

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0984-MWD-E **TCEQ ID:** RN102769098 **CASE NO.:** 36059

RESPONDENT NAME: The Salvation Army

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: The Salvation Army, located on the southern portion of Camp Hoblitzelle, approximately 1.5 miles south of the intersection of Farm-to-Market Road 875 and Farm-to-Market Road 685, south of the town of Midlothian, Ellis County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" 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 December 1, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC-169, (512) 239-4930; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. John G. Horton, Executive Director, Hoblitzelle Camp & Conference Center, 8060 Singleton Road, Midlothian, Texas 76065 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 18, 2008</p> <p>Date of NOV/NOE Relating to this Case: May 14, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with permitted effluent limits for total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013904001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the discharge monitoring report ("DMR") parameter data for total residual chlorine monthly minimum and maximum for the monitoring period ending on June 30, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013904001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$4,085</p> <p>Total Deferred: \$817 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,268</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, on May 22, 2008, submitted a revised and completed DMR for the monitoring period ending June 30, 2007.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to, 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. WQ0013904001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): WQ0013904001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

DATES	Assigned	19-May-2008	Screening	16-Jun-2008	EPA Due	
	PCW	16-Jun-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Salvation Army
Reg. Ent. Ref. No.	RN102769098
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36059	No. of Violations	2
Docket No.	2008-0984-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Steve Villatoro
		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)	<i>Subtotal 1</i>	\$2,100
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	95.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$1,995
--------------------	-------------------	--------------------------------	---------

Notes: The penalty is enhanced due to seventeen self-reported monthly effluent violations and two NOV's with same or similar violations.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
-------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$10
---	-------------------	------

Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
------------------	-------------------	-------------------	-----

Total EB Amounts \$1,457
 Approx. Cost of Compliance \$10,025
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$4,085
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	
---	------	-------------------	--

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<i>Final Penalty Amount</i>	\$4,085
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$4,085
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$817
-----------------	-----------------	-------------------	--------

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,268
------------------------	---------

Screening Date 16-Jun-2008	Docket No. 2008-0984-MWD-E	PCW
Respondent The Salvation Army	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36059	<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN102769098		
Media [Statute] Water Quality		
Enf. Coordinator Steve Villatoro		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action <i>(number of NOV's meeting criteria)</i>	19	95%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<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) 95%

>> **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 seventeen self-reported monthly effluent violations and two NOV's with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 95%

Screening Date 16-Jun-2008	Docket No. 2008-0984-MWD-E	PCW
Respondent The Salvation Army	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 38059	<small>PCW Revision April 29, 2008</small>	
Reg. Ent. Reference No. RN102769098		
Media [Statute] Water Quality		
Enf. Coordinator Steve Villatoro		
Violation Number 1		
Rule Cite(s)	Tex. Water Code § 26.121(a); 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013904001, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on April 18, 2008 and shown in the attached table.	
Base Penalty		\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual		x
Potential		
Percent		10%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
Percent		0%
Matrix Notes	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 as a result of this violation.	
Adjustment		\$9,000
		\$1,000
Violation Events		
Number of Violation Events	2	Number of violation days 123
<small>mark only one with an x</small>	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	
Violation Base Penalty		\$2,000
Two quarterly events are recommended.		
Good Faith Efforts to Comply		
0.0% Reduction		\$0
	Before NOV NOV to EDRP/Settlement Offer	
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$2,000
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	\$1,456	Violation Final Penalty Total \$3,900
This violation Final Assessed Penalty (adjusted for limits)		\$3,900

Economic Benefit Worksheet

Respondent: The Salvation Army
Case ID No.: 36059
Reg. Ent. Reference No.: RN102769098
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Jan-2007	28-Feb-2009	2.08	\$69	\$1,386	\$1,456
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to conduct engineering study to determine cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,456

Screening Date 16-Jun-2008	Docket No. 2008-0984-MWD-E	PCW	
Respondent The Salvation Army	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36059	<small>PCW Revision April 29, 2008</small>		
Reg. Ent. Reference No. RN102769098			
Media [Statute] Water Quality			
Enf. Coordinator Steve Villatoro			
Violation Number 2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0013904001, Monitoring and Reporting Requirements No. 1		
Violation Description	Failed to submit monitoring results at the intervals specified in the permit as documented in a record review on April 18, 2008. Specifically, the Respondent failed to submit the Discharge Monitoring Report ("DMR") parameter data for total residual chlorine monthly minimum and maximum for the monitoring period ending on June 30, 2007.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>
			Percent <input type="text" value="0%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>
			Percent <input type="text" value="1%"/>
Matrix Notes	More than 70% of rule was met.		
Adjustment			\$9,900
			\$100
Violation Events			
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	
A single event is recommended.			
Good Faith Efforts to Comply			\$10
10.0% Reduction			
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text" value="x"/>	
N/A	<input type="text"/>	(mark with x)	
Notes	The Respondent submitted an updated DMR with the data for Total Residual Chlorine on May 22, 2008.		
Violation Subtotal			\$90
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$1"/>	Violation Final Penalty Total	<input type="text" value="\$185"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$185"/>

Economic Benefit Worksheet

Respondent The Salvation Army
Case ID No. 36059
Reg. Ent. Reference No. RN102769098
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	20-Jul-2007	22-May-2008	0.84	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to provide missing DMR parameter data. Date required is the date the completed DMR was due.
 Final date is the date the completed and corrected DMR was submitted.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$25	TOTAL	\$1
-----------------------------------	-------------	--------------	------------

EFFLUENT VIOLATION TABLE		
The Salvation Army		
TPDES Permit No. WQ0013904001		
Docket No. 2008-0984-MWD-E		
Months	TSS Daily Avg. Loading	TSS Daily Avg. Conc.
	Limit = 6 lbs/day	Limit = 15 mg/L
Outfall 001A		
1/31/2007	9.25	17.40
10/31/2007	c	17.20
11/30/2007	c	21.75
12/31/2007	c	28.75

conc. = concentration

avg. = average

lbs/day = pounds per day

mg/L = milligrams per liter

TSS = Total Suspended Solids

Compliance History

Customer/Respondent/Owner-Operator: CN600631196 THE SALVATION ARMY Classification: AVERAGE Rating: 1.81
Regulated Entity: RN102769098 THE SALVATION ARMY Classification: AVERAGE Site Rating: 0.61

ID Number(s): WASTEWATER PERMIT WQ0013904001
WASTEWATER PERMIT TX0126616
WASTEWATER PERMIT WQ0013904001

Location: On the southern portion of Camp Hoblitzelle, approximately 1.5 miles south of the intersection of Farm-to-Market Road 875 and Farm-to-Market Road 685, south of the town of Midlothian in Ellis County, Texas
Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: May 27, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 19, 2003 to May 19, 2008

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

Name: Steve Villatoro Phone: 512-239-4930

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	05/31/2006	(479737)
2	06/30/2006	(507081)
3	06/30/2006	(507082)
4	06/30/2006	(507083)
5	06/30/2006	(507084)
6	06/30/2006	(507085)
7	06/30/2006	(507086)
8	06/30/2006	(507087)
9	06/30/2006	(507088)
10	06/30/2006	(507089)
11	06/30/2006	(507090)
12	06/30/2006	(507091)
13	06/30/2006	(507092)
14	06/30/2006	(507093)
15	06/30/2006	(507094)
16	11/30/2007	(633944)
17	11/30/2007	(633945)
18	11/30/2007	(633946)
19	11/30/2007	(633947)
20	11/30/2007	(633948)
21	11/30/2007	(633949)
22	11/30/2007	(633950)
23	11/30/2007	(633951)
24	11/30/2007	(633953)
25	11/30/2007	(633954)
26	11/30/2007	(633955)
27	11/30/2007	(633956)
28	11/30/2007	(633957)
29	11/30/2007	(633958)
30	11/30/2007	(633959)

31 11/30/2007 (633961)
 32 12/06/2007 (633952)
 33 12/18/2007 (633960)
 34 01/16/2008 (677934)
 35 02/14/2008 (677933)
 36 05/09/2008 (639922)
 37 05/15/2008 (653520)

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

Date	04/30/2005	(507084)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2005	(507086)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2005	(507088)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2005	(507089)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/31/2005	(507090)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	09/30/2005	(507091)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2005	(507093)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2005	(507094)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2006	(507083)		
Self Report?	YES		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/26/2006	(479737)		
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)			
Description:	Failure to install or verify the installation of backflow prevention devices.			
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to comply with the permitted daily average flow limit.			
Self Report?	NO		Classificatio	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)			
Description:	Failure to submit monthly discharge monitoring reports.			
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)			
Description:	Failure to use the proper analytical methods and techniques used for sample analyses.			
Self Report?	NO		Classificatio	Minor

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain total chlorine residual (maximum), not to exceed 4.0 mg/L.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 317 317.7(d)		
Description:	Failure to provide signs stating that the water located within the holding pond is from a non-potable water supply.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.4		
Description:	Failure to perform sampling and analyses on the parameters specified in the permit.		
Date	05/31/2006 (507087)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2006 (633949)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2006 (633961)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2007 (633944)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2007 (633958)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2007 (633960)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2007 (677934)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2008 (677933)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/09/2008 (639922)		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to submit monthly discharge monitoring reports.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)		
Description:	Failure to use the proper analytical methods and techniques used for sample analyses.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain total chlorine residual (maximum), not to exceed 4.0 mg/L.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 317 317.7(d)		
Description:	Failure to provide signs stating that the water located within the holding pond is from a non-potable water supply.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.4		
Description:	Failure to perform sampling and analyses on the parameters specified in the permit.		

Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Monitoring and Reporting Requirements		
Description:	Failure to calibrate the flow meter annually.		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Effluent Limitations and Monitoring Req.		
Description:	Failure to maintain compliance with the permitted effluent limits for TSS and total chlorine residual.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)		
Rqmt Prov:	PERMIT Monitoring an Reporting Requirements		
Description:	Failure to maintain adequate sampling documentation.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Operational Requirements		
Description:	Failure to maintain process control records or maintenance and operations records.		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to provide notification of effluent permit limit violations.		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)		
Rqmt Prov:	PERMIT Sludge Provisions		
Description:	Failure to submit the year 2005-2006 and 2006-2007 annual sludge reports.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(i)		
Description:	Failure to properly maintain the storage pond.		

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
THE SALVATION ARMY
RN102769098**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0984-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 Salvation Army ("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 plant on the southern portion of Camp Hoblitzelle, approximately 1.5 miles south of the intersection of Farm-to-Market Road 875 and Farm-to-Market Road 685, south of the town of Midlothian in Ellis 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 May 19, 2008.
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 Four Thousand Eighty-Five Dollars (\$4,085) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Two Hundred Sixty-Eight Dollars (\$3,268) of the administrative penalty and Eight Hundred Seventeen Dollars (\$817) 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, on May 22, 2008, submitted a revised and completed discharge monitoring report ("DMR") for the monitoring period ending June 30, 2007.
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 comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013904001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on April 18, 2008 and shown in the following table:

EFFLUENT VIOLATION TABLE		
Months	TSS Daily Avg. Loading	TSS Daily Avg. Conc.
	Limit = 6 lbs/day	Limit = 15 mg/L
Outfall 001A		
1/31/2007	9.25	17.40
10/31/2007	c	17.20
11/30/2007	c	21.75
12/31/2007	c	28.75

conc. = concentration avg. = average
 lbs/day = pounds per day
 mg/L = milligrams per liter
 TSS = Total Suspended Solids

- Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013904001, Monitoring and Reporting Requirements No. 1, as documented in a record review on April 18, 2008. Specifically, the Respondent failed to submit the DMR parameter data for total residual chlorine monthly minimum and maximum for the monitoring period ending on June 30, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

- 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: The Salvation Army, Docket No. 2008-0984-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, within 60 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013904001, 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 including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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
Dallas / Fort Worth Regional Office
Texas Commission on Environmental Quality
23090 Gravel Dr.
Fort Worth, Texas 76118-6951

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.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Jalen Orrellin
For the Executive Director

11/14/2008
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.

[Signature]

Signature

8/29/2008
Date

John G. Horton

Name (Printed or typed)

Authorized Representative of
The Salvation Army

Executive Director
Hoblitzelle Camp & Conf. Center
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.

SUBSCRIBED AND SWORN BEFORE ME
THIS 29 DAY OF August 2008
Nickie Roberts
NOTARY PUBLIC



