

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2007-1499-MWD-E **TCEQ ID:** RN101523215 **CASE NO.:** 34640
RESPONDENT NAME: Diocese of Galveston-Houston

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: Circle Lake Retreat Center, located approximately seven miles southeast of the intersection of Farm-to-Market Road 1488 and State Highway 249, Montgomery County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Lynley Doyen, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1364; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Gloria M. Bustillo, Director, Circle Lake Retreat Center, Diocese of Galveston-Houston, P.O. Box 1408, Pinehurst, Texas 77362 Mr. Joe S. Vasquez, Chancellor, Diocese of Galveston-Houston, P.O. Box 1408, Pinehurst, Texas 77362 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

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(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 17, 2007</p> <p>Date of NOV/NOE Relating to this Case: September 7, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to properly preserve effluent samples and meet the required holding times. Specifically, during the investigation, the investigator observed that the ice chest being used to store and transport fecal coliform samples contained no ice to cool and maintain the samples at the required 4-degrees Celsius immediately after collection. Additionally, a review of the operator logs revealed that a sample for total suspended solids collected on May 25, 2007 was not analyzed until June 4, 2007, four days after the maximum allowable holding time [30 TEX. ADMIN. CODE § 319.11(b) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 2].</p> <p>2) Failed to report in writing to the TCEQ any effluent violation which deviates from the permitted effluent limitations by more than 40%. Specifically, 40% exceedence reports were not submitted for the months of September 2006, November 2006, December 2006, and January 2007 [30 TEX. ADMIN. CODE § 305.125(1) and, TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 7.c.].</p> <p>3) Failed to collect and analyze samples for each parameter at the minimum frequency specified in the permit. Specifically, a</p>	<p>Total Assessed: \$11,626</p> <p>Total Deferred: \$2,325 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$9,301</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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 the Respondent has implemented the following corrective actions at the Facility:</p> <p>a. On August 30, 2007, converted the Facility to chlorine disinfection and is no longer required to measure and analyze for fecal coliform;</p> <p>b. On September 10, 2007, submitted revised DMRs for the months of July 2006 through June 2007 to correct the fecal coliform concentrations using the geometric mean; and</p> <p>c. On October 26, 2007, provided documentation demonstrating that the Facility's operational guidance has been updated and that employee training has been conducted to ensure that sampling methods will be properly accomplished, all permitted parameters will be collected and analyzed at the minimum frequency specified in the permit, and all reporting requirements, including effluent violations which deviate by more than 40%, will be completed as required.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

review of the operator logs revealed that during July, August, September, and November 2006, fecal coliform, flow, carbonaceous biochemical oxygen demand, total suspended solids, and ammonia nitrogen were collected and analyzed less frequently than what the permit requires [30 TEX. ADMIN. CODE § 319.5(b) and TPDES Permit No. WQ0014218001, Interim Effluent Limitations and Monitoring Requirements No. 1].

4) Failed to accurately calculate and report the monthly average concentration for fecal coliform. Specifically, a review of the Facility's laboratory reports and monthly self-reported discharge monitoring reports ("DMRs") for the period of July 2006 through June 2007 revealed that the monthly average concentration of fecal coliform had been incorrectly calculated using the arithmetic mean instead of the required geometric mean [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014218001, Definitions and Standard Permit Conditions No. 2.e.].

Additional ID No(s): WQ0014218001

Attachment A
Docket Number: 2007-1499-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Diocese of Galveston-Houston

Payable Penalty Amount: Nine Thousand Three Hundred One Dollars (\$9,301)

SEP Amount: Nine Thousand Three Hundred One Dollars (\$9,301)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up

Location of SEP: Montgomery County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

TCEQ DATES	Assigned	10-Sep-2007			
	PCW	24-Sep-2007			

RESPONDENT/FACILITY INFORMATION	
Respondent	Diocese of Galveston-Houston
Reg. Ent. Ref. No.	RN101523215
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34640	No. of Violations	4
Docket No.	2007-1499-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen
Multi-Media		EC's Team	Enforcement Team 1
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 38% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

Total EB Amounts	\$164	0% Enhancement* *Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,010	

Subtotal 6

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

Notes

PAYABLE PENALTY

Screening Date 17-Sep-2007

Docket No. 2007-1499-MWD-E

PCW

Respondent Diocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 34640

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

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>)	2	10%
	Other written NOVs	14	28%
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%
<i>Please Enter Yes or No</i>			
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) 38%

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

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty is enhanced due to two NOVs with violations same or similar to those cited in this action and 14 self-reported monthly effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 38%

Screening Date 17-Sep-2007	Docket No. 2007-1499-MWD-E	PCW		
Respondent Diocese of Galveston-Houston		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 34640		<small>PCW Revision June 26, 2007</small>		
Reg. Ent. Reference No. RN101523215				
Media [Statute] Water Quality				
Enf. Coordinator Lynley Doyen				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 319.11(b) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 2			
Violation Description	Failed to properly preserve effluent samples and meet the required holding times. Specifically, during the investigation, the investigator observed that the ice chest being used to store and transport fecal coliform samples contained no ice to cool and maintain the samples at the required 4-degrees Celsius immediately after collection. Additionally, a review of the operator logs revealed that a sample for total suspended solids collected on May 25, 2006 was not analyzed until June 4, 2006, four days after the maximum allowable holding time.			
	Base Penalty	<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	x	
		Percent	<input type="text" value="5%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent
				<input type="text" value="0%"/>
Matrix Notes	Failure to properly preserve effluent samples may produce inaccurate results and expose human health or the environment to insignificant amounts of pollutants which would not exceed protective levels.			
	Adjustment	<input type="text" value="\$9,500"/>		
<input type="text" value="\$500"/>				
Violation Events				
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days	
		<input type="text" value="5"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
	Two single events are recommended (one event for each sampling error) based on documentation of the violation during the July 17, 2007 investigation.			
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$14"/>	Violation Final Penalty Total <input type="text" value="\$1,418"/>	
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,418"/>	

Economic Benefit Worksheet

Respondent Diocese of Galveston-Houston
Case ID No. 34640
Reg. Ent. Reference No. RN101523215
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
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	\$200	4-Jun-2006	26-Oct-2007	1.4	\$14	n/a	\$14
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
 Estimated cost to update operational guidance and conduct employee training to ensure that effluent samples are properly collected and preserved. Date required is the date the first sampling violation occurred. Final date is the date of compliance.

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 TOTAL

\$200		\$14
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Screening Date 17-Sep-2007	Docket No. 2007-1499-MWD-E	PCW		
Respondent Diocese of Galveston-Houston		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 34640		<small>PCW Revision June 26, 2007</small>		
Reg. Ent. Reference No. RN101523215				
Media [Statute] Water Quality				
Enf. Coordinator Lynley Doyen				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 7.c.			
Violation Description	Failed to report in writing to the TCEQ any effluent violation which deviates from the permitted effluent limitations by more than 40%. Specifically, 40% exceedence reports were not submitted for the months of September 2006, November 2006, December 2006, and January 2007.			
	Base Penalty	<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
Matrix Notes	100% of the permit requirement was not met.			
	Adjustment	<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="4"/>	Number of violation days	
		<input type="text" value="122"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$4,000"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
	Four single events (one event for each noncompliance notification) is recommended.			
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$38"/>	Violation Final Penalty Total	<input type="text" value="\$5,671"/>	
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$5,671"/>	

Economic Benefit Worksheet

Respondent Diocese of Galveston-Houston
Case ID No. 34640
Reg. Ent. Reference No. RN101523215
Media Water Quality
Violation No. 2

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	\$200	17-Jul-2007	26-Oct-2007	0.3	\$3	n/a	\$3
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 Estimated cost to update operational guidance and conduct employee training to ensure that future noncompliance notifications are submitted to TCEQ. Date required is the investigation date. Final date is the date of compliance.

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	\$100	25-Oct-2006	25-Feb-2007	0.3	\$2	\$34	\$35
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 Estimated cost that was avoided by failing to prepare and submit the proper noncompliance notifications, evaluated at \$25 per notification. Date required is the date the first notification was due. Final date is the date the last notification was due.

Approx. Cost of Compliance \$300

TOTAL \$38

Screening Date 17-Sep-2007

Docket No. 2007-1499-MWD-E

PCW

Respondent Diocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 34640

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 319.5(b) and TPDES Permit No. WQ0014218001, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to collect and analyze samples for each parameter at the minimum frequency specified in the permit. Specifically, a review of the operator logs revealed that during July, August, September, and November 2006, fecal coliform, flow, total suspended solids, carbonaceous biochemical oxygen demand, and ammonia nitrogen were collected and analyzed less frequently than what the permit requires.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to analyze effluent samples at the minimum frequencies may result in unknown effluent excursions and a release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 4 Number of violation days 122

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,000

Four single events (one event for each noncompliant month) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$92

Violation Final Penalty Total \$2,836

This violation Final Assessed Penalty (adjusted for limits) \$2,836

Economic Benefit Worksheet

Respondent Diocese of Galveston-Houston
Case ID No. 34640
Reg. Ent. Reference No. RN101523215
Media Water Quality
Violation No. 3

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1 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	\$210	30-Jun-2006	30-Nov-2006	0.4	\$4	\$88	\$92
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

Estimated cost that was avoided by failing to collect and analyze effluent samples at the required frequencies, evaluated at \$30 per sample. Date required is the date when all effluent parameters were required to be analyzed during the first noncompliant month. Final date is the date when all effluent parameters were required to be analyzed during the last noncompliant month.

Approx. Cost of Compliance

\$210

TOTAL

\$92

Screening Date 17-Sep-2007

Docket No. 2007-1499-MWD-E

PCW

Respondent Diocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 34640

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 4

Rule Cite(s) Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014218001, Definitions and Standard Permit Conditions No. 2.e.

Violation Description

Failed to accurately calculate and report the monthly average concentration for fecal coliform. Specifically, a review of the Facility's laboratory reports and monthly self-reported discharge monitoring reports ("DMR") for the period of July 2006 through June 2007 revealed that the monthly average concentrations of fecal coliform had been incorrectly calculated using the arithmetic mean instead of the required geometric mean.

Base Penalty \$10,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 12

365 **Number of violation days**

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,200

Twelve single events (one event for each month the arithmetic mean was reported) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$1,701

This violation Final Assessed Penalty (adjusted for limits) \$1,701

Economic Benefit Worksheet

Respondent Diocese of Galveston-Houston
Case ID No. 34640
Reg. Ent. Reference No. RN101523215
Media Water 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
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	\$300	1-Jun-2006	10-Sep-2007	1.3	\$19	n/a	\$19
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

Estimated cost to recalculate the monthly averages for fecal coliform and to submit revised DMRs to the TCEQ. Date required is the date when the first incorrect DMR was submitted. Final date is the date of compliance.

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

\$300

TOTAL

\$19

Compliance History

Customer/Respondent/Owner-Operator:	CN600241756	Diocese of Galveston-Houston	Classification: AVERAGE Rating: 3.67
Regulated Entity:	RN101523215	CIRCLE LAKE RETREAT CENTER	Classification: AVERAGE Site Rating: 3.67
ID Number(s):	WASTEWATER WASTEWATER WASTEWATER	PERMIT PERMIT PERMIT	WQ0014218001 TPDES0123587 TX0123587
Location:	LOCATED APPRX 7 M SE OF THE INTX OF FM 1488 & SH 249, MONTGOMERY CO, TX		Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	September 14, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 14, 2002 to September 14, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name: Lynley Doyen	Phone: 512-239-1364		

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 12/06/2005 (497031)
- 2 12/29/2005 (493372)
- 3 12/29/2005 (493373)
- 4 12/29/2005 (493374)
- 5 12/29/2005 (493375)
- 6 07/28/2006 (528872)
- 7 07/28/2006 (528873)
- 8 07/28/2006 (528874)
- 9 07/28/2006 (528875)
- 10 07/28/2006 (528876)
- 11 07/28/2006 (528877)
- 12 07/28/2006 (528878)
- 13 08/30/2006 (488547)
- 14 03/08/2007 (539707)
- 15 09/07/2007 (567819)

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

Date: 03/31/2005 (493372)

Self Report? YES
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

Classification: Moderate

Date: 04/30/2005 (493373)

Self Report? YES
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

Classification: Moderate

Date: 05/31/2005 (493374)

Self Report? YES

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

Classification: Moderate

Date: 06/30/2005 (493375)

Self Report? YES

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

Classification: Moderate

Date: 12/06/2005 (497031)

Self Report? NO

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Date: 12/31/2005 (528878)

Self Report? YES

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

Classification: Moderate

Date: 01/31/2006 (528872)

Self Report? YES

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

Classification: Moderate

Date: 02/28/2006 (528873)

Self Report? YES

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

Classification: Moderate

Date: 03/31/2006 (528874)

Self Report? YES

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

Classification: Moderate

Date: 04/30/2006 (528875)

Self Report? YES

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

Classification: Moderate

Date: 06/30/2006 (528877)

Self Report? YES

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

Classification: Moderate

Date: 08/30/2006 (488547)

Self Report? NO

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)

Description: Failure to employ an operator with adequate wastewater certification.

Classification: Moderate

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Effluent Limitations, No. 1
Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS), carbonaceous biochemical oxygen demand (CBOD), ammonia-nitrogen (NH3-N), and fecal coliform bacteria.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Monitoring and Reporting Requirements
Description: Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limits by more than 40%.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Effluent Limitations, No. 3
Description: Failure to maintain compliance with the permitted effluent limits for pH.

Date: 09/30/2006

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: 11/30/2006

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

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
DIOCESE OF GALVESTON-
HOUSTON
RN101523215

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1499-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 the Diocese of Galveston-Houston ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately seven miles southeast of the intersection of Farm-to-Market Road 1488 and State Highway 249 in Montgomery County, Texas (the "Facility").
2. The Respondent 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 12, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eleven Thousand Six Hundred Twenty-Six Dollars (\$11,626) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Nine Thousand Three Hundred One Dollars (\$9,301) of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project and Two Thousand Three Hundred Twenty-Five Dollars (\$2,325) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent 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 the Respondent has implemented the following corrective actions at the Facility:
 - a. On August 30, 2007, converted the Facility to chlorine disinfection and is no longer required to measure and analyze for fecal coliform;
 - b. On September 10, 2007, submitted revised discharge monitoring reports ("DMR") for the months of July 2006 through June 2007 to correct the fecal coliform concentrations using the geometric mean; and
 - c. On October 26, 2007, provided documentation demonstrating that the Facility's operational guidance has been updated and that employee training has been conducted to ensure that sampling methods will be properly accomplished, all permitted parameters will be collected and analyzed at the minimum frequency specified in the permit, and all reporting requirements, including effluent violations which deviate by more than 40%, will be completed as required.
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 the Respondent 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, the Respondent is alleged to have:

1. Failed to properly preserve effluent samples and meet the required holding times, in violation of 30 TEX. ADMIN. CODE § 319.11(b) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on July 17, 2007. Specifically, during the investigation, the investigator observed that the ice chest being used to store and transport fecal coliform samples contained no ice to cool and maintain the samples at the required 4-degrees Celsius immediately after collection. Additionally, a review of the operator logs revealed that a sample for total suspended solids collected on May 25, 2007 was not analyzed until June 4, 2007, four days after the maximum allowable holding time.
2. Failed to report in writing to the TCEQ any effluent violation which deviates from the permitted effluent limitations by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on July 17, 2007. Specifically, 40% exceedence reports were not submitted for the months of September 2006, November 2006, December 2006, and January 2007.
3. Failed to collect and analyze samples for each parameter at the minimum frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE § 319.5(b) and TPDES Permit No. WQ0014218001, Interim Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on July 17, 2007. Specifically, a review of the operator logs revealed that during July, August, September, and November 2006, fecal coliform, flow, carbonaceous biochemical oxygen demand, total suspended solids, and ammonia nitrogen were collected and analyzed less frequently than what the permit requires.
4. Failed to accurately calculate and report the monthly average concentration for fecal coliform, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014218001, Definitions and Standard Permit Conditions No. 2.e., as documented during an investigation conducted on July 17, 2007. Specifically, a review of the Facility's laboratory reports and monthly self-reported DMRs for the period of July 2006 through June 2007 revealed that the monthly average concentration of fecal coliform had been incorrectly calculated using the arithmetic mean instead of the required geometric mean.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

Section 1: Introduction

The following information is provided for your reference.

This document contains information regarding the current status of the project. It is intended to provide a clear overview of the progress made to date and the challenges that remain. The information is based on the most recent data available and is subject to change as the project evolves. It is important to review this information regularly to ensure that all stakeholders are kept up-to-date on the latest developments.

The project has made significant progress since its inception. Key milestones have been achieved, and the team has demonstrated a strong commitment to the project's success. However, there are still several areas that require attention and resources. It is essential to continue to monitor the project closely and to address any issues that arise promptly.

The following table provides a summary of the project's performance over the last quarter. The data shows a steady increase in productivity and a decrease in the number of errors. This indicates that the team is making positive progress towards the project's goals. It is important to continue to focus on quality and efficiency to ensure the project is completed on time and within budget.

The project team is committed to providing the highest quality of service to our clients. We will continue to work hard to meet their needs and to exceed their expectations. We are confident that the project will be a success and that we will achieve all of our goals. We will continue to communicate with you throughout the project to ensure that you are kept up-to-date on all developments.

Thank you for your support.

Yours faithfully,
[Signature]

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Diocese of Galveston-Houston, Docket No. 2007-1499-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 Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Three Hundred One Dollars (\$9,301) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
6. This Agreed 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 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.

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
5708 SOUTH CAMPUS DRIVE
CHICAGO, ILLINOIS 60637

RECEIVED
JAN 10 1964
BY
DR. J. H. GOLDSTEIN
PHYSICS DEPARTMENT
5708 SOUTH CAMPUS DRIVE
CHICAGO, ILLINOIS 60637

THE UNIVERSITY OF CHICAGO
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7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Diocese of Galveston-Houston
DOCKET NO. 2007-1499-MWD-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Seider

For the Executive Director

3/4/2008

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.

Joe L. Vasquez

Signature

11/5/07

Date

JOE L. VASQUEZ

Name (Printed or typed)
Authorized Representative of
Diocese of Galveston-Houston

CHANCELLOR

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.

Attachment A
Docket Number: 2007-1499-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Diocese of Galveston-Houston
Payable Penalty Amount:	Nine Thousand Three Hundred One Dollars (\$9,301)
SEP Amount:	Nine Thousand Three Hundred One Dollars (\$9,301)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP:	Montgomery County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

