

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1788-MWD-E **TCEQ ID:** RN103014494 **CASE NO.:** 36821

RESPONDENT NAME: Trinity Pines Conference Center, Inc.

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: Trinity Pines WWTP, located approximately 1,500 feet west of Lake Livingston, and approximately 1,400 feet north of Farm-to-Market Road 356, Trinity 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 March 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Phillip Springer, Director, Trinity Pines Conference Center, Inc., 4341 Farm-to-Market Road 356, Trinity, Texas 75862 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 23, 2008</p> <p>Date of NOV/NOE Relating to this Case: October 29, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew TPDES Permit No. 12371001 and continued to discharge wastewater from the Facility without authorization from February 1, 2007 until June 16, 2008, when a new permit was issued [30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a)(1)].</p> <p>2) Failure to timely submit copies of an annual sludge report for the monitoring periods ending July 31 of 2004, 2005, and 2006 by September 1 of the corresponding year to the TCEQ Beaumont Regional Office [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12371001, Sludge Provisions].</p> <p>3) Failure to properly operate and maintain all systems of collection, treatment, and disposal at the Facility. Specifically, the clarifier had seven feet of sludge in its 9.5 foot depth (73.6% of the depth vs. the 25% recommended), the chlorine contact chamber had an accumulation of six inches of sludge, and the mixed liquor suspended solids concentration was 6,950 milligrams per liter ("mg/L"), which was outside of the recommended range of 2,000-6,000 mg/L [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0014842001, Operational Requirements No. 1].</p>	<p>Total Assessed: \$26,425</p> <p>Total Deferred: \$5,285 <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: \$21,140</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 measures at the Facility:</p> <p>a. On June 16, 2008, obtained authorization to discharge wastewater under TPDES Permit No. WQ0014842001;</p> <p>b. On July 23, 2008, provided the TCEQ Beaumont Regional Office with copies of the annual sludge reports for the years of 2004, 2005, and 2006, the March 2006 DMR, and the revised August 2005 DMR with the daily average flow data;</p> <p>c. On August 21, 2008, began using standards for effluent chlorine residual analysis;</p> <p>d. On August 26, 2008, began standardizing the sodium thiosulfate solution for dissolved oxygen analysis; and</p> <p>e. By November 13, 2008, removed sludge from the Facility and modified the solids management plan to prevent excessive solids build-up in the treatment units.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014842001, 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.</p>

<p>4) Failure to comply with the minimum dissolved oxygen concentration permitted effluent limit of 4.0 mg/L. Specifically, a grab sample taken during the investigation revealed 2.0 mg/L dissolved oxygen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014842001, Effluent Limitations and Monitoring Requirements No. 6].</p> <p>5) Failure to assure the quality of all residual chlorine measurements through the use of standards or duplicate analysis. Specifically, standards were not being analyzed along with the residual chlorine samples [30 TEX. ADMIN. CODE § 319.6 and TPDES Permit No. WQ0014842001, Monitoring and Reporting Requirements No. 1].</p> <p>6) Failure to analyze effluent samples in accordance with approved methods. Specifically, the sodium thiosulfate solution used in the analysis of dissolved oxygen samples was not being standardized daily [30 TEX. ADMIN. CODE § 319.6 and TPDES Permit No. WQ0014842001, Monitoring and Reporting Requirements No. 1].</p> <p>7) Failure to timely submit the discharge monitoring report ("DMR") for the monitoring period ending March 31, 2006 [30 TEX. ADMIN. CODE § 319.7(d) and TPDES Permit No. 12371001, Monitoring and Reporting Requirements No. 1].</p> <p>8) Failure to report the daily average flow value on the DMR for the monitoring period ending August 31, 2005 [30 TEX. ADMIN. CODE § 319.1 and TPDES Permit No. 12371001, Effluent Limitations and Monitoring Requirements No. 1].</p>		
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Additional ID No(s): 0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	3-Nov-2008			
	PCW	17-Nov-2008	Screening	17-Nov-2008	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Trinity Pines Conference Center, Inc.				
Reg. Ent. Ref. No.	RN103014494				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	36821	No. of Violations	8		
Docket No.	2008-1788-MWD-E	Order Type	1660		
Media Program(s)	Water Quality	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Merrilee Hupp		
		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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

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-Nov-2008

Docket No. 2008-1788-MWD-E

PCW

Respondent Trinity Pines Conference Center, Inc.

Policy Revision 2 (September 2002)

Case ID No. 36821

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103014494

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

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)	8	40%
	Other written NOVs	0	0%
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%
<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) 40%

>> **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 Respondent received one NOV with same or similar violations and self-reported seven effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 17-Nov-2008	Docket No. 2008-1788-MWD-E	PCW														
Respondent Trinity Pines Conference Center, Inc.		<small>Policy Revision 2 (September 2002)</small>														
Case ID No. 36821		<small>PCW Revision October 30, 2008</small>														
Reg. Ent. Reference No. RN103014494																
Media [Statute] Water Quality																
Enf. Coordinator Merrilee Hupp																
Violation Number <input type="text" value="1"/>																
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 305.65 and 305.125(2), and Tex. Water Code § 26.121(a)(1)"/>															
Violation Description	<input type="text" value="Failed to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew TPDES Permit No. 12371001 and continued to discharge wastewater from the Facility without authorization from February 1, 2007 until June 16, 2008, when a new permit was issued."/>															
	Base Penalty	<input type="text" value="\$10,000"/>														
>> Environmental, Property and Human Health Matrix																
	Harm															
	Release Major Moderate Minor															
OR	Actual	<input type="text"/>														
	Potential	<input type="text"/>														
	Percent	<input type="text" value="0%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/>	<input type="text" value="x"/>														
	Percent	<input type="text" value="10%"/>														
Matrix Notes	<input type="text" value="100% of the rule 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="18"/>	<input type="text" value="501"/> Number of violation days														
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input checked="" type="text" value="x"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input checked="" type="text" value="x"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$18,000"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input checked="" type="text" value="x"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
	<input type="text" value="Eighteen monthly events are recommended from the permit expiration date (February 1, 2007) to the date a new permit was issued (June 16, 2008)."/>															
Good Faith Efforts to Comply	<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$4,500"/>														
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>															
Extraordinary	<input type="text"/>															
Ordinary	<input checked="" type="text" value="x"/>															
N/A	<input type="text"/> <small>(mark with x)</small>															
Notes	<input type="text" value="The Respondent obtained authorization to discharge upon the new permit issuance on June 16, 2008."/>															
	Violation Subtotal	<input type="text" value="\$13,500"/>														
Economic Benefit (EB) for this violation																
Statutory Limit Test																
Estimated EB Amount	<input type="text" value="\$261"/>	Violation Final Penalty Total <input type="text" value="\$20,700"/>														
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$20,700"/>														

Economic Benefit Worksheet

Respondent Trinity Pines Conference Center, Inc.
Case ID No. 36821
Reg. Ent. Reference No. RN103014494
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
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No commas or \$

Delayed Costs

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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$3,800	1-Feb-2007	16-Jun-2008	1.37	\$261	n/a	\$261
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to prepare a new permit application and obtain authorization to discharge. Date required is the date the permit expired and final date is the date a new permit was issued.

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 \$3,800

TOTAL \$261

Screening Date 17-Nov-2008	Docket No. 2008-1788-MWD-E	PCW		
Respondent Trinity Pines Conference Center, Inc.		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36821		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN103014494				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number 2				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12371001, Sludge Provisions			
Violation Description	Failed to timely submit copies of an annual sludge report for the monitoring periods ending July 31 of 2004, 2005, and 2006 by September 1 of the corresponding year to the TCEQ Beaumont Regional Office.			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
	Actual			Percent 0%
	Potential			
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				x
				Percent 1%
Matrix Notes	Over 70% of the permit requirement was met.			
	Adjustment	\$9,900		
		\$100		
Violation Events				
	Number of Violation Events	3	Number of violation days	1421
<small>mark only one with an x</small>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
	Violation Base Penalty	\$300		
	Three single events (one for each report) are recommended.			
Good Faith Efforts to Comply		25.0% Reduction	\$75	
	Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	
	Ordinary	x		
	N/A		(mark with x)	
Notes	Copies of the annual sludge reports were provided to the Regional Office staff during the investigation on July 23, 2008.			
	Violation Subtotal	\$225		
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$29	Violation Final Penalty Total	\$345
	This violation Final Assessed Penalty (adjusted for limits)			\$345

Economic Benefit Worksheet

Respondent Trinity Pines Conference Center, Inc.
Case ID No. 36821
Reg. Ent. Reference No. RN103014494
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **One-time Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

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			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)	\$150	1-Sep-2004	23-Jul-2008	3.89	\$29	\$29

Notes for DELAYED costs Estimated cost to prepare copies of three annual sludge reports and submit them to the TCEQ Regional Office. Date required is the date the first report was due and the final date is the date all three reports were provided to the Regional Office.

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 \$150

TOTAL \$29

Screening Date 17-Nov-2008	Docket No. 2008-1788-MWD-E	PCW		
Respondent Trinity Pines Conference Center, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36821	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN103014494				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0014842001, Operational Requirements No. 1			
Violation Description	Failed to properly operate and maintain all systems of collection, treatment, and disposal at the Facility. Specifically, the clarifier had seven feet of sludge in its 9.5 foot depth (73.6% of the depth vs. the 25% recommended), the chlorine contact chamber had an accumulation of six inches of sludge, and the mixed liquor suspended solids concentration was 6,950 milligrams per liter ("mg/L"), which was outside of the recommended range of 2,000-6,000 mg/L.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>
Percent		10%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%		
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$9,000		
		\$1,000		
Violation Events				
Number of Violation Events		2		
		113 Number of violation days		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	x		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty		\$2,000		
Two quarterly events are recommended from the July 23, 2008 investigation date to the date of compliance, on November 13, 2008.				
Good Faith Efforts to Comply			\$200	
		10.0% Reduction		
		Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>		<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>		x	
N/A	<input type="checkbox"/>		(mark with x)	
Notes	The Respondent removed sludge and modified the solids management plan by November 13, 2008 to prevent excessive solids build-up in the treatment units.			
Violation Subtotal		\$1,800		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		Violation Final Penalty Total		
\$23		\$2,600		
		This Violation Final Assessed Penalty (adjusted for limits)		
		\$2,600		

Economic Benefit Worksheet

Respondent Trinity Pines Conference Center, Inc.
Case ID No. 36821
Reg. Ent. Reference No. RN103014494
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description 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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,500	23-Jul-2008	13-Nov-2008	0.31	\$23	n/a	\$23
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for modification of the solids management plan and additional sludge removal to prevent sludge and solids build-up in the treatment units. Date required is the investigation date and final date is the date compliance was achieved.

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

\$1,500

TOTAL

\$23

Screening Date 17-Nov-2008	Docket No. 2008-1788-MWD-E	PCW		
Respondent Trinity Pines Conference Center, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36821	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN103014494				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number <input type="text" value="4"/>				
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014842001, Effluent Limitations and Monitoring Requirements No. 6			
Violation Description	Failed to comply with the minimum dissolved oxygen concentration permitted effluent limit of 4.0 mg/L, as documented during the July 23, 2008 investigation. Specifically, a grab sample taken during the investigation revealed 2.0 mg/L dissolved oxygen.			
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"/>	X
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
			Percent <input type="text" value="10%"/>	
>> Programmatic Matrix				
			Percent <input type="text" value="0%"/>	
Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment			<input type="text" value="\$9,000"/>	
			<input type="text" value="\$1,000"/>	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	X		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended.				
Good Faith Efforts to Comply			<input type="text" value="\$0"/>	
0.0% Reduction				
<small>Before NOV NOV to EDPRP/Settlement Offer</small>				
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	X	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			<input type="text" value="\$1,000"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$15"/>		Violation Final Penalty Total <input type="text" value="\$1,400"/>		
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$1,400"/>	

Economic Benefit Worksheet

Respondent Trinity Pines Conference Center, Inc.
Case ID No. 36821
Reg. Ent. Reference No. RN103014494
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
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No commas or \$

Delayed Costs

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				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)	\$300	23-Jul-2008	31-Jul-2009	1.02	\$15	n/a	\$15

Notes for DELAYED costs: Estimated cost to install port, valve, and air line to allow increased aeration to the chlorine contact basin or other treatment units during the summer months when dissolved oxygen levels tend to drop. Date required is the investigation date and final date is the date compliance is expected.

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 \$300

TOTAL \$15

Screening Date 17-Nov-2008	Docket No. 2008-1788-MWD-E	PCW		
Respondent Trinity Pines Conference Center, Inc.		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36821		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN103014494				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number <input type="text" value="5"/>				
Rule Cite(s)	30 Tex. Admin. Code § 319.6 and TPDES Permit No. WQ0014842001, Monitoring and Reporting Requirements No. 1			
Violation Description	Failed to assure the quality of all measurements through the use of standards or duplicate analysis. Specifically, standards were not being analyzed along with the residual chlorine samples, as documented during the July 23, 2008 investigation.			
	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" value="x"/>	<input type="text"/>
		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	Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	Adjustment	<input type="text" value="\$9,500"/>		
			<input type="text" value="\$500"/>	
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="29"/> Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
	One single event is recommended.			
Good Faith Efforts to Comply		<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$125"/>	
		<small>Before NOV NOV to EDCRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text" value="x"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	The Respondent began using standards for chlorine analysis on August 21, 2008.			
	Violation Subtotal	<input type="text" value="\$375"/>		
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="\$575"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$575"/>		

Economic Benefit Worksheet

Respondent Trinity Pines Conference Center, Inc.
Case ID No. 36821
Reg. Ent. Reference No. RN103014494
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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)	\$200	23-Jul-2008	21-Aug-2008	0.08	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost for the standard solutions and associated equipment for the analysis of chlorine. Date required is the investigation date and final date is the date compliance was achieved.

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

\$200

TOTAL

\$1

Screening Date 17-Nov-2008	Docket No. 2008-1788-MWD-E	PCW	
Respondent Trinity Pines Conference Center, Inc.	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36821	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN103014494			
Media [Statute] Water Quality			
Enf. Coordinator Merrilee Hupp			
Violation Number <input type="text" value="6"/>			
Rule Cite(s)	30 Tex. Admin. Code § 319.6 and TPDES Permit No. WQ0014842001, Monitoring and Reporting Requirements No. 1		
Violation Description	Failed to analyze effluent samples in accordance with approved methods. Specifically, the sodium thiosulfate solution used in the analysis of dissolved oxygen samples was not being standardized daily, as documented during the July 23, 2008 investigation.		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>
		Percent	<input type="text" value="5%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment		<input type="text" value="\$9,500"/>	
		<input type="text" value="\$500"/>	
Violation Events			
	<input type="text" value="1"/>	<input type="text" value="34"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="checkbox"/>	
One single event is recommended.			
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction <input type="text" value="\$125"/>
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	
N/A	<input type="text"/>	(mark with x)	
Notes	The Respondent began standardizing the sodium thiosulfate solution on August 26, 2008.		
Violation Subtotal		<input type="text" value="\$375"/>	
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="\$575"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$575"/>	

Economic Benefit Worksheet

Respondent Trinity Pines Conference Center, Inc.
Case ID No. 36821
Reg. Ent. Reference No. RN103014494
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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				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)	\$150	23-Jul-2008	26-Aug-2008	0.09	\$1	n/a	\$1

Notes for DELAYED costs
 Estimated cost of labor and chemicals associated with the standardization of the sodium thiosulfate solution to ensure accurate analysis of samples for dissolved oxygen. Date required is the investigation date and final date is the 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 \$150

TOTAL \$1

Screening Date 17-Nov-2008	Docket No. 2008-1788-MWD-E	PCW		
Respondent Trinity Pines Conference Center, Inc.		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36821		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN103014494				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number <input type="text" value="7"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 319.7(d) and TPDES Permit No. 12371001, Monitoring and Reporting Requirements No. 1"/>			
Violation Description	<input 2006."="" 31,="" dmr")="" ending="" for="" march="" monitoring="" period="" the="" type="text" value="Failed to timely submit the discharge monitoring report ("/>			
	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"/>	<input type="text"/>	<input type="text"/>	x
				Percent <input type="text" value="1%"/>
Matrix Notes	<input type="text" value="Over 70% of the permit requirement was met."/>			
				Adjustment <input type="text" value="\$9,900"/>
				<input type="text" value="\$100"/>
Violation Events				
	<input type="text" value="1"/>	<input type="text" value="825"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
				Violation Base Penalty <input type="text" value="\$100"/>
	<input type="text" value="One single event is recommended."/>			
Good Faith Efforts to Comply				
	<input type="text" value="25.0%"/>	Reduction		<input type="text" value="\$25"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	x	<input type="text"/>	<input type="text"/>	
N/A	<input type="text"/>	(mark with x)		
Notes	<input type="text" value="The Respondent provided the DMR to the TCEQ on July 23, 2008."/>			
				Violation Subtotal <input type="text" value="\$75"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$3"/>	Violation Final Penalty Total	<input type="text" value="\$115"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$115"/>		

Economic Benefit Worksheet

Respondent Trinity Pines Conference Center, Inc.
Case ID No. 36821
Reg. Ent. Reference No. RN103014494
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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)	\$25	20-Apr-2006	23-Jul-2008	2.26	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost of completing and submitting a DMR. Date required is the date the DMR was due and final date is the date the report was received by TCEQ.

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 \$3

Screening Date 17-Nov-2008	Docket No. 2008-1788-MWD-E	PCW														
Respondent Trinity Pines Conference Center, Inc.		<small>Policy Revision 2 (September 2002)</small>														
Case ID No. 36821		<small>PCW Revision October 30, 2008</small>														
Reg. Ent. Reference No. RN103014494																
Media [Statute] Water Quality																
Enf. Coordinator Merrilee Hupp																
Violation Number 8																
Rule Cite(s)	30 Tex. Admin. Code § 319.1 and TPDES Permit No. 12371001, Effluent Limitations and Monitoring Requirements No. 1															
Violation Description	Failed to report the daily average flow value on the DMR for the monitoring period ending August 31, 2005.															
	Base Penalty	\$10,000														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release Major Moderate Minor															
	Actual	<input type="text"/>														
Potential	<input type="text"/>															
	Percent	0%														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/>	<input type="text" value="x"/>														
	Percent	1%														
Matrix Notes	Over 70% of the permit requirement was met.															
	Adjustment	\$9,900														
		\$100														
Violation Events																
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1037"/> Number of violation days														
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$100"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input checked="" type="text" value="x"/>															
	One single event is recommended.															
Good Faith Efforts to Comply																
	<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$25"/>														
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>															
Extraordinary	<input type="text"/>	<input type="text"/>														
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>														
N/A	<input type="text"/>	<small>(mark with x)</small>														
Notes	The Respondent provided the TCEQ with a revised DMR on July 23, 2008.															
	Violation Subtotal	\$75														
Economic Benefit (EB) for this violation																
	Estimated EB Amount <input type="text" value="\$4"/>	Violation Final Penalty Total <input type="text" value="\$115"/>														
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$115"/>															

Economic Benefit Worksheet

Respondent Trinity Pines Conference Center, Inc.
Case ID No. 36821
Reg. Ent. Reference No. RN103014494
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0	\$0
Land			0.00	\$0	n/a	n/a	\$0
Record Keeping System			0.00	\$0	n/a	n/a	\$0
Training/Sampling			0.00	\$0	n/a	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	n/a	\$0
Permit Costs			0.00	\$0	n/a	n/a	\$0
Other (as needed)	\$25	20-Sep-2005	23-Jul-2008	2.84	\$4	n/a	\$4

Notes for DELAYED costs Estimated cost to prepare and submit a revised DMR to include daily average flow. Date required is the date the DMR was due and final date is the date the corrected DMR was provided to TCEQ.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$25

TOTAL \$4

Compliance History Report

Customer/Respondent/Owner-Operator: CN600696124 Trinity Pines Conference Center, Inc. Classification: AVERAGE Rating: 0.52
Regulated Entity: RN103014494 TRINITY PINES WWTP Classification: AVERAGE Site Rating: 0.52
ID Number(s): WASTEWATER PERMIT TPDES0087203
WASTEWATER PERMIT TX0087203
WASTEWATER PERMIT WQ0014842001
WASTEWATER PERMIT WQ0014842001
WASTEWATER PERMIT TX0087203
WASTEWATER PERMIT WQ0012371001

Location: approx. 1,500 ft. W. of Lake Livingston,
and approx. 1,400 ft. N. of FM 356,
Trinity County, Texas Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: November 13, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 13, 2003 to November 13, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Merrilee G. Hupp Phone: 239 - 4490

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 12/18/2003 (317150)
- 2 12/18/2003 (317151)
- 3 12/18/2003 (317153)
- 4 12/18/2003 (317154)
- 5 12/18/2003 (317155)
- 6 12/18/2003 (317156)
- 7 12/18/2003 (317157)
- 8 12/18/2003 (317158)
- 9 12/18/2003 (317159)
- 10 12/18/2003 (317160)
- 11 04/22/2004 (317152)
- 12 09/07/2004 (361226)
- 13 09/07/2004 (361227)
- 14 09/07/2004 (361228)
- 15 10/01/2004 (361229)
- 16 10/01/2004 (361230)
- 17 10/01/2004 (361231)
- 18 11/01/2004 (337096)
- 19 02/10/2005 (349712)

20 05/05/2005 (424843)
21 05/05/2005 (424844)
22 05/12/2005 (379361)
23 05/20/2005 (424839)
24 05/20/2005 (424840)
25 05/20/2005 (424841)
26 05/20/2005 (424842)
27 05/20/2005 (424845)
28 08/07/2006 (526140)
29 08/07/2006 (526141)
30 08/07/2006 (526142)
31 08/07/2006 (526143)
32 08/07/2006 (526144)
33 08/07/2006 (526145)
34 08/07/2006 (526146)
35 08/07/2006 (526147)
36 08/07/2006 (526148)
37 08/07/2006 (526149)
38 08/07/2006 (526150)
39 08/07/2006 (526151)
40 08/07/2006 (526152)
41 08/07/2006 (526153)
42 03/07/2007 (624621)
43 03/07/2007 (624622)
44 03/07/2007 (624623)
45 03/07/2007 (624624)
46 06/24/2008 (699466)
47 07/14/2008 (693760)
48 07/14/2008 (693761)
49 07/14/2008 (693762)
50 07/14/2008 (693763)
51 07/14/2008 (693764)
52 07/14/2008 (693765)
53 07/14/2008 (693766)
54 07/14/2008 (693767)
55 07/14/2008 (693768)
56 07/14/2008 (693769)
57 07/14/2008 (693770)
58 07/14/2008 (693771)
59 07/14/2008 (693772)
60 07/14/2008 (693773)
61 10/29/2008 (702681)

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

Date: 03/31/2004 (317152)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/02/2004 (337096)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OR 3
Description: Failure to submit annual sludge reports each year

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR 1
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR 1
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR 1
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Moderate
Rqmt Prov: PERMIT PC 2.G
Description: Failure to prevent an unauthorized discharge
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT MRR 2
Description: Failure to comply with the test procedures for the analysis of pollutants as specified in 30 TAC 319.11-319.12.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(g)(2)
Description: Failure to have a stairway for the clarifier, which is more than four feet above ground level.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR 1
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 09/30/2005 (526151)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (526152)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (526142)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (526146)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (526148)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (526150)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

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
TRINITY PINES CONFERENCE
CENTER, INC.
RN103014494

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1788-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 Trinity Pines Conference Center, Inc. ("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 1,500 feet west of Lake Livingston, and approximately 1,400 feet north of Farm-to-Market Road 356 in Trinity County, Texas (the "Facility").
2. The Respondent has discharged municipal waste 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 November 3, 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 Twenty-Six Thousand Four Hundred Twenty-Five Dollars (\$26,425) is assessed by the Commission in settlement of the violations alleged in Section

- II ("Allegations"). The Respondent has paid Twenty-One Thousand One Hundred Forty Dollars (\$21,140) of the administrative penalty and Five Thousand Two Hundred Eighty-Five Dollars (\$5,285) 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 measures at the Facility:
 - a. On June 16, 2008, obtained authorization to discharge wastewater under Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014842001;
 - b. On July 23, 2008, provided the TCEQ Beaumont Regional Office with copies of the annual sludge reports for the years of 2004, 2005, and 2006, the March 2006 discharge monitoring report ("DMR"), and the revised August 2005 DMR with the daily average flow data;
 - c. On August 21, 2008, began using standards for effluent chlorine residual analysis;
 - d. On August 26, 2008, began standardizing the sodium thiosulfate solution for dissolved oxygen analysis; and
 - e. By November 13, 2008, removed sludge from the Facility and modified the solids management plan to prevent excessive solids build-up in the treatment units.
 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 maintain authorization for the discharge of wastewater, in violation of 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2), and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on July 23, 2008. Specifically, the Respondent did not renew TPDES Permit No. 12371001 and continued to discharge wastewater from the Facility without authorization from February 1, 2007 until June 16, 2008, when a new permit was issued.
2. Failed to timely submit copies of an annual sludge report for the monitoring periods ending July 31 of 2004, 2005, and 2006 by September 1 of the corresponding year to the TCEQ Beaumont Regional Office, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12371001, Sludge Provisions, as documented during an investigation conducted on July 23, 2008.
3. Failed to properly operate and maintain all systems of collection, treatment, and disposal at the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0014842001, Operational Requirements No. 1, as documented during an investigation conducted on July 23, 2008. Specifically, the clarifier had seven feet of sludge in its 9.5 foot depth (73.6% of the depth vs. the 25% recommended), the chlorine contact chamber had an accumulation of six inches of sludge, and the mixed liquor suspended solids concentration was 6,950 milligrams per liter ("mg/L"), which was outside of the recommended range of 2,000-6,000 mg/L.
4. Failed to comply with the minimum dissolved oxygen concentration permitted effluent limit of 4.0 mg/L, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014842001, Effluent Limitations and Monitoring Requirements No. 6, as documented during an investigation conducted on July 23, 2008. Specifically, a grab sample taken during the investigation revealed 2.0 mg/L dissolved oxygen.
5. Failed to assure the quality of all residual chlorine measurements through the use of standards or duplicate analysis, in violation of 30 TEX. ADMIN. CODE § 319.6 and TPDES Permit No. WQ0014842001, Monitoring and Reporting Requirements No. 1, documented during the July 23, 2008 investigation. Specifically, standards were not being analyzed along with the residual chlorine samples.
6. Failed to analyze effluent samples in accordance with approved methods, as documented during the July 23, 2008 investigation, in violation of 30 TEX. ADMIN. CODE § 319.6 and TPDES Permit No. WQ0014842001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on July 23, 2008. Specifically, the sodium thiosulfate solution used in the analysis of dissolved oxygen samples was not being standardized daily.
7. Failed to timely submit the DMR for the monitoring period ending March 31, 2006, in violation of 30 TEX. ADMIN. CODE § 319.7(d) and TPDES Permit No. 12371001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on July 23, 2008.
8. Failed to report the daily average flow value on the DMR for the monitoring period ending August 31, 2005, in violation of 30 TEX. ADMIN. CODE § 319.1 and TPDES Permit No. 12371001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on July 23, 2008.

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: Trinity Pines Conference Center, Inc., Docket No. 2008-1788-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, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014842001, 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 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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

John Sullivan

For the Executive Director

3/12/2009

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.

Phillip Springer

Signature

1/13/09

Date

Phillip Springer

Name (Printed or typed)
Authorized Representative of
Trinity Pines Conference Center, Inc.

Director

Title

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

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