

**Executive Summary – Enforcement Matter – Case No. 48989**  
**Bloomington Independent School District**  
**RN101274140**  
**Docket No. 2014-1007-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

No

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

Bloomington Junior High-High School, 2781 Farm-to-Market Road 616, near Victoria, Victoria County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 17, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,029

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

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

**Total Paid to General Revenue:** \$1,029

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

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***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** June 30, 2014 through July 11, 2014

**Date(s) of NOE(s):** July 11, 2014

***Violation Information***

1. Failed to comply with the maximum contaminant level for total coliform [30 TEX. ADMIN. CODE § 290.109(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample [30 TEX. ADMIN. CODE § 290.109(c)(4)(B)].
3. Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
4. Failed to post public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Begin complying with applicable coliform monitoring requirements by providing water that meets the provisions regarding microbial contaminants;
  - ii. Begin complying with applicable coliform monitoring requirements by collecting one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
  - iii. Implement procedures to ensure that all necessary public notifications are posted in a timely manner to persons served by the Facility, including but not limited to providing public notification regarding the failure to conduct routine coliform monitoring; and

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- iv. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected.
- b. Within 45 days:
  - i. Submit written certification demonstrating compliance with Ordering Provisions a.iii. and a.iv.; and
  - ii. Submit to the Commission a copy of the consumer notification provided to the persons served at the locations that were sampled and the certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements.
- c. Within 60 days, submit written certification demonstrating compliance with Ordering Provision b.ii.;
- d. Within 225 days, submit written certification demonstrating compliance with Ordering Provisions a.i. and a.ii.

***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:** Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Delores Warnell, Superintendent, Bloomington Independent School District, P.O. Box 158, Bloomington, Texas 77951  
Jesse M. Garcia, Maintenance Director, Bloomington Independent School District, P.O. Box 158, Bloomington, Texas 77951  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	14-Jul-2014	Screening	15-Jul-2014	EPA Due	30-Sep-2014
	PCW	16-Jul-2014				

## RESPONDENT/FACILITY INFORMATION

Respondent	Bloomington Independent School District		
Reg. Ent. Ref. No.	RN101274140		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	48989	No. of Violations	4
Docket No.	2014-1007-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Sam Keller
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

## 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 two NOV's with the same/similar violations, six NOV's with dissimilar violations, and one agreed order without a denial of liability.

**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   
 Estimated 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

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 15-Jul-2014

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PCW

Respondent Bloomington Independent School District

Policy Revision 4 (April 2014)

Case ID No. 48989

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101274140

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

### 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> )	2	10%
	Other written NOVs	6	12%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments 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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations, six NOVs with dissimilar violations, and one agreed order without a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

Screening Date 15-Jul-2014

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PCW

Respondent Bloomington Independent School District

Policy Revision 4 (April 2014)

Case ID No. 48989

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101274140

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.109(f)(3) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level for total coliform during the month of June 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		15.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes As a result of the exceedance, persons served by the Facility have been exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 30 Number of violation days

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

Violation Base Penalty \$150

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100 Violation Final Penalty Total \$221

This violation Final Assessed Penalty (adjusted for limits) \$221

# Economic Benefit Worksheet

**Respondent** Bloomington Independent School District  
**Case ID No.** 48989  
**Reg. Ent. Reference No.** RN101274140  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Jun-2014	30-Jun-2014	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional sampling and oversight to identify the source of the contamination, calculated for the month in which the exceedance occurred.

Approx. Cost of Compliance \$100

**TOTAL** \$100

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PCW

Respondent Bloomington Independent School District

Policy Revision 4 (April 2014)

Case ID No. 48989

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101274140

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(4)(B)

Violation Description

Failed to collect raw groundwater source Escherichia coli samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the months of April 2012, February 2013, and March 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to conduct raw groundwater source monitoring could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 3

89 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$450

Three monthly events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$82

Violation Final Penalty Total \$662

This violation Final Assessed Penalty (adjusted for limits) \$662

# Economic Benefit Worksheet

**Respondent** Bloomington Independent School District  
**Case ID No.** 48989  
**Reg. Ent. Reference No.** RN101274140  
**Media** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$75	25-Apr-2012	13-Mar-2013	1.80	\$7	\$75	\$82
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect raw groundwater source samples from all active sources (\$25 per sample), calculated from the date of the first required sample to the date of the last required sample.

Approx. Cost of Compliance

\$75

**TOTAL**

\$82

Screening Date 15-Jul-2014

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PCW

Respondent Bloomington Independent School District

Policy Revision 4 (April 2014)

Case ID No. 48989

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101274140

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j)

Violation Description

Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements. Specifically, the Respondent did not mail the consumer notification to the persons served at the locations sampled nor did the Respondent submit a copy of the consumer notification or the required certification to the TCEQ for the January 1, 2013 through December 31, 2013 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 364

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

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56 Violation Final Penalty Total \$74

This violation Final Assessed Penalty (adjusted for limits) \$74

# Economic Benefit Worksheet

**Respondent** Bloomington Independent School District

**Case ID No.** 48989

**Reg. Ent. Reference No.** RN101274140

**Media** Public Water Supply

**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
<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

**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]	\$52	31-Dec-2013	15-Jul-2014	1.45	\$4	\$52	\$56
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail the consumer notification for the January 1, 2013 through December 31, 2013 monitoring period to persons served at the locations that were sampled and to the TCEQ ((\$0.50 x five sampled locations + \$50) x 1 monitoring period, rounded down), calculated from the date the consumer notification was due to the screening date.

Approx. Cost of Compliance

\$52

**TOTAL**

\$56

Screening Date 15-Jul-2014

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PCW

Respondent Bloomington Independent School District

Policy Revision 4 (April 2014)

Case ID No. 48989

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101274140

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description Failed to post public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring for the month of July 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%). Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 92

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$74

This violation Final Assessed Penalty (adjusted for limits) \$74

# Economic Benefit Worksheet

**Respondent** Bloomington Independent School District  
**Case ID No.** 48989  
**Reg. Ent. Reference No.** RN101274140  
**Media** Public Water Supply  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$100	30-Jun-2014	31-Jan-2015	0.59	\$3	n/a	\$3
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 implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that all public notifications are posted, calculated from the date of the record review to 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]	\$5	1-Aug-2013	31-Oct-2013	1.17	\$0	\$5	\$5
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to post public notification (\$5 per notice), calculated for the period when public notification was required.

Approx. Cost of Compliance

\$105

**TOTAL**

\$8



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600702690, RN101274140, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600702690, Bloomington Independent School District	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	27.00
<b>Regulated Entity:</b>	RN101274140, Bloomington Junior High-High School	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	27.00
<b>Complexity Points:</b>	4	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	2781 FARM-TO-MARKET ROAD 616 NEAR VICTORIA, VICTORIA COUNTY, TEXAS				

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2350016      **WASTEWATER PERMIT** WQ0014578001

**WASTEWATER EPA ID** TX0127353

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** July 15, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 15, 2009 to July 15, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Sam Keller      **Phone:** (512) 239-2678

**Site and Owner/Operator History:**

- |  |     |
|--|-----|
| 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 <b>YES</b> for #2, who is the current owner/operator?  | N/A |
| 4) If <b>YES</b> for #2, who was/were the prior owner(s)/operator(s)?                              | N/A |
| 5) If <b>YES</b> , when did the change(s) in owner or operator occur?                              | N/A |

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- |   |  |                            |  |
|---|--|----------------------------|--|
| 1 | Effective Date: 11/03/2011                                 | ADMINORDER 2011-0395-MWD-E | (Findings Order-Agreed Order Without Denial) |
|   | Classification: Moderate                                   |                            |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)     |                            |  |
|   | 30 TAC Chapter 305, SubChapter F 305.125(1)                |                            |  |
|   | Rqmt Prov: Effl. Limit's & Monitor'g Req. No. 1 PERMIT     |                            |  |
|   | Description: Failure to comply with permit effluent limits |                            |  |
|   | Classification: Major                                      |                            |  |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)     |                            |  |
|   | 30 TAC Chapter 319, SubChapter A 319.7(d)                  |                            |  |
|   | Rqmt Prov: Monitoring and Reporting Requiremts. No1 PERMIT |                            |  |
|   | Description: Failure to timely submit the DMRs             |                            |  |

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	July 22, 2009	(931468)
Item 2	August 20, 2009	(931469)
Item 3	September 18, 2009	(931470)
Item 4	December 20, 2009	(931473)
Item 5	January 24, 2010	(931474)
Item 6	January 31, 2010	(931472)
Item 7	March 18, 2010	(931466)
Item 8	December 29, 2010	(931465)
Item 9	March 31, 2011	(911137)
Item 10	April 21, 2011	(918424)
Item 11	October 11, 2011	(967505)
Item 12	October 13, 2011	(973444)
Item 13	November 18, 2011	(979572)
Item 14	December 19, 2011	(986422)
Item 15	January 11, 2012	(992800)
Item 16	February 23, 2012	(1000143)
Item 17	April 25, 2012	(1012199)
Item 18	May 23, 2012	(1018595)
Item 19	June 22, 2012	(1026330)
Item 20	July 23, 2012	(1033655)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 07/31/2013 (1127153)	CN600702690	
	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		
2	Date: 08/31/2013 (1137436)	CN600702690	
	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		
3	Date: 09/30/2013 (1137437)	CN600702690	
	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		
4	Date: 10/31/2013 (1155378)	CN600702690	
	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		
5	Date: 11/20/2013 (1179557)	CN600702690	
	Self Report? NO		Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description: JUL/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 07/2013.		
6	Date: 11/30/2013 (1155379)	CN600702690	

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

7 Date: 12/31/2013 (1155380) CN600702690  
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

8 Date: 06/09/2014 (1179557) CN600702690  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)  
Description: TCR MCL Violation 06/2014 - System exceeded a maximum contaminant level.

**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

## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 7/15/2009 and 7/15/2014

- 1 Date: 09/30/2009 (931471) CN600702690  
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
- 2 Date: 04/30/2010 (890003) CN600702690  
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
- 3 Date: 05/12/2010 (798212) CN600702690  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)  
Description: Failure to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank.  
  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
Description: Failure to have a properly designed overflow on the ground storage tank.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
Description: Failure to conduct interior surface inspections of the ground storage tank and pressure tank.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to provide proper maintenance and housekeeping practices in order to ensure the good working condition and general appearance of the system's facilities and equipment.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
Description: Failure to calibrate the well meter at least once every three years.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
Description: Failure to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 mg/L free chlorine.
- 4 Date: 05/31/2010 (890004) CN600702690  
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
- 5 Date: 06/30/2010 (890005) CN600702690  
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
- 6 Date: 07/20/2010 (829699) CN600702690  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
Monitoring Requirements No. 3(c), Pg. 5 PERMIT  
Description: Failure to maintain complete records of monitoring activities.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
Monitoring and Reporting Req. 1. PERMIT  
Description: Failure to submit the Discharge Monitoring Reports for the months of January, March, April, and May, 2010.

7	Date: 07/31/2010 (911135)	CN600702690	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	
8	Date: 08/31/2010 (918423)	CN600702690	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	
9	Date: 09/30/2010 (911136)	CN600702690	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	
10	Date: 03/31/2011 (967507)	CN600702690	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	
11	Date: 06/30/2011 (967510)	CN600702690	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	
12	Date: 07/31/2011 (967511)	CN600702690	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	
13	Date: 08/31/2011 (1070671)	CN600702690	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	
14	Date: 02/29/2012 (1005636)	CN600702690	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	
15	Date: 03/09/2012 (981261)	CN600702690	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 319, SubChapter A 319.11(d) OPERATIONAL REQUIREMENTS (1) Pg. 9 PERMIT		Description: Failed to ensure at all time that the facility and all of its systems are properly operated and maintained. Specifically, an investigation conducted on January 26, 2012 revealed that the flow measurement device was not installed in accordance with the Water Measurement Manual, United States Department of the Interior, Bureau of Reclamation. The staff gauge was installed on the face of the weir plate, and the numbers on the ruler were illegible at the water line.	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.7(a)(1) MONITORING & REPORTING REQ.(3)(c)(i-vi) PERMIT		Description: Failed to maintain records of monitoring activities to include all items listed in section 3 of the Monitoring and Reporting Requirements, part c, subparts i-vi of TPDES wastewater permit No.WQ0014578001.	
16	Date: 06/22/2012 (1179557)	CN600702690		

For Informational Purposes Only

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
30 TAC Chapter 290, SubChapter F 290.109(e)  
Description: GWR Triggered Source MR Violation 04/2012 - Failure to collect and/or report any triggered source monitoring sample(s) following a coliform found result for 1 source(s) within the required timeline.

17 Date: 07/31/2012 (1083553) CN600702690  
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

For Informational Purposes Only

18 Date: 08/31/2012 (1070672) CN600702690  
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

For Informational Purposes Only

19\* Date: 09/30/2012 (1070673) CN600702690  
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

For Informational Purposes Only

20\* Date: 10/31/2012 (1083554) CN600702690  
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

For Informational Purposes Only

21\* Date: 11/30/2012 (1083555) CN600702690  
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

For Informational Purposes Only

22\* Date: 12/31/2012 (1083556) CN600702690  
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

For Informational Purposes Only

23\* Date: 01/31/2013 (1108892) CN600702690  
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

For Informational Purposes Only

24\* Date: 02/28/2013 (1108893) CN600702690  
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

For Informational Purposes Only

25\* Date: 03/31/2013 (1112450) CN600702690  
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

For Informational Purposes Only

26\* Date: 04/30/2013 (1119405) CN600702690  
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

For Informational Purposes Only

27\* Date: 05/09/2013 (1179557) CN600702690  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
 30 TAC Chapter 290, SubChapter F 290.109(e)  
 Description: GWR Triggered Source MR Violation 02/2013 - Failure to collect and/or report any triggered source monitoring sample(s) following a coliform found result for 1 source(s) within the required timeline.

28\* Date: 05/30/2013 (1098621) CN600702690  
 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  
 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

29\* Date: 05/31/2013 (1179557) CN600702690  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
 30 TAC Chapter 290, SubChapter F 290.109(e)  
 Description: GWR Triggered Source MR Violation 03/2013 - Failure to collect and/or report any triggered source monitoring sample(s) following a coliform found result for 1 source(s) within the required timeline.

30\* Date: 05/31/2013 (1119406) CN600702690  
 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

31\* Date: 06/30/2013 (1119407) CN600702690  
 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

32\* Date: 07/31/2013 (1127153) CN600702690  
 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

33\* Date: 08/31/2013 (1137436) CN600702690  
 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

34 Date: 09/30/2013 (1137437) CN600702690  
 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

35 Date: 10/31/2013 (1155378) CN600702690  
 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

36 Date: 11/20/2013 (1179557) CN600702690  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: JUL/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 07/2013.

37 Date: 11/30/2013 (1155379) CN600702690  
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

38 Date: 12/31/2013 (1155380) CN600702690  
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

39 Date: 06/09/2014 (1179557) CN600702690  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)  
Description: TCR MCL Violation 06/2014 - System exceeded a maximum contaminant level.

\* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

**Appendix B****All Investigations Conducted During Component Period July 15, 2009 and July 15, 2014**

Item 1*	July 22, 2009**	(931468)	For Informational Purposes Only
Item 2*	August 20, 2009**	(931469)	For Informational Purposes Only
Item 3*	September 18, 2009**	(931470)	For Informational Purposes Only
Item 4	October 20, 2009**	(931471)	For Informational Purposes Only
Item 5*	December 20, 2009**	(931473)	For Informational Purposes Only
Item 6*	January 24, 2010**	(931474)	For Informational Purposes Only
Item 7*	January 31, 2010**	(931472)	For Informational Purposes Only
Item 8*	March 18, 2010**	(931466)	For Informational Purposes Only
Item 9	July 20, 2010**	(829699)	For Informational Purposes Only
Item 10	December 29, 2010**	(890003)	For Informational Purposes Only
Item 11	December 30, 2010**	(886501)	For Informational Purposes Only
Item 12	January 10, 2011**	(886405)	For Informational Purposes Only
Item 13	February 18, 2011**	(892698)	For Informational Purposes Only
Item 14	March 31, 2011**	(911135)	For Informational Purposes Only
Item 15	April 21, 2011**	(918423)	For Informational Purposes Only
Item 16	September 21, 2011**	(1070671)	For Informational Purposes Only
Item 17*	October 11, 2011**	(967505)	For Informational Purposes Only
Item 18*	October 13, 2011**	(973444)	For Informational Purposes Only
Item 19*	November 18, 2011**	(979572)	For Informational Purposes Only
Item 20*	December 19, 2011**	(986422)	For Informational Purposes Only
Item 21*	January 11, 2012**	(992800)	For Informational Purposes Only
Item 22*	February 23, 2012**	(1000143)	For Informational Purposes Only
Item 23	March 08, 2012**	(981261)	For Informational Purposes Only
Item 24	March 22, 2012**	(1005636)	For Informational Purposes Only
Item 25	April 02, 2012**	(990410)	For Informational Purposes Only
Item 26*	April 25, 2012**	(1012199)	For Informational Purposes Only
Item 27*	May 23, 2012**	(1018595)	For Informational Purposes Only
Item 28*	June 22, 2012**	(1026330)	For Informational Purposes Only
Item 29	June 27, 2012**	(1014682)	For Informational Purposes Only
Item 30*	July 23, 2012**	(1033655)	For Informational Purposes Only
Item 31	September 10, 2012**	(1023196)	For Informational Purposes Only
Item 32	January 16, 2013**	(1070672)	For Informational Purposes Only
Item 33	May 30, 2013**	(1098621)	For Informational Purposes Only
Item 34	June 06, 2013**	(1076823)	For Informational Purposes Only
Item 35	June 07, 2013**	(1108892)	For Informational Purposes Only
Item 36	June 13, 2013**	(1127153)	For Informational Purposes Only
Item 37	July 26, 2013**	(1119405)	For Informational Purposes Only
Item 38	September 30, 2013	(1115336)	For Informational Purposes Only
Item 39	November 08, 2013	(1137436)	For Informational Purposes Only
Item 40	February 03, 2014	(1155378)	For Informational Purposes Only

Item 41 July 07, 2014

(1179557)  
For Informational Purposes Only

Item 42 July 11, 2014

(1179745)  
For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BLOOMINGTON INDEPENDENT  
SCHOOL DISTRICT  
RN101274140**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2014-1007-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bloomington Independent School District (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 2781 Farm-to-Market Road 616 near Victoria, Victoria County, Texas (the "Facility") that has 10 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from June 30, 2014 through July 11, 2014, TCEQ staff documented that the Respondent did not comply with the maximum contaminant level ("MCL") for total coliform during the month of June 2014.
3. During a record review conducted from June 30, 2014 through July 11, 2014, TCEQ staff documented that the Respondent did not collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the months of April 2012, February 2013, and March 2013.
4. During a record review conducted from June 30, 2014 through July 11, 2014, TCEQ staff documented that the Respondent did not mail the consumer notification to the persons served at the locations sampled for lead nor did the Respondent submit a copy of the consumer notification or the required certification to the TCEQ for the January 1, 2013 through December 31, 2013 monitoring period.
5. During a record review conducted from June 30, 2014 through July 11, 2014, TCEQ staff documented that the Respondent did not post public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring for the month of July 2013.
6. The Respondent received notice of the violations on July 14, 2014.

### II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the MCL for total coliform, in violation of 30 TEX. ADMIN. CODE § 290.109(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(4)(B).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and

certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).

5. As evidenced by Findings of Fact No. 5, the Respondent failed to post public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of One Thousand Twenty-Nine Dollars (\$1,029) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Twenty-Nine Dollar (\$1,029) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Twenty-Nine Dollars (\$1,029) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bloomington Independent School District, Docket No. 2014-1007-PWS-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. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:

- i. Begin complying with applicable coliform monitoring requirements by providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109;
  - ii. Begin complying with applicable coliform monitoring requirements by collecting one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
  - iii. Implement procedures to ensure that all necessary public notifications are posted in a timely manner to persons served by the Facility, including but not limited to providing public notification regarding the failure to conduct routine coliform monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
  - iv. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected, in accordance with 30 TEX. ADMIN. CODE § 290.117.
- b. Within 45 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.iii. and 2.a.iv.; and
  - ii. Submit to the Commission a copy of the consumer notification provided to the persons served at the locations that were sampled and the certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, as required by 30 TEX. ADMIN. CODE § 290.117. The copy of the consumer notification and the certification shall be mailed to:  
  

Public Drinking Water Section  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.; and

- d. Within 225 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Pamela Morris  
For the Executive Director

2/18/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Bloomington Independent School District. I am authorized to agree to the attached Agreed Order on behalf of Bloomington Independent School District, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Bloomington Independent School District waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

Jesse M Garcia  
Signature

9-11-14  
Date

Jesse M Garcia  
Name (Printed or typed)  
Authorized Representative of  
Bloomington Independent School District

MAINT. DIRECTOR  
Title

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