

**Executive Summary – Enforcement Matter – Case No. 61670  
Apple Springs Independent School District  
RN101607851  
Docket No. 2021-1595-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, 9120 Farm-to-Market Road 2501, Apple Springs, 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:** November 3, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,750

**Amount Deferred for Expedited Settlement:** \$2,750

**Total Paid to General Revenue:** \$325

**Total Due to General Revenue:** \$10,675

Payment Plan: 35 payments of \$305 each

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**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 14, 2021

**Date(s) of NOE(s):** October 28, 2021

**Executive Summary – Enforcement Matter – Case No. 61670  
Apple Springs Independent School District  
RN101607851  
Docket No. 2021-1595-MWD-E**

***Violation Information***

Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014086001 expired on August 1, 2021, and the Respondent continued to operate the wastewater treatment facility without authorization [30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a)(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On February 20, 2023, the Respondent obtained authorization to operate the wastewater treatment facility under TPDES Permit No. WQ0014086002.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**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 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	8-Nov-2021	<b>Screening</b>	6-Dec-2021	<b>EPA Due</b>	
	<b>PCW</b>	21-Jan-2022				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61670	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-1595-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Taylor Williamson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$12,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	10.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$1,250
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Notes: Enhancement for one agreed order containing denial of liability and a reduction for High Performer Classification.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$416
Estimated Cost of Compliance	\$5,350

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$13,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$13,750

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$13,750
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,750
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$11,000
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**Screening Date** 6-Dec-2021

**Docket No.** 2021-1595-MWD-E

**PCW**

**Respondent** Apple Springs Independent School District

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61670

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101607851

**Media** Water Quality

**Enf. Coordinator** Taylor Williamson

### 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> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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)** 20%

#### >> 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 agreed order containing denial of liability and a reduction for High Performer Classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 10%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 10%

Screening Date 6-Dec-2021

Docket No. 2021-1595-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 5 (January 28, 2021)

Case ID No. 61670

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101607851

Media Water Quality

Enf. Coordinator Taylor Williamson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.65 and 305.125(2) and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, Texas Pollutant Discharge Elimination System Permit No. WQ0014086001 expired on August 1, 2021, and the Respondent continued to operate the wastewater treatment facility without authorization.

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 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 5

127 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

Five monthly events are recommended, calculated from the date the permit expired (August 1, 2021) to the screening date (December 6, 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 achieved compliance on February 20, 2023

Violation Subtotal \$12,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$416

Violation Final Penalty Total \$13,750

This violation Final Assessed Penalty (adjusted for limits) \$13,750

# Economic Benefit Worksheet

**Respondent** Apple Springs Independent School District  
**Case ID No.** 61670  
**Reg. Ent. Reference No.** RN101607851  
**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	\$5,350	1-Aug-2021	20-Feb-2023	1.56	\$416	n/a	\$416
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to prepare and submit an application and obtain authorization to discharge wastewater. Date required is the permit expiration 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 \$5,350

**TOTAL** \$416

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 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**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):

**WATER QUALITY NON-PERMITTED ID NUMBER** 10101607851 **WASTEWATER EPA ID** TX0118966  
**WASTEWATER PERMIT** WQ0014086002 **WASTEWATER EPA ID** TX0142417

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

**Date Compliance History Report Prepared:** January 10, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 10, 2018 to January 10, 2023

## 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:

1 Effective Date: 09/27/2022 ADMINORDER 2020-0643-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Rqmt Prov: TPDES PERMIT

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.

Classification: Minor

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

Rqmt Prov: TPDES PERMIT

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.

Classification: Minor

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

Rqmt Prov: TPDES PERMIT

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.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

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.

Classification: Major

Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: TPDES PERMIT

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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: TPDES PERMIT

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..

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: TPDES PERMIT

Description: Failed to 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.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(11)(B)  
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: TPDES PERMIT

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.

Classification: Minor

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

Rqmt Prov: TPDES PERMIT

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.

Classification: Minor

Citation: 30 TAC Chapter 317 317.7(e)

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

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: TPDES PERMIT

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.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)

Rqmt Prov: TPDES PERMIT

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.

Classification: Minor

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

Rqmt Prov: TPDES PERMIT

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.

Classification: Moderate

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



Rqmt Prov: TPDES PERMIT

Description: Failure 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.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 20, 2020	(1655264)
Item 2	May 20, 2020	(1661820)
Item 3	June 19, 2020	(1668359)
Item 4	July 16, 2020	(1675304)
Item 5	September 15, 2020	(1682079)
Item 6	September 16, 2020	(1682080)
Item 7	September 17, 2020	(1682078)
Item 8	October 08, 2020	(1695015)
Item 9	November 16, 2020	(1717647)
Item 10	December 14, 2020	(1717631)
Item 11	December 15, 2020	(1717630)
Item 12	February 25, 2021	(1730700)
Item 13	April 20, 2021	(1730702)
Item 14	May 20, 2021	(1742630)
Item 15	June 20, 2021	(1748474)
Item 16	July 20, 2021	(1753409)
Item 17	August 20, 2021	(1758802)
Item 18	September 20, 2021	(1768132)
Item 19	October 20, 2021	(1778673)
Item 20	November 20, 2021	(1785340)
Item 21	December 20, 2021	(1792379)
Item 22	January 19, 2022	(1800226)
Item 23	February 20, 2022	(1808056)
Item 24	March 20, 2022	(1815098)
Item 25	April 20, 2022	(1821666)
Item 26	May 18, 2022	(1830566)
Item 27	June 20, 2022	(1836813)
Item 28	July 20, 2022	(1843999)
Item 29	August 20, 2022	(1850159)
Item 30	September 20, 2022	(1857929)
Item 31	October 20, 2022	(1864283)

**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.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

**Component Appendices****Appendix A****All NOVs Issued During Component Period 1/10/2018 and 1/10/2023**

1	Date: 08/31/2017 (1682083)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 11/30/2017 (1717648)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 03/31/2018 (1717634)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 10/31/2018 (1717645)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 11/30/2018 (1717649)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 12/31/2018 (1717653)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
7	Date: 01/31/2019 (1717629)		
	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		

# 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. 2021-1595-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 \$13,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$325 of the penalty, and \$2,750 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.

The remaining amount of \$10,675 of the undeferred penalty shall be paid in 35 monthly payments of \$305 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance

constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

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 on February 20, 2023, the Respondent obtained authorization to operate the wastewater treatment facility under Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014086002.

## **II. ALLEGATIONS**

During a record review for the Facility conducted on September 14, 2021, an investigator documented that the Respondent failed to maintain authorization to discharge wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a)(1). Specifically, TPDES Permit No. WQ0014086001 expired on August 1, 2021, and the Respondent continued to operate the wastewater treatment facility without authorization.

## **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. 2021-1595-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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

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For the Commission

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Date



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11/29/2023

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For the Executive Director

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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.

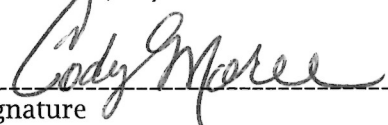
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG 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 OAG 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.

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Signature

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Date



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10/6/23

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Cody Morce

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Superintendent

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Name (Printed or typed)

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Title

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Authorized Representative of  
Apple Springs Independent School District

*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.