

Executive Summary – Enforcement Matter – Case No. 63041
Calallen Independent School District
RN101749307
Docket No. 2024-0153-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Calallen ISD Transportation Department, 13301 West Redbird Lane, Corpus Christi,
Nueces County

Type of Operation:

Underground storage tank ("UST") system and a fleet refueling facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 18, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,313

Amount Deferred for Expedited Settlement: \$2,462

Total Paid to General Revenue: \$9,851

Total Due to General Revenue: \$0

Payment Plan: N/A

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: July 27, 2022

Date(s) of NOE(s): August 29, 2022

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Docket No. 2024-0153-PST-E

Violation Information

1. Failed to conduct the triennial tightness testing for the spill prevention equipment and containment sumps used for interstitial monitoring of piping. Specifically, the Respondent had not conducted the triennial testing of the spill buckets and the containment sumps [30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2)].
2. Failed to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009. Specifically, the Facility's USTs were installed on June 30, 2018, and were not being monitored using interstitial monitoring [30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].
3. Failed to notify the agency of any change or additional information regarding the UST system within 30 days of the date of the occurrence of the change or addition. Specifically, the suction piping system for the unleaded tank at the Facility was converted to a pressurized system on August 3, 2021, and the UST registration was not updated to reflect the correct construction details [30 TEX. ADMIN. CODE § 334.7(d)(1)(D) and (d)(3)].
4. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs. Specifically, four fuel deliveries were accepted without a valid, current TCEQ delivery certificate, on March 1, 2022, April 5, 2022, May 4, 2022, and June 21, 2022 [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].
5. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the previous delivery certificate expired on January 31, 2022 [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Obtained a valid current TCEQ delivery certificate on July 25, 2022;
- b. Conducted the triennial spill prevention and containment sump testing on August 26, 2022;
- c. Implemented interstitial monitoring release detection for the USTs at the Facility on July 31, 2024; and

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d. Submitted an updated UST registration and self-certification form to the TCEQ to accurately reflect the correct piping construction details on August 5, 2024.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Celicia Garza, Enforcement Division, Enforcement Team 3, MC R-13, (210) 657-8422; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Carol Barnhart, Director of Transportation, Calallen Independent School District, 4205 Wildcat Drive, Corpus Christi, Texas 78410
Emily Lorenz, Superintendent, Calallen Independent School District, 4205 Wildcat Drive, Corpus Christi, Texas 78410

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	26-Sep-2022		
	PCW	28-Jun-2024	Screening	23-Sep-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Calallen Independent School District			
Reg. Ent. Ref. No.	RN101749307			
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	63041	No. of Violations	4
Docket No.	2024-0153-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Celicia Garza
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$17,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,750
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Notes	Reduction for High Performer classification.			
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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	-\$3,437
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$159	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,230	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,313
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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	\$12,313
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,313
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,462
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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	\$9,851
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Screening Date	23-Sep-2022	Docket No.	2024-0153-PST-E	PCW
Respondent	Calallen Independent School District			Policy Revision 5 (January 28, 2021)
Case ID No.	63041			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101749307			
Media	Petroleum Storage Tank			
Enf. Coordinator	Celicia Garza			

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>)	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)

0%

>> 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

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	23-Sep-2022	Docket No.	2024-0153-PST-E	PCW	
Respondent	Calallen Independent School District	Policy Revision 5 (January 28, 2021)			
Case ID No.	63041	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN101749307				
Media	Petroleum Storage Tank				
Enf. Coordinator	Celicia Garza				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 334.48(g)(1)(A)(ii) and Tex. Water Code § 26.3475(c)(2)				
Violation Description	Failed to conduct the triennial tightness testing for the spill prevention equipment and containment sumps used for interstitial monitoring of piping. Specifically, the Respondent had not conducted the triennial testing of the spill buckets and the containment sumps.				
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	30	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		
Violation Base Penalty				\$1,250	
One single event is recommended.					
Good Faith Efforts to Comply		25.0%		Reduction \$312	
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary				
	Ordinary	x			
	N/A				
	Notes	The Respondent achieved compliance on August 26, 2022, before the August 29, 2022 Notice of Enforcement ("NOE").			
Violation Subtotal				\$938	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		\$3	Violation Final Penalty Total	\$813	
This violation Final Assessed Penalty (adjusted for limits)				\$813	

Economic Benefit Worksheet

Respondent Calallen Independent School District
Case ID No. 63041
Reg. Ent. Reference No. RN101749307
Media Petroleum Storage Tank
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)	\$650	27-Jul-2022	26-Aug-2022	0.08	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to conduct the triennial spill bucket (\$25 per spill bucket, for two spill buckets) and containment sump (\$300 per containment sump, for two containment sumps) tightness tests for all underground storage tanks ("USTs") at the Facility. The Date Required is the investigation date, and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$650

TOTAL

\$3

Screening Date	23-Sep-2022	Docket No.	2024-0153-PST-E	PCW
Respondent	Calallen Independent School District	Policy Revision 5 (January 28, 2021)		
Case ID No.	63041	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101749307			
Media	Petroleum Storage Tank			
Enf. Coordinator	Cecilia Garza			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(B) and Tex. Water Code § 26.3475(c)(1)			
Violation Description	Failed to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009. Specifically, the Facility's USTs were installed on June 30, 2018 and were not being monitored using interstitial monitoring.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0.0%

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	1		58	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty \$3,750

One quarterly event is recommended from the July 27, 2022 investigation date to the September 23, 2022 screening date.

Good Faith Efforts to Comply

	10.0%			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		x		
N/A				
Notes	The Respondent achieved compliance on July 31, 2024, after the August 29, 2022 NOE.			

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Estimated EB Amount	\$151	Statutory Limit Test	
		Violation Final Penalty Total	\$3,000
		This violation Final Assessed Penalty (adjusted for limits)	\$3,000

Economic Benefit Worksheet

Respondent Calallen Independent School District
Case ID No. 63041
Reg. Ent. Reference No. RN101749307
Media Petroleum Storage Tank
Violation No. 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				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)	\$1,500	27-Jul-2022	31-Jul-2024	2.01	\$151	n/a	\$151

Notes for DELAYED costs

Estimated delayed cost to implement interstitial monitoring release detection for the USTs at the Facility.
The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$151

Screening Date	23-Sep-2022	Docket No.	2024-0153-PST-E	PCW
Respondent	Calallen Independent School District	Policy Revision 5 (January 28, 2021)		
Case ID No.	63041	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101749307			
Media	Petroleum Storage Tank			
Enf. Coordinator	Celicia Garza			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 334.7(d)(1)(D), (d)(3) and 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)			
Violation Description	<p>Failed to notify the agency of any change or additional information regarding the UST system within 30 days of the date of the occurrence of the change or addition. Specifically, the suction piping system for the unleaded tank at the Facility was converted to a pressurized system on August 3, 2021, and the UST registration was not updated to reflect the correct construction details. Also, failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the previous delivery certificate expired on January 31, 2022.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events	1	58	Number of violation days
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daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

	10.0%	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes: The Respondent achieved compliance on August 5, 2024, after the August 29, 2022 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$4	

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

Economic Benefit Worksheet

Respondent Calallen Independent School District
Case ID No. 63041
Reg. Ent. Reference No. RN101749307
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$40	27-Jul-2022	5-Aug-2024	2.03	\$4	n/a	\$4

Notes for DELAYED costs

Estimated delayed cost to submit an updated UST registration and self-certification form to the TCEQ to accurately reflect the correct piping construction details. The date required is the investigation date and the Final Date is the date of compliance. Estimated delayed cost to renew the delivery certificate is included in the Economic Benefit for Violation No. 4.

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
Annual Registration				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

\$40

TOTAL

\$4

Screening Date 23-Sep-2022 Respondent Calallen Independent School District Case ID No. 63041 Reg. Ent. Reference No. RN101749307 Media Petroleum Storage Tank Enf. Coordinator Celicia Garza	Docket No. 2024-0153-PST-E <div style="border: 1px solid black; padding: 2px;"> Violation Number 4 </div> <div style="border: 1px solid black; padding: 2px;"> Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a) </div> <div style="border: 1px solid black; padding: 2px;"> Violation Description Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs. Specifically, four fuel deliveries were accepted without a valid, current TCEQ delivery certificate, on March 1, 2022, April 5, 2022, May 4, 2022, and June 21, 2022. </div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																																																	
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Violation Base Penalty \$10,000																																																			
Four single events are recommended (one for each month in which an unauthorized fuel delivery occurred).																																																			
Good Faith Efforts to Comply																																																			
<div style="border: 1px solid black; display: inline-block; padding: 2px;">25.0%</div>																																																			
Reduction \$2,500																																																			
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;"></th> <th style="width:20%;">Before NOE/NOV</th> <th style="width:20%;">NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>N/A</td> <td></td> <td></td> </tr> </tbody> </table>				Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary	x		N/A																																							
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																																																	
Extraordinary																																																			
Ordinary	x																																																		
N/A																																																			
Notes The Respondent achieved compliance on July 25, 2022, before the August 29, 2022 NOE.																																																			
Violation Subtotal		\$7,500																																																	
Economic Benefit (EB) for this violation																																																			
Statutory Limit Test																																																			
Estimated EB Amount \$1		Violation Final Penalty Total \$6,500																																																	
This violation Final Assessed Penalty (adjusted for limits)		\$6,500																																																	

Economic Benefit Worksheet

Respondent Calallen Independent School District
Case ID No. 63041
Reg. Ent. Reference No. RN101749307
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	31-Jan-2022	25-Jul-2022	0.48	\$1	n/a	\$1

Notes for DELAYED costs

Estimated delayed cost to renew a delivery certificate by submitting a properly completed UST registration and self-certification form to obtain a valid, current TCEQ delivery certificate. The Date Required is the expiration date of the previously-issued delivery certificate 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

\$40

TOTAL

\$1



Compliance History Report

Compliance History Report for CN600942510, RN101749307, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600942510, Calallen Independent School District	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101749307, Calallen Independent School District Transportation Department	Classification: HIGH	Rating: 0.00
Complexity Points:	2	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	13301 West Redbird Lane in Corpus Christi, Nueces County, Texas		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 21694		
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	June 13, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	June 13, 2019 to June 13, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Celicia A. Garza	Phone:	(210) 657-8422

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.):
N/A

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CALALLEN INDEPENDENT SCHOOL
DISTRICT
RN101749307

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

AGREED ORDER DOCKET NO. 2024-0153-PST-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 Calallen 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, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a fleet refueling facility located at 13301 West Redbird Lane in Corpus Christi, Nueces County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
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 \$12,313 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,851 of the penalty and \$2,462 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, 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 the Respondent implemented the following corrective measures at the Facility:
 - a. Obtained a valid current TCEQ delivery certificate on July 25, 2022;
 - b. Conducted the triennial spill prevention and containment sump testing on August 26, 2022;
 - c. Implemented interstitial monitoring release detection for the USTs at the Facility on July 31, 2024; and
 - d. Submitted an updated UST registration and self-certification form to the TCEQ to accurately reflect the correct piping construction details on August 5, 2024.

II. ALLEGATIONS

During an investigation at the Facility conducted on July 27, 2022, an investigator documented that the Respondent:

1. Failed to conduct the triennial tightness testing for the spill prevention equipment and containment sumps used for interstitial monitoring of piping, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the Respondent had not conducted the triennial testing of the spill buckets and the containment sumps.
2. Failed to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1). Specifically, the Facility's USTs were installed on June 30, 2018, and were not being monitored using interstitial monitoring.
3. Failed to notify the agency of any change or additional information regarding the UST system within 30 days of the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(D) and (d)(3). Specifically, the suction piping system for the unleaded tank at the Facility was converted to a pressurized

system on August 3, 2021, and the UST registration was not updated to reflect the correct construction details.

4. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a). Specifically, four fuel deliveries were accepted without a valid, current TCEQ delivery certificate, on March 1, 2022, April 5, 2022, May 4, 2022, and June 21, 2022.
5. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii). Specifically, the previous delivery certificate expired on January 31, 2022.

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: Calallen Independent School District, Docket No. 2024-0153-PST-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

For the Commission

Date



For the Executive Director

11/4/2024

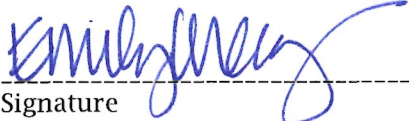
Date

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 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.



Signature

9/12/2024

Date

Emily Loremez

Name (Printed or typed)
Authorized Representative of
Calallen Independent School District

Superintendent

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.