

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-1186-MWD-E **TCEQ ID:** RN104072335 **CASE NO.:** 34210

**RESPONDENT NAME:** Is Zen Center

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Is Zen Center WWTP, 850 feet northeast of the northeast corner of the intersection of Dobbins-Hufsmith Road and Carraway Lane, Montgomery County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 26, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Albert Lin, Secretary, Is Zen Center, 1400 Graham Drive, Suite B514, Tomball, Texas 77375                      Mr. Ding Chu Chen, Director of Board, 1400 Graham Drive, Suite B514, Tomball, Texas 77375  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 21, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 5, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine records review investigation. One violation was documented.</p> <p><b>WATER</b></p> <p>Failure to comply with permit effluent limits for Total Suspended Solids, Ammonia-Nitrogen, and Total Chlorine Residual [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014491001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total Assessed:</b> \$1,700</p> <p><b>Total Deferred:</b> \$340  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,360</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that Is Zen Center has implemented the following corrective measures at the Facility:</p> <p>a. On April 1, 2007, reduced the level of contaminated stormwater from construction activities from entering into the wastewater collection system; and</p> <p>b. During April 2007, achieved compliance with effluent limits of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014491001.</p>

Additional ID No(s): WQ0014491001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	9-Jul-2007	<b>Screening</b>	18-Jul-2007	<b>EPA Due</b>	
	<b>PCW</b>	1-Aug-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Is Zen Center
<b>Reg. Ent. Ref. No.</b>	RN104072335
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	34210	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2007-1186-MWD-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Catherine Albrecht	
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 1	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	10% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$200
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**Notes** The Respondent has four self-reported effluent violations.

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

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	\$500
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

**Notes** The Respondent achieved compliance with permit effluent limits during April 2007.

<b>Total EB Amounts</b>	\$40	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$1,400	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,700
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### OTHER FACTORS AS JUSTICE MAY REQUIRE

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

<b>Adjustment</b>	\$0
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**Notes**

<b>Final Penalty Amount</b>	\$1,700
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### STATUTORY LIMIT ADJUSTMENT

<b>Final Assessed Penalty</b>	\$1,700
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### DEFERRAL

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

20% Reduction	<b>Adjustment</b>	-\$340
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**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,360
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<b>Screening Date</b> 18-Jul-2007	<b>Docket No.</b> 2007-1186-MWD-E	<b>PCW</b>
<b>Respondent</b> ls Zen Center		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 34210		<small>PCW Revision June 26, 2007</small>
<b>Reg. Ent. Reference No.</b> RN104072335		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Catherine Albrecht		

### 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>	4	20%
	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 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%
<small>Please Enter Yes or No</small>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 20%

**>> Repeat Violator (Subtotal 3)**

<span style="border: 1px solid black; padding: 2px;">No</span>	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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**>> Compliance History Person Classification (Subtotal 7)**

<span style="border: 1px solid black; padding: 2px;">High Performer</span>	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">-10%</span>
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**>> Compliance History Summary**

<b>Compliance History Notes</b>	The Respondent has four self-reported effluent violations.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 10%

<b>Screening Date</b>	18-Jul-2007	<b>Docket No.</b>	2007-1186-MWD-E	<b>PCW</b>
<b>Respondent</b>	Is Zen Center			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	34210			<i>PCW Revision June 26, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN104072335			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Catherine Albrecht			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0014491001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Tex. Water Code § 26.121(a)
<b>Violation Description</b>	Failed to comply with permit effluent limits. See attached table.
<b>Base Penalty</b>	\$10,000

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

OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
				<b>Percent</b> 10%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%

**Matrix Notes**

A simplified model was used to evaluate the effects of contaminants on human health and the environment. Failure to comply with permit limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health and the environment.

**Adjustment** \$9,000

\$1,000

**Violation Events**

<b>Number of Violation Events</b>	2	<b>Number of violation days</b>	121												
<i>mark only one with an x</i>	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b>	\$2,000
daily															
monthly															
quarterly	x														
semiannual															
annual															
single event															

Two quarterly events are recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$40
<b>Violation Final Penalty Total</b>	\$1,700
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,700

### Economic Benefit Worksheet

Respondent Is Zen Center  
 Case ID No. 34210  
 Reg. Ent. Reference No. RN104072335  
 Media Water Quality  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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)	\$1,400	1-Oct-2006	30-Apr-2007	0.6	\$40	n/a	\$40

Notes for DELAYED costs

Estimated costs of additional inspection of the collection system to reduce the impact of construction activities on the wastewater influent based on \$200 per month. Date required is the first violation month. Final date is the date compliance was achieved.

**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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,400

TOTAL

\$40

Respondent: Is Zen Center  
ID Number: RN104072335  
Docket Number: 2007-1186-MWD-E  
Enf. Coordinator: Catherine Albrecht

Corresponds to Violation 1:

OUTFALL 001 INTERIM EFFLUENT LIMITS

Month/Year	TSS Dly Avg Limit of 15.0 (in mg/L)	TSS Single Grab Limit of 60.0 (in mg/L)	NH <sub>3</sub> -N Dly Avg Limit of 3.0 (in mg/L)	TCR Minimum Limit of $\geq$ 1.0 (in mg/L)
Oct-06	16.5	c	3.018	c
Dec-06	18.2	c	c	c
Jan-07	42.4	70.0	c	c
Feb-07	22.9	c	c	0.8

Abbreviations: Total Suspended Solids ("TSS"); Ammonia-Nitrogen ("NH<sub>3</sub>-N");  
Daily Average ("Dly Avg"); Total Chlorine Residual ("TCR");  
Milligrams per Liter ("mg/L"); and Compliant ("c")



## Compliance History

Customer/Respondent/Owner-Operator: CN602516551 Is Zen Center Classification: HIGH Rating: 0.00  
Regulated Entity: RN104072335 IS ZEN CENTER WWTP Classification: HIGH Site Rating: 0.00  
ID Number(s): WASTEWATER PERMIT WQ0014491001  
WASTEWATER EPA ID TX0126306  
WASTEWATER PERMIT TX0126306

Location: 850 feet northeast of the northeast corner of the intersection of Dobbin-Hufsmith Road and Carraway Lane in Montgomery County Rating Date: 9/1/2006  
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 18, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 18, 2002 to July 18, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Catherine Albrecht Phone: (713)767-3672

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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 04/05/2004 (267748)
- 2 06/07/2006 (507071)
- 3 07/14/2006 (529231)
- 4 08/24/2006 (529232)
- 5 09/14/2006 (529233)
- 6 07/06/2007 (565153)
- 7 11/20/2006
- 8 01/20/2007
- 9 02/20/2007
- 10 03/20/2007

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/31/2006  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2007

Self Report? YES

Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
IS ZEN CENTER  
RN104072335

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-1186-MWD-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 Is Zen Center under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Is Zen Center appear before the Commission and together stipulate that:

1. Is Zen Center owns and operates a wastewater treatment facility located 850 feet northeast of the northeast corner of the intersection of Dobbin-Hufsmith Road and Carraway Lane in Montgomery County, Texas (the "Facility").
2. Is Zen Center has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and Is Zen Center agree that the Commission has jurisdiction to enter this Agreed Order, and that Is Zen Center is subject to the Commission's jurisdiction.
4. Is Zen Center received notice of the violations alleged in Section II ("Allegations") on or about July 10, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Is Zen Center of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Seven Hundred Dollars (\$1,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").



Is Zen Center has paid One Thousand Three Hundred Sixty Dollars (\$1,360) of the administrative penalty and Three Hundred Forty Dollars (\$340) is deferred contingent upon Is Zen Center's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Is Zen Center fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Is Zen Center 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 Is Zen Center 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 Is Zen Center has implemented the following corrective measures at the Facility:
  - a. On April 1, 2007, reduced the level of contaminated stormwater from construction activities from entering into the wastewater collection system; and
  - b. During April 2007, achieved compliance with effluent limits of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014491001.
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 Is Zen Center 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 Facility, Is Zen Center is alleged to have failed to comply with permit effluent limits, as listed in the table below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0014491001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on June 21, 2007:



Month/Year	TSS Dly Avg Limit of 15.0 (in mg/L)	TSS Single Grab Limit of 60.0 (in mg/L)	NH <sub>3</sub> -N Dly Avg Limit of 3.0 (in mg/L)	TCR Minimum Limit of $\geq$ 1.0 (in mg/L)
Oct-06	16.5	c	3.018	c
Dec-06	18.2	c	c	c
Jan-07	42.4	70.0	c	c
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Abbreviations: Total Suspended Solids ("TSS"); Ammonia-Nitrogen ("NH<sub>3</sub>-N"); Daily Average ("Dly Avg"); Total Chlorine Residual ("TCR"); Milligrams per Liter ("mg/L"); and Compliant ("c")

### III. DENIALS

Is Zen Center generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Is Zen Center pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Is Zen Center'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: Is Zen Center, Docket No. 2007-1186-MWD-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 Is Zen Center. Is Zen Center is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Is Zen Center in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.



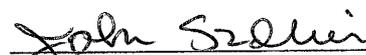
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Is Zen Center, or three days after the date on which the Commission mails notice of the Order to Is Zen Center, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

12/7/07  
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

  
Signature

9/25/2007  
Date

Ding Chu Chen  
Name (Printed or typed)  
Authorized Representative of  
Is Zen Center

Director of Board  
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.

