

Executive Summary – Enforcement Matter – Case No. 49122
Peaster Independent School District Public Facility Corporation
RN102078045
Docket No. 2014-1153-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Peaster ISD, 3602 Harwell Lake Road, Weatherford, approximately 1,200 feet southeast of the intersection of Farm-to-Market Road 920 and Harwell Lake Road, Parker County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 26, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,438

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$11,438

Name of SEP: Texas Water Development Board (Third-Party Pre-Approved)

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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Docket No. 2014-1153-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: July 22, 2014
Date(s) of NOE(s): August 6, 2014

Violation Information

1. Failed to comply with permitted effluent limitations for 5-day carbonaceous biochemical oxygen demand, dissolved oxygen, ammonia nitrogen, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].
2. Failed to collect and analyze effluent samples for *Escherichia coli* quarterly [30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. WQ0013589001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By April 30, 2014, returned to compliance with all permitted effluent limitations of TPDES Permit No. WQ0013589001; and
- b. By September 10, 2014, updated the Facility's operational guidance and conducted employee training to ensure collection and analysis of quarterly effluent samples for *Escherichia coli*.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

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

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Peaster Independent School District Public Facility Corporation
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Docket No. 2014-1153-MWD-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-2547; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Matt Adams, Superintendent, Peaster Independent School District
Public Facility Corporation, P.O. Box 129, Peaster, Texas 76485

Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-1153-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Peaster Independent School District Public Facility Corporation
Penalty Amount:	Eleven Thousand Four Hundred Thirty-Eight Dollars (\$11,438)
SEP Offset Amount:	Eleven Thousand Four Hundred Thirty-Eight Dollars (\$11,438)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Water Development Board
Project Name:	<i>Water-Level Recorder Data in Every Texas County</i>
Location of SEP:	Statewide, with Preference for Parker County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Water Development Board** for the *Water-Level Recorder Data in Every Texas County* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase, install, and maintain automatic water-level recorders in unused wells in the remaining one hundred sixty-six (166) counties. The Third-Party Administrator shall give preference to installing water-level recorders initially in counties in which there are 1) no existing automatic water-level recorder wells, 2) no groundwater conservation district, or 3) groundwater conservation districts that do not have the staff and/or the financial ability to install an automatic water-level recorder. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Peaster Independent School District Public Facility Corporation
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The groundwater stored within Texas' minor and major aquifers is an important natural resource that is relied upon to meet the water supply demands of Texans across the state. Many factors affect the availability of this resource including drought and increased demand. This Project will provide statewide comprehensive real-time groundwater level data to Texas counties, cities, groundwater conservation districts, water supply companies, and individual well owners. The availability of this comprehensive data will promote awareness of the effects of drought on Texas' aquifers and assist in groundwater management planning and use throughout the state.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Water Development Board SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Water Development Board
Attention: Janie Hopkins, Manager
Groundwater Monitoring Section
P.O. Box 13231
Austin, Texas 78711-3231

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Peaster Independent School District Public Facility Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

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

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

5. Publicity

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

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	11-Aug-2014	Screening	12-Aug-2014	EPA Due	
	PCW	22-Apr-2016				

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

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	49122	Order Type	Findings
Docket No.	2014-1153-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Alejandro Laje
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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	70.0% Enhancement	Subtotals 2, 3, & 7	\$5,250
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Notes: Enhancement for four months of self-reported effluent violations and two orders without denial of liability.

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	-\$1,312
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$454
Estimated Cost of Compliance	\$10,400

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,438
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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	\$11,438
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,438
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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	\$11,438
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Screening Date 12-Aug-2014

Docket No. 2014-1153-MWD-E

PCW

Respondent Peaster Independent School District Public Facility Corporation

Policy Revision 4 (April 2014)

Case ID No. 49122

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102078045

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

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	2	50%
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%
<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)

>> **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 four months of self-reported effluent violations and two orders without denial of liability.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100%

Screening Date 12-Aug-2014

Docket No. 2014-1153-MWD-E

PCW

Respondent Peaster Independent School District Public Facility Corporation

Policy Revision 4 (April 2014)

Case ID No. 49122

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102078045

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on July 22, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was utilized to evaluate the values for carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amounts exceeded levels protective of human health or the environment. Dissolved Oxygen and Total Suspended Solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

120 Number of violation days

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

Violation Base Penalty \$3,750

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes The Respondent achieved compliance by April 30, 2014.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$292

Violation Final Penalty Total \$5,438

This violation Final Assessed Penalty (adjusted for limits) \$5,438

Economic Benefit Worksheet

Respondent Peaster Independent School District Public Facility Corporation
Case ID No. 49122
Reg. Ent. Reference No. RN102078045
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$10,000	31-Aug-2013	30-Apr-2014	0.66	\$332	n/a	\$332

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and return to compliance with permitted effluent limitations. Date required is the initial date of noncompliance. The 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

\$10,000

TOTAL

\$332

Screening Date 12-Aug-2014

Docket No. 2014-1153-MWD-E

PCW

Respondent Peaster Independent School District Public Facility Corporation

Policy Revision 4 (April 2014)

Case ID No. 49122

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102078045

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17), and TPDES Permit No. WQ0013589001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to collect and analyze effluent samples for Escherichia coli ("E. coli") for the quarterly monitoring periods ending September 30, 2013, December 31, 2013, and March 31, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Failure to collect E. coli samples could expose human health or the environment to a significant amount of contaminants which would not exceed protective levels.					

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3 Number of violation days 273

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

Violation Base Penalty \$3,750

Three single events are recommended, calculated for the quarters in which E. coli sampling did not occur.

Good Faith Efforts to Comply

10.0%

Reduction \$375

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

Notes The Respondent achieved compliance by September 10, 2014.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$162

Violation Final Penalty Total \$6,000

This violation Final Assessed Penalty (adjusted for limits) \$6,000

Economic Benefit Worksheet

Respondent Peaster Independent School District Public Facility Corporation
Case ID No. 49122
Reg. Ent. Reference No. RN102078045
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	\$250	22-Jul-2014	10-Sep-2014	0.14	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to update operational guidance and conduct employee training to ensure that effluent parameters are monitored, calculated from the date of the record review to 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]	\$150	30-Sep-2013	31-Mar-2014	1.42	\$11	\$150	\$161
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost to collect quarterly E. coli samples (\$50 per sample), calculated from the date the first sample was due to be collected to the date the last sample was due to be collected.

Approx. Cost of Compliance	\$400	TOTAL	\$162
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Peaster Independent School District Public Facility Corporation
Docket No. 2014-1153-MWD-E
TPDES Permit No. WQ0013589001

Effluent Violation Table

Permitted Effluent Limits	Monitoring Period			
	August 2013	January 2014	February 2014	March 2014
Carbonaceous Biochemical Oxygen Demand (5-day) Daily Average Concentration (Limit = 10 mg/L)	c	17.75	22.75	16.3
Ammonia Nitrogen Daily Average Concentration (Limit = 3 mg/L)	c	c	12.675	7.8
Ammonia Nitrogen Single Grab Concentration (Limit = 15 mg/L)	c	c	c	23
Dissolved Oxygen Minimum Concentration (Minimum = 4 mg/L)	3	c	c	c
Total Suspended Solids Daily Average Concentration (Limit = 15 mg/L)	c	20.5	19	c

mg/L = milligrams per liter

c = compliant

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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600623094, RN102078045, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600623094, Peaster Independent School District Public Facility Corporation **Classification:** SATISFACTORY **Rating:** 17.40

Regulated Entity: RN102078045, PEASTER ISD **Classification:** SATISFACTORY **Rating:** 17.40

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3602 HARWELL LAKE ROAD, WEATHERFORD, APPROXIMATELY 1,200 FEET SOUTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 920 AND HARWELL LAKE ROAD IN PARKER COUNTY, TEXAS 76088

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER PERMIT WQ0013589001

WASTEWATER EPA ID TX0107981

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

Date Compliance History Report Prepared: August 20, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 11, 2009 to August 11, 2014

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

Name: Alejandro Laje

Phone: (512) 239-2547

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 **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, 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

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

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

- 1 Effective Date: 02/07/2010 ADMINORDER 2009-0227-MWD-E (Findings Order-Agreed Order Without Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
 - Rqmt Prov:Operational Requirements No. 4 PERMIT
 - Description: Failure to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 - Rqmt Prov:Monitoring and Reporting Requirements PERMIT
 - Description: Failure to submit the noncompliance notification when any effluent violation deviates by more than 40% of the permitted limit.

2 Effective Date: 05/25/2012 ADMINORDER 2011-1901-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: Effluent Limit's and Monit'g Reqs. 1&2 PERMIT
Description: Failure to comply with permitted effluent limits.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 17, 2009	(817692)
Item 2	December 14, 2009	(817696)
Item 3	January 15, 2010	(817697)
Item 4	March 15, 2010	(835436)
Item 5	March 22, 2010	(794901)
Item 6	April 15, 2010	(835437)
Item 7	May 13, 2010	(835438)
Item 8	June 14, 2010	(847665)
Item 9	August 12, 2010	(868655)
Item 10	September 15, 2010	(875544)
Item 11	October 15, 2010	(883087)
Item 12	November 15, 2010	(889500)
Item 13	December 13, 2010	(897863)
Item 14	January 05, 2011	(903767)
Item 15	April 08, 2011	(929740)
Item 16	May 06, 2011	(939612)
Item 17	July 14, 2011	(954284)
Item 18	December 15, 2011	(985898)
Item 19	January 12, 2012	(992252)
Item 20	February 14, 2012	(999562)
Item 21	March 20, 2012	(1005108)
Item 22	April 16, 2012	(1011664)
Item 23	May 14, 2012	(1018043)
Item 24	June 12, 2012	(1025783)
Item 25	July 11, 2012	(1033133)
Item 26	August 16, 2012	(1039650)
Item 27	September 13, 2012	(1048579)
Item 28	November 13, 2012	(1068960)
Item 29	December 14, 2012	(1068961)
Item 30	January 14, 2013	(1082494)
Item 31	February 14, 2013	(1082493)
Item 32	March 13, 2013	(1090995)
Item 33	April 10, 2013	(1097322)
Item 34	May 13, 2013	(1108346)
Item 35	June 12, 2013	(1111935)
Item 36	July 16, 2013	(1118837)
Item 37	September 12, 2013	(1126625)
Item 38	October 09, 2013	(1136920)
Item 39	November 12, 2013	(1142336)
Item 40	December 13, 2013	(1148778)
Item 41	January 10, 2014	(1154857)
Item 42	May 13, 2014	(1182179)
Item 43	June 10, 2014	(1189081)

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: 08/31/2013 (1131166) | CN600623094 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 2 | Date: 01/31/2014 (1162167) | CN600623094 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 3 | Date: 02/28/2014 (1168782) | CN600623094 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 4 | Date: 03/31/2014 (1175960) | CN600623094 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Description: Failure to meet the limit for one or more permit parameter | | |

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 8/11/2009 and 8/11/2014

- 1 Date: 08/31/2009 (817693) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 09/30/2009 (817694) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 10/31/2009 (817695) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 01/31/2010 (817690) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 06/17/2010 (801455) CN600623094
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
WQ0013589-001 PERMIT
Description: Failure to maintain the digester unit.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to comply with the permit effluent limitations.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to comply with the self-monitoring permit limitations.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to comply with the Special Provisions/Other Requirements as required in the permit.
- 6 Date: 06/30/2010 (862068) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 01/31/2011 (910656) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 02/28/2011 (917913) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 05/31/2011 (947027) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 07/25/2011 (942653) CN600623094
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to provide adequate lift station security.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to comply with the permit effluent limitations during the investigation.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to annually calibrate the secondary flow measuring device.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to comply with the self-monitoring permit limitations.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to correctly calculate effluent loading.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with Other Requirements, number 7, dealing with grease trap monitoring.
- 11 Date: 07/31/2011 (960866) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 08/31/2011 (966960) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 09/30/2011 (972927) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 10/31/2011 (979062) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 03/16/2012 (981233) CN600623094
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
WQ0013589-001 PERMIT
Description: Failure to employ an adequately licensed individual or company to operate a regulated wastewater treatment plant.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)
WQ0013589-001 PERMIT
Description: Failure to have the RPZ backflow prevention device tested on an annual basis.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 217, SubChapter C 217.60(d)
30 TAC Chapter 317 317.3(b)(6)
30 TAC Chapter 317 317.3(b)(6)(A)
Description: Failure to comply with lift station design requirements.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to comply with the self-monitoring permit limitations.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0013589-001 PERMIT
Description: Failure to comply with the permit effluent limitations during the investigation.
- 16* Date: 09/30/2012 (1068959) CN600623094
Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 17* Date: 08/31/2013 (1131166) CN600623094

Classification: Moderate

Self Report? YES For Informational Purposes Only
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

18 Date: 01/31/2014 (1162167) CN600623094
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

19 Date: 02/28/2014 (1168782) CN600623094
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

20 Date: 03/31/2014 (1175960) CN600623094
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

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

Appendix B

All Investigations Conducted During Component Period August 11, 2009 and August 11, 2014

Item 1*	August 17, 2009**	(817692) For Informational Purposes Only
Item 2	September 18, 2009**	(817693) For Informational Purposes Only
Item 3	October 15, 2009**	(817694) For Informational Purposes Only
Item 4	November 16, 2009**	(817695) For Informational Purposes Only
Item 5*	December 14, 2009**	(817696) For Informational Purposes Only
Item 6*	January 15, 2010**	(817697) For Informational Purposes Only
Item 7	February 11, 2010**	(817690) For Informational Purposes Only
Item 8*	March 15, 2010**	(835436) For Informational Purposes Only
Item 9*	March 22, 2010**	(794901) For Informational Purposes Only
Item 10*	April 15, 2010**	(835437) For Informational Purposes Only
Item 11*	May 13, 2010**	(835438) For Informational Purposes Only
Item 12*	June 14, 2010**	(847665) For Informational Purposes Only
Item 13	June 17, 2010**	(801455) For Informational Purposes Only
Item 14	June 30, 2010**	(862068) For Informational Purposes Only
Item 15*	August 12, 2010**	(868655) For Informational Purposes Only
Item 16*	September 15, 2010**	(875544) For Informational Purposes Only
Item 17*	October 15, 2010**	(883087) For Informational Purposes Only
Item 18	October 22, 2010**	(865229) For Informational Purposes Only
Item 19	November 15, 2010**	(876917) For Informational Purposes Only
Item 20*	December 13, 2010**	(897863) For Informational Purposes Only
		(903767)

Item 21* January 05, 2011** For Informational Purposes Only
(910656)

Item 22 February 07, 2011** For Informational Purposes Only
(917913)

Item 23 March 09, 2011** For Informational Purposes Only
(929740)

Item 24* April 08, 2011** For Informational Purposes Only
(939612)

Item 25* May 06, 2011** For Informational Purposes Only
(947027)

Item 26 June 14, 2011** For Informational Purposes Only
(954284)

Item 27* July 14, 2011** For Informational Purposes Only
(942653)

Item 28 July 25, 2011** For Informational Purposes Only
(960866)

Item 29 August 30, 2011** For Informational Purposes Only
(966960)

Item 30 September 12, 2011** For Informational Purposes Only
(951625)

Item 31 September 15, 2011** For Informational Purposes Only
(972927)

Item 32 October 13, 2011** For Informational Purposes Only
(979062)

Item 33 November 09, 2011** For Informational Purposes Only
(985898)

Item 34* December 15, 2011** For Informational Purposes Only
(970572)

Item 35 December 19, 2011** For Informational Purposes Only
(992252)

Item 36* January 12, 2012** For Informational Purposes Only
(999562)

Item 37* February 14, 2012** For Informational Purposes Only
(981233)

Item 38 March 15, 2012** For Informational Purposes Only
(1005108)

Item 39* March 20, 2012** For Informational Purposes Only
(1011664)

Item 40* April 16, 2012** For Informational Purposes Only
(1018043)

Item 41* May 14, 2012** For Informational Purposes Only
(1025783)

Item 42*	June 12, 2012**	For Informational Purposes Only (1033133)
Item 43*	July 11, 2012**	For Informational Purposes Only (1039650)
Item 44*	August 16, 2012**	For Informational Purposes Only (1028676)
Item 45	September 07, 2012**	For Informational Purposes Only (1048579)
Item 46*	September 13, 2012**	For Informational Purposes Only (1068959)
Item 47	October 09, 2012**	For Informational Purposes Only (1068960)
Item 48*	November 13, 2012**	For Informational Purposes Only (1068961)
Item 49*	December 14, 2012**	For Informational Purposes Only (1051322)
Item 50	January 09, 2013**	For Informational Purposes Only (1082494)
Item 51*	January 14, 2013**	For Informational Purposes Only (1082493)
Item 52*	February 14, 2013**	For Informational Purposes Only (1090995)
Item 53*	March 13, 2013**	For Informational Purposes Only (1097322)
Item 54*	April 10, 2013**	For Informational Purposes Only (1108346)
Item 55*	May 13, 2013**	For Informational Purposes Only (1111935)
Item 56*	June 12, 2013**	For Informational Purposes Only (1118837)
Item 57*	July 16, 2013**	For Informational Purposes Only (1131166)
Item 58	September 11, 2013	For Informational Purposes Only (1126625)
Item 59*	September 12, 2013	For Informational Purposes Only (1136920)
Item 60*	October 09, 2013	For Informational Purposes Only (1142336)
Item 61*	November 12, 2013	For Informational Purposes Only (1148778)
Item 62*	December 13, 2013	For Informational Purposes Only (1154857)

Item 63*	January 10, 2014	For Informational Purposes Only (1162167)
Item 64	February 18, 2014	For Informational Purposes Only (1168782)
Item 65	March 18, 2014	For Informational Purposes Only (1175960)
Item 66	April 08, 2014	For Informational Purposes Only (1182179)
Item 67*	May 13, 2014	For Informational Purposes Only (1189081)
Item 68*	June 10, 2014	For Informational Purposes Only (1184630)
Item 69	August 06, 2014	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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
PEASTER INDEPENDENT SCHOOL	§	TEXAS COMMISSION ON
DISTRICT PUBLIC FACILITY	§	
CORPORATION	§	
RN102078045	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-1153-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Peaster Independent School District Public Facility Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 3602 Harwell Lake Road, Weatherford, approximately 1,200 feet southeast of the intersection

of Farm-to-Market Road 920 and Harwell Lake Road in Parker County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on July 22, 2014, TCEQ staff documented that the Respondent did not comply with the permitted effluent limitations as depicted in the table below:

Effluent Violation Table				
Permitted Effluent Limits	Monitoring Period			
	August 2013	January 2014	February 2014	March 2014
Carbonaceous Biochemical Oxygen Demand (5-day) Daily Average Concentration (Limit = 10 mg/L)	c	17.75	22.75	16.3
Ammonia Nitrogen Daily Average Concentration (Limit = 3 mg/L)	c	c	12.675	7.8
Ammonia Nitrogen Single Grab Concentration (Limit = 15 mg/L)	c	c	c	23
Dissolved Oxygen Minimum Concentration (Minimum = 4 mg/L)	3	c	c	c
Total Suspended Solids Daily Average Concentration (Limit = 15 mg/L)	c	20.5	19	c

mg/L = milligrams per liter

c = compliant

4. During the record review conducted on July 22, 2014, TCEQ staff documented that the Respondent did not collect and analyze effluent samples for *Escherichia coli* ("E. coli") for the quarterly monitoring periods ending September 30, 2013, December 31, 2013, and March 31, 2014.
5. The Respondent received notice of the violations on August 11, 2014.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By April 30, 2014, returned to compliance with all permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013589001; and

- b. By September 10, 2014, updated the Facility's operational guidance and conducted employee training to ensure collection and analysis of quarterly effluent samples for *E. coli*, in accordance with TPDES Permit No. WQ0013589001.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013589001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to collect and analyze effluent samples for *E. coli* quarterly, in violation of 30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. WQ0013589001, Monitoring and Reporting Requirements No. 1.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Eleven Thousand Four Hundred Thirty-Eight Dollars (\$11,438) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Eleven Thousand Four Hundred Thirty-Eight Dollars (\$11,438) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 Eleven Thousand Four Hundred Thirty-Eight Dollars (\$11,438) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are

not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Peaster Independent School District Public Facility Corporation, Docket No. 2014-1153-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Eleven Thousand Four Hundred Thirty-Eight Dollars (\$11,438) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Pam Manné J
For the Executive Director

7/7/16
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

Matt Adams
Signature

5-23-16
Date

Matt Adams
Name (Printed or typed)
Authorized Representative of
Peaster Independent School District Public Facility Corporation

Superintendent
Title

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

If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2014-1153-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Peaster Independent School District Public Facility Corporation
Penalty Amount:	Eleven Thousand Four Hundred Thirty-Eight Dollars (\$11,438)
SEP Offset Amount:	Eleven Thousand Four Hundred Thirty-Eight Dollars (\$11,438)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Water Development Board
Project Name:	<i>Water-Level Recorder Data in Every Texas County</i>
Location of SEP:	Statewide, with Preference for Parker County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Water Development Board** for the *Water-Level Recorder Data in Every Texas County* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase, install, and maintain automatic water-level recorders in unused wells in the remaining one hundred sixty-six (166) counties. The Third-Party Administrator shall give preference to installing water-level recorders initially in counties in which there are 1) no existing automatic water-level recorder wells, 2) no groundwater conservation district, or 3) groundwater conservation districts that do not have the staff and/or the financial ability to install an automatic water-level recorder. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Peaster Independent School District Public Facility Corporation
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The groundwater stored within Texas' minor and major aquifers is an important natural resource that is relied upon to meet the water supply demands of Texans across the state. Many factors affect the availability of this resource including drought and increased demand. This Project will provide statewide comprehensive real-time groundwater level data to Texas counties, cities, groundwater conservation districts, water supply companies, and individual well owners. The availability of this comprehensive data will promote awareness of the effects of drought on Texas' aquifers and assist in groundwater management planning and use throughout the state.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Water Development Board SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Water Development Board
Attention: Janie Hopkins, Manager
Groundwater Monitoring Section
P.O. Box 13231
Austin, Texas 78711-3231

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Peaster Independent School District Public Facility Corporation
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Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

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

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

5. Publicity

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

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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