation Description** Failed to submit notification of violations when values exceed the permitted limits by greater than 40%. See attached effluent violation table.  
**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			10%

  
**Matrix Notes** 100% of the rule requirement was not met.  
**Adjustment** \$9,000

**Violation Events**  
 Number of Violation Events: 13      476 Number of violation days  

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

*mark only one with an x*  
**Violation Base Penalty** \$13,000  
 Thirteen single events are recommended (one event for each notification) for excursions that occurred December 15, 2010 through May 11, 2011.

**Good Faith Efforts to Comply** 0.0% Reduction \$0  

	Before NOV	NOV to EDRP/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** \$13,000

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**  
**Estimated EB Amount** \$26      **Violation Final Penalty Total** \$9,464  
**This violation Final Assessed Penalty (adjusted for limits)** \$9,464

# Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**Media:** Water Quality  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

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	\$260	20-Dec-2010	31-Dec-2012	2.03	\$26	n/a	\$26
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
<b>Notes for DELAYED costs</b> Estimated cost to submit the noncompliance reports (\$20 for each notification) to the TCEQ. The date required is the date the first noncompliance report was due. Final date is the projected compliance date.							

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
<b>Notes for AVOIDED costs</b> (This area is currently blank)							

<b>Approx. Cost of Compliance</b>	\$260	<b>TOTAL</b>	\$26
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Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 2 (September 2002)

Case ID No. 44030

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 5

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Special Provisions No. 15 and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit the results of the annual soil samples for the years 2009 and 2010 no later than September 30th of each sampling year.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

961 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are recommended one for each report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,456

This violation Final Assessed Penalty (adjusted for limits) \$1,456

## Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**Media:** Water Quality  
**Violation No.:** 5

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	\$250	9-Feb-2012	31-Dec-2012	0.89	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	30-Sep-2009	31-Dec-2012	3.25	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to submit the annual soil samples results for 2009 and 2010, and to update the Facility's operational guidance and to conduct employee training (\$250) to ensure that all permitted parameters are collected and analyzed at the minimum required frequencies; records are readily available for review by the TCEQ; effluent violations which deviate by more than 40% from the permitted limits are properly submitted; and the annual sludge removal reports and annual soil samples are properly accomplished and submitted timely. Dates required are the dates the first annual soil sample was due and the investigation date. Final date is the projected 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	\$290	<b>TOTAL</b>	\$18
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Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 2 (September 2002)

Case ID No. 44030

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 6

Rule Cite(s) TCEQ Permit No. WQ0014345001 Special Provisions No. 16 and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to analyze the irrigation effluent for nitrates, total Kjeldahl nitrogen ("TKN") and total phosphorus from grab samples of the filtered effluent prior to injection into the dripper lines in January and July for the years of 2009, 2010 and 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 6 Number of violation days 1174

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

Violation Base Penalty \$3,000

Six single events are recommended for the six missing sampling events.

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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$362

Violation Final Penalty Total \$2,184

This violation Final Assessed Penalty (adjusted for limits) \$2,184

# Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**Media** Water Quality  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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

**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)	\$300	31-Jan-2009	19-Apr-2012	4.13	\$62	\$300	\$362

Notes for AVOIDED costs

Estimated cost to collect irrigation samples of the filtered effluent (\$50 per sample) prior to injection to the dripper lines and to have it analyzed for nitrates, TKN and total phosphorus. Date required is the date the first sampling was due. Final date is the screening date.

Approx. Cost of Compliance

\$300

**TOTAL**

\$362

Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 2 (September 2002)

Case ID No. 44030

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number

7

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Special Provisions No. 10 and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit a plan for review, revision, and approval describing how the imported soils will be incorporated into the soils and how erosion will be prevented in the affected areas no later than 90 days prior to construction. Specifically, imported soil was used to build up the southeastern drain field.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

283 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$728

This violation Final Assessed Penalty (adjusted for limits) \$728

## Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**Media** Water Quality  
**Violation No.** 7

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)	\$200	11-Jul-2011	31-Dec-2012	1.48	\$15	n/a	\$15

#### Notes for DELAYED costs

Estimated cost to submit a plan for review, revision and approval describing how the imported soils were incorporated into the native soils and how soil erosion will be prevented in affected areas. Date required is the date the plan was due. Final date is the projected 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

\$200

**TOTAL**

\$15



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	9-Apr-2012	<b>Screening</b>	19-Apr-2012	<b>EPA Due</b>	
	<b>PCW</b>	2-May-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Woden Independent School District
<b>Reg. Ent. Ref. No.</b>	RN102887213
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	44030	<b>No. of Violations</b>	12
<b>Docket No.</b>	2012-0866-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$11,750
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	30.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$3,525
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Notes: Enhancement for one order with denial of liability and poor performer classification.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$8,990  
 Approx. Cost of Compliance \$131,380  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$15,275
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$15,275
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$15,275
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$3,055
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$12,220
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Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 3 (September 2011)

Case ID No. 44030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

### 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> )	0	0%
	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%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial of liability and poor performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 30%

Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

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Media [Statute] Water Quality

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Violation Number

1

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Operational Requirements No. 8(a) and 30 Tex. AdmIn. Code § 305.126(a)

Violation Description

Failed to initiate engineering and financial planning for expanding/upgrading the wastewater treatment plant/collection system or submit a waiver request, when the average permitted flow reaches 75% for three consecutive months. Specifically, the flows were above 75% of the permit limit of 12,000 gallons per day ("gpd") for the months of November 2011 (10,842 gpd), December 2011 (9,036 gpd) and January 2012 (11,081 gpd).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the period of February 9, 2012 (date of investigation) to April 9, 2012 (date of screening).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,352

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

## Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment	\$80,000	31-Jan-2012	31-Dec-2012	0.92	\$245	\$4,895	\$5,140
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$50,000	31-Jan-2012	31-Dec-2012	0.92	\$153	\$3,059	\$3,212
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

Estimated cost to include labor, engineering fees, and equipment to assess the wastewater treatment facility for high flows and the administrative processing of a notice and/or engineering report. Date required is the last day of the three consecutive months when the flow was reported to be above 75% of the permitted daily flow limit; 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

\$130,000

**TOTAL**

\$8,352

Screening Date 19-Apr-2012

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Respondent Woden Independent School District

Policy Revision 3 (September 2011)

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PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5)

Violation Description

Failed to properly operate and maintain all units of collection, treatment and disposal. Specifically, the 500 gallon grease trap on the east side of the cafeteria was buried but the access port was uncovered and not secured. In addition, the fiberglass lid on the storage septic tank was not secured.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semi-annual	
annual	
single event	X

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

## Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**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
<small>No commas or \$</small>							

### 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)	\$300	9-Feb-2012	31-Dec-2012	0.89	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to secure the access port to the grease trap and the fiberglass lid on the storage septic tank. Date required is the investigation date. Final date is the projected 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

\$300

**TOTAL**

\$13

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PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s) TCEQ Permit No. WQ0014345001 Effluent Limitations and Monitoring Requirements A and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to comply with permitted effluent limits, as documented during an investigation conducted on February 9, 2012. See attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	5.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 92

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

Violation Base Penalty \$1,250

One quarterly event is recommended for the quarter containing the months of September through November 2011.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

## Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**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
<i>No commas or \$</i>							

### 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 with the accompanying pcw.

### 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

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Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number

4

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 7(c) and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit notification of violations when values exceed the permitted limits by greater than 40%. See attached effluent table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

178 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

Two single events are recommended for the months of October and November 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$3,250

This violation Final Assessed Penalty (adjusted for limits) \$3,250

## Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**Media:** Water Quality  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### 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	\$40	24-Oct-2011	31-Dec-2012	1.19	\$2	n/a	\$2
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

Estimated cost to submit the noncompliance reports (\$20 for each notification) for effluent exceedances of more than 40%. Date required is the date the first noncompliance report was due. Final date is the projected 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

\$40

**TOTAL**

\$2

Screening Date 19-Apr-2012

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Respondent Woden Independent School District

Policy Revision 3 (September 2011)

Case ID No. 44030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 5

Rule Cite(s) TCEQ Permit No. WQ0014345001 Monitoring and Reporting Requirements No. 2 and 30 Tex. Admin. Code §§ 319.11 and 305.125(1)

Violation Description Failed to properly complete chain of custody ("COC") forms. Specifically, the type of samples and the sample preservatives were not indicated on the COC forms.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 60

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

## Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**Media** Water Quality  
**Violation No.** 5

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	\$50	9-Feb-2012	31-Dec-2012	0.89	\$2	N/A	\$2
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

Estimated cost to begin properly completing the COC forms. Date required is the investigation date. Final date is the projected 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

\$50

**TOTAL**

\$2

Screening Date 19-Apr-2012

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PCW

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Policy Revision 3 (September 2011)

Case ID No. 44030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 6

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Special Provisions No. 15 and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit the results of the annual soil samples for the year 2011 no later than September 30th.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

202 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semianual	
annual	
single event	X

Violation Base Penalty \$1,250

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

# Economic Benefit Worksheet

**Respondent** Woden Independent School District

**Case ID No.** 44030

**Reg. Ent. Reference No.** RN102887213

**Media** Water Quality

**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

**Item Cost    Date Required    Final Date    Yrs    Interest Saved    Onetime Costs    EB Amount**

**Item Description** No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$20	30-Sep-2011	31-Dec-2012	1.25	\$1	n/a	\$1

**Notes for DELAYED costs**

Estimated cost to submit the annual soil samples results for 2011. Date required is the date the annual soil sample was due. Final date is the projected date of compliance. The economic benefit cost for training is covered in the accompanying pcw.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$20

**TOTAL**

\$1

Screening Date 19-Apr-2012

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Respondent Woden Independent School District

Policy Revision 3 (September 2011)

Case ID No. 44030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 7

Rule Cite(s) TCEQ Permit No. WQ0014345001 Special Provisions No. 16 and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to analyze the irrigation effluent for nitrates, total Kjeldahl nitrogen ("TKN") and total phosphorus from grab samples of the filtered effluent prior to injection into the dripper lines in January 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

79 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

# Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**Media:** Water Quality  
**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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

**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)	\$50	31-Jan-2012	19-Apr-2012	1.13	\$3	\$50	\$53

Notes for AVOIDED costs

Estimated cost to collect irrigation samples of the filtered effluent prior to injection to the dripper lines and to have it analyzed for nitrates, TKN and total phosphorus. Date required is the date sampling was due. Final date is the screening date.

Approx. Cost of Compliance

\$50

**TOTAL**

\$53

Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 3 (September 2011)

Case ID No. 44030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 8

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 3(c)(II), (III) and (VI) and 30 Tex. Admin. Code § 305.125(1) and (11)(B)

Violation Description

Failed to maintain records of monitoring activities. Specifically, the Respondent was not maintaining a calibration log for the pH meter.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

## Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**Media:** Water Quality  
**Violation No.:** 8

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	9-Feb-2012	31-Dec-2012	0.89	\$2	n/a	\$2
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

Estimated cost to begin maintaining a pH meter calibration log. Date required is the investigation date.  
 Final date is the projected date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

**TOTAL** \$2

**Screening Date** 19-Apr-2012 **Docket No.** 2012-0866-MWD-E **PCW**  
**Respondent** Woden Independent School District *Policy Revision 3 (September 2011)*  
**Case ID No.** 44030 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN102887213  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Cheryl Thompson  
**Violation Number** 9  
**Rule Cite(s)** TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 2(a) and 30 Tex. Admn. Code § 319.11  
**Violation Description** Failed to maintain secondary standards used to perform accuracy checks. Specifically, the Respondent was using expired pH buffers to calibrate the pH meter.  
**Base Penalty** \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				3.0%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply  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 \$750

Economic Benefit (EB) for this violation  **Statutory Limit Test**

Estimated EB Amount \$7 Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

## Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**Media:** Water Quality  
**Violation No.:** 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	N/A	\$0
Record Keeping System				0.00	\$0	N/A	\$0
Training/Sampling				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)	\$150	9-Feb-2012	31-Dec-2012	0.89	\$7	N/A	\$7
<b>Notes for DELAYED costs</b> Estimated cost to purchase new pH buffers to calibrate the pH meter. Date required is the investigation date. Final date is the projected date of compliance.							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$150
TOTAL
\$7

Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 3 (September 2011)

Case ID No. 44030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 10

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 3(b) and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to have records readily available for review by a TCEQ representative. Specifically, the records for the reduced pressure backflow assembly ("RPBA") test for the device located on the potable line to the wastewater treatment plant was not available at the time of the investigation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

70 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

# Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**Media** Water Quality  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$100	9-Feb-2012	31-Dec-2012	0.89	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit the RPBA test report and begin maintaining records on site. Date required is the investigation date. Final date is the projected 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

\$100

**TOTAL**

\$4

**Screening Date** 19-Apr-2012 **Docket No.** 2012-0866-MWD-E **PCW**  
**Respondent** Woden Independent School District *Policy Revision 3 (September 2011)*  
**Case ID No.** 44030 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN102887213  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Cheryl Thompson  
**Violation Number** 11  
**Rule Cite(s)** TCEQ Permit No. WQ0014345001 Special Provisions No. 9 and 30 Tex. Admin. Code § 305.125(1)

**Violation Description** Failed to monitor the treated effluent for total suspended solids ("TSS") once per week by grab sample.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		X		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Human health or the environment will or could be exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or the environment as a result of this violation.

**Adjustment** \$23,750

**Violation Events**

Number of Violation Events: 1      70      Number of violation days

	Frequency	Count	Violation Base Penalty
mark only one with an x	daily		\$1,250
	weekly		
	monthly		
	quarterly	X	
	semiannual		
	annual		
	single event		

One quarterly event is recommended from the February 9, 2012 investigation date to the April 19, 2012 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

**Estimated EB Amount** \$546      **Violation Final Penalty Total** \$1,625

**This violation Final Assessed Penalty (adjusted for limits)** \$1,625

## Economic Benefit Worksheet

**Respondent** Woden Independent School District  
**Case ID No.** 44030  
**Reg. Ent. Reference No.** RN102887213  
**Media** Water Quality  
**Violation No.** 11

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

### 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	\$520	9-Feb-2011	9-Feb-2012	1.00	\$26	\$520	\$546
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

Estimated cost avoided (\$10 per sample per week) to collect TSS samples once per week. Date required is one year prior to the investigation date. Final date is the investigation date.

Approx. Cost of Compliance \$520

**TOTAL** \$546

Screening Date 19-Apr-2012

Docket No. 2012-0866-MWD-E

PCW

Respondent Woden Independent School District

Policy Revision 3 (September 2011)

Case ID No. 44030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102887213

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

V12 12

Rule Cite(s)

TCEQ Permit No. WQ0014345001 Special Provisions No. 18 and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit the annual report for sludge removal to the TCEQ Beaumont Regional Office and the Enforcement Division by September 1st of each year. Specifically, the report for 2011 was not submitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

231 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

## Economic Benefit Worksheet

**Respondent:** Woden Independent School District  
**Case ID No.:** 44030  
**Reg. Ent. Reference No.:** RN102887213  
**Media:** Water Quality  
**Violation No.:** 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### 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	\$100	1-Sep-2011	31-Dec-2012	1.33	\$7	n/a	\$7
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

Estimated cost to submit sludge removal records. Date required is the date the sludge removal report was due. Final date is the projected 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

\$100

**TOTAL**

\$7

**Effluent Limit Violation Table**

Respondent: Woden Independent School District  
 ID Number(s): TPDES Permit No. WQ0014345001  
 Docket Number: 2012-0866-MWD-E  
 Enf. Coordinator: Cheryl Thompson

Corresponds to Violation Number:

**EFFLUENT PARAMETER**  
 Permit Limit

Month/Year	Biochemical Oxygen Demand 5-day Single Grab 90 mg/L	Flow 12,000 GPD								
12/08/2010	117	c								
12/15/2010	132	c								
01/05/2011	186	c								
01/26/2011	204	c								
01/31/2011	N/A	21,678								
02/02/2011	132	c								
02/09/2011	141	c								
02/23/2011	198	c								
03/02/2011	177	c								
03/09/2011	120	c								
03/30/2011	165	c								
04/06/2011	171	c								
04/13/2011	132	c								
04/20/2011	165	c								
04/27/2011	123	c								
05/03/2011	210	c								
05/11/2011	183	c								
08/31/2011	114	c								
09/14/2011	105	c								
09/21/2011	120	c								
10/05/2011	102	c								
10/12/2011	96	c								
10/19/2011	171	c								
10/26/2011	117	c								
11/02/2011	126	c								
11/16/2011	108	c								
11/30/2011	159	c								
c = compliant										
mg/L = milligrams per liter										
GPD = gallons per day										

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601463904 Woden Independent School District Classification: POOR Rating: 65.25  
Regulated Entity: RN102887213 WODEN ISD CAMPUS Classification: POOR Site Rating: 127.50  
ID Number(s): WASTEWATER PERMIT WQ0014345001  
Location: located on the northeast corner of the intersection of Farm-to-Market Road 226 and County Road 417 approximately 1500 feet east of the intersection of Farm-to-Market Road 226 and County Road 417 in Woden, Nacogdoches County, Texas  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: April 19, 2012  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: April 19, 2007 to April 19, 2012  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Cheryl Thompson Phone: (817) 588-5886

## 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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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: 02/07/2010 ADMINORDER 2009-0898-MWD-E

Classification: Moderate

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

Rqmt Prov: SP 8 PERMIT

Description: Failure by WISD to prevent ponding of effluent in the disposal field.

Classification: Moderate

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

Rqmt Prov: SP 15 PERMIT

Description: Failure to provide a record of annual soil sampling and analysis for the year 2008.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: FEL&MR a PERMIT

Description: Failure by WISD to comply with final effluent limitation for biochemical oxygen demand (limit= 90 mg/l).

Classification: Minor

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

Rqmt Prov: SP 17 PERMIT

Description: Failure by the permittee to make available for review a record of monitoring of solids levels in the septic tanks; and failure to monitor accumulation of solids in the septic tanks twice per year.

Classification: Moderate

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

Rqmt Prov: FEL&MR B PERMIT

Description: Failure by the permittee to perform pH analyses on the treatment plant effluent, prior to the drip disposal field.

Classification: Minor

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

Rqmt Prov: Monitoring Requirements, 3.b. PERMIT

SP 18 PERMIT

Description: Failure by WISD to maintain a record of sludge removal from the septic tanks.

Classification: Moderate

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

Rqmt Prov: MR 5 PERMIT

Description: Failure to calibrate the effluent flow meter.

Classification: Minor

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

Rqmt Prov: MR 7c PERMIT

Description: Failure by Woden ISD to provide noncompliance notification in accordance with requirements of the permit.

Classification: Moderate

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

Rqmt Prov: SP 8 PERMIT

Description: Failure to maintain a record of grass harvested from the disposal field.

Classification: Moderate

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

Rqmt Prov: MR 3B PERMIT

Description: Failure to maintain all records of monitoring, including biochemical oxygen demand analysis and flow.

Classification: Minor

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

Rqmt Prov: SP 20 PERMIT

Description: Failure of WISD to maintain a complete records of cleaning the grease trap, 2 times per month.

Classification: Moderate

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

Rqmt Prov: SP 16 PERMIT

Description: Failure by WISD to collect effluent analyses for nitrates, total Kjeldahl nitrogen (TKN) and total phosphorous.

Classification: Moderate

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

Rqmt Prov: SP 7 PERMIT

Description: Failure of WISD to comply with the effluent application rate of 0.07 g/sf/d.

Classification: Moderate

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

Rqmt Prov: Permit Conditions 4a & Sp. Prov. No. 5 PERMIT

Description: Failure by WISD to notify the TCEQ of the change of operational status, from Interim to Final phase.

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	05/03/2007	(556789)
2	12/11/2007	(572047)
3	11/30/2010	(870886)
4	04/03/2012	(994266)

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

N/A

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  
WODEN INDEPENDENT  
SCHOOL DISTRICT  
RN102887213

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2012-0866-MWD-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Woden Independent School District ("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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located on the northeast corner of the intersection of Farm-to-Market Road 226 and County Road 417 approximately 1,500 feet east of the intersection of Farm-to-Market Road 226 and County Road 417 in Woden, Nacogdoches County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 8, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Three Thousand Four Hundred Seventy-Five Dollars (\$33,475) is assessed by the Commission in settlement of the

violations alleged in Section II ("Allegations). Six Thousand Six Hundred Ninety-Five Dollars (\$6,695) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Six Thousand Seven Hundred Eighty Dollars (\$26,780) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to initiate engineering and financial planning for expanding/upgrading the wastewater treatment plant/collection system or submit a waiver request, when the average permitted flow reaches 75% for three consecutive months, in violation of TCEQ Permit No. WQ0014345001 Operational Requirements No. 8(a) and 30 TEX. ADMIN. CODE § 305.126(a), as documented during an investigation conducted on February 9, 2012. Specifically, the flows were above 75% of the permit limit of 12,000 gallons per day ("gpd") for the months of November 2011 (10,842 gpd), December 2011 (9,036 gpd) and January 2012 (11,081 gpd).
2. Failed to submit a plan for review, revision, and approval describing how the imported soils will be incorporated into the soils and how erosion will be prevented in the affected areas no later than 90 days prior to construction, in violation of TCEQ Permit No. WQ0014345001 Special Provisions No. 10 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012. Specifically, imported soil was used to build up the southeastern drain field.
3. Failed to properly operate and maintain all units of collection, treatment and disposal, in violation of TCEQ Permit No. WQ0014345001 Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on

February 9, 2012. Specifically, the 500 gallon grease trap on the east side of the cafeteria was buried but the access port was uncovered and not secured. In addition, the fiberglass lid on the storage septic tank was not secured.

4. Failed to comply with permitted effluent limits, in violation of TCEQ Permit No. WQ0014345001 Effluent Limitations and Monitoring Requirements A and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012 and as shown in the effluent violation table below:

	Biochemical Oxygen Demand 5-day Single Grab	Flow
<i>Weekly</i>	90 mg/L	12,000 GPD
12/08/2010	117	c
12/15/2010	132*	c
01/05/2011	186*	c
01/26/2011	204*	c
01/31/2011	c	21,678
02/02/2011	132*	c
02/09/2011	141*	c
02/23/2011	198*	c
03/02/2011	177*	c
03/09/2011	120	c
03/30/2011	165*	c
04/06/2011	171*	c
04/13/2011	132*	c
04/20/2011	165*	c
04/27/2011	123	c
05/03/2011	210*	c
05/11/2011	183*	c
08/31/2011	114	c
09/14/2011	105	c
09/21/2011	120	c
10/05/2011	102	c
10/12/2011	96	c
10/19/2011	171*	c
10/26/2011	117	c
11/02/2011	126	c
11/16/2011	108	c
11/30/2011	159*	c

c = compliant; mg/L = milligrams per liter; GPD = gallons per day;  
\*= indicates effluent values greater than 40% of permitted limit

5. Failed to submit notification of violations when values exceed the permitted limits by greater than 40%, in violation of TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 7(c) and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012.
6. Failed to properly complete chain of custody ("COC") forms, in violation of TCEQ Permit No. WQ0014345001 Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 319.11 and 305.125(1), as documented during an investigation conducted on February 9, 2012. Specifically, the type of samples and the sample preservatives were not indicated on the COC forms.
7. Failed to submit the results of the annual soil samples for the years 2009 through 2011 no later than September 30<sup>th</sup> of each sampling year, in violation of TCEQ Permit No. WQ0014345001 Special Provisions No. 15 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012.
8. Failed to analyze the irrigation effluent for nitrates, total Kjeldahl nitrogen ("TKN") and total phosphorus from grab samples of the filtered effluent prior to injection into the dripper lines in January and July for the years of 2009, 2010, 2011 and 2012, in violation of TCEQ Permit No. WQ0014345001 Special Provisions No. 16 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012.
9. Failed to maintain records of monitoring activities, in violation of TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 3(c)(ii), (iii) and (vi) and 30 TEX. ADMIN. CODE § 305.125(1) and (11)(B), as documented during an investigation conducted on February 9, 2012. Specifically, the Respondent was not maintaining a calibration log for the pH meter.
10. Failed to maintain secondary standards used to perform accuracy checks, in violation of TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 2(a) and 30 TEX. ADMIN. CODE § 319.11, as documented during an investigation conducted on February 9, 2012. Specifically, the Respondent was using expired pH buffers to calibrate the pH meter.
11. Failed to have records readily available for review by a TCEQ representative, in violation of TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 3(b) and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012. Specifically, the records for the reduced pressure backflow assembly ("RPBA") test for the device located on the potable line to the wastewater treatment plant was not available at the time of the investigation.
12. Failed to monitor the treated effluent for total suspended solids ("TSS") once per week by grab sample, in violation of TCEQ Permit No. WQ0014345001 Special Provisions No. 9 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012.
13. Failed to submit the annual report for sludge removal to the TCEQ Beaumont Regional Office and the Enforcement Division by September 1st of each year, in violation of TCEQ Permit No. WQ0014345001 Special Provisions No. 18 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012. Specifically, the reports for 2009, 2010 and 2011 have not been submitted.

14. Failed to submit to the TCEQ Wastewater Permitting Section a summary submittal letter in accordance with 30 TEX. ADMIN. CODE § 217.6(c) no later than 90 days from the date of permit issuance, in violation of TCEQ Permit No. WQ0014345001 Special Provisions No. 5 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 9, 2012.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Woden Independent School District, Docket No. 2012-0866-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 implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Six Thousand Seven Hundred Eighty Dollars (\$26,780) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Initiate engineering and financial planning for expansion and/or upgrading the wastewater treatment and/or collection facilities or obtain a waiver for the Facility, in accordance with TCEQ Permit No. WQ0014345001, Operational Requirements No. 8(a) and 30 TEX. ADMIN. CODE § 305.126;
    - ii. Submit documentation describing how much soil, the type of soil, and where the imported soil was placed and how soil erosion will be prevented

in the affected areas. In addition, provide documentation that demonstrates that the drip lines are 6 to 12 inches from the soil surface;

- iii. Submit a summary report for sludge removal activities for 2009 through 2011. The summary should include, the volume hauled, the dates the sludge was removed, the identity of the hauler, the TCEQ permit no. and the location of the wastewater treatment plant to which the sludge was hauled and submit the results of the toxicity characteristic leachate procedure sample taken on January 5, 2011, in accordance with TCEQ Permit No. WQ0014345001 Special Provision No. 18;
- iv. Secure the access port to the grease trap and the fiberglass lid on the storage septic tank so that force or special equipment is needed to gain access to the tanks;
- v. Begin properly completing the the COC forms provided by the laboratory to include the type of samples and the samples preservatives, in accordance with TCEQ Permit No. WQ0014345001 Monitoring and Reporting Requirements No. 2;
- vi. Begin submitting the results of the annual soil samples no later than the end of September of each sampling year and submit the annual soil samples for the years 2009 through 2011 to:

Water Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

and

Enforcement Division Compliance Monitoring Team,  
MC224  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- vii. Begin collecting irrigation samples of the filtered effluent prior to injection to the dripper lines and have it analyzed for nitrates, TKN and total phosphorus;
- viii. Develop a log to record the pH meter calibrations, the log should include the name of the individual performing the calibration, date and time of the calibration and the results of the calibration and purchase current pH buffers to calibrate the pH meter; in accordance with TCEQ Permit No. WQ0014345001 Monitoring Requirements No. 3;
- ix. Submit the most recent RPBA test for the device located on the potable line to the wastewater treatment plant and begin maintaining the records on site, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(11)(B);

- x. Begin collecting the required TSS samples once per week and maintain the results on site, in accordance with TCEQ Permit No. WQ0014345001 Special Provisions No. 9;
- xi. Submit a summary letter in accordance with requirements in 30 TEX. ADMIN. CODE § 217.6(c) to:

Water Quality Division  
TCEQ Wastewater Permitting Section  
P.O. Box 13087 MC 148  
Austin, Texas 78711-3087

- xii. Update the Facility's operational guidance and conduct employee training to ensure that:
  - a. All permitted parameters are collected and analyzed at the minimum required frequencies;
  - b. Records are readily available for review by the TCEQ;
  - c. Noncompliance reports are properly submitted for effluent violations which deviate by more than 40% from the permitted limits; and
  - d. The annual sludge removal reports and annual soil samples are properly accomplished and submitted timely.
- b. Within 90 days after the effective date of this Agreed Order, submit certification of compliance with the permitted effluent limitations of TCEQ Permit No. WQ0014345001 and Ordering Provisions No. 3.a., including specific corrective actions that were implemented at the Facility to achieve compliance and submit documentation demonstrating at least three consecutive months of compliance with all permitted 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

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

12/6/13  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

4/8/13  
\_\_\_\_\_  
Date

Brady Taylor  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Woden Independent School District

Superintendent Woden ISD  
\_\_\_\_\_  
Title

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

**Attachment A**  
**Docket Number: 2012-0866-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Woden Independent School District
<b>Penalty Amount:</b>	Twenty-Six Thousand Seven Hundred Eighty Dollars (\$26,780)
<b>SEP Offset Amount:</b>	Twenty-Six Thousand Seven Hundred Eighty Dollars (\$26,780)
<b>Type of SEP:</b>	Compliance SEP
<b>Project Name:</b>	<i>Module Treatment Plant</i>
<b>Location of SEP:</b>	Nacogdoches County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent's current wastewater treatment facility. Respondent shall purchase and install a package module wastewater treatment plant. The plant is designed and proposed to be mostly buried to simplify access and keep piping between the units underground. The plant layout will require excavation of a trough with level bottom pad to install the units. A seal slab or soil stabilization is needed to provide a firm foundation for the modular tanks. The tanks will be placed on the prepared subgrade; and backfill will have to be placed and compacted in lifts to prevent shifting or damage to the tanks. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: excavation, subgrade preparation with 8-inch soil cement, interconnections to existing lines, backfill and compaction, outfill line, rock rubble for erosion control, fencing and gates, gravel drive and precast headwall (the "Project"). Respondent shall solicit bids from qualified contractors to install the system. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

**Estimated Cost Schedule**

Item	Quantity	Units	Cost	Total
Excavation	450	cubic yards	\$5.00	\$2,250.00
Subgrade prep 8-inch soil cement	140	square yards	\$15.00	\$2,100.00
Interconnects to existing lines	3	each	\$1,200.00	\$3,600.00
Backfill and Compaction	450	cubic yards	\$12.00	\$5,400.00
Outfill Line	300	linear feet	\$15.00	\$4,500.00
Rock rubble for erosion control	9	square yards	\$60.00	\$540.00
Fencing and gates	200	linear feet	\$25.00	\$5,000.00
Gravel Drive	350	square yards	\$15.00	\$5,250.00
Precast Headwall	1	each	\$1,500.00	\$1,500.00
<b>Total</b>				<b>\$30,140.00</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

### 3. Records and Reporting

#### A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall complete the Project as set forth in the Reporting Schedule table below:

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 60-day period
90	Notice of SEP completion

#### B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below);
4. Copies of all engineering plans related to work performed pursuant to the Project;
5. Dated photographs of the site; before and after work being performed during the installation process; and include photographs of the completed Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting, described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Clean Texas Program**

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

