

Executive Summary – Enforcement Matter – Case No. 65312
Bastrop Independent School District
RN106078363
Docket No. 2024-0167-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Bastrop ISD Memorial Stadium Overflow Parking, 755 State Highway 21 West, Cedar Creek, Bastrop 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: March 7, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,375

Amount Deferred for Expedited Settlement: \$2,875

Total Paid to General Revenue: \$11,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

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: November 8, 2023

Date(s) of NOE(s): January 19, 2024

Executive Summary – Enforcement Matter – Case No. 65312
Bastrop Independent School District
RN106078363
Docket No. 2024-0167-PST-E

Violation Information

1. 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)].
2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent accepted 19 fuel deliveries over a total of 13 months during February 2022 through May 2022, August 2022 through November 2022, January 2023, and August 2023 through November 2023, without a valid, current TCEQ delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].
3. Failed to conduct the walkthrough inspections of the spill prevention and the release detection equipment every 30 days [30 TEX. ADMIN. CODE § 334.48(h)(1)(A)(i) and (ii) and TEX. WATER CODE § 26.3475(c)(1) and (c)(2)].
4. Failed to monitor the UST 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 UST was installed on February 9, 2012, and the Respondent was not monitoring it using interstitial monitoring [30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on November 27, 2023.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin conducting the walkthrough inspections of the spill prevention and release detection equipment at least once every 30 days; and
 - ii. Implement interstitial monitoring release detection for the UST at the Facility.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 65312
Bastrop Independent School District
RN106078363
Docket No. 2024-0167-PST-E

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: Bill Hanson, Director of Operations, Bastrop Independent School District, 906 Farm Street, Bastrop, Texas 78602

Mike White, Chief Financial Officer, Bastrop Independent School District, 906 Farm Street, Bastrop, Texas 78602

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-Jan-2024		
	PCW	23-Jan-2024	Screening	23-Jan-2024
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Bastrop Independent School District
Reg. Ent. Ref. No.	RN106078363
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	65312	No. of Violations	4
Docket No.	2024-0167-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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.
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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	-\$3,125
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$399	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,980	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,375
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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	\$14,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,375
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,875
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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	\$11,500
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Screening Date

23-Jan-2024

Docket No.

2024-0167-PST-E

PCW

Respondent

Bastrop Independent School District

Case ID No.

65312

Reg. Ent. Reference No.

RN106078363

Media

Petroleum Storage Tank

Enf. Coordinator

Celicia Garza

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

Screening Date	23-Jan-2024	Docket No.	2024-0167-PST-E	PCW
Respondent	Bastrop Independent School District			Policy Revision 5 (January 28, 2021)
Case ID No.	65312			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN106078363			
Media	Petroleum Storage Tank			
Enf. Coordinator	Celicia Garza			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)			
Violation Description	Failed to renew a previously issued underground storage tank ("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.			
		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 requirement was not met.			
		Adjustment	\$22,500	
			\$2,500	
>> Violation Events				
	Number of Violation Events	2	Number of violation days	665
	Frequency	daily weekly monthly quarterly semiannual annual single event		
			Violation Base Penalty	\$5,000
	Two annual events are recommended from the January 31, 2022 expiration date of the previous delivery certificate to the November 27, 2023 compliance date.			
Good Faith Efforts to Comply	25.0%	Reduction	\$1,250	
	Extraordinary	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Ordinary		x	
	N/A			
	Notes	The Respondent achieved compliance on November 27, 2023, before the January 19, 2024 Notice of Enforcement ("NOE").		
		Violation Subtotal	\$3,750	
>> Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$46	Violation Final Penalty Total	\$3,750
	This violation Final Assessed Penalty (adjusted for limits)			\$3,750

Economic Benefit Worksheet

Respondent Bastrop Independent School District
Case ID No. 65312
Reg. Ent. Reference No. RN106078363
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)	\$40	31-Jan-2023	27-Nov-2023	0.82	\$2	n/a	\$2

Notes for DELAYED costs

Estimated delayed cost to renew a delivery certificate by submitting a properly completed UST registration and self-certification form. The Date Required is the most recent projected missed renewal due date of the 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	\$40	31-Jan-2022	27-Nov-2023	1.82	\$4	\$40	\$44
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to renew a delivery certificate by submitting a properly completed UST registration and self-certification form. The Date Required is the expiration date of the previous certificate, and the Final Date is the date the delivery certificate was renewed.

Approx. Cost of Compliance

\$80

TOTAL

\$46

Screening Date	23-Jan-2024	Docket No.	2024-0167-PST-E	PCW
Respondent	Bastrop Independent School District			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65312			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106078363			
Media	Petroleum Storage Tank			
Enf. Coordinator	Cecilia Garza			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)			
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 USTs. Specifically, the Respondent accepted 19 fuel deliveries over a total of 13 months during February 2022 through May 2022, August 2022 through November 2022, January 2023, and August 2023 through November 2023 without a valid, current TCEQ delivery certificate.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
Potential				0.0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			
Matrix Notes	100% of the rule requirement was not met.				
	Adjustment				\$22,500
					\$2,500

Violation Events

Number of Violation Events	3	Number of violation days	645	
	daily weekly monthly quarterly semiannual annual single event	x		Violation Base Penalty
			\$7,500	
Three semiannual events are recommended for the period of February 2022 through May 2022, August 2022 through November 2022, January 2023, and August 2023 through November 2023 in which fuel deliveries were accepted without a valid, current TCEQ delivery certificate.				

Good Faith Efforts to Comply

	25.0%		Reduction	\$1,875
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary	x			
N/A				
Notes	The Respondent achieved compliance on November 27, 2023, before the January 19, 2024 NOE.			
Violation Subtotal				\$5,625

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$0
	Violation Final Penalty Total
	\$5,625
This violation Final Assessed Penalty (adjusted for limits)	
\$5,625	

Economic Benefit Worksheet

Respondent Bastrop Independent School District
Case ID No. 65312
Reg. Ent. Reference No. RN106078363
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Economic Benefit included in Violation No. 1.						

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 \$0 **TOTAL** \$0

Screening Date	23-Jan-2024	Docket No.	2024-0167-PST-E	PCW
Respondent	Bastrop Independent School District	Policy Revision 5 (January 28, 2021)		
Case ID No.	65312	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN106078363			
Media	Petroleum Storage Tank			
Enf. Coordinator	Cecilia Garza			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 334.48(h)(1)(A)(i) and (ii) and Tex. Water Code § 26.3475(c)(1) and (c)(2)			
Violation Description	Failed to conduct the walkthrough inspections of the spill prevention and the release detection equipment every 30 days.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events	1		76	Number of violation days
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daily		
weekly		
monthly		
quarterly	x	
semiannual		
annual		
single event		

Violation Base Penalty \$1,250

One quarterly event is recommended from the November 8, 2023 investigation date to the January 23, 2024 screening date.

Good Faith Efforts to Comply

	0.0%	
	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	\$220	Violation Final Penalty Total
		\$1,250
This violation Final Assessed Penalty (adjusted for limits)		\$1,250

Economic Benefit Worksheet

Respondent Bastrop Independent School District
Case ID No. 65312
Reg. Ent. Reference No. RN106078363
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)	\$200	8-Nov-2023	17-Aug-2025	1.78	\$18	n/a	\$18

Notes for DELAYED costs

Estimated delayed cost to conduct the walkthrough inspections of the release detection (\$100) and spill prevention equipment (\$100) at least once every 30 days. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$200	8-Nov-2023	23-Jan-2024	0.21	\$2	\$200	\$202
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the walkthrough inspections of the release detection (\$100) and spill prevention equipment (\$100) at least once every 30 days. The Date Required is the investigation date, and the Final Date is the screening date.

Approx. Cost of Compliance

\$400

TOTAL

\$220

Screening Date	23-Jan-2024	Docket No.	2024-0167-PST-E	PCW	
Respondent	Bastrop Independent School District			<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	65312			<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No.	RN106078363				
Media	Petroleum Storage Tank				
Enf. Coordinator	Cecilia Garza				
Violation Number	4				
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 UST 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 UST was installed on February 9, 2012, and the Respondent was not monitoring it using interstitial monitoring.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
Potential	x			15.0%	
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
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		1	76	Number of violation days	
	daily			Violation Base Penalty	
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
One quarterly event is recommended from the November 8, 2023 investigation date to the January 23, 2024 screening date.					
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				\$3,750	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount	\$133	Violation Final Penalty Total	\$3,750		
This violation Final Assessed Penalty (adjusted for limits)		\$3,750			

Economic Benefit Worksheet

Respondent Bastrop Independent School District
Case ID No. 65312
Reg. Ent. Reference No. RN106078363
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
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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	8-Nov-2023	17-Aug-2025	1.78	\$133	n/a	\$133

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$133

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 CN600349021, RN106078363, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600349021, Bastrop Independent School District
Classification: SATISFACTORY
Rating: 32.13

Regulated Entity: RN106078363, Bastrop Independent School District Memorial Stadium Overflow Parking
Classification: HIGH
Rating: 0.00

Complexity Points: 2
Repeat Violator: NO

CH Group: 09 - Construction

Location: 755 State Highway 21 West in Cedar Creek, Bastrop County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 84530

Compliance History Period: September 01, 2019 to August 31, 2024
Rating Year: 2024
Rating Date: 09/01/2024

Date Compliance History Report Prepared: November 19, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 19, 2019 to November 19, 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.):
Item 1 February 07, 2020 (1625578)

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
BASTROP INDEPENDENT SCHOOL
DISTRICT
RN106078363

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

AGREED ORDER DOCKET NO. 2024-0167-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 Bastrop 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 755 State Highway 21 West in Cedar Creek, Bastrop 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 \$14,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,500 of the penalty and \$2,875 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 submitted a properly completed UST registration and self-certification form and obtained a valid, current TCEQ delivery certificate on November 27, 2023.

II. ALLEGATIONS

During an investigation at the Facility conducted on November 8, 2023, an investigator documented that the Respondent:

1. 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.
2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a). Specifically, the Respondent accepted 19 fuel deliveries over a total of 13 months during February 2022 through May 2022, August 2022 through November 2022, January 2023, and August 2023 through November 2023, without a valid, current TCEQ delivery certificate.
3. Failed to conduct the walkthrough inspections of the spill prevention and the release detection equipment every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.48(h)(1)(A)(i) and (ii) and TEX. WATER CODE § 26.3475(c)(1) and (c)(2).
4. Failed to monitor the UST 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 UST was installed on February 9, 2012, and the Respondent was not monitoring it using interstitial monitoring,

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: Bastrop Independent School District, Docket No. 2024-0167-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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin conducting the walkthrough inspections of the spill prevention and release detection equipment at least once every 30 days, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
 - ii. Implement interstitial monitoring release detection for the UST at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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



For the Executive Director

Date

07/30/2025

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.



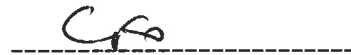
Signature

7/11/25

Date

MICHAEL WHITE

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



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.