EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1705-MWD-E **TCEQ ID:** RN102315199 **CASE NO.:** 34872

RESPONDENT NAME: Texas Department of Criminal Justice

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: TDCJ Ellis Unit, located approximately 3.5 miles northwest of State Highway 19 and approximately 12 miles northeast of the City of Huntsville, Walker County

TYPE OF OPERATION: Wastewater treatment system

SMALL BUSINESS: ___ **Yes** __X__ **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 than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 7, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Charles Marsh, Chief Financial Officer, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** August 29 and October 29, 2007 **Date of NOV/NOE Relating to this Case:** October 11, 2007 (NOE) **Background Facts:** These were routine record reviews. **WATER** 1) Failed to comply with the permitted effluent limits for pH and ammonia nitrogen [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0011180001 Effluent Limitations and Monitoring Requirements No. 1 and No. 3, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)]. 2) Failed to pay assessed Water Quality fees which were due June 14, 2007, recorded in TCEQ Financial Administration Account No. 10000066 [30 TEX. ADMIN. CODE § 325.5(d) and TEX. WATER CODE § 5.702].	**Total Assessed:** $3,220 **Total Deferred:** $644 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $2,576 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification** ___ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 2) The Order will also require the Respondent to: a. Immediately upon the effective date of this Agreed Order, pay all outstanding fees, including any associated penalties and interest; b. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a.; and c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. 0011180001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation to demonstrate compliance.

Additional ID No(s).: WQ0011180001

Attachment A
Docket Number: 2007-1705-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Texas Department of Criminal Justice**
Payable Penalty Amount:	**Two Thousand Five Hundred Seventy-Six Dollars ($2,576)**
SEP Amount:	**Two Thousand Five Hundred Seventy-Six Dollars ($2,576)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up**
Location of SEP:	**Walker 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 clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. 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 providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

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)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision September 19, 2007*

DATES					
Assigned	15-Oct-2007				
PCW	30-Oct-2007	Screening	29-Oct-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Department of Criminal Justice		
Reg. Ent. Ref. No.	RN102315199		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34872	No. of Violations	2
Docket No.	2007-1705-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 64% Enhancement — *Subtotals 2, 3, & 7* $1,280

Notes: A 64% enhancement is recommended because the Respondent has ten self-reported NOVs for effluent violations, two NOVs for the same or similar violations, and two NOVs for violations that were not same or similar.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

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

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$150
Approx. Cost of Compliance	$2,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $3,280

OTHER FACTORS AS JUSTICE MAY REQUIRE — -2% — *Adjustment* -$60

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction in penalty amount to prevent the double counting of self-reported violations.

Final Penalty Amount $3,220

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $3,220

DEFERRAL — 20% Reduction — *Adjustment* -$644

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $2,576

Screening Date 29-Oct-2007 **Docket No.** 2007-1705-MWD-E **PCW**

Respondent Texas Department of Criminal Justice *Policy Revision 2 (September 2002)*

Case ID No. 34872 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN102315199

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

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 (*number of NOVs meeting criteria*)	12	60%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
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) 64%

>> **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: A 64% enhancement is recommended because the Respondent has ten self-reported NOVs for effluent violations, two NOVs for the same or similar violations, and two NOVs for violations that were not same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 64%

Screening Date 29-Oct-2007 **Docket No.** 2007-1705-MWD-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

Respondent Texas Department of Criminal Justice

Case ID No. 34872

Reg. Ent. Reference No. RN102315199

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0011180001 Final Effluent Limitations and Monitoring Requirements No. 1 and No. 3, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permitted effluent limits (see attached table).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: A simplified model was used to evaluate Ammonia Nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow and pH were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 2

120 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $150

Statutory Limit Test

Violation Final Penalty Total $3,220

This violation Final Assessed Penalty (adjusted for limits) $3,220

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 34872
Reg. Ent. Reference No. RN102315199
Media Water 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
	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)	$2,000	1-Jan-2007	1-Jul-2008	1.5	$150	n/a	$150
Notes for DELAYED costs	The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The Date Required is the day the noncompliance began. The Final Date is the estimated compliance date.						
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 $2,000

TOTAL $150

Screening Date 29-Oct-2007 **Docket No.** 2007-1705-MWD-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

Respondent Texas Department of Criminal Justice

Case ID No. 34872

Reg. Ent. Reference No. RN102315199

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 325.5(d) and Tex. Water Code § 5.702

Violation Description Failed to pay Water Quality fees as recorded in TCEQ Financial Administration Account No. 10000066.

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

Percent 0%

Matrix Notes

Adjustment $10,000

$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $0

No administrative penalty is recommended because penalty and interest will be assessed at the next billing.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $0

This violation Final Assessed Penalty (adjusted for limits) $0

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 34872
Reg. Ent. Reference No. RN102315199
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	N/A						
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: $0

TOTAL: $0

Texas Department of Criminal Justice
RN102315199
Docket No. 2007-1705-MWD-E
Effluent Violation Table

Month/Year	pH 6.0 mg/L minimum	Ammonia Nitrogen Daily Average 14 lb/day	Ammonia Nitrogen Daily Average 2 mg/L
January 2007	4.7	C	C
February 2007	5.41	C	C
May 2007	C	12.28	3.65
June 2007	C	17.24	4.66

mg/L = milligrams per Liter lb/day = pounds per day C = compliant

Compliance History

Customer/Respondent/Owner-Operator:	CN601550650	Texas Department of Criminal Justice	Classification: AVERAGE	Rating: 2.70
Regulated Entity:	RN102315199	TDCJ ELLIS UNIT	Classification: AVERAGE	Site Rating: 0.94

ID Number(s):

DAM SAFETY	ID NUMBER	TX02983
WASTEWATER	PERMIT	WQ0011180001
WASTEWATER	PERMIT	TPDES0031607
WASTEWATER	PERMIT	TX0031607
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980747893
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	71331
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2360002
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	56148
AIR NEW SOURCE PERMITS	PERMIT	53613
AIR NEW SOURCE PERMITS	REGISTRATION	56090
AIR NEW SOURCE PERMITS	REGISTRATION	44379
AIR NEW SOURCE PERMITS	REGISTRATION	45343
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	WA0039K
AIR NEW SOURCE PERMITS	REGISTRATION	81118
WASTEWATER LICENSING	LICENSE	WQ0011180001
WATER LICENSING	LICENSE	2360002
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	71331
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50361

Location: approximately 3.5 miles northwest of State Highway 19 and approximately 12 miles northeast of the City of Huntsville in Walker County, Texas

Rating Date: September 01 07
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 19, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 19, 2002 to October 19, 2007

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

Name: Harvey Wilson Phone: 239-0321

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 11/15/2002 (177836)
2 12/09/2002 (177840)
3 01/10/2003 (303675)
4 02/13/2003 (177847)

5	03/19/2003	(177813)
6	03/19/2003	(177815)
7	06/17/2003	(78362)
8	06/26/2003	(303664)
9	06/26/2003	(303665)
10	06/26/2003	(303666)
11	09/25/2003	(303667)
12	10/09/2003	(303669)
13	10/09/2003	(303671)
14	11/20/2003	(303673)
15	12/01/2003	(303674)
16	12/19/2003	(253766)
17	01/26/2004	(303676)
18	03/02/2004	(303677)
19	03/25/2004	(303663)
20	06/01/2004	(255899)
21	07/15/2004	(355446)
22	07/15/2004	(355447)
23	08/11/2004	(355448)
24	08/19/2004	(355449)
25	09/03/2004	(355450)
26	10/21/2004	(355451)
27	12/15/2004	(341700)
28	03/21/2005	(421630)
29	03/24/2005	(421623)
30	03/25/2005	(383741)
31	04/07/2005	(421624)
32	04/07/2005	(421628)
33	04/07/2005	(421629)
34	04/07/2005	(421631)
35	04/07/2005	(421632)
36	04/07/2005	(421633)
37	06/16/2005	(421625)
38	06/16/2005	(421626)
39	06/16/2005	(421627)
40	09/15/2005	(442580)
41	10/24/2005	(471710)
42	11/04/2005	(471711)
43	11/04/2005	(471712)
44	11/23/2005	(471713)
45	01/06/2006	(471714)
46	02/08/2006	(471715)
47	04/06/2006	(500265)
48	04/28/2006	(500266)
49	05/18/2006	(500267)
50	06/01/2006	(500268)
51	06/30/2006	(482751)
52	08/22/2006	(488493)
53	08/28/2006	(522362)
54	09/25/2006	(522360)
55	09/27/2006	(522361)
56	10/20/2006	(547051)
57	10/25/2006	(547052)
58	12/01/2006	(547053)
59	12/29/2006	(547054)
60	01/29/2007	(547055)
61	01/31/2007	(533083)
62	03/08/2007	(579520)
63	03/29/2007	(579521)
64	04/27/2007	(579522)
65	05/23/2007	(579523)
66	06/16/2007	(579524)
67	07/19/2007	(579525)

68 09/06/2007 (571196)
69 10/11/2007 (574165)

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

Date: 01/31/2003 (177813)
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: 06/17/2003 (78362)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
Description: The facility failed to notify for all waste streams and waste management units at the facility.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(A)
Description: The facility failed to submit the correct hazardous wste generated in 2002 to the TCEQ.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
Description: During the site investigation on April 25, 2003, it was noted that six (6) drums containing
hazardous waste at WMU-004, were not labeled with the words "Hazardous Waste".

This violation was resolved on June 2, 2003, by the receipt of photos showing that the drums have been labeled.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
Description: There is a 1,000 gallon tank, used for the accumulation of groundwater located at the facility. The tank was indicated to be a double-walled tank by facility representatives, however, documentation to verify this statement has not been provided.

Date: 11/30/2003 (303676)
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: 06/01/2004 (255899)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.163[G]
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.98(d)
Rqmt Prov: PERMIT VI.D.2.c
Description: Failure to conduct required quarterly sampling.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.163(3)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(c)
Rqmt Prov: PERMIT Permit Provision VI.H.1
Description: The facility was unable to provide well construction details for monitoring well P-6. The facility was also unable to provide a sampling report for the last sampling event at the landfill.

Date: 11/30/2004 (421632)
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: 04/30/2005 (421626)
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: 05/31/2005 (421627)
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: 01/31/2006 (500265)

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: 08/18/2006 (488493)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Final Eff Limits and Mon Requirements
Description: Failure to maintain compliance with the permitted effluent limits.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT Operational Requirements #1
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Monitoring & Reporting Requirements # 5
Description: Failure to ensure flow measurement accuracy.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to provide an internal thermometer and temperature measurement log for the autosampler to confirm that the effluent samples are stored at 4 degrees Celsius as required.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(1)
Description: Failure to maintain test reports for the backflow prevention device at the wastewater treatment plant.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Monitoring & Reporting Requirements # 1
Description: Failure to submit the discharge monitoring reports (DMRs) by the due date.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Monitoring & Reporting Requirement # 3(b
Description: Failure to provide sludge records for review.

Date: 01/31/2007 -579520
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 (579521)

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: 05/31/2007 (579524)

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: 06/30/2007 (579525)

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: 09/05/2007 (571196)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT ELMR No. 1 & No. 3
Description: Failure to maintain compliance with the permitted effluent limits for pH and ammonia-nitrogen (NH3-N). During the review period of July 2006 through July

2007, six violations were reported.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: PERMIT ELMR No. 1

Description: Failure to report the correct loading values on the Discharge Monitoring Reports (DMRs) for the months of July 2006 and September 2006. During the investigation, the investigator discovered that the reported loading values for carbonaceous biochemical oxygen demand, total suspended solids, and ammonia-nitrogen were incorrect for the months noted above. The correct values must be reported on the DMRs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)

Rqmt Prov: PERMIT Operational Requirements No. 8

Description: Failure to initiate engineering and financial planning for an expansion and/or upgrading of the wastewater treatment plant or collection system when the plant has reached 75% of the permitted daily average flow for three consecutive months. The reported flows from July 2006 through January 2007 exceeded 75% of the permitted daily average flow limit of 0.85 MGD. These flow results ranged between 0.521 and 0.786 MGD.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)

Description: Failure to maintain all test reports for the backflow prevention device for a minimum of three years. During the investigation, annual test reports for the backflow prevention device were not available for review. A test report indicating a test date of July 24, 2006 was submitted on August 22, 2007. The investigator was told that the backflow prevention device was tested since the July 24, 2006 test but, the report for that test could not be located.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
TEXAS DEPARTMENT OF	§	**TEXAS COMMISSION ON**
CRIMINAL JUSTICE	§	
RN102315199	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1705-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 Texas Department of Criminal Justice ("the Respondent") under the authority of TEX. WATER CODE chs. 5, 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 system located approximately 3.5 miles northwest of State Highway 19 and approximately 12 miles northeast of the City of Huntsville in Walker County, Texas (the "Facility").

2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

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 October 16, 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 Three Thousand Two Hundred Twenty Dollars ($3,220) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Six Hundred Forty-Four Dollars ($644) 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. Two Thousand Five Hundred Seventy-Six Dollars ($2,576) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

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 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.

10. 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.

11. 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 comply with the permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0011180001 Effluent Limitations and Monitoring Requirements No. 1 and No. 3, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on August 29, 2007, and indicated in the table below.

Effluent Violation Table

Month/Year	pH 6.0 mg/L minimum	Ammonia Nitrogen Daily Average 14 lb/day	Ammonia Nitrogen Daily Average 2 mg/L
January 2007	4.7	C	C
February 2007	5.41	C	C
May 2007	C	12.28	3.65
June 2007	C	17.24	4.66

mg/L = milligrams per Liter lb/day = pounds per day C = compliant

2. Failed to pay assessed Water Quality fees which were due June 14, 2007, recorded in TCEQ Financial Administration Account No. 10000066, in violation of 30 TEX. ADMIN. CODE § 325.5(d) and TEX. WATER CODE § 5.702, as documented during a record review conducted on October 29, 2007.

III. DENIALS

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

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: Texas Department of Criminal Justice, Docket No. 2007-1705-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. It is further ordered that the Respondent shall, within 30 days after the effective date of this Agreed Order, 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, Two Thousand Five Hundred Seventy-Six Dollars ($2,576) 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. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Immediately upon the effective date of this Agreed Order, pay all outstanding fees, including any associated penalties and interest, with the notation "Texas Department of Criminal Justice, TCEQ FA Account No. 10000066" to the address in Ordering Provision 1.;

   b. Within 30 days after the effective date of this Agreed Order, submit written certification as described below, of compliance with Ordering Provision 3.a.; and

   c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. 0011180001,

including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ _____
For the Executive Director Date 3/10/2008

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 Date 1/18/08

CHARLES MARSH CHIEF FINANCIAL OFFICER
Name (Printed or typed) Title
Authorized Representative of
Texas Department of Criminal Justice

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: 2007-1705-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Texas Department of Criminal Justice**
Payable Penalty Amount:	**Two Thousand Five Hundred Seventy-Six Dollars ($2,576)**
SEP Amount:	**Two Thousand Five Hundred Seventy-Six Dollars ($2,576)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up**
Location of SEP:	**Walker 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 clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. 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 providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

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.