

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2005-1775-AIR-E TCEQ ID: RN100895648 CASE NO.: 26385

RESPONDENT NAME: Angleton Danbury Hospital District dba Angleton Danbury Medical Center

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Angleton Danbury General Hospital, 132 Hospital Drive, Angleton, Brazoria County

TYPE OF OPERATION: Hospital

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 3, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Section II, MC 219, (512) 239-2134; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, MC 219, (512) 239-1896

Respondent: Mr. Joe White, Maintenance Director, Angleton Danbury Hospital District dba Angleton Danbury Medical Center, 132 Hospital Drive, Angleton, Texas 77515
Mr. William P. Garwood, III, Chief financial Officer, Angleton Danbury Hospital District dba Angleton Danbury Medical Center, 132 Hospital Drive, Angleton, Texas 77515

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 3, 2005</p> <p>Date of NOE Relating to this Case: July 22, 2005 (NOE)</p> <p>Background Facts: This was a routine investigation. Five violations were documented.</p> <p>AIR</p> <p>1) Failed to submit a Federal Operating Permit Application on or before September 15, 2000 [30 TEX. ADMIN. CODE §§ 113.2072(b)(3), 113.2079(c), and 122.130(b)(2), and TEX. HEALTH AND SAFETY CODE § 382.085(b)].</p> <p>2) Failed to install monitoring equipment, failed to conduct initial performance testing, and failed to maintain adequate records for the hospital/medical/infectious waste incinerator unit [30 TEX. ADMIN. CODE § 113.2075(a)(1), 113.2076(a)(1), and 113.2076(c), and TEX. HEALTH AND SAFETY CODE § 382.085(b)].</p> <p>3) Failed to prepare a Waste Management Plan [30 TEX. ADMIN. CODE § 113.2077, and TEX. HEALTH AND SAFETY CODE § 382.085(b)].</p> <p>4) Failed to provide detailed operating procedures, and failed to verify training of operators [30 TEX. ADMIN. CODE § 113.2078(a), and (b) and TEX. HEALTH AND SAFETY CODE § 382.085(b)].</p> <p>5) Failed to submit a notice of intention to comply, petition for extension, or a notice of intent to shut-down the incinerator as required [30 TEX. ADMIN. CODE § 113.2079(a), and TEX. HEALTH AND SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,400</p> <p>Total Deferred: \$2,080 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,320</p> <p>Site Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken</p> <p>The Executive Director recognizes that Angleton Danbury has implemented the following corrective measures at the Hospital:</p> <ol style="list-style-type: none"> a. On September 5, 2005, Angleton Danbury contracted with a licensed waste management service to transport all medical waste to a licensed disposal facility in Galveston where it is incinerated, steam sterilized, or shredded, and taken to a landfill; and b. On September 16, 2005, Angleton Danbury's medical waste incinerator ceased operations. Additionally, the incinerator has been removed from the premises.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned 25-Jul-2005				
	PCW 05-Jan-2005	Screening 01-Aug-2005	EPA Due 28-Jan-2006		

RESPONDENT/FACILITY INFORMATION					
Respondent	Angleton Danbury Hospital District dba Angleton Danbury Medical Center				
Reg. Ent. Ref. No.	RN100895648				
Facility/Site Region	12-Houston	<	Major/Minor Source	Minor Source	<

CASE INFORMATION					
Enf./Case ID No.	26385		No. of Violations	5	
Docket No.	2005-1775-AIR-E		Order Type	1660	
Media Program(s)	Air Quality	<	Enf. Coordinator	Suzanne Walrath	
Multi-Media			EC's Team	Enforcement Team 4	
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

	10% Reduction
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>
Extraordinary	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>
N/A	<small>(mark with a small x)</small>

Notes

Economic Benefit **Subtotal 6**

<small>Total EB Amounts</small>	\$58,258		50% Enhancement*		
<small>Approx. Cost of Compliance</small>	\$20,750		<small>*Capped at the Total EB \$ Amount</small>		

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 01-Aug-2005 **Docket No.** 2005-1775-AIR-E **PCW**
Respondent Angleton Danbury Hospital District dba Angleton Danbury Medical Center *ision 2 (September 2002)*
Case ID No. 26385 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100895648
Media [Statute] Air Quality
Enf. Coordinator Suzanne Walrath

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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 judgements 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</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%

Please Enter Yes or No

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 due to high performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date 01-Aug-2005 **Docket No.** 2005-1775-AIR-E **PCW**
Respondent Angleton Danbury Hospital District dba Angleton Danbury Medical Center *ision 2 (September 2002)*
Case ID No. 26385 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100895648
Media [Statute] Air Quality
Enf. Coordinator Suzanne Walrath
Violation Number 1
Primary Rule Cite(s) 30 Tex. Admin. Code §§ 113.2072(b)(3), and 113.2079(c), 122.130(b)(2)
Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)
Violation Description Failed to submit a Federal Operating Permit Application on or before 9/15/00.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes 100% of the rule requirement was not met. Per agency policy all operating without a Federal Operating Permit will be assessed a base penalty of \$2,500.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$2,500

One single event is recommended based upon an investigation conducted on 5/3/05.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,250

Violation Final Penalty Total \$3,250

This violation Final Assessed Penalty (adjusted for limits) \$3,250

Economic Benefit Worksheet

Respondent Angleton Danbury Hospital District dba Angleton Danbury Medical Center
 Case ID No. 26385
 Reg. Ent. Reference No. RN100895648
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item Description	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$2,500	15-Sep-2000	26-Oct-2005	6.0	\$750	\$2,500	\$3,250

Notes for AVOIDED costs

These costs represent the amount to prepare and submit a Federal Operating Permit Application, beginning on the date that the application was due to be submitted, and ending on the date that the certification of compliance was received.

Approx. Cost of Compliance **\$2,500**

TOTAL \$3,250

Screening Date 01-Aug-2005 **Docket No.** 2005-1775-AIR-E **PCW**

Respondent Angleton Danbury Hospital District dba Angleton Danbury Medical Center *ision 2 (September 2002)*

Case ID No. 26385 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100895648

Media [Statute] Air Quality

Enf. Coordinator Suzanne Walrath

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$52,333"/>	Violation Final Penalty Total <input type="text" value="\$3,250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,250"/>	

Economic Benefit Worksheet

Respondent Angleton Danbury Hospital District dba Angleton Danbury Medical Center
Case ID No. 26385
Reg. Ent. Reference No. RN100895648
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$16,000	15-Sep-2002	26-Oct-2005	3.1	\$2,492	\$49,841	\$52,333
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Costs are associated with emissions testing, installing monitoring equipment, and setting up a record keeping system, starting with the date they were due to have been completed, and ending on the date that the certification of compliance was received.

Approx. Cost of Compliance **\$16,000**

TOTAL **\$52,333**

Screening Date 01-Aug-2005 **Docket No.** 2005-1775-AIR-E **PCW**
Respondent Angleton Danbury Hospital District dba Angleton Danbury Medical Center *Revision 2 (September 2002)*
Case ID No. 26385 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100895648
Media [Statute] Air Quality
Enf. Coordinator Suzanne Walrath
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description
Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Angleton Danbury Hospital District dba Angleton Danbury Medical Center
Case ID No. 26385
Reg. Ent. Reference No. RN100895648
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	15-Sep-2002	26-Oct-2005	4.0	\$300	\$1,500	\$1,800

Notes for AVOIDED costs

Costs are associated with developing a waste management plan, starting with the date that the plan was required to be in effect, and ending on the date that the certification of compliance was received.

Approx. Cost of Compliance **\$1,500**

TOTAL \$1,800

Screening Date 01-Aug-2005 **Docket No.** 2005-1775-AIR-E **PCW**
Respondent Angleton Danbury Hospital District dba Angleton Danbury Medical Center *ision 2 (September 2002)*
Case ID No. 26385 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100895648
Media [Statute] Air Quality
Enf. Coordinator Suzanne Walrath
Violation Number 4
Primary Rule Cite(s) 30 Tex. Admin. Code § 113.2078(a) and (b)
Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)
Violation Description Failed to provide detailed operating procedures, and failed to verify training of operators.
Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		X			Percent 10%
Matrix Notes	100% of the rule requirement was not met.				

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

	daily	
	monthly	
mark only one	quarterly	
use a small x	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended based upon an investigation conducted on 5/3/05.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$575

Violation Final Penalty Total \$1,300

This violation Final Assessed Penalty (adjusted for limits) \$1,300

Economic Benefit Worksheet

Respondent: Angleton Danbury Hospital District dba Angleton Danbury Medical Center
 Case ID No. 26385
 Reg. Ent. Reference No. RN100895648
 Media [Statute] Air Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount		
Avoided Costs							
Disposal		0.0	\$0	\$0	\$0		
Personnel		0.0	\$0	\$0	\$0		
Inspection/Reporting/Sampling		0.0	\$0	\$0	\$0		
Supplies/equipment		0.0	\$0	\$0	\$0		
Financial Assurance [2]		0.0	\$0	\$0	\$0		
ONE-TIME avoided costs [3]		0.0	\$0	\$0	\$0		
Other (as needed)	\$500	15-Oct-2002	26-Oct-2005	3.0	\$75	\$500	\$575

Notes for AVOIDED costs

Costs are associated with providing detailed operating procedures, and verifying training of operators, starting with the date the information was required to be provided, and ending on the date that the certification of compliance was received.

Approx. Cost of Compliance **\$500**

TOTAL \$575

Screening Date 01-Aug-2005 **Docket No.** 2005-1775-AIR-E **PCW**

Respondent Angleton Danbury Hospital District dba Angleton Danbury Medical Center *ision 2 (September 2002)*

Case ID No. 26385 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100895648

Media [Statute] Air Quality

Enf. Coordinator Suzanne Walrath

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 113.2079(a)

Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to submit a notice of intention to comply, petition for extension, or a notice of intent to shut down the incinerator as required.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

Harm

Release	Major	Moderate	Minor	Percent
Actual				
Potential				

OR

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended based upon an investigation conducted on 5/3/05.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$300	Violation Final Penalty Total \$1,300
This violation Final Assessed Penalty (adjusted for limits) \$1,300	

Economic Benefit Worksheet

Respondent: Angleton Danbury Hospital District dba Angleton Danbury Medical Center
Case ID No.: 26385
Reg. Ent. Reference No.: RN100895648
Media [Statute]: Air Quality
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$250	29-Jan-2002	26-Oct-2005	4.0	\$50	\$250	\$300

Notes for AVOIDED costs

Costs are associated with filing a Notice of Intention, starting with the date that the notice was due to be filed (60 days from publication in the Texas Register dated 11/30/01), and ending on the date that the certification of compliance was received.

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600569289	Angleton Danbury Hospital District	Classification:	HIGH	Rating:	0.00
Regulated Entity:	RN100895648	ANGLETON DANBURY MEDICAL CENTER	Classification:	HIGH	Site Rating:	0.00
ID Number(s):	AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS		PERMIT	13932		
			Account Number	BL0123F		
Location:	132 HOSPITAL DRIVE		Rating Date:	9/1/2005	Repeat Violator:	NO
TCEQ Region:	REGION 12 - HOUSTON					
Date Compliance History Prepared:	October 24, 2005					
Agency Decision Requiring Compliance History:	Enforcement					
Compliance Period:	October 24, 2000 to October 24, 2005					

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:	Suzanne Walrath	Phone:	(512) 239-2134
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Site Compliance History Components

- | | |
|--|-----|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 07/01/2002 (67400)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
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
ANGLETON DANBURY HOSPITAL
DISTRICT DBA ANGLETON
DANBURY MEDICAL CENTER
RN100895648

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-1775-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Angleton Danbury Hospital District dba Angleton Danbury Medical Center ("Angleton Danbury") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Angleton Danbury, appear before the Commission and together stipulate that:

1. Angleton Danbury owns and operates a hospital at 132 Hospital Drive in Angleton, Brazoria County, Texas (the "Hospital").
2. The Hospital consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Angleton Danbury agree that the Commission has jurisdiction to enter this Agreed Order, and that Angleton Danbury is subject to the Commission's jurisdiction.
4. Angleton Danbury received notice of the violations alleged in Section II ("Allegations") on or about July 27, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Angleton Danbury of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Four Hundred Dollars (\$10,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Angleton Danbury has paid Eight Thousand Three Hundred Twenty Dollars (\$8,320) of the administrative penalty and Two Thousand Eighty Dollars (\$2,080) is deferred contingent upon Angleton Danbury's timely and satisfactory compliance with all the terms of this Agreed Order. The

CHIEF CLERKS OFFICE

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

- deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Angleton Danbury fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Angleton Danbury to pay all or part of the deferred penalty.
7. 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.
 8. The Executive Director of the TCEQ and Angleton Danbury have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that Angleton Danbury has implemented the following corrective measures at the Hospital:
 - a. On September 5, 2005, Angleton Danbury contracted with a licensed waste management service to transport all medical waste to a licensed disposal facility in Galveston where it is incinerated, steam sterilized, or shredded, and taken to a landfill; and
 - b. On September 16, 2005, Angleton Danbury's medical waste incinerator ceased operations. Additionally, the incinerator has been removed from the premises.
 10. 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 Angleton Danbury has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Hospital, Angleton Danbury is alleged to have:

1. Failed to submit a Federal Operating Permit Application on or before September 15, 2000, in violation of 30 TEX. ADMIN. CODE §§ 113.2072(b)(3), 113.2079(c), and 122.130(b)(2), and TEX. HEALTH AND SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 3, 2005.
2. Failed to install monitoring equipment, failed to conduct initial performance testing, and failed to maintain adequate records for the hospital/medical/infectious waste incinerator unit, in violation of

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- 30 TEX. ADMIN. CODE § 113.2075(a)(1), 113.2076(a)(1), and 113.2076(c), and TEX. HEALTH AND SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 3, 2005.
3. Failed to prepare a Waste Management Plan, in violation of 30 TEX. ADMIN. CODE § 113.2077, and TEX. HEALTH AND SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 3, 2005.
 4. Failed to provide detailed operating procedures, and failed to verify training of operators, in violation of 30 TEX. ADMIN. CODE § 113.2078(a), and (b) and TEX. HEALTH AND SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 3, 2005.
 5. Failed to submit a notice of intention to comply, petition for extension, or a notice of intent to shut down the incinerator as required, in violation of 30 TEX. ADMIN. CODE § 113.2079(a), and TEX. HEALTH AND SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 3, 2005.

III. DENIALS

Angleton Danbury generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Angleton Danbury pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Angleton Danbury's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Angleton Danbury Hospital District dba Angleton Danbury Medical Center, Docket No. 2005-1775-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon Angleton Danbury. Angleton Danbury is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Hospital operations referenced in this Agreed Order
3. This Agreed Order, issued by the Commission, shall not be admissible against Angleton Danbury in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this

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Agreed 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.

4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Angleton Danbury, or three days after the date on which the Commission mails notice of the Order to Angleton Danbury, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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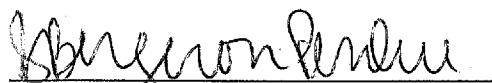
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/5/06


Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

1/24/06

Date

William P. Garwood, III

Name (Printed or typed)

Authorized Representative of

Angleton Danbury Hospital District dba Angleton Danbury Medical Center

Chief Financial Officer

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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10/20/11

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