

Executive Summary – Enforcement Matter – Case No. 61603
Warren Independent School District
RN101512044
Docket No. 2021-1532-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Warren ISD, 375 Farm-to-Market Road 3290, Warren, Tyler 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: January 5, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,138

Amount Deferred for Expedited Settlement: \$5,627

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$22,511

Name of SEP: WWTP Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 30, 2021

Date(s) of NOE(s): November 9, 2021

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Violation Information

1. 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 the noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the quarterly monitoring periods ending on February 28, 2018 and November 30, 2018 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011307001, Monitoring and Reporting Requirements No. 7.c.].
2. 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, test records for the reduced-pressure backflow assembly ("RPBA") for the years of 2019 and 2020 were not maintained at the Facility and were not available for review [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0011307001, Monitoring and Reporting Requirements No. 3.b].
3. Failed to provide an audiovisual alarm for all lift stations. Specifically, the visual alarm system at the influent lift station was not operational [30 TEX. ADMIN. CODE § 317.3(e)(5)].
4. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, severe corrosion and metal delamination was observed in the aeration basin, primary clarifier, and chlorine contact basin. In addition, the metal deck on top of plant was rusted and failed over the aeration basin [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011307001, Operational Requirements No. 1].
5. Failed to provide atmospheric vacuum breakers on all potable water washdown hoses [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.7(i) and TPDES Permit No. WQ0011307001, Operational Requirements No. 1].
6. Failed to comply with the permitted effluent limitations. Specifically, a grab sample collected during the investigation revealed the Respondent exceeded the permitted effluent limitation for residual chlorine of 4.0 milligrams per liter ("mg/L") with a result of 8.6 mg/L [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011307001, Effluent Limitations and Monitoring Requirements No. 2].
7. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the upper chlorine contact basin contained one foot of sludge, and the lower chlorine contact basin contained between six and eight inches of sludge. In addition, rising/bulking sludge and floating solids were observed in the primary clarifier, and sludge was observed flowing over the sawtooth weir into the secondary clarifier [30 TEX. ADMIN. CODE

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§ 305.125(1) and (5) and TPDES Permit No. WQ0011307001, Operational Requirements No. 1].

8. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the sawtooth weir and airlift skimmer in the primary clarifier were submerged due to high flow [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011307001, Operational Requirements No. 1].

9. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Facility's back-up generator was not operational [30 TEX. ADMIN. CODE §§ 317.4(a)(5) and 305.125(1) and (5), and TPDES Permit No. WQ0011307001, Operational Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Achieved compliance with permitted effluent limitations by October 31, 2021;
- b. Submitted the delinquent noncompliance notifications for the quarterly monitoring periods ending February 28, 2018 and November 30, 2018 by November 30, 2021;
- c. Replaced the audiovisual alarm at the influent lift station by November 30, 2021; and
- d. Installed atmospheric vacuum breakers on all potable water washdown hoses by November 30, 2021.

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. Develop and implement a record keeping system to ensure that test records for the RPBA are properly maintained and made available for review; and
 - ii. Submit a RPBA test record completed within the previous 12 months or have the RPBA tested and submit the documentation.

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- b. Within 45 days, submit written certification of compliance with a.
- c. Within 60 days:
 - i. Repair the corroded and delaminated metal in the aeration basin, primary clarifier, chlorine contact basin, and the metal deck on top of the plant;
 - ii. Remove sludge accumulations from the upper and lower chlorine contact basins and develop and implement a simple solids management plan;
 - iii. Make the necessary repairs/adjustments to ensure that the primary clarifier's sawtooth weir and airlift skimmer will not be submerged due to high flow;
 - iv. Remove the rising/bulking sludge and floating solids from the primary clarifier; and
 - v. Repair or replace the Facility's back-up generator.
- d. Within 75 days, submit written certification of compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5865; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

Respondent: Rocky Burks, Board President, Warren Independent School District, P.O. Box 69, Warren, Texas 77664

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Nov-2021		
	PCW	8-Feb-2022	Screening	24-Nov-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Warren Independent School District
Reg. Ent. Ref. No.	RN101512044
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61603	No. of Violations	9
Docket No.	2021-1532-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		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	\$29,000
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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	\$1,450
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Notes	Enhancement for one month of self-reported effluent violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,312
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,914	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$44,700	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,138
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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	
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Final Penalty Amount	\$28,138
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,138
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,627
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$22,511
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Screening Date 24-Nov-2021

Docket No. 2021-1532-MWD-E

PCW

Respondent Warren Independent School District

Policy Revision 5 (January 28, 2021)

Case ID No. 61603

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101512044

Media Water Quality

Enf. Coordinator Cheryl Thompson

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)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one month of self-reported effluent violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011307001, Monitoring and Reporting Requirements No. 7.c

Violation Description Failed to report to the Texas Commission on Environmental Quality ("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 the noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the quarterly monitoring periods ending on February 28, 2018 and November 30, 2018.

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			10.0%

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

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 2 1340 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,000

Two single events are recommended for the delinquent noncompliance notifications.

Good Faith Efforts to Comply

10.0% Reduction \$500

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

Notes The Respondent achieved compliance by November 30, 2021.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$4,750

This violation Final Assessed Penalty (adjusted for limits) \$4,750

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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				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)	\$50	25-Mar-2018	30-Nov-2021	3.69	\$9	n/a	\$9

Notes for DELAYED costs

Other delayed cost is the estimated amount to prepare and submit the delinquent noncompliance notifications. Date required is the date the first noncompliance notification due. Final date is the date the notifications were received.

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 \$9

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0011307001, 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, test records for the reduced-pressure backflow assembly ("RPBA") for the years of 2019 and 2020 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			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 55 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 \$34 **Violation Final Penalty Total** \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	30-Sep-2021	6-Sep-2023	1.93	\$10	n/a	\$10
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	30-Sep-2021	6-Sep-2023	1.93	\$24	n/a	\$24

Notes for DELAYED costs

Record Keeping System delayed cost is the estimated amount to develop and implement a record keeping system to ensure that test records for the RPBA are properly maintained and made available for review. Date required is the investigation date. Final date is the estimated date of compliance.

Other delayed cost to submit a RPBA test record completed within the previous 12 months or have the RPBA tested and submit the documentation. The Date Required is the investigation date. 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 \$350

TOTAL \$34

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 317.3(e)(5)
Violation Description Failed to provide an audiovisual alarm for all lift stations. Specifically, the visual alarm system at the influent lift station was not operational.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	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 55 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (September 30, 2021) to the screening date (November 24, 2021).

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 by November 30, 2021.

Violation Subtotal \$1,125

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

Estimated EB Amount \$2 **Violation Final Penalty Total** \$1,188

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

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
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	\$200	30-Sep-2021	30-Nov-2021	0.17	\$0	\$2	\$2
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

Equipment delayed cost is the estimated amount to repair or replace the faulty visual alarm at the influent lift station. Date required is the investigation date. 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

\$200

TOTAL

\$2

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011307001, 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, severe corrosion and metal delamination was observed in the aeration basin, primary clarifier, and chlorine contact basin. In addition, the metal deck on top of the plant was rusted and failed over the aeration basin.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants 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 55 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (September 30, 2021) to the screening date (November 24, 2021).

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 \$484 **Violation Final Penalty Total** \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
Media Violation No. Water Quality
 4

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				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)	\$5,000	30-Sep-2021	6-Sep-2023	1.93	\$484	n/a	\$484

Notes for DELAYED costs Other delayed cost is the estimated amount to repair the corroded and delaminated metal in the aeration basin, primary clarifier, and chlorine contact basin, and the metal deck on top of the plant. Date required is the investigation date. 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 \$484

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 317.7(i) and TPDES Permit No. WQ0011307001, Operational Requirements No. 1
Violation Description Failed to provide atmospheric vacuum breakers ("AVBs") on all potable water washdown hoses.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Human health or the environment will or could be exposed to 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 2 55 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended from the investigation date (September 30, 2021) to the screening date (November 24, 2021).

Good Faith Efforts to Comply

10.0%

Reduction \$750

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

Notes The Respondent achieved compliance by November 30, 2021.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
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
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Delayed Costs

Equipment	\$100	30-Sep-2021	30-Nov-2021	0.17	\$0	\$1	\$1
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

Equipment delayed cost is the estimated amount to purchase and install AVBs on all potable water washdown hoses. Date required is the investigation date. 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 \$100

TOTAL \$1

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011307001, Effluent Limitations and Monitoring Requirements No. 2
Violation Description Failed to comply with the permitted effluent limitations. Specifically, a grab sample collected during the investigation revealed the Respondent exceeded the permitted effluent limitation for residual chlorine of 4.0 milligrams per liter ("mg/L") with a result of 8.6 mg/L.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 55 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$937

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

Notes The Respondent achieved compliance by October 31, 2021.

Violation Subtotal \$2,813

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

Estimated EB Amount \$64 **Violation Final Penalty Total** \$3,001

This violation Final Assessed Penalty (adjusted for limits) \$3,001

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
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
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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				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)	\$15,000	30-Sep-2021	31-Oct-2021	0.08	\$64	n/a	\$64

Notes for DELAYED costs

Other delayed cost is the estimated amount to determine the cause of noncompliance, make any necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. Date required is the investigation date. 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

\$15,000

TOTAL

\$64

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011307001, 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 upper chlorine contact basin contained one foot of sludge, and the lower chlorine contact basin contained between six and eight inches of sludge. In addition, rising/bulking sludge and floating solids were observed in the primary clarifier, and sludge was observed flowing over the sawtooth weir into the secondary clarifier.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants 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 55 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (September 30, 2021) to the screening date (November 24, 2021).

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 \$1,250

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

Estimated EB Amount \$193 **Violation Final Penalty Total** \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
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				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)	\$2,000	30-Sep-2021	6-Sep-2023	1.93	\$193	n/a	\$193

Notes for DELAYED costs

Other delayed cost is the estimated amount to remove sludge accumulations from the upper and lower chlorine contact basins, develop and implement a simple solids management plan. Date required is the investigation date. 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 \$2,000

TOTAL \$193

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011307001, 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 sawtooth weir and airlift skimmer in the primary clarifier were submerged due to high flow.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants 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 55 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (September 30, 2021) to the screening date (November 24, 2021).

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 \$1,250

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

Estimated EB Amount \$193 **Violation Final Penalty Total** \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
Media Water Quality
Violation No. 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)	\$2,000	30-Sep-2021	6-Sep-2023	1.93	\$193	n/a	\$193

Notes for DELAYED costs

Other delayed cost is the estimated amount to make the necessary repairs/adjustments to ensure that the sawtooth weir and airlift skimmer in the primary clarifier will not be submerged due to high flow. Date required is the investigation date. 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

\$2,000

TOTAL

\$193

Screening Date 24-Nov-2021 **Docket No.** 2021-1532-MWD-E **PCW**
Respondent Warren Independent School District *Policy Revision 5 (January 28, 2021)*
Case ID No. 61603 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101512044
Media Water Quality
Enf. Coordinator Cheryl Thompson

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code §§ 317.4(a)(5) 305.125(1) and (5) and TPDES Permit No. WQ0011307001, 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 Facility's back-up generator was not operational.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential	x				

>> 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 2 55 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended from the investigation date (September 30, 2021) to the screening date (November 24, 2021).

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 \$7,500

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

Estimated EB Amount \$1,934 **Violation Final Penalty Total** \$7,875

This violation Final Assessed Penalty (adjusted for limits) \$7,875

Economic Benefit Worksheet

Respondent Warren Independent School District
Case ID No. 61603
Reg. Ent. Reference No. RN101512044
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
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	30-Sep-2021	6-Sep-2023	1.93	\$1,934	n/a	\$1,934

Notes for DELAYED costs

Other delayed cost is the estimated amount to repair or replace the Facility's back-up generator. Date required is the investigation date. 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

\$20,000

TOTAL

\$1,934



Compliance History Report

Compliance History Report for CN600788764, RN101512044, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600788764, Warren Independent School District **Classification:** SATISFACTORY **Rating:** 0.40

Regulated Entity: RN101512044, WARREN ISD **Classification:** SATISFACTORY **Rating:** 0.40

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 375 Farm-to-Market Road 3290 in Tyler County, Texas

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
WASTEWATER PERMIT WQ0011307001 **WASTEWATER EPA ID** TX0076015

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: January 26, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 26, 2018 to January 26, 2023

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

Name: Cheryl Thompson

Phone: (817) 588-5865

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	February 19, 2018	(1487729)	Item 13	May 20, 2019	(1585247)
Item 2	April 17, 2018	(1494662)	Item 14	June 19, 2019	(1585248)
Item 3	May 18, 2018	(1501612)	Item 15	July 19, 2019	(1594186)
Item 4	June 19, 2018	(1508702)	Item 16	September 18, 2019	(1600478)
Item 5	July 19, 2018	(1515032)	Item 17	October 18, 2019	(1614260)
Item 6	September 11, 2018	(1521083)	Item 18	November 19, 2019	(1620052)
Item 7	October 18, 2018	(1534607)	Item 19	December 20, 2019	(1627399)
Item 8	November 13, 2018	(1542441)	Item 20	January 20, 2020	(1635032)
Item 9	January 17, 2019	(1562688)	Item 21	February 20, 2020	(1641647)
Item 10	February 19, 2019	(1562686)	Item 22	March 19, 2020	(1648160)
Item 11	March 19, 2019	(1562687)	Item 23	April 17, 2020	(1654508)
Item 12	April 19, 2019	(1572819)	Item 24	May 20, 2020	(1661078)

Item 25	June 20, 2020	(1667608)	Item 39	September 17, 2021	(1767345)
Item 26	July 20, 2020	(1674556)	Item 40	October 20, 2021	(1777805)
Item 27	August 19, 2020	(1681328)	Item 41	November 19, 2021	(1784600)
Item 28	September 19, 2020	(1687904)	Item 42	December 21, 2021	(1791634)
Item 29	November 20, 2020	(1715387)	Item 43	January 20, 2022	(1799476)
Item 30	December 18, 2020	(1715388)	Item 44	February 16, 2022	(1807308)
Item 31	January 17, 2021	(1715389)	Item 45	March 19, 2022	(1814360)
Item 32	February 19, 2021	(1728459)	Item 46	April 18, 2022	(1820930)
Item 33	March 19, 2021	(1728460)	Item 47	May 20, 2022	(1829763)
Item 34	April 20, 2021	(1728461)	Item 48	July 17, 2022	(1843262)
Item 35	May 20, 2021	(1741520)	Item 49	August 20, 2022	(1849429)
Item 36	June 21, 2021	(1748096)	Item 50	September 20, 2022	(1857195)
Item 37	July 20, 2021	(1752678)	Item 51	October 20, 2022	(1863551)
Item 38	August 19, 2021	(1758092)	Item 52	November 20, 2022	(1870461)

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: 05/31/2022 (1836063)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WARREN INDEPENDENT SCHOOL
DISTRICT
RN101512044

§
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§
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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1532-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 Warren 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 375 Farm-to-Market Road 3290 in Tyler 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 \$28,138 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$5,627 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, \$22,511 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. Achieved compliance with permitted effluent limitations by October 31, 2021;
 - b. Submitted the delinquent noncompliance notifications for the quarterly monitoring periods ending February 28, 2018 and November 30, 2018 by November 30, 2021;
 - c. Replaced the audiovisual alarm at the influent lift station by November 30, 2021; and
 - d. Installed atmospheric vacuum breakers ("AVBs") on all potable water washdown hoses by November 30, 2021.

II. ALLEGATIONS

During an investigation at the Facility conducted on September 30, 2021, an investigator documented that the Respondent:

1. 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 the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011307001, Monitoring and Reporting Requirements No. 7.c. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the quarterly monitoring periods ending on February 28, 2018 and November 30, 2018.
2. 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 (17) and TPDES Permit No. WQ0011307001, Monitoring and Reporting Requirements No. 3.b. Specifically, test

records for the reduced-pressure backflow assembly ("RPBA") for the years of 2019 and 2020 were not maintained at the Facility and were not available for review.

3. Failed to provide an audiovisual alarm for all lift stations, in violation of 30 TEX. ADMIN. CODE § 317.3(e)(5). Specifically, the visual alarm system at the influent lift station was not operational.
4. 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. WQ0011307001, Operational Requirements No. 1. Specifically, severe corrosion and metal delamination was observed in the aeration basin, primary clarifier, and chlorine contact basin. In addition, the metal deck on top of plant was rusted and failed over the aeration basin.
5. Failed to provide AVBs on all potable water washdown hoses, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.7(i) and TPDES Permit No. WQ0011307001, Operational Requirements No. 1.
6. Failed to comply with the permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011307001, Effluent Limitations and Monitoring Requirements No. 2. Specifically, a grab sample collected during the investigation revealed the Respondent exceeded the permitted effluent limitation for residual chlorine of 4.0 milligrams per liter ("mg/L") with a result of 8.6 mg/L.
7. 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. WQ0011307001, Operational Requirements No. 1. Specifically, the upper chlorine contact basin contained one foot of sludge, and the lower chlorine contact basin contained between six and eight inches of sludge. In addition, rising/bulking sludge and floating solids were observed in the primary clarifier, and sludge was observed flowing over the sawtooth weir into the secondary clarifier.
8. 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. WQ0011307001, Operational Requirements No. 1. Specifically, the sawtooth weir and airlift skimmer in the primary clarifier were submerged due to high flow.
9. 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 §§ 317.4(a)(5) and 305.125(1) and (5), and TPDES Permit No. WQ0011307001, Operational Requirements No. 1. Specifically, the Facility's back-up generator was not operational.

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: Warren Independent School District, Docket No. 2021-1532-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$22,511 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. Develop and implement a record keeping system to ensure that test records for the RPBA are properly maintained and made available for review; and
 - ii. Submit a RPBA test record completed within the previous 12 months or have the RPBA tested and submit the documentation.
 - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i and 3.a.ii, in accordance with Ordering Provision No. 3.e.
 - c. Within 60 days after the effective date of this Order:
 - i. Repair the corroded and delaminated metal in the aeration basin, primary clarifier, chlorine contact basin, and the metal deck on top of the plant;
 - ii. Remove sludge accumulations from the upper and lower chlorine contact basins and develop and implement a simple solids management plan;
 - iii. Make the necessary repairs/adjustments to ensure that the primary clarifier's sawtooth weir and airlift skimmer will not be submerged due to high flow;
 - iv. Remove the rising/bulking sludge and floating solids from the primary clarifier; and

- v. Repair or replace the Facility's back-up generator, in accordance with 30 TEX. ADMIN. CODE § 317.4.
- d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.c.i through 3.c.v, in accordance with Ordering Provision No. 3.e.
- e. The written certifications of compliance required by Ordering Provision Nos. 3.b, and 3.d shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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:

Enforcement Division, R-04
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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. 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 Enforcement Division at the address listed above.

7. 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.
8. 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.
9. 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

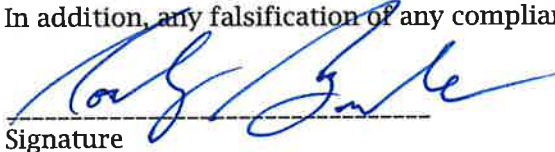
1/17/2024
Date

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

12-13-23
Date

Rocky Burks
Name (Printed or typed)
Authorized Representative of
Warren Independent School District

WISD Board President
Title

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

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

Attachment A

Docket Number: 2021-1532-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Warren Independent School District
Penalty Amount:	\$22,511
SEP Offset Amount:	\$22,511
Type of SEP:	Compliance
Project Name:	<i>WWTP Improvements</i>
Location of SEP:	Tyler County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of 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 generator and replace the corroded metal on the chlorine chamber at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the replacement of metal on the chlorine chamber and a new generator (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below 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. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including 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 improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent 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 above in Section 1.A, 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. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Total
Generator	\$25,000
Chlorine Chamber Repairs	\$2,000
Total	\$27,000

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.

Executive Director (“ED”) staff may grant an extension to any deadline for Respondent’s performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to 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 TCEQ, which shall include the following:

1. An 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. A detailed map showing the specific location of the Project site(s);
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Submittals

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

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 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 above in Sections 2 through 4, the 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 the SEP Coordinator at the address provided above.

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 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 TCEQ or any other agency of the state or federal government.