

Executive Summary – Enforcement Matter – Case No. 44769
Splendora Independent School District
RN102096534 and RN102097623
Docket No. 2012-1644-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Splendora Independent School District Elementary School Wastewater Treatment Facility, located east of State Highway Spur 512, approximately 0.4 mile northeast of the intersection of State Highway Spur 512 and Farm-to-Market Road (“FM”) 2090, Montgomery County

Splendora Independent School District High School Wastewater Treatment Facility, located at 23411 FM 2090, on the west side of the earthen dam with the concrete spillway, approximately three miles northwest of the intersection of Interstate Highway 59 and FM 2090, Montgomery County

Type of Operation:

Wastewater treatment plants

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 7, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,655

Amount Deferred for Expedited Settlement: \$3,731

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,924

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Executive Summary – Enforcement Matter – Case No. 44769
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RN102096534 and RN102097623
Docket No. 2012-1644-MWD-E

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 12, 2012

Date(s) of NOE(s): June 6, 2012 and June 8, 2012

Violation Information

1. Elementary School Facility:

a. Failed to comply with permitted effluent limits. Specifically, the pH for the monitoring period ending May 31, 2011 was 2.7 standard units ("s.u."), which did not meet the permitted minimum of 6.0 s.u. [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011143001, Effluent Limitations and Monitoring Requirements No. 3].

b. Failed to properly preserve effluent samples. Specifically, the ammonia nitrogen samples for the monitoring periods ending September 30, 2011; November 30, 2011; December 31, 2011; January 31, 2012; and February 29, 2012 were not preserved to a pH of less than 2.0 s.u. [30 TEX. ADMIN. CODE § 319.11(b) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 2.a.].

c. Failed to timely report in writing effluent violations which deviate from the permitted limit by more than 40% to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent did not timely notify the Regional Office or the Enforcement Division of effluent violations which exceeded the permitted limit by more than 40% for the monitoring period ending May 31, 2011 [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 7.c.].

d. Failed to comply with permitted effluent limits. Specifically, analytical results for a chlorine residual grab sample collected during the investigation indicated a concentration of 5.0 milligrams per liter ("mg/L"), which exceeded the permitted limit of 4.0 mg/L [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011143001, Effluent Limitations and Monitoring Requirements No. 2].

e. Failed to comply with specified test procedures. Specifically, the potassium iodide solution and sodium arsenate solution used to conduct the manganese oxide analysis were being maintained in unlabeled amber jars and the stock solutions had expired [30

Executive Summary – Enforcement Matter – Case No. 44769
Splendora Independent School District
RN102096534 and RN102097623
Docket No. 2012-1644-MWD-E

TEX. ADMIN. CODE § 319.11(b) and (c) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 2.a.].

f. Failed to accurately complete the discharge monitoring report (“DMR”). Specifically, the chlorine residual daily maximum concentration for the monitoring period ending December 31, 2011 was reported incorrectly. The Respondent reported the chlorine residual daily maximum concentration as 1.9 mg/L and the correct value was 1.8 mg/L. In addition, the daily average flow was incorrectly calculated and reported [30 TEX. ADMIN. CODE § 305.125(19) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements Nos. 2.a. and 3.a.].

2. High School Facility:

a. Failed to collect and analyze grab samples for ammonia nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids at the required frequency. Specifically, for the week of June 12, 2011 through June 18, 2011, the Respondent did not collect and analyze grab samples for ammonia-nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ0011143002, Effluent Limitations and Monitoring Requirements No. 1].

b. Failed to comply with permitted effluent limits. Specifically, analytical results for a chlorine residual grab sample collected during the investigation indicated a concentration of 8.72 milligrams per liter mg/L, which exceeded the permitted limit of 4.0 mg/L [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011143002, Effluent Limitations and Monitoring Requirements No. 2].

c. Failed to properly preserve effluent samples. Specifically, the ammonia nitrogen samples for the monitoring periods ending January 31, 2012 and February 29, 2012 were not preserved to a pH of less than 2.0 s.u. [30 TEX. ADMIN. CODE § 319.11(b) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements No. 2.a.].

d. Failed to comply with specified test procedures. Specifically, the potassium iodide solution and sodium arsenate solution used to conduct the manganese oxide analysis were being maintained in unlabeled amber jars and the solutions were expired [30 TEX. ADMIN. CODE § 319.11(b) and (c) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements No. 2.a.].

e. Failed to accurately complete the DMR. Specifically, the chlorine residual daily maximum concentration for the monitoring period ending December 31, 2011 was reported incorrectly. The Respondent reported the chlorine residual daily maximum concentration as 2.0 mg/L and the correct value was 2.3 mg/L [30 TEX. ADMIN. CODE § 305.125(19) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements No. 3.a.].

f. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorine contact

Executive Summary – Enforcement Matter – Case No. 44769
Splendora Independent School District
RN102096534 and RN102097623
Docket No. 2012-1644-MWD-E

chamber contained approximately six inches of sludge in a total water depth of seven feet [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0011143002, Operational Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

a. At the Elementary School Facility:

i. By May 24, 2011, adjusted the on-site lift station floats and repaired the chlorine injection valve;

ii. By June 15, 2012:

(a). Cleaned the chlorine injection equipment to ensure proper and efficient operation;

(b). Removed the unlabeled jars used for storing the potassium iodide and sodium arsenate solutions used to conduct manganese oxide analysis;

(c). Began providing unexpired stock potassium iodide and sodium arsenate solutions used to conduct manganese oxide analyses; and

(d). Submitted the required noncompliance notification to the TCEQ Enforcement Division and a copy to the TCEQ Houston Regional Office for the effluent violations which exceeded the permitted limit by more than 40% for the monitoring period ending May 31, 2011;

iii. By June 18, 2012, corrected and re-submitted the DMR for the monitoring period ending December 31, 2011;

iv. By August 19, 2013, entered into a Wastewater Disposal Services Agreement with the City of Splendora to treat and dispose of the wastewater generated by the Elementary School; and

v. By September 16, 2013:

(a). Submitted a draft closure plan to the TCEQ Municipal Permits Team, Wastewater Permitting Section for review;

(b). Obtained approval from the TCEQ Municipal Permits Team to proceed with the proper closure of the Elementary School Facility;

(c). Completed the installation of collection system piping, manholes, and associated appurtenances required to permanently divert wastewater generated by the connections serviced by the Elementary School Facility to the City of Splendora Wastewater Treatment Plant (TPDES Permit No. WQ0013389001);

Executive Summary – Enforcement Matter – Case No. 44769
Splendora Independent School District
RN102096534 and RN102097623
Docket No. 2012-1644-MWD-E

- (d). Began permanently diverting wastewater to the City of Splendora Wastewater Treatment Plant for treatment and disposal; and
 - (e). Ceased discharging treated effluent from the permitted outfall at the Elementary School Facility.
- b. At the High School Facility:
- i. By June 8, 2012, corrected and re-submitted the DMR for the monitoring period ending December 31, 2011; and
 - ii. By June 15, 2012:
 - (a). Repaired the chlorine injection equipment to ensure proper operation;
 - (b). Removed the unlabeled jars used for storing the potassium iodide and sodium arsenate solutions used to conduct manganese oxide analyses;
 - (c). Began providing unexpired stock potassium iodide and sodium arsenate solutions used to conduct manganese oxide analyses;
 - (d). Removed and properly disposed of the solids in the chlorine contact chamber; and
 - (e). Installed an airlift vacuum in the chlorine contact chamber to ensure cleanliness and to maintain proper solids levels.

Technical Requirements:

The Order will require the Respondent to:

- a. At the Elementary School Facility:
 - i. Within 30 days, submit a notice of completion for the closure of the Elementary School Facility; and
 - ii. Within 45 days, submit written certification of compliance with Ordering Provision a.i;
- b. At the High School Facility:
 - i. Within 30 days:
 - (a). Update operational guidance and conduct employee training to ensure:
 - (i). All effluent samples are properly preserved;
 - (ii). Effluent samples are collected and analyzed for all required parameters; and
 - (iii). DMRs are accurately completed and submitted;
 - ii. Within 45 days, submit written certification of compliance with Ordering Provision b.i.(a).(i.) through b.i.(a).(iii).; and
 - iii. Within 90 days, submit written certification demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

**Executive Summary – Enforcement Matter – Case No. 44769
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Docket No. 2012-1644-MWD-E**

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Christopher Bost, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-4575; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Genese Bell, Superintendent of Schools, Splendora Independent School
District, 23419 FM 2090, Splendora, Texas 77372
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	11-Jun-2012	Screening	25-Jun-2012	EPA Due	
	PCW	24-Oct-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	Splendora Independent School District (Elementary School Facility)
Reg. Ent. Ref. No.	RN102096534
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	3
Enf./Case ID No.	44769	Order Type	1660
Docket No.	2012-1644-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Christopher Bost
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,600
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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.

Compliance History	30.0% Enhancement	Subtotals 2, 3, & 7	\$480
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Notes: Enhancement for four months of self-reported effluent violations and two NOVs with same/similar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$20,957
Approx. Cost of Compliance	\$101,525

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,080
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,080
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,080
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DEFERRAL	20.0% Reduction	Adjustment	-\$416
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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.

PAYABLE PENALTY	\$1,664
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Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (Elementary School Facility)

Policy Revision 2 (September 2002)

Case ID No. 44769

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four months of self-reported effluent violations and two NOVs with same/similar violations.

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

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (Elementary School Facility)

Policy Revision 2 (September 2002)

Case ID No. 44769

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011143001, Effluent Limitations and Monitoring Requirements No. 3

Violation Description Failed to comply with permitted effluent limits, as documented during an investigation conducted on April 12, 2012. Specifically, the pH for the monitoring period ending May 31, 2011 was 2.7 standard units ("s.u."), which did not meet the permitted minimum of 6.0 s.u.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes 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 1 31 Number of violation days

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

Violation Base Penalty \$1,000

One quarterly event is recommended for the quarter containing the month of May 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20,956

Violation Final Penalty Total \$1,300

This violation Final Assessed Penalty (adjusted for limits) \$1,300

Economic Benefit Worksheet

Respondent Splendor Independent School District (Elementary School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102096534
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
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No commas or \$

Delayed Costs

Equipment	\$1,500	31-May-2011	15-Jun-2012	1.04	\$5	\$104	\$110
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100,000	31-May-2011	22-May-2014	2.98	\$993	\$19,854	\$20,847
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

The first delayed cost includes the estimated amount to adjust the on-site lift station floats; repair the chlorine injection valve; and clean the chlorine injection equipment to ensure proper and efficient operation. Date required is the first date of non-compliance. Final date is the date that the corrective actions were completed.

The second delayed cost includes the estimated amount to properly and permanently close the Elementary School Facility and to submit a notice of completion for the closure of the Elementary School Facility to the TCEQ Municipal Permits Team and to the TCEQ Houston Regional Office. Date required is the first date of non-compliance. Final date is the estimated 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

\$101,500

TOTAL

\$20,956

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (Elementary School Facility)

Policy Revision 2 (September 2002)

Case ID No. 44769

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 319.11(b) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 2.a

Violation Description

Failed to properly preserve effluent samples, as documented during an investigation conducted on April 12, 2012. Specifically, the ammonia nitrogen sample for the monitoring period ending May 31, 2011 was not preserved to a pH of less than 2.0 s.u.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

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 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 \$9,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 31

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

Violation Base Penalty \$500

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent Splendora Independent School District (Elementary School Facility)

Case ID No. 44769

Reg. Ent. Reference No. RN102096534

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
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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

Refer to the Economic Benefit for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendoria Independent School District (Elementary School Facility)

Policy Revision 2 (September 2002)

Case ID No. 44769

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 7.c

Violation Description

Failed to timely report in writing effluent violations which deviate from the permitted limit by more than 40% to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, as documented during an investigation conducted on April 12, 2012. Specifically, the Respondent did not timely notify the Regional Office or the Enforcement Division of effluent violations which exceeded the permitted limit by more than 40% for the monitoring period ending May 31, 2011.

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 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

376 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent Splendora Independent School District (Elementary School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102096534
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	\$25	5-Jun-2011	15-Jun-2012	1.03	\$1	n/a	\$1
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

The delayed cost includes the estimated amount to submit the required noncompliance notification to the TCEQ Enforcement Division and a copy to the TCEQ Houston Regional Office for the effluent violations which exceeded the permitted limit by more than 40% for the monitoring period ending May 31, 2011. Date required is the date the noncompliance notification was required. Final date is the date the noncompliance notification was submitted.

Refer to the Economic Benefit for Violation No. 1 for the delayed costs associated with the proper and permanent closure of the Elementary School Facility.

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

\$25

TOTAL

\$1



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	11-Jun-2012	Screening	25-Jun-2012	EPA Due	
	PCW	24-Oct-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	Splendora Independent School District (Elementary School Facility)
Reg. Ent. Ref. No.	RN102096534
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	4
Enf./Case ID No.	44769	Order Type	1660
Docket No.	2012-1644-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Christopher Bost
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District
(Elementary School Facility)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Case ID No. 44769

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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) 30%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four months of self-reported effluent violations and two NOVs with same/similar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (Elementary School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011143001, Effluent Limitations and Monitoring Requirements No. 2

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on April 12, 2012. Specifically, analytical results for a chlorine residual grab sample collected during the investigation indicated a concentration of 5.0 milligrams per liter ("mg/L"), which exceeded the permitted limit of 4.0 mg/L.

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 1

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 \$0

Violation Final Penalty Total \$1,625

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

Economic Benefit Worksheet

Respondent Splendor Independent School District (Elementary School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102096534
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Refer to the Economic Benefit for Violation No. 1 on the accompanying Elementary School Facility 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

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendora Independent School District (Elementary School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 319.11(b) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 2.a

Violation Description Failed to properly preserve effluent samples, as documented during an investigation conducted on April 12, 2012. Specifically, the ammonia nitrogen samples for the monitoring periods ending September 30, 2011; November 30, 2011; December 31, 2011; January 31, 2012; and February 29, 2012 were not preserved to a pH of less than 2.0 standard units.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	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 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 5 151 Number of violation days

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

Violation Base Penalty \$3,750

Five single events are recommended, one for each monitoring period.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent Splendora Independent School District (Elementary School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102096534
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Refer to the Economic Benefit for Violation No. 1 on the accompanying Elementary School Facility PCW for the delayed costs associated with the proper and permanent closure of the Facility.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (Elementary School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(19) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements Nos. 2.a and 3.a

Violation Description

Failed to accurately complete the discharge monitoring report, as documented during an investigation conducted on April 12, 2012. Specifically, the chlorine residual daily maximum concentration for the monitoring period ending December 31, 2011 was reported incorrectly. The Respondent reported the chlorine residual daily maximum concentration as 1.9 mg/L and the correct value was 1.8 mg/L. In addition, the daily average flow was incorrectly calculated and reported.

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

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an 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 \$0

Violation Final Penalty Total \$325

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

Economic Benefit Worksheet

Respondent Splendoria Independent School District (Elementary School Facility)

Case ID No. 44769

Reg. Ent. Reference No. RN102096534

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	\$25	12-Apr-2012	18-Jun-2012	0.18	\$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

The delayed cost includes the estimated amount to correct and re-submit the discharge monitoring report for the monitoring period ending December 31, 2011. Date required is the date of the investigation. Final date is the date the discharge monitoring report was re-submitted.

Refer to the Economic Benefit for Violation No. 1 on the accompanying Elementary School Facility PCW for the delayed costs associated with the proper and permanent closure of the Facility.

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

\$25

TOTAL

\$0

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (Elementary School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102096534

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 319.11(b) and (c) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 2.a

Violation Description

Failed to comply with specified test procedures, as documented during an investigation conducted on April 12, 2012. Specifically, the potassium iodide solution and sodium arsenate solution used to conduct the manganese oxide analysis were being maintained in unlabeled amber jars and the stock solutions had expired.

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

64 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

10.0% Reduction

\$75

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

Notes The Respondent returned to compliance by June 15, 2012.

Violation Subtotal \$675

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent Splendora Independent School District (Elementary School Facility)

Case ID No. 44769

Reg. Ent. Reference No. RN102096534

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				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	14-Apr-2012	15-Jun-2012	0.17	\$2	n/a	\$2

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly dispose of the expired stock potassium iodide and sodium arsenate solutions; to properly dispose of the unlabeled storage containers; and to provide unexpired potassium iodide and sodium arsenate solutions. Date required is the date of the investigation. Final date is the 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

\$2

Compliance History Report

Customer/Respondent/Owner-Operator: CN600932347 Splendora Independent School District Classification: AVERAGE Rating: 1.40

Regulated Entity: RN102096534 SPLENDORA ISD ELEMENTARY SCHOOL Classification: AVERAGE Site Rating: 0.75

ID Number(s): WASTEWATER PERMIT WQ0011143001
WASTEWATER EPA ID TX0082511
WASTEWATER LICENSING LICENSE WQ0011143001

Location: located east of State Highway Spur 512, approximately 0.4 mile northeast of the intersection of State Highway Spur 512 and Farm-to-Market Road 2090 in Montgomery County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 20, 2008 to February 20, 2013

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

Name: Steve Villatoro Phone: (512) 239-4930

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

1	03/08/2012	(1004581)
2	06/08/2012	(1008066)
3	04/10/2012	(1011162)
4	02/11/2008	(675112)
5	03/07/2008	(675113)
6	04/09/2008	(675114)
7	05/13/2008	(693474)
8	06/10/2008	(693475)
9	07/17/2008	(693476)
10	08/19/2008	(714744)
11	09/24/2008	(714745)
12	10/03/2008	(714746)
13	11/07/2008	(714747)
14	12/04/2008	(730665)

15	01/12/2009	(730666)
16	02/09/2009	(753892)
17	03/10/2009	(753893)
18	04/13/2009	(753894)
19	05/13/2009	(771257)
20	02/12/2010	(813729)
21	07/27/2009	(813730)
22	07/27/2009	(813731)
23	09/09/2009	(813732)
24	09/09/2009	(813733)
25	10/12/2009	(813734)
26	11/05/2009	(813735)
27	12/07/2009	(813736)
28	01/08/2010	(813737)
29	08/19/2010	(828192)
30	03/09/2010	(834052)
31	04/14/2010	(834053)
32	05/12/2010	(834054)
33	06/10/2010	(847243)
34	07/13/2010	(861688)
35	08/18/2010	(868071)
36	09/14/2010	(875005)
37	12/15/2010	(881108)
38	10/06/2010	(882610)
39	11/09/2010	(889032)
40	02/24/2011	(900357)
41	05/04/2011	(913760)
42	03/02/2011	(917424)
43	02/07/2011	(928295)
44	04/11/2011	(928296)
45	12/15/2010	(928297)
46	01/12/2011	(928298)
47	05/09/2011	(939118)
48	09/01/2011	(942263)
49	06/08/2011	(946513)
50	07/13/2011	(953786)
51	08/04/2011	(960390)
52	09/07/2011	(966449)
53	10/06/2011	(972457)
54	09/09/2011	(978605)
55	12/09/2011	(985428)
56	01/06/2012	(991715)
57	02/20/2012	(999057)

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

Date:	02/29/2008 (675113)	CN600932347
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	01/31/2009 (753892)	CN600932347

Self Report? YES Classification: Moderate

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

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

Date: 08/18/2010 (828192) CN600932347

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)

Description: Failure to provide a pressure vacuum breaker (PVB) on the potable water spigot hose bib next to the on-site maintenance building.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3

Description: Failure to provide a functional high level alarm for the on-site lift station and the Bus Barn Maintenance lift station.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(1)
Oper. Req./No. 1/Pg. 9 PERMIT

Description: Failure to properly operate and maintain the wastewater treatment plant (WWTP).

Self Report? NO Classification: Moderate

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

Description: Failure to provide auxiliary power when it is required.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.3(a)
30 TAC Chapter 317 317.3(e)(4)(C)

Description: Failure to secure the Bus Barn Maintenance lift station in an intruder resistant manner.

Self Report? NO Classification: Minor

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

Description: Failure to maintain compliance with the permitted effluent limits for total chlorine residual.

Self Report? NO Classification: Moderate

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

Description: Failure to ensure flow measurement accuracy.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to properly complete and submit the discharge monitoring reports (DMRs).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain calibration and Quality Assurance/Quality Control (QA/QC) records for the chlorine meter.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11
Monit. & Report. Requir./No. 3b/Pg. 5 PERMIT
Monit. & Report. Requir./No. 5/Pg. 5 PERMIT

Description: Failure to calibrate the sample storage refrigerator thermometer, or check the thermometer against a National Institute of Standards and Technology (NIST)-traceable thermometer, at least annually.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain the Laboratory Records for all sampling parameters.

Date 09/30/2010 (882610) CN600932347

Self Report? YES Classification: Moderate

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

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

Date 05/04/2011 (913760) CN600932347

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Eff. Limit. & Monit. Requir., No. 2, Pg. 2 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits for total chlorine residual.

Date 05/31/2011 (946513) CN600932347

Self Report? YES Classification: Moderate

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

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	11-Jun-2012	Screening	25-Jun-2012	EPA Due	
	PCW	24-Oct-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Splendora Independent School District (High School Facility)		
Reg. Ent. Ref. No.	RN102097623		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44769	No. of Violations	1
Docket No.	2012-1644-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Christopher Bost
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for one month of self-reported effluent violations and three NOVs with same/similar violations.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (High School Facility)

Policy Revision 2 (September 2002)

Case ID No. 44769

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102097623

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

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>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one month of self-reported effluent violations and three NOVs with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (High School Facility)

Policy Revision 2 (September 2002)

Case ID No. 44769

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102097623

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b), and Texas Pollutant Discharge Elimination System Permit No. WQ0011143002, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to collect and analyze grab samples for ammonia nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids at the required frequency, as documented during an investigation conducted on April 12, 2012. Specifically, for the week of June 12, 2011 through June 18, 2011, the Respondent did not collect and analyze grab samples for ammonia-nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				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 \$9,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 6

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

Violation Base Penalty \$500

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$600

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

Economic Benefit Worksheet

Respondent Splendora Independent School District (High School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102097623
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	18-Jun-2011	22-May-2014	2.93	\$37	n/a	\$37
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 update operational guidance and conduct employee training to ensure that effluent samples are collected and analyzed for all required parameters; effluent samples are properly preserved; and discharge monitoring reports are accurately completed and submitted. Date required is the first date of non-compliance. Final date is the estimated 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]	\$50	12-Jun-2011	18-Jun-2011	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze a grab sample for ammonia nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids for the week of June 12, 2011 through June 18, 2011. Date required is the first date of the non-compliant period. Final date is the final date of the non-compliant period.

Approx. Cost of Compliance

\$300

TOTAL

\$87



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	11-Jun-2012	Screening	25-Jun-2012	EPA Due	
	PCW	24-Oct-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Splendora Independent School District (High School Facility)		
Reg. Ent. Ref. No.	RN102097623		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44769	No. of Violations	5
Docket No.	2012-1644-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Christopher Bost
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **20.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,400**

Notes: Enhancement for one month of self-reported effluent violations and three NOVs with same/similar violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$150**

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

Total EB Amounts **\$1,166**
 Approx. Cost of Compliance **\$12,698**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$8,250**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$8,250**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$8,250**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$1,650**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$6,600**

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (High School Facility)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Case ID No. 44769

Reg. Ent. Reference No. RN102097623

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

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>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 20%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one month of self-reported effluent violations and three NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 20%

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (High School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102097623

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011143002, Effluent Limitations and Monitoring Requirements No. 2

Violation Description Failed to comply with permitted effluent limits, as documented during an investigation conducted on April 12, 2012. Specifically, analytical results for a chlorine residual grab sample collected during the investigation indicated a concentration of 8.72 milligrams per liter ("mg/L"), which exceeded the permitted limit of 4.0 mg/L.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,750

One monthly 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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,155

Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent Splendora Independent School District (High School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102097623
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,500	12-Apr-2012	15-Jun-2012	0.18	\$1	\$18	\$18
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	12-Apr-2012	21-Jul-2014	2.27	\$1,137	n/a	\$1,137

Notes for DELAYED costs

The first delayed cost includes the estimated amount to repair the chlorine injection equipment to ensure proper operation. Date required is the first date of non-compliance. Final date is the date that the chlorine injection equipment was repaired.

The second delayed cost includes the estimated amount to return to compliance with permitted effluent limits. Date required is the investigation date. Final date is the estimated 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

\$11,500

TOTAL

\$1,155

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendoria Independent School District (High School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102097623

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 319.11(b) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements No. 2.a

Violation Description

Failed to properly preserve effluent samples, as documented during an investigation conducted on April 12, 2012. Specifically, the ammonia nitrogen samples for the monitoring periods ending January 31, 2012 and February 29, 2012 were not preserved to a pH of less than 2.0 standard units.

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 2

60 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,500

Two single events are recommended, one for each monitoring period.

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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,800

This violation Final Assessed Penalty (adjusted for limits) \$1,800

Economic Benefit Worksheet

Respondent Splendor Independent School District (High School Facility)

Case ID No. 44769

Reg. Ent. Reference No. RN102097623

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Refer to the Economic Benefit for Violation No. 1 on the accompanying High School Facility 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

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendora Independent School District (High School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102097623

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 319.11(b) and (c) and TPDES Permit No. WQ001143002, Monitoring and Reporting Requirements No. 2.a

Violation Description

Failed to comply with specified test procedures, as documented during an investigation conducted on April 12, 2012. Specifically, the potassium iodide solution and sodium arsenate solution used to conduct the manganese oxide analysis were being maintained in unlabeled amber jars and the solutions were expired.

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

64 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

10.0% Reduction

\$75

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

Notes The Respondent returned to compliance by June 15, 2012.

Violation Subtotal \$675

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent Splendoria Independent School District (High School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102097623
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	\$100	12-Apr-2012	15-Jun-2012	0.18	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$73	12-Apr-2012	15-Jun-2012	0.18	\$1	n/a	\$1

Notes for DELAYED costs

The first delayed cost includes the estimated amount to properly dispose of the expired stock potassium iodide and sodium arsenate solutions and to properly dispose of the unlabeled storage containers. Date required is the date of the investigation. Final date is the date of compliance.

The second delayed cost includes the actual costs paid by the Respondent to provide unexpired potassium iodide and sodium arsenate solutions. Date required is the date of the investigation. Final date is the 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

\$173

TOTAL

\$2

Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendor Independent School District (High School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102097623

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 305.125(19) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements No. 3.a

Violation Description

Failed to accurately complete the discharge monitoring report, as documented during an investigation conducted on April 12, 2012. Specifically, the chlorine residual daily maximum concentration for the monitoring period ending December 31, 2011 was reported incorrectly. The Respondent reported the chlorine residual daily maximum concentration as 2.0 mg/L and the correct value was 2.3 mg/L.

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

At least 70% of the permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

31 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 \$0

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent Splendoria Independent School District (High School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102097623
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
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	\$25	12-Apr-2012	8-Jun-2012	0.16	\$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

The delayed cost includes the estimated amount to correct and re-submit the discharge monitoring report for the monitoring period ending December 31, 2011. Date required is the date of the investigation. Final date is the date the discharge monitoring report was re-submitted.

Refer to the Economic Benefit for Violation No. 1 on the accompanying High School Facility PCW for the delayed costs associated with updating operational guidance and conducting employee training to ensure that discharge monitoring reports are accurately completed and submitted.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$25	TOTAL	\$0
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Screening Date 25-Jun-2012

Docket No. 2012-1644-MWD-E

PCW

Respondent Splendora Independent School District (High School Facility)

Policy Revision 3 (September 2011)

Case ID No. 44769

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102097623

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0011143002, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on April 12, 2012. Specifically, the chlorine contact chamber contained approximately six inches of sludge in a total water depth of seven feet.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

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

64 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

10.0% Reduction

\$75

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

Notes

The Respondent returned to compliance by June 15, 2012.

Violation Subtotal \$675

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent Splendor Independent School District (High School Facility)
Case ID No. 44769
Reg. Ent. Reference No. RN102097623
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	Overtime 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	\$1,000	12-Apr-2012	15-Jun-2012	0.18	\$9	n/a	\$9
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of sludge from the chlorine contact chamber and to install an airlift vacuum in the chlorine contact chamber to ensure cleanliness and to maintain proper solids levels. Date required is the investigation date. Final date is the 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

TOTAL

\$9

Compliance History Report

Customer/Respondent/Owner-Operator: CN600932347 Splendora Independent School District Classification: AVERAGE Rating: 1.40
Regulated Entity: RN102097623 SPLENDORA WWP ISD HIGH SCHOOL Classification: AVERAGE Site Rating: 0.45
ID Number(s): WASTEWATER PERMIT WASTEWATER EPA ID WQ0011143002 TX0117463
Location: located at 23411 Farm-to-Market Road 2090, on the west side of the earthen dam with the concrete spillway, approximately 3 miles northwest of the intersection of Interstate Highway 59 and Farm-to-Market Road 2090 in Montgomery County, Texas

TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: March 20, 2013
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 20, 2008 to February 20, 2013

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

Name: Steve Villatoro Phone: (512) 239-4930

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

1	03/08/2012	(1005264)
2	06/06/2012	(1007830)
3	04/10/2012	(1011840)
4	03/03/2008	(616005)
5	02/11/2008	(677099)
6	03/07/2008	(677100)
7	04/09/2008	(677101)
8	05/13/2008	(695738)
9	06/10/2008	(695739)
10	07/17/2008	(695740)
11	08/19/2008	(717285)
12	09/24/2008	(717286)
13	10/03/2008	(717287)
14	11/07/2008	(717288)
15	12/04/2008	(732681)
16	01/12/2009	(732682)
17	02/09/2009	(755930)

18	03/11/2009	(755931)
19	04/13/2009	(755932)
20	05/13/2009	(772921)
21	02/12/2010	(818900)
22	07/27/2009	(818901)
23	07/27/2009	(818902)
24	08/25/2009	(818903)
25	09/09/2009	(818904)
26	10/12/2009	(818905)
27	11/05/2009	(818906)
28	12/07/2009	(818907)
29	01/08/2010	(818908)
30	08/19/2010	(828207)
31	03/09/2010	(835875)
32	04/14/2010	(835876)
33	05/12/2010	(835877)
34	06/10/2010	(847808)
35	07/13/2010	(862212)
36	08/18/2010	(868814)
37	09/14/2010	(875684)
38	12/16/2010	(881192)
39	10/06/2010	(883240)
38	11/09/2010	(889650)
39	02/25/2011	(900379)
40	04/06/2011	(901170)
41	03/02/2011	(918068)
42	05/03/2011	(919123)
43	02/07/2011	(930249)
44	04/08/2011	(930250)
45	05/06/2011	(930251)
46	01/12/2011	(930252)
47	05/09/2011	(939776)
48	06/08/2011	(947190)
49	07/13/2011	(954440)
50	08/04/2011	(961029)
51	09/07/2011	(967118)
52	10/06/2011	(973084)
53	11/07/2011	(979211)
54	12/09/2011	(986056)
55	01/06/2012	(992406)
56	02/20/2012	(999722)

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

Date:	03/03/2008 (616005)	CN600932347
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to maintain compliance with the permitted effluent limits.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.4	
Description:	Failure to collect total chlorine residual samples at the frequency specified in the permit.	
Date:	01/31/2010 (818900)	CN600932347
Self Report?	YES	Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/18/2010 (828207) CN600932347
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Description: Failure to provide auxiliary power when it is required.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to provide pressure vacuum breakers (PVBs) on the potable water spigot hose
 bibs.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to maintain compliance with the permitted effluent limits for total chlorine
 residual.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to properly complete and submit the discharge monitoring reports (DMRs).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.11
 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Monit. & Report. Requ./No. 3b/Pg. 5 PERMIT
 Monit. & Report. Requ./No. 5/Pg. 5 PERMIT
 Description: Failure to calibrate the sample storage refrigerator thermometer, or check the
 thermometer against a National Institute of Standards and Technology (NIST)-
 traceable thermometer, at least annually.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain the Laboratory Records for all sampling parameters.
 Date: 05/03/2011 (919123) CN600932347
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
SPLENDORA INDEPENDENT	§	
SCHOOL DISTRICT	§	
RN102096534 AND RN102097623	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2012-1644-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 Splendora 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 wastewater treatment plants at the following locations ("the Facilities"):
 - a. East of State Highway Spur 512, approximately 0.4 mile northeast of the intersection of State Highway Spur 512 and Farm-to-Market Road 2090 in Montgomery County, Texas (the "Elementary School Facility"); and
 - b. At 23411 Farm-to-Market Road 2090, on the west side of the earthen dam with the concrete spillway, approximately three miles northwest of the intersection of Interstate Highway 59 and Farm-to-Market Road 2090 in Montgomery County, Texas (the "High School Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The 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 June 13, 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 Eighteen Thousand Six Hundred Fifty-Five Dollars (\$18,655) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Nine Hundred Twenty-Four Dollars (\$14,924) of the administrative penalty and Three Thousand Seven Hundred Thirty-One Dollars (\$3,731) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director 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 recognizes that the Respondent has implemented the following corrective measures:
 - a. At the Elementary School Facility:
 - i. By May 24, 2011, adjusted the on-site lift station floats and repaired the chlorine injection valve;
 - ii. By June 15, 2012:
 - (a) Cleaned the chlorine injection equipment to ensure proper and efficient operation;
 - (b) Removed the unlabeled jars used for storing the potassium iodide and sodium arsenate solutions used to conduct manganese oxide analyses;
 - (c) Began providing unexpired stock potassium iodide and sodium arsenate solutions used to conduct manganese oxide analyses;
 - (d) Submitted the required noncompliance notification to the TCEQ Enforcement Division and a copy to the TCEQ Houston Regional Office for the effluent violations which exceeded the permitted limit by more than 40% for the monitoring period ending May 31, 2011;

- iii. By June 18, 2012, corrected and re-submitted the discharge monitoring report (“DMR”) for the monitoring period ending December 31, 2011;
- iv. By August 19, 2013, entered into a Wastewater Disposal Services Agreement with the City of Splendor to treat and dispose of the wastewater generated by the Elementary School;
- v. By September 16, 2013:
 - (a) Submitted a draft closure plan to the TCEQ Municipal Permits Team, Wastewater Permitting Section for review;
 - (b) Obtained approval from the TCEQ Municipal Permits Team to proceed with the proper closure of the Elementary School Facility;
 - (c) Completed the installation of collection system piping, manholes, and associated appurtenances required to permanently divert wastewater generated by the connections serviced by the Elementary School Facility to the City of Splendor Wastewater Treatment Plant (Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013389001);
 - (d) Began permanently diverting wastewater to the City of Splendor Wastewater Treatment Plant for treatment and disposal; and
 - (e) Ceased discharging treated effluent from the permitted outfall at the Elementary School Facility.
- b. At the High School Facility:
 - i. By June 8, 2012, corrected and re-submitted the DMR for the monitoring period ending December 31, 2011;
 - ii. By June 15, 2012:
 - (a) Repaired the chlorine injection equipment to ensure proper operation;
 - (b) Removed the unlabeled jars used for storing the potassium iodide and sodium arsenate solutions used to conduct manganese oxide analyses;
 - (c) Began providing unexpired stock potassium iodide and sodium arsenate solutions used to conduct manganese oxide analyses;
 - (d) Removed and properly disposed of the solids in the chlorine contact chamber; and
 - (e) Installed an airlift vacuum in the chlorine contact chamber to ensure cleanliness and to maintain proper solids levels.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. At the Elementary School Facility:
 - a. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011143001, Effluent Limitations and Monitoring Requirements No. 3, as documented during an investigation conducted on April 12, 2012. Specifically, the pH for the monitoring period ending May 31, 2011 was 2.7 standard units ("s.u."), which did not meet the permitted minimum of 6.0 s.u.
 - b. Failed to properly preserve effluent samples, in violation of 30 TEX. ADMIN. CODE § 319.11(b) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 2.a, as documented during an investigation conducted on April 12, 2012. Specifically, the ammonia nitrogen samples for the monitoring periods ending May 31, 2011; September 30, 2011; November 30, 2011; December 31, 2011; January 31, 2012; and February 29, 2012 were not preserved to a pH of less than 2.0 s.u.
 - c. Failed to timely report in writing effluent violations which deviate from the permitted limit by more than 40% to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on April 12, 2012. Specifically, the Respondent did not timely notify the Regional Office or the Enforcement Division of effluent violations which exceeded the permitted limit by more than 40% for the monitoring period ending May 31, 2011.
 - d. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011143001, Effluent Limitations and Monitoring Requirements No. 2, as documented during an investigation conducted on April 12, 2012. Specifically, analytical results for a chlorine residual grab sample collected during the

investigation indicated a concentration of 5.0 milligrams per liter ("mg/L"), which exceeded the permitted limit of 4.0 mg/L.

- e. - Failed to comply with specified test procedures, in violation of 30 TEX. ADMIN. CODE § 319.11(b) and (c) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements No. 2.a, as documented during an investigation conducted on April 12, 2012. Specifically, the potassium iodide solution and sodium arsenate solution used to conduct the manganese oxide analysis were being maintained in unlabeled amber jars and the stock solutions had expired.
 - f. - Failed to accurately complete the DMR, in violation of 30 TEX. ADMIN. CODE § 305.125(19) and TPDES Permit No. WQ0011143001, Monitoring and Reporting Requirements Nos. 2.a and 3.a, as documented during an investigation conducted on April 12, 2012. Specifically, the chlorine residual daily maximum concentration for the monitoring period ending December 31, 2011 was reported incorrectly. The Respondent reported the chlorine residual daily maximum concentration as 1.9 mg/L and the correct value was 1.8 mg/L. In addition, the daily average flow was incorrectly calculated and reported.
2. At the High School Facility:
- a. - Failed to collect and analyze grab samples for ammonia nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids at the required frequency, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ0011143002, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on April 12, 2012. Specifically, for the week of June 12, 2011 through June 18, 2011, the Respondent did not collect and analyze grab samples for ammonia-nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids.
 - b. - Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011143002, Effluent Limitations and Monitoring Requirements No. 2, as documented during an investigation conducted on April 12, 2012. Specifically, analytical results for a chlorine residual grab sample collected during the investigation indicated a concentration of 8.72 milligrams per liter mg/L, which exceeded the permitted limit of 4.0 mg/L.
 - c. - Failed to properly preserve effluent samples, in violation of 30 TEX. ADMIN. CODE § 319.11(b) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements No. 2.a, as documented during an investigation conducted on April 12, 2012. Specifically, the ammonia nitrogen samples for the monitoring periods ending January 31, 2012 and February 29, 2012 were not preserved to a pH of less than 2.0 s.u.
 - d. - Failed to comply with specified test procedures, in violation of 30 TEX. ADMIN. CODE § 319.11(b) and (c) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements No. 2.a, as documented during an investigation conducted on April 12, 2012. Specifically, the potassium iodide solution and

sodium arsenate solution used to conduct the manganese oxide analysis were being maintained in unlabeled amber jars and the solutions were expired.

- e. Failed to accurately complete the DMR, in violation of 30 TEX. ADMIN. CODE § 305.125(19) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements No. 3.a, as documented during an investigation conducted on April 12, 2012. Specifically, the chlorine residual daily maximum concentration for the monitoring period ending December 31, 2011 was reported incorrectly. The Respondent reported the chlorine residual daily maximum concentration as 2.0 mg/L and the correct value was 2.3 mg/L.
- f. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0011143002, Operational Requirements No. 1, as documented during an investigation conducted on April 12, 2012. Specifically, the chlorine contact chamber contained approximately six inches of sludge in a total water depth of seven feet.

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: Splendora Independent School District, Docket No. 2012-1644-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. At the Elementary School Facility:
 - i. Within 30 days after the effective date of this Agreed Order, submit a notice of completion for the closure of the Elementary School Facility to:

Municipal Permits Team
Water Quality Division
Wastewater Permitting Section, MC 148
P.O. Box 13088
Austin, Texas 78711-3088

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- ii. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.i, in accordance with Ordering Provision No. 2.c below;
- b. At the High School Facility:
 - i. Within 30 days after the effective date of this Agreed Order:
 - (a) Update operational guidance and conduct employee training to ensure:
 - (i) All effluent samples are properly preserved, in accordance with 30 TEX. ADMIN. CODE § 319.11(b);
 - (ii) Effluent samples are collected and analyzed for all required parameters, in accordance with TPDES Permit No. WQ0011143002, Effluent Limitations and Monitoring Requirements;
 - (iii) DMRs are accurately completed and submitted, in accordance with 30 TEX. ADMIN. CODE § 305.125(19) and TPDES Permit No. WQ0011143002, Monitoring and Reporting Requirements Nos. 2.a and 3.a;
 - ii. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.b.i.(a)(i) through 2.b.i.(a)(iii), in accordance with Ordering Provision No. 2.c below;
 - iii. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011143002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

The certification shall be in accordance with Ordering Provision No. 2.c below; and

- c. The written certification of compliance required by Ordering Provision Nos. 2.a.ii, 2.b.ii, and 2.b.iii shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. 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.
8. 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

Pam Davis
For the Executive Director

5/2/14
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.

Genese G. Bell, Ed. D.
Signature

Dec. 9, 2013
Date

Genese G. Bell
Name (Printed or typed)
Authorized Representative of
Splendora Independent School District

Superintendent of Schools
Title

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