

Executive Summary – Enforcement Matter – Case No. 59308
Apple Springs Independent School District
RN101607851
Docket No. 2020-0643-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Apple Springs ISD WWTF, 9120 Farm-to-Market Road 2501, Trinity County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 4, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$58,102

Amount Deferred for Expedited Settlement: \$11,620

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$46,482

Name of SEP: WWTP Improvements (Compliance)

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 22, 2020 and December 15, 2020

Date(s) of NOE(s): March 18, 2020

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Violation Information

1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the entire weir plate was heavily rusted and corroded and much of the V-notch weir had fallen away [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014086001, Operational Requirements No. 1].
2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive erosion was observed on the east and west bank of Cell No. 1 [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014086001, Operational Requirements No. 1].
3. Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2017, 2018, and 2019 ASRs were not submitted to the TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014086001, Sludge Provisions, Section IV.C].
4. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for July 2017, August 2017, September 2017, October 2017, November 2017, December 2017, February 2018, March 2018, May 2018, June 2018, July 2018, September 2018, October 2018, November 2018, December 2018, June 2019, August 2019, October 2019, and December 2019 were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 1].
5. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, daily operator logs for June 2018 through August 2018 and laboratory records for May 2017, July 2017, August 2017, November 2017, February 2018, March 2018, and November 2018 were not maintained at the Facility and were not available for review [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No.3.b].
6. Failed to utilize the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements as the daily average concentration when four samples are not available in a calendar month. Specifically, the arithmetic average of two samples was used for biochemical oxygen demand and total suspended solids daily average concentration for the monitoring period of March 2017 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014086001, Definitions and Standard Permit Conditions No. 2(a)(i)].

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7. Failed to provide the required plant protection. Specifically, several gaps were documented under the the east and north portions of the perimeter fence [30 TEX. ADMIN. CODE § 317.7(e)].
8. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide a noncompliance notification for the exceedances during the monthly monitoring period of December 2018 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 7(c)].
9. Failed to comply with recommended sampling and testing methods. Specifically, chain of custody forms did not include container types and preservatives used; and down arrows were utilized to indicate identical information [30 TEX. ADMIN. CODE § 319.11(a) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 2(a)].
10. Failed to provide certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining within 180 days of permit issuance. Specifically, the Respondent did not submit certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining by February 8, 2017 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 6.C].
11. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, an air hose was disconnected from the diffuser pipe [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014086001, Operational Requirements No. 1].
12. Failed to prevent the discharge of industrial waste into or adjacent to water in the state. Specifically, fats, grease and oil were spilled onto the ground around a grease trap located outside the perimeter fence of the Facility [TEX. WATER CODE § 26.121(a)(1)].
13. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class "D" license or higher. Specifically, process control activities were conducted at the Facility from June 2017 to January 2020, by persons not holding a valid Class D license or higher [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 1].

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14. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze effluent samples for the monthly monitoring periods of January 2018, April 2018, August 2018, January 2019, February 2019, March 2019, April 2019, May 2019, July 2019, September 2019, and November 2019 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ0014086001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On January 30, 2020, contracted with a licensed wastewater operator holding a valid Class “D” license or higher;
- b. On February 18, 2020, closed the gaps under the east and north portions of the perimeter fence;
- c. On March 2, 2020, reattached and clamped the air house to the perforated diffuser pipe to prevent detachment;
- d. On March 2, 2020, cleaned up and properly disposed of the spilled fats, oils, grease, and contaminated soil from around the grease trap; and
- e. On March 20, 2020, repaired the erosion on the east and west bank of Cell No. 1; and
- f. On December 14, 2020, submitted the DMRs for July 2017, August 2017, September 2017, October 2017, November 2017, December 2017, February 2018, March 2018, May 2018, June 2018, July 2018, September 2018, October 2018, November 2018, December 2018, June 2019, August 2019, October 2019, and December 2019.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Repair or replace the V-notch weir;

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- ii. Update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of ASRs, DMRs and noncompliance notifications;
 - iii. Submit the ASRs for the monitoring periods ending July 31, 2017, July 31, 2018, and July 31, 2019;
 - iv. Update the Facility's operational guidance and conduct employee training to ensure that all monitoring and reporting records are maintained at the Facility and are readily available for review by a TCEQ representative upon request, including daily operator logs and laboratory records;
 - v. Submit a revised DMR for March 2017 utilizing the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements as the daily average concentration for biochemical oxygen demand and total suspended solids;
 - vi. Update the Facility's operational guidance and conduct employee training to ensure that the chain of custody forms are properly completed; and
 - vii. Update the Facility's operational guidance and conduct employee training to ensure effluent samples are collected and analyzed in accordance with permit requirements.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
 - c. Within 60 days, submit certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining.
 - d. Within 75 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2547; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

Respondent: Cody Moree, Superintendent, Apple Springs Independent School District, P.O. Box 125, Apple Springs, Texas 75926

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	23-Mar-2020	Screening	22-Apr-2020	EPA Due	
	PCW	15-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Apple Springs Independent School District
Reg. Ent. Ref. No.	RN101607851
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59308	No. of Violations	14
Docket No.	2020-0643-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$73,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-5.0% Adjustment	Subtotals 2, 3, & 7	-\$3,650
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Notes: Enhancement for one NOV with same or similar violations and a reduction for High Performer classification.

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	-\$11,248
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$12,613
Estimated Cost of Compliance	\$25,058

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$58,102
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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	\$58,102
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$58,102
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DEFERRAL	20.0%	Reduction	Adjustment	-\$11,620
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$46,482
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Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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%
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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations and a reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -5%

Screening Date 22-Apr-2020 **Docket No.** 2020-0643-MWD-E **PCW**
Respondent Apple Springs Independent School District *Policy Revision 4 (April 2014)*
Case ID No. 59308 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101607851
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014086001, Operational Requirements No. 1
Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the entire weir plate was heavily rusted and corroded and much of the V-notch weir had fallen away.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$23,750
\$1,250

Violation Events

Number of Violation Events 1 91 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250
 One quarterly event is recommended, calculated from the investigation date (January 22, 2020) to the screening date (April 22, 2020).

Good Faith Efforts to Comply 0.0% Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A X
Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$962 **Violation Final Penalty Total** \$1,188
This violation Final Assessed Penalty (adjusted for limits) \$1,188

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$3,400	2-Feb-2017	16-Feb-2021	4.04	\$46	\$916	\$962
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

Estimated cost to repair/replace the V-notch weir. Date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,400

TOTAL

\$962

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0014086001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive erosion was observed on the east and west bank of Cell No. 1.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

58 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the investigation date (January 22, 2020) to the compliance date (March 20, 2020).

Good Faith Efforts to Comply

10.0%

Reduction \$125

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		

Notes

The Respondent achieved compliance on March 20, 2020.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,063

This violation Final Assessed Penalty (adjusted for limits) \$1,063

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$500	22-Jan-2020	20-Mar-2020	0.16	\$0	\$5	\$5
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the erosion on the east and west bank of Cell No. 1. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$5

Screening Date 22-Apr-2020

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PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0014086001, Sludge Provisions, Section IV.C

Violation Description Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2017, 2018, and 2019 ASRs were not submitted to the TCEQ.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification	X			

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3 935 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

Three single events are recommended, one for each ASR.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$3,563

This violation Final Assessed Penalty (adjusted for limits) \$3,563

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	22-Jan-2020	16-Feb-2021	1.07	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$75	30-Sep-2017	16-Feb-2021	3.38	\$13	n/a	\$13

Notes for DELAYED costs
 Estimated training cost to update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of ASRs, discharge monitoring reports ("DMRs") and noncompliance notifications. Date required is the investigation date and the final date is the estimated date of compliance. Estimated other cost to submit ASRs for the monitoring periods ending July 31, 2017, and July 31, 2018, and July 31, 2019 (\$25 for each missing report x 3). Date required is the date the first annual sludge report was due and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$325

TOTAL \$26

Screening Date 22-Apr-2020

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PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for July 2017, August 2017, September 2017, October 2017, November 2017, December 2017, February 2018, March 2018, May 2018, June 2018, July 2018, September 2018, October 2018, November 2018, December 2018, June 2019, August 2019, October 2019, and December 2019 were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 19 Number of violation days 976

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$4,750

Nineteen single events are recommended, one for each DMR.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$4,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$79

Violation Final Penalty Total \$4,513

This violation Final Assessed Penalty (adjusted for limits) \$4,513

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$475	20-Aug-2017	14-Dec-2020	3.32	\$79	n/a	\$79

Notes for DELAYED costs

Estimated cost to prepare and submit DMRs for July 2017 through December 2017, February 2018, March 2018, May through July 2018, September through December 2018, June 2019, August 2019, October 2019, and December 2019 (\$25 per DMR). Date required is the date the first DMR was due and the final date is the date of compliance.

Estimated training cost to update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of DMRs is captured in the Economic Benefit Worksheet for Violation No. 3.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$475

TOTAL \$79

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No.3.b

Violation Description

Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, daily operator logs for June 2018 through August 2018 and laboratory records for May 2017, July 2017, August 2017, November 2017, February 2018, March 2018, and November 2018 were not maintained at the Facility and were not available for review.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

91 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 5

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$250	22-Jan-2020	16-Feb-2021	1.07	\$13	n/a	\$13

Notes for DELAYED costs Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all monitoring and reporting records are maintained at the Facility and are readily available for review by a TCEQ representative upon request, including daily operator logs and laboratory records. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$13

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014086001, Definitions and Standard Permit Conditions No. 2(a)(i)

Violation Description Failed to utilize the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements as the daily average concentration when four samples are not available in a calendar month. Specifically, the arithmetic average of two samples was used for biochemical oxygen demand and total suspended solids daily average concentration for the monitoring period of March 2017.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				X	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 1098 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 6

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$25	20-Apr-2017	16-Feb-2021	3.83	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to submit a revised DMR for March 2017 utilizing the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements as the daily average concentration for biochemical oxygen demand and total suspended solids. Date required is the DMR due date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$25

TOTAL \$5

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 317.7(e)

Violation Description Failed to provide the required plant protection. Specifically, several gaps were documented under the east and north portions of the perimeter fence.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 27

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the investigation date (January 22, 2020) to the compliance date (February 18, 2020).

Good Faith Efforts to Comply

25.0%

Reduction \$312

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance on February 18, 2020.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$876

This violation Final Assessed Penalty (adjusted for limits) \$876

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$50	22-Jan-2020	18-Feb-2020	0.07	\$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

Estimated cost to close the gaps under the east and north portions of the perimeter fence. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$0

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 7(c)

Violation Description

Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide a noncompliance notification for the exceedances during the monthly monitoring period of December 2018.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

91 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$1,188

This violation Final Assessed Penalty (adjusted for limits) \$1,188

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 8

Percent Interest	Years of Depreciation
5.0	15

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

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 Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of noncompliance notifications is captured in the Economic Benefit Worksheet for Violation No. 3.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$25	25-Jan-2019	22-Apr-2020	1.24	\$2	\$25	\$27
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs Estimated cost to report in writing any effluent violation which deviates from the permitted effluent limitations by more than 40% to the TCEQ Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Date required is the date the noncompliance notification was due and the final date is the screening date.

Approx. Cost of Compliance \$25

TOTAL \$27

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 319.11(a) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 2(a)

Violation Description Failed to comply with recommended sampling and testing methods. Specifically, chain of custody forms did not include container types and preservatives used; and down arrows were utilized to indicate identical information.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential		X	3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 Number of violation days 91

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$750

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	

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$713

This violation Final Assessed Penalty (adjusted for limits) \$713

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	22-Jan-2020	16-Feb-2021	1.07	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that the chain of custody forms are properly completed. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$13

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 6.C

Violation Description

Failed to provide certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining within 180 days of permit issuance. Specifically, the Respondent did not submit certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining by February 8, 2017.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 1169 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,437

Violation Final Penalty Total \$1,188

This violation Final Assessed Penalty (adjusted for limits) \$1,188

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	8-Feb-2017	18-Mar-2021	4.11	\$68	\$1,369	\$1,437
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to submit certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining. Date required is the certification due date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$1,437

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0014086001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, an air hose was disconnected from the diffuser pipe.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 Number of violation days 40

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$187

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance on March 2, 2020.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$526

This violation Final Assessed Penalty (adjusted for limits) \$526

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$15	22-Jan-2020	2-Mar-2020	0.11	\$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

Estimated cost to reattach and clamp the air hose to the perforated diffuser pipe to prevent detachment.
Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$15

TOTAL \$0

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 12

Rule Cite(s) Tex. Water Code § 26.121(a)(1)

Violation Description Failed to prevent the discharge of industrial waste into or adjacent to water in the state. Specifically, fats, grease and oil were spilled onto the ground around a grease trap located outside the perimeter fence of the Facility.

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

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 40 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the date the discharge was documented (January 22, 2020) to the date of compliance (March 2, 2020).

Good Faith Efforts to Comply

25.0%

Reduction \$312

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance on March 2, 2020.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$876

This violation Final Assessed Penalty (adjusted for limits) \$876

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 12

Percent Interest	Years of Depreciation
5.0	15

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

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	\$5,550	22-Jan-2020	2-Mar-2020	0.11	\$30	n/a	\$30
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to clean up and properly dispose of the spilled fats, oils, grease, and contaminated soil from around the grease trap. Date required is the date the discharge was documented and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,550

TOTAL \$30

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 1

Violation Description Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class "D" license or higher. Specifically, process control activities were conducted at the Facility from June 2017 to January 2020, by persons not holding a valid Class D license or higher.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 11 Number of violation days 944

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$41,250

Eleven quarterly events are recommended, calculated from the date process control activities began being conducted by persons not holding a valid Class D license or higher (June 30, 2017) to the date of compliance (January 30, 2020).

Good Faith Efforts to Comply

25.0%

Reduction \$10,312

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance on January 30, 2020.

Violation Subtotal \$30,938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,849

Violation Final Penalty Total \$28,876

This violation Final Assessed Penalty (adjusted for limits) \$28,876

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 13

Percent Interest	Years of Depreciation
5.0	15

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

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 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$7,800	30-Jun-2017	30-Jan-2020	2.59	\$1,049	\$7,800	\$8,849
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to contract with a licensed wastewater treatment facility operator holding a valid Class "D" license or higher. Date required is the initial date of noncompliance and the final date is the date of compliance.

Approx. Cost of Compliance \$7,800

TOTAL \$8,849

Screening Date 22-Apr-2020

Docket No. 2020-0643-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 4 (April 2014)

Case ID No. 59308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 14

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ0014086001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6

Violation Description

Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze effluent samples for the monthly monitoring periods of January 2018, April 2018, August 2018, January 2019, February 2019, March 2019, April 2019, May 2019, July 2019, September 2019, and November 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 11

334 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$13,750

Eleven single events events are recommended, one for each monthly monitoring period.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$13,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,167

Violation Final Penalty Total \$13,063

This violation Final Assessed Penalty (adjusted for limits) \$13,063

Economic Benefit Worksheet

Respondent Apple Springs Independent School District
Case ID No. 59308
Reg. Ent. Reference No. RN101607851
Media Violation No. Water Quality
 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	15-Dec-2020	16-Feb-2021	0.17	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to update the Facility's operational guidance and conduct employee training to ensure effluent samples are collected and analyzed in accordance with permit requirements. Date required is the record review date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$1,143	30-Nov-2019	22-Apr-2020	0.39	\$22	\$1,143	\$1,165
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs Estimated avoided cost to collect and analyze effluent samples including the accrued costs & interest of prior periods plus the Item Cost of the current period. Date required is the last date the last period of noncompliance and the final date is the screening date.

Approx. Cost of Compliance \$1,393

TOTAL \$1,167

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN600861579, RN101607851, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600861579, Apple Springs Independent School District **Classification:** HIGH **Rating:** 0.00
Regulated Entity: RN101607851, APPLE SPRINGS ISD **Classification:** HIGH **Rating:** 0.00
Complexity Points: 4 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 9120 Farm-to-Market Road 2501, in Trinity County, Texas
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0014086001

WASTEWATER EPA ID TX0118966

LEAKING PETROLEUM STORAGE TANKS REMEDIATION
ID NUMBER 115045

WATER QUALITY NON-PERMITTED ID NUMBER
10101607851

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: April 22, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 22, 2015 to April 22, 2020

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

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

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

N/A

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 15, 2015	(1278780)
Item 2	August 19, 2015	(1284985)
Item 3	September 01, 2015	(1292074)
Item 4	October 05, 2015	(1298254)
Item 5	January 14, 2016	(1317458)
Item 6	February 12, 2016	(1326811)
Item 7	September 15, 2016	(1367361)
Item 8	October 14, 2016	(1380227)
Item 9	December 19, 2016	(1392324)
Item 10	February 14, 2017	(1405852)
Item 11	March 15, 2017	(1412935)
Item 12	April 18, 2017	(1419428)

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: 03/11/2020 (1643756)		
	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		
	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		
	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		
	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		
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		
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		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
APPLE SPRINGS INDEPENDENT
SCHOOL DISTRICT
RN101607851**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-0643-MWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Apple Springs Independent School District (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 9120 Farm-to-Market Road 2501 in Trinity County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$58,102 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$11,620 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$46,482 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the

conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. On January 30, 2020, contracted with a licensed wastewater operator holding a valid Class "D" license or higher;
 - b. On February 18, 2020, closed the gaps under the east and north portions of the perimeter fence;
 - c. On March 2, 2020, reattached and clamped the air house to the perforated diffuser pipe to prevent detachment;
 - d. On March 2, 2020, cleaned up and properly disposed of the spilled fats, oils, grease, and contaminated soil from around the grease trap; and
 - e. On March 20, 2020, repaired the erosion on the east and west bank of Cell No. 1.
 - f. On December 14, 2020, submitted the Discharge Monitoring Reports ("DMRs") for July 2017, August 2017, September 2017, October 2017, November 2017, December 2017, February 2018, March 2018, May 2018, June 2018, July 2018, September 2018, October 2018, November 2018, December 2018, June 2019, August 2019, October 2019, and December 2019.

II. ALLEGATIONS

During an investigation conducted on January 22, 2020, an investigator documented that the Respondent:

1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014086001, Operational Requirements No. 1. Specifically, the entire weir plate was heavily rusted and corroded and much of the V-notch weir had fallen away.
2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014086001, Operational Requirements No. 1. Specifically, excessive erosion was observed on the east and west bank of Cell No. 1.
3. Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014086001, Sludge Provisions, Section IV.C. Specifically, the 2017, 2018, and 2019 ASRs were not submitted to the TCEQ.
4. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 1. Specifically, the DMRs for July 2017, August 2017, September 2017, October 2017, November 2017, December 2017, February 2018, March 2018, May 2018, June 2018, July 2018, September 2018, October 2018, November 2018, December 2018, June 2019, August 2019, October 2019, and December 2019 were not submitted by the 20th day of the following month.
5. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No.3.b. Specifically, daily operator logs for June 2018 through August 2018 and laboratory records for May 2017, July 2017, August 2017, November 2017, February 2018, March 2018, and November 2018 were not maintained at the Facility and were not available for review.
6. Failed to utilize the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements as the daily average concentration when four samples are not available in a calendar month, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014086001, Definitions and Standard Permit Conditions No. 2(a)(i). Specifically, the arithmetic average of two samples was used for biochemical oxygen demand and total suspended solids daily average concentration for the monitoring period of March 2017.
7. Failed to provide the required plant protection, in violation of 30 TEX. ADMIN. CODE § 317.7(e). Specifically, several gaps were documented under the the east and north portions of the perimeter fence.

8. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 7(c). Specifically, the Respondent did not provide a noncompliance notification for the exceedances during the monthly monitoring period of December 2018.
9. Failed to comply with recommended sampling and testing methods, in violation of 30 TEX. ADMIN. CODE § 319.11(a) and TPDES Permit No. WQ0014086001, Monitoring and Reporting Requirements No. 2(a). Specifically, chain of custody forms did not include container types and preservatives used; and down arrows were utilized to indicate identical information.
10. Failed to provide certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining within 180 days of permit issuance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 6.C. Specifically, the Respondent did not submit certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining by February 8, 2017.
11. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014086001, Operational Requirements No. 1. Specifically, an air hose was disconnected from the diffuser pipe.
12. Failed to prevent the discharge of industrial waste into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1). Specifically, fats, grease and oil were spilled onto the ground around a grease trap located outside the perimeter fence of the Facility.
13. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class "D" license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 1. Specifically, process control activities were conducted at the Facility from June 2017 to January 2020, by persons not holding a valid Class D license or higher.

During a record review conducted on December 15, 2020, an investigator documented that the Respondent:

14. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ0014086001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6. Specifically, the Respondent did not collect and analyze effluent samples for the monthly monitoring periods of January 2018, April 2018, August 2018, January 2019, February 2019, March 2019, April 2019, May 2019, July 2019, September 2019, and November 2019.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Apple Springs Independent School District, Docket No. 2020-0643-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 an SEP as set forth in Section I, Paragraph No. 4. The amount of \$46,482 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Repair or replace the V-notch weir;
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of ASRs, DMRs and noncompliance notifications;
 - iii. Submit the ASRs for the monitoring periods ending July 31, 2017, July 31, 2018, and July 31, 2019;
 - iv. Update the Facility's operational guidance and conduct employee training to ensure that all monitoring and reporting records are maintained at the Facility and are readily available for review by a TCEQ representative upon request, including daily operator logs and laboratory records;

- v. Submit a revised DMR for March 2017 utilizing the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements as the daily average concentration for biochemical oxygen demand and total suspended solids;
 - vi. Update the Facility's operational guidance and conduct employee training to ensure that the chain of custody forms are properly completed; and
 - vii. Update the Facility's operational guidance and conduct employee training to ensure effluent samples are collected and analyzed in accordance with permit requirements.
- b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.d below, to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.vii.
 - c. Within 60 days after the effective date of this Order, submit certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria for an alternative method of pond lining, in accordance with TPDES Permit No. WQ0014086001, Other Requirements No. 6.C.
 - d. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

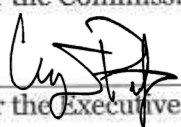
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/10/2022

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.



Signature

7/13/22

Date

Cody Morce

Name (Printed or typed)

Superintendent

Title

Authorized Representative of
Apple Springs Independent School District

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

Attachment A

Docket Number: 2020-0643-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Apple Springs Independent School District
Penalty Amount:	Forty-Six Thousand Four Hundred Eighty-Two Dollars (\$46,482)
SEP Offset Amount:	Forty-Six Thousand Four Hundred Eighty-Two Dollars (\$46,482)
Type of SEP:	Compliance
Project Name:	<i>WWTP Improvements</i>
Location of SEP:	Trinity County

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

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install a new v-notch weir, two new aerators, a main flow valve and piping, and gates and fencing at the Facility. The contractor will also remove and properly dispose of grease, oils, fats, and contaminated soil. The contractor will also perform excavation work to reinforce the berm to prevent future erosion, and for replacement of the main flow valve and piping. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: v-notch weir; aerators; valve and piping; gates and fencing; grease, oils, fats, and soil disposal; and excavation work (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

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

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing wastewater discharges being released into the environment during the collection process.

Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
V-notch Weir Construction/Installation	1	\$3,400	Each	\$3,400
Aerators	2	\$5,600	Each	\$11,200
Aerator Installations/Electrical Lines	2	\$1,450	Each	\$2,900
Removal/Disposal of Grease, Oils, Fats and Contaminated Soil	1	\$5,550	Lump Sum	\$5,550
Excavation Work	1	\$8,200	Lump Sum	\$8,200
Main Flow Valve and Piping Replacement	1	\$2,785	Lump Sum	\$2,785
Gate and Fence Removal/Replacement	1	\$11,950	Lump Sum	\$11,950
Total				\$45,985¹

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 75 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

¹ The total estimated cost schedule is less than the SEP Offset Amount. Respondent shall pay any remaining difference in accordance with Section 5 of this Attachment A.

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 75 days Respondent shall submit a Final Report to the TCEQ containing detailed information on all actions completed on the Project.

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
75	Notice of SEP completion

B. Final Report

Within 75 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Equipment logs showing the hours the equipment was utilized on the project;
9. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

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

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

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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