

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0155-MWD-E TCEQ ID: RN101515435 CASE NO.: 37103

RESPONDENT NAME: Camp Olympia, Inc.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: Camp Olympia, located 4.7 miles southeast of the intersection of State Highway 94 and State Highway 3188, Trinity County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 July 6, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Tommy D. Ferguson, Director, Camp Olympia, Inc., 723 Olympia Drive, 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 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: January 8, 2009</p> <p>Date of NOV/NOE Relating to this Case: January 23, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with permit effluent limits for total ammonia nitrogen, total residual chlorine, carbonaceous biochemical oxygen demand, and 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. WQ0014261001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p>	<p>Total Assessed: \$5,640</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$5,640</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</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. By April 21, 2008, determined that a change in laundry detergents at Camp Olympia and Whispering Pine Golf Club was the cause of the increased ammonia-nitrogen levels;</p> <p>b. By May 31, 2008; removed approximately 21,000 gallons of sludge from the digester and reseeded the Facility with approximately 17,500 gallons of activated sludge from a neighboring facility; and</p> <p>c. During November 2008, returned to compliance with the permitted effluent limits of TPDES Permit No. WQ0014261001.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): WQ0014261001

Attachment A
Docket Number: 2009-0155-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Camp Olympia, Inc.
Payable Penalty Amount: Five Thousand Six Hundred Forty Dollars (\$5,640)
SEP Amount: Five Thousand Six Hundred Forty Dollars (\$5,640)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP: Trinity County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	26-Jan-2009	Screening	30-Jan-2009	EPA Due	
	PCW	16-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Camp Olympia, Inc.
Reg. Ent. Ref. No.	RN101515435
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37103	No. of Violations	1
Docket No.	2009-0155-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steve Villatoro
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 1
Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	116.0% Enhancement	Subtotals 2, 3, & 7	\$3,480

Notes: The penalty is enhanced due to 13 self-reported monthly effluent violations, one NOV with violations same/similar to those cited in this action, three NOVs without same/similar violations, and two final agreed orders containing a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$351	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$5,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,730
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-1.6%	Adjustment	-\$90
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction to prevent over-enhancement of the penalty amount due to violations that were self-reported.

Final Penalty Amount	\$5,640
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,640
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$5,640
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Screening Date 30-Jan-2009

Docket No. 2009-0155-MWD-E

PCW

Respondent Camp Olympia, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37103

PCW Revision October 30, 2003

Reg. Ent. Reference No. RN101515435

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 NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	14	70%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 116%

>> **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 13 self-reported monthly effluent violations, one NOV with violations same/similar to those cited in this action, three NOVs without same/similar violations, and two final agreed orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 116%

Screening Date 30-Jan-2009	Docket No. 2009-0155-MWD-E	PCW
Respondent Camp Olympia, Inc.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37103		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN101515435		
Media [Statute] Water Quality		
Enf. Coordinator Steve Villatoro		
Violation Number <input type="text" value="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. WQ0014261001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2	
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on January 8, 2009 and shown in the attached table.	
	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

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

A simplified model was used to evaluate ammonia-nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow, total residual chlorine, total suspended solids, and carbonaceous biochemical oxygen demand were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
<small>mark only one with an x</small>	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Three quarterly events are recommended.

Good Faith Efforts to Comply **Reduction**

	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	<small>(mark with x)</small>

Notes: The Respondent returned to compliance in November 2008.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Camp Olympia, Inc.
Case ID No. 37103
Reg. Ent. Reference No. RN101515435
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)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	30-Nov-2007	30-Nov-2008	1.00	\$17	\$334	\$351
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
 Costs to remove approximately 21,000 gallons of sludge from the digester and to reseed the Facility with approximately 17,500 gallons of activated sludge. Date required is the first date of non-compliance. 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	\$5,000	TOTAL	\$351
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EFFLUENT VIOLATION TABLE

Camp Olympia, Inc.

TPDES Permit No. WQ0014261001

Docket No. 2009-0155-MWD-E

Months	Total Ammonia Nitrogen Single Grab Conc.	Total Ammonia-Nitrogen Daily Avg. Conc.	Ammonia-Nitrogen Daily Avg. Loading	Total Residual Chlorine Max. Conc.	CBOD Daily Avg. Conc.	CBOD Daily Avg. Loading	Total Suspended Solids Daily Avg. Conc.
	Limit = 15 mg/L	Limit = 3 mg/L	Limit = 1.3 lbs/day	Limit = 4.0 mg/L	Limit = 4.2 lbs/day	Limit = 10 mg/L	Limit = 15 mg/L
11/30/2007	c	c	c	4.8	c	c	c
1/31/2008	c	c	c	4.1	c	c	c
4/30/2008	19.0	10.6	c	c	c	c	c
5/31/2008	18.4	6.7	c	c	c	c	c
6/30/2008	19.4	8.7	2.66	4.2	4.52	14.58	18.93

CBOD = carbonaceous biochemical oxygen demand

conc. = concentration

lbs/day = pounds per day

c = compliant

avg. = average

mg/L = milligrams per liter

max. = maximum

Compliance History Report

Customer/Respondent/Owner-Operator: CN602522922 Camp Olympia, Inc. Classification: AVERAGE Rating: 4.43
 Regulated Entity: RN101515435 CAMP OLYMPIA Classification: AVERAGE Site Rating: 4.43

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2280025
	WASTEWATER	PERMIT	TPDES0073539
	WASTEWATER	PERMIT	WQ0014281001
	WASTEWATER	PERMIT	TPDES0119415
	WASTEWATER	PERMIT	TX0119415
	WASTEWATER LICENSING	LICENSE	WQ0011898001

Location: Located 4.7 miles southeast of the intersection of State Highway 94 and State Highway 3188 in Trinity County, Texas

TCEQ Region: REGION 10 - BEAUMONT
 Date Compliance History Prepared: January 30, 2009
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: January 30, 2004 to January 30, 2009
 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
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/26/2004 ADMINORDER 2003-0024-MWD-E
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 317 317.3(e)(5)
 Rqmt Prov: Operational Requirements No. 1 PERMIT
 Description: Failure to properly operate and maintain all systems of collection, treatment, and disposal.
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.11(b)
 30 TAC Chapter 319, SubChapter A 319.11(c)
 Rqmt Prov: Monitoring & Reporting Requirements 2. PERMIT
 Description: Monitoring and reporting requirements.
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Monitoring & Reporting Requirements 7.c. PERMIT
 Description: Failure to report 40% noncompliances to the TCEQ within the required notification period.
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Rqmt Prov: Effluent Limitations Nos. 1,2 and 6 PERMIT
 Description: Failure to comply with the permit limits for 7 separate parameters for a varied period over the course of 28 months.

Effective Date: 08/31/2007 ADMINORDER 2006-2226-MWD-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limits PERMIT
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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	03/12/2004	(327701)
2	04/26/2004	(327702)
3	04/26/2004	(327703)
4	06/07/2004	(367206)
5	06/07/2004	(367207)
6	07/19/2004	(367208)
7	08/11/2004	(262239)
8	08/31/2004	(367209)
9	09/08/2004	(292604)
10	09/24/2004	(367210)
11	11/01/2004	(390166)
12	11/19/2004	(390167)
13	11/22/2004	(390168)
14	01/24/2005	(390169)
15	04/08/2005	(427643)
16	05/27/2005	(427644)
17	08/23/2005	(447665)
18	09/19/2005	(447666)
19	10/17/2005	(492738)
20	11/21/2005	(492739)
21	12/15/2005	(492740)
22	01/20/2006	(492741)
23	02/21/2006	(492736)
24	03/17/2006	(492737)
25	04/20/2006	(506406)
26	05/18/2006	(506407)
27	06/16/2006	(506408)
28	07/13/2006	(528626)
29	09/05/2006	(528627)
30	09/18/2006	(528628)
31	10/18/2006	(631744)
32	11/13/2006	(631746)
33	11/30/2006	(531841)
34	11/30/2006	(631732)
35	11/30/2006	(631737)
36	11/30/2006	(631739)
37	12/08/2006	(531229)
38	01/09/2007	(631748)
39	01/12/2007	(631750)
40	02/12/2007	(631733)
41	02/26/2007	(517218)
42	03/12/2007	(631734)
43	04/16/2007	(631735)
44	05/17/2007	(631736)
45	06/14/2007	(543912)
46	06/15/2007	(631738)
47	07/13/2007	(631740)
48	08/17/2007	(631741)
49	08/28/2007	(631742)
50	09/13/2007	(631743)
51	10/11/2007	(596366)
52	10/17/2007	(631745)
53	11/20/2007	(631747)
54	12/20/2007	(631749)
55	03/05/2008	(696089)
56	03/20/2008	(696090)
57	04/14/2008	(696091)
58	05/19/2008	(696092)
59	06/17/2008	(717738)
60	06/19/2008	(434970)
61	07/14/2008	(717739)
62	08/25/2008	(717740)
63	09/23/2008	(717741)
64	01/15/2009	(614211)
65	01/23/2009	(723155)

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

Date: 04/08/2004 (262239) CN602522922
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
Description: Failure to conduct chlorine residual sampling from locations representative of the

distribution system.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)
Description: Failure to conduct bacteriological monitoring from those sites identified on the sample site plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vi)
Description: Failure to maintain a record of operations.
Date: 01/31/2005 (631732) CN602522922

Self Report? YES Classification: 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: 02/28/2005 (427643) CN602522922

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: 06/23/2006 (467587)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter B 111.201
5C THC Chapter 382, SubChapter A 382.085(b)
Description: FAILURE TO PERFORM AUTHORIZED OUTDOOR BURNING.
Date: 07/31/2006 (528627) CN602522922

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 (528628) CN602522922

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: 10/31/2006 (631746) CN602522922

Self Report? YES Classification: 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: 12/01/2006 (531841) CN602522922

Self Report? NO Classification: Minor
Citation: M&RR3cvi PERMIT
Description: Failure by Camp Olympia to document the secondary standard checks for the colorimeter used for chlorine residual analysis.

Self Report? NO Classification: Minor
Citation: M&RR2 PERMIT
Description: Failure by the permittee to comply with test procedures as specified in 30 TAC 319.11-319.12.

Self Report? NO Classification: Minor
Citation: M&RR7c PERMIT
Description: Failure by Camp Olympia to notify the TCEQ Region 10 Office and the Manager of the Enforcement Section III (MC 149) of the Enforcement Division, within the required notification period, for each effluent violation which deviated from the permitted effluent limitation by more than 40%.

Self Report? NO Classification: Moderate
Citation: EL&MR1 PERMIT
Description: Failure by Camp Olympia to comply with the permitted effluent limits for ammonia (NH3).
Date: 03/31/2007 (631735) CN602522922

Self Report? YES Classification: 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: 05/31/2007 (631738) CN602522922

Self Report? YES Classification: 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: 06/14/2007 (543912) CN602522922

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to have ground storage tank thoroughly tight against leakage.

Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)			
Description:	Failure to have a filter on the air injection line from the air compressor to the pressure tank.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)			
Description:	Failure to maintain complete records of annual tank inspections.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)			
Description:	Failure to maintain a record of the dates dead-end mains were flushed.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)			
Description:	Failure to maintain an up-to-date chemical and microbiological monitoring plan.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)			
Description:	Failure to take representative bacteriological samples.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)			
Description:	Failure to provide ground storage capacity which is equal to 50% of the maximum daily demand.			
Date:	06/30/2007	(631740)	CN602522922	
Self Report?	YES		Classification	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	(631749)	CN602522922	
Self Report?	YES		Classification	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	(696089)	CN602522922	
Self Report?	YES		Classification	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:	04/30/2008	(696092)	CN602522922	
Self Report?	YES		Classification	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:	05/31/2008	(717738)	CN602522922	
Self Report?	YES		Classification	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:	06/30/2008	(717739)	CN602522922	
Self Report?	YES		Classification	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			

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
CAMP OLYMPIA, INC.
RN101515435

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2009-0155-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Camp Olympia, 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 presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located 4.7 miles southeast of the intersection of State Highway 94 and State Highway 3188 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. During a record review on January 8, 2009, TCEQ staff documented the following effluent data from the Facility's self-reported discharge monitoring reports ("DMR"):

EFFLUENT VIOLATION TABLE							
Months	Total Ammonia-Nitrogen Single Grab Conc.	Total Ammonia-Nitrogen Daily Avg. Conc.	Total Ammonia-Nitrogen Daily Avg. Loading	Total Residual Chlorine Max. Conc.	CBOD Daily Avg. Conc.	CBOD Daily Avg. Loading	Total Suspended Solids Daily Avg. Conc.
	Limit = 15 mg/L	Limit = 3 mg/L	Limit = 1.3 lbs/day	Limit = 4.0 mg/L	Limit = 4.2 lbs/day	Limit = 10 mg/L	Limit = 15 mg/L
11/30/2007	c	c	c	4.8	c	c	c
1/31/2008	c	c	c	4.1	c	c	c
4/30/2008	19.0	10.6	c	c	c	c	c
5/31/2008	18.4	6.7	c	c	c	c	c
6/30/2008	19.4	8.7	2.66	4.2	4.52	14.58	18.93

CBOD = carbonaceous biochemical oxygen demand
conc. = concentration
lbs/day = pounds per day
C = compliant

avg. = average
mg/L = milligrams per liter
max. = maximum

4. The Respondent received notice of the violations on January 28, 2009.
5. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By April 21, 2008, determined that a change in laundry detergents at Camp Olympia and Whispering Pine Golf Club was the cause of the increased ammonia-nitrogen levels;
 - b. By May 31, 2008, removed approximately 21,000 gallons of sludge from the digester and reseeded the Facility with approximately 17,500 gallons of activated sludge from a neighboring facility; and

- c. During November 2008, returned to compliance with the permitted effluent limits of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014261001.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014261001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Five Thousand Six Hundred Forty Dollars (\$5,640) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Five Thousand Six Hundred Forty Dollars (\$5,640) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Thousand Six Hundred Forty Dollars (\$5,640) as set forth in Section II, Paragraph 4, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Camp Olympia, Inc., Docket No. 2009-0155-MWD-E" to:

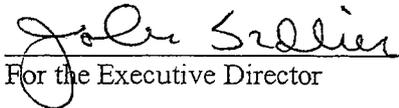
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II Paragraph 4 above, Five Thousand Six Hundred Forty Dollars (\$5,640) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

7/13/2009
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Camp Olympia, Inc. I am authorized to agree to the attached Agreed Order on behalf of Camp Olympia, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Camp Olympia, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

5-4-09
Date

TOMMY D. FERGUSON
Name (Printed or typed)
Authorized Representative of
Camp Olympia, 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.

Attachment A
Docket Number: 2009-0155-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Camp Olympia, Inc.
Payable Penalty Amount:	Five Thousand Six Hundred Forty Dollars (\$5,640)
SEP Amount:	Five Thousand Six Hundred Forty Dollars (\$5,640)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Trinity County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

