

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0279-MWD-E **TCEQ ID:** RN102362589 **CASE NO.:** 37216
RESPONDENT NAME: ST. FRANCIS VILLAGE, 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: St. Francis Village, located approximately one mile north of Rock Creek Park and approximately 2.5 miles south of Benbrook Dam, Tarrant 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 September 7, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 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: Ms. Deana Harris, Executive Director, ST. FRANCIS VILLAGE, INC., 1 Chapel Plaza, Crowley, Texas 78036 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: February 19, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with permit effluent limits for flow and total residual chlorine [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010612001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p>	<p>Total Assessed: \$6,680</p> <p>Total Deferred: \$1,336 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$5,344</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>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> <p>2) The Order will also require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010612001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision.</p>

Additional ID No(s): 0

Attachment A
Docket Numbers: 2009-0279-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ST. FRANCIS VILLAGE, INC.
Penalty Amount: Five Thousand Three Hundred Forty-Four Dollars (\$5,344)
SEP Offset Amount: Five Thousand Three Hundred Forty-Four Dollars (\$5,344)
Type of SEP: Custom (with pre-approved concept)
Location of SEP: Tarrant County

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

1. Project Description

A. Project

The Respondent shall hold a minimum of two one-day waterway cleanup events surrounding Lake Benbrook for the collection, recycling, and proper disposal of improperly disposed debris and wastes. The Respondent shall coordinate the events with the Corps of Engineers and shall use volunteers from the community, including a local Boy Scout Troop, to accomplish the events. Participating Boy Scouts may work toward earning merit badges for citizenship in the community, environmental science, and/or water conservation. Volunteers will collect and properly dispose of or recycle wastes surrounding Lake Benbrook shorelines. The events will be advertised in a local newspaper to increase public awareness and participation.

The Respondent shall ensure that the events:

- are advertised to the public;
- occur during daylight hours;
- are properly coordinated and supervised; and
- include recycling, where practical, of collected materials.

The Respondent shall ensure that the collected materials are properly transported and disposed of or recycled. SEP funds will be used for equipment such as a rental truck, materials such as gloves and trash bags, disposal fees, and public notification of the event. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the events and no portion shall be spent on the Respondent’s administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the events.

The Respondent shall perform these events in accordance with all federal, state and local laws and regulations. The Respondent certifies that there is no prior commitment of the SEP funds to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes that can release chemicals into the soil, water, and air, as well as help rid the community of the dangers and health threats associated with non-regulated dumping. Improperly disposed wastes can disrupt natural processes on land and in the water. Improperly disposed wastes can interfere with proper drainage of runoff. Areas are more susceptible to flooding when waste blocks ravines, creeks, culverts, and drainage basins. The run-off from improper disposal of toxic substances such as motor oil or household cleansers can contaminate lakes, streams, and drinking water supplies. Improper disposal of wastes also has a negative impact on plants and wildlife. Many birds and small animals die after ingesting or becoming entangled in debris. Fish and other aquatic species can be killed when decomposing litter and food wastes in streams deplete oxygen supplies in the water. Refuse in a stream can also clog fish spawning areas. The SEP will also provide for recycling of materials, which will help conserve landfill capacity.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent understands that it may be required to spend more than the offset amount to complete the project.

2. Performance Schedule

The Respondent shall complete both events within one year after the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ SEP Coordinator indicating the progress made to date and setting forth a schedule for achieving completion with the time required above.

B. Final Report

Within 90 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, timesheets signed by a supervisor, and any other verifying documentation;
2. A summary of the total amount of costs incurred;
3. Number or pounds of wastes collected and disposed;
4. Manifests showing proper disposal of wastes or recycling of materials;
5. Photographs of the project;
6. A statement of quantifiable environmental benefits; and
7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset 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 Offset Amount. The Respondent agrees that it will contribute any monetary shortages in the SEP Offset amount to TCEQ within 90 days of the expiration of time to complete the SEP or within 90 days of completion of the projects, whichever occurs first.

In the event that the Respondent does not spend the required SEP Offset Amount on the projects, the Respondent shall remit the remaining balance to TCEQ. The Respondent shall include the docket number of this Agreed Order and a note with the payment, explaining that the payment is for a SEP reimbursement. The check shall be made payable to "Texas Commission on Environmental Quality" and shall be mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must also clearly state 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.

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Feb-2009	Screening	26-Feb-2009	EPA Due	
	PCW	27-Feb-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	ST. FRANCIS VILLAGE, INC.		
Reg. Ent. Ref. No.	RN102362589		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37216	No. of Violations	1
Docket No.	2009-0279-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Steve Villatoro
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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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	97.0% Enhancement	Subtotals 2, 3, & 7	\$3,880
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Notes: The penalty is enhanced due to 18 self-reported monthly effluent violations, one NOV with violations same/similar to those cited in this action and one NOV without same/similar violations.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,505
Approx. Cost of Compliance	\$25,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,880
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-15.2%	Adjustment	-\$1,200
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in the penalty so that monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount	\$6,680
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,680
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,336
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,344
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Screening Date 26-Feb-2009

Docket No. 2009-0279-MWD-E

PCW

Respondent ST. FRANCIS VILLAGE, INC.

Policy Revision 2 (September 2002)

Case ID No. 37216

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102362589

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)	19	95%
	Other written NOVs	1	2%
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) 97%

>> 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 18 self-reported monthly effluent violations, one NOV with violations same/similar to those cited in this action and one NOV without same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 97%

Screening Date 26-Feb-2009 **Docket No.** 2009-0279-MWD-E **PCW**
Respondent ST. FRANCIS VILLAGE, INC. *Policy Revision 2 (September 2002)*
Case ID No. 37216 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102362589
Media [Statute] Water Quality
Enf. Coordinator Steve Villatoro
Violation Number 1
Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010612001, Interim 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 \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	10%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes
 Flow and total residual chlorine were considered to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Good Faith Efforts to Comply Reduction

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$4,000

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

Estimated EB Amount \$3,505 **Violation Final Penalty Total** \$6,680

This violation Final Assessed Penalty (adjusted for limits) \$6,680

Economic Benefit Worksheet

Respondent ST. FRANCIS VILLAGE, INC.
Case ID No. 37216
Reg. Ent. Reference No. RN102362589
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	\$25,000	30-Nov-2007	30-Nov-2009	2.00	\$167	\$3,338	\$3,505
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to expand the Facility and increase capacity. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$3,505

EFFLUENT VIOLATION TABLE			
ST. FRANCIS VILLAGE, INC.			
TPDES Permit No. WQ0010612001			
Docket No. 2009-0279-MWD-E			
Months	Flow Daily Avg.	Total Residual Chlorine Min.	Total Residual Chlorine Max.
	Limit = 0.049 MGD	Limit > 1.0 mg/L	Limit ≤ 4.0 mg/L
11/30/2007	c	0.9	c
12/31/2007	0.055	c	c
1/31/2008	0.052	c	c
3/31/2008	0.058	c	c
4/30/2008	0.055	c	c
5/31/2008	0.054	c	c
6/30/2008	0.055	c	c
7/31/2008	0.053	c	6.2
8/31/2008	0.051	c	5.2
9/30/2008	c	0.5	c
10/31/2008	c	0.6	c

MGD = million gallons per day

Min. = minimum

mg/L = milligrams per liter

Max. = maximum

avg. = average

c = compliant

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600650097	ST. FRANCIS VILLAGE, INC.	Classification: AVERAGE	Rating: 0.87
Regulated Entity:	RN102362589	ST FRANCIS VILLAGE	Classification: AVERAGE	Site Rating: 0.87
ID Number(s):	WASTEWATER	PERMIT		WQ0010612001
	WASTEWATER	PERMIT		TPDES0066745
	WASTEWATER	PERMIT		TX0066745
Location:	located approximately one mile north of Rock Creek Park and approximately 2.5 miles south of Benbrook Dam in Tarrant County, Texas			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	February 25, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 25, 2004 to February 25, 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.

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	03/15/2004	(310695)
2	04/15/2004	(310697)
3	04/19/2004	(310696)
4	05/19/2004	(358280)
5	06/16/2004	(358281)
6	07/09/2004	(358282)
7	07/09/2004	(358283)
8	07/20/2004	(282380)
9	09/16/2004	(358284)
10	10/07/2004	(335933)
11	10/12/2004	(358285)
12	12/08/2004	(385260)
13	01/19/2005	(385261)
14	02/14/2005	(423298)
15	04/19/2005	(423299)
16	05/13/2005	(423300)
17	06/20/2005	(423301)
18	06/20/2005	(423302)
19	07/15/2005	(444142)
20	09/12/2005	(444143)
21	10/09/2005	(474495)
22	03/24/2006	(474493)
23	03/24/2006	(474494)
24	03/24/2006	(474496)
25	04/20/2006	(502311)
26	05/22/2006	(502312)
27	06/22/2006	(502313)

28 08/24/2006 (524633)
 29 09/26/2006 (524634)
 30 10/25/2006 (549589)
 31 11/20/2006 (549590)
 32 01/03/2007 (583482)
 33 02/22/2007 (539304)
 34 02/26/2007 (583478)
 35 04/09/2007 (583479)
 36 05/04/2007 (583480)
 37 06/01/2007 (583481)
 38 08/20/2007 (603953)
 39 08/21/2007 (603952)
 40 10/08/2007 (622788)
 41 10/15/2007 (622789)
 42 01/02/2008 (674277)
 43 01/23/2008 (674278)
 44 03/24/2008 (692618)
 45 03/24/2008 (692619)
 46 05/27/2008 (692620)
 47 06/25/2008 (713742)
 48 07/30/2008 (713743)
 49 07/30/2008 (713746)
 50 07/30/2008 (713748)
 51 08/22/2008 (713744)
 52 09/15/2008 (713745)
 53 10/16/2008 (713747)
 54 12/18/2008 (729754)
 55 12/18/2008 (729755)
 56 01/16/2009 (729753)
 57 02/19/2009 (723200)

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

Date: 07/21/2004 (282380) CN600650097
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failure to provide a reduced pressure backflow prevention assembly device (RPBA) at the plant's main potable water service line.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to conduct TCR analysis according to 40 CFR Part 136 or the latest edition of the "Standard Methods for the Examination of Water and Wastewater".
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.9(c)
 WQ0010612-011 PERMIT
 Description: Failure to document quality assurance/quality control (QA/QC) for field TCR analyses.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010612-001 PERMIT
 Description: Failure to accurately compute the daily average biochemical oxygen demand (BOD) and total suspended solids (TSS) lbs/day calculations.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 WQ0010612-001 PERMIT
 Description: Failure to document holding times for field pH, TCR, and DO analyses.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010612-001 PERMIT
 Description: Failure to initiate engineering and financial planning for expansion and/or upgrading after reaching 75% of capacity for three consecutive months or to obtain a waiver for this requirement.
 Date: 01/31/2007 (583478) CN600650097
 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: 02/27/2007 (539304) CN600650097
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
 30 TAC Chapter 305, SubChapter F 305.125(11)(C)
 Description: Failure to submit the Annual Sludge report.

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to comply with permit limits for total chlorine residual.		
Date:	02/28/2007 (583479)	CN600650097	
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:	07/31/2007 (622788)	CN600650097	
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:	08/31/2007 (622789)	CN600650097	
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:	09/30/2007 (713746)	CN600650097	
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:	10/31/2007 (713748)	CN600650097	
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 (674277)	CN600650097	
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:	12/31/2007 (674278)	CN600650097	
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 (692618)	CN600650097	
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:	03/31/2008 (729753)	CN600650097	
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 (692620)	CN600650097	
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 (713742)	CN600650097	
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 (713743)	CN600650097	
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:	07/31/2008 (713744)	CN600650097	
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:	08/31/2008 (713745)	CN600650097	
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:	09/30/2008	(713747)	CN600650097
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:	10/31/2008	(729754)	CN600650097
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:	11/30/2008	(729755)	CN600650097
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
ST. FRANCIS VILLAGE, INC.
RN102362589

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-0279-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 ST. FRANCIS VILLAGE, 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 one mile north of Rock Creek Park and approximately 2.5 miles south of Benbrook Dam in Tarrant 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 February 24, 2009.
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 Six Thousand Six Hundred Eighty Dollars (\$6,680) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

One Thousand Three Hundred Thirty-Six Dollars (\$1,336) 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. Five Thousand Three Hundred Forty-Four Dollars (\$5,344) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010612001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on January 8, 2009 and shown in the following table:

EFFLUENT VIOLATION TABLE			
Months	Flow Daily Avg.	Total Residual Chlorine Min	Total Residual Chlorine Max.
	Limit = 0.049 MGD	Limit > 1.0 mg/L	Limit = 4.0 mg/L
11/30/2007	c	0.9	c
12/31/2007	0.055	c	c
1/31/2008	0.052	c	c
3/31/2008	0.058	c	c
4/30/2008	0.055	c	c
5/31/2008	0.054	c	c
6/30/2008	0.055	c	c
7/31/2008	0.053	c	6.2
8/31/2008	0.051	c	5.2
9/30/2008	c	0.5	c
10/31/2008	c	0.6	c

MGD = million gallons per day
 Min. = minimum
 mg/L = milligrams per liter

Max. = maximum
 avg. = average
 c = compliant

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: ST. FRANCIS VILLAGE, INC., Docket No. 2009-0279-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 6 above, Five Thousand Three Hundred Forty-Four Dollars (\$5,344) 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. It is further ordered that, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010612001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

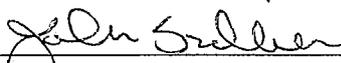
Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

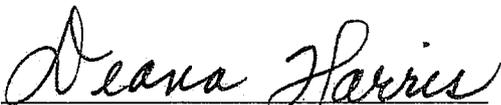
8/19/2009
Date

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.


Signature

July 8, 2009
Date

DEANA HARRIS

Executive Director
Title

Name (Printed or typed)
Authorized Representative of
ST. FRANCIS VILLAGE, INC.

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 Numbers: 2009-0279-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ST. FRANCIS VILLAGE, INC.
Penalty Amount: Five Thousand Three Hundred Forty-Four Dollars (\$5,344)
SEP Offset Amount: Five Thousand Three Hundred Forty-Four Dollars (\$5,344)
Type of SEP: Custom (with pre-approved concept)
Location of SEP: Tarrant County

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

1. Project Description

A. Project

The Respondent shall hold a minimum of two one-day waterway cleanup events surrounding Lake Benbrook for the collection, recycling, and proper disposal of improperly disposed debris and wastes. The Respondent shall coordinate the events with the Corps of Engineers and shall use volunteers from the community, including a local Boy Scout Troop, to accomplish the events. Participating Boy Scouts may work toward earning merit badges for citizenship in the community, environmental science, and/or water conservation. Volunteers will collect and properly dispose of or recycle wastes surrounding Lake Benbrook shorelines. The events will be advertised in a local newspaper to increase public awareness and participation.

The Respondent shall ensure that the events:

- are advertised to the public;
- occur during daylight hours;
- are properly coordinated and supervised; and
- include recycling, where practical, of collected materials.

The Respondent shall ensure that the collected materials are properly transported and disposed of or recycled. SEP funds will be used for equipment such as a rental truck, materials such as gloves and trash bags, disposal fees, and public notification of the event. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the events and no portion shall be spent on the Respondent’s administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the events.

The Respondent shall perform these events in accordance with all federal, state and local laws and regulations. The Respondent certifies that there is no prior commitment of the SEP funds to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes that can release chemicals into the soil, water, and air, as well as help rid the community of the dangers and health threats associated with non-regulated dumping. Improperly disposed wastes can disrupt natural processes on land and in the water. Improperly disposed wastes can interfere with proper drainage of runoff. Areas are more susceptible to flooding when waste blocks ravines, creeks, culverts, and drainage basins. The run-off from improper disposal of toxic substances such as motor oil or household cleansers can contaminate lakes, streams, and drinking water supplies. Improper disposal of wastes also has a negative impact on plants and wildlife. Many birds and small animals die after ingesting or becoming entangled in debris. Fish and other aquatic species can be killed when decomposing litter and food wastes in streams deplete oxygen supplies in the water. Refuse in a stream can also clog fish spawning areas. The SEP will also provide for recycling of materials, which will help conserve landfill capacity.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent understands that it may be required to spend more than the offset amount to complete the project.

2. Performance Schedule

The Respondent shall complete both events within one year after the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ SEP Coordinator indicating the progress made to date and setting forth a schedule for achieving completion with the time required above.

B. Final Report

Within 90 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, timesheets signed by a supervisor, and any other verifying documentation;
2. A summary of the total amount of costs incurred;
3. Number or pounds of wastes collected and disposed;
4. Manifests showing proper disposal of wastes or recycling of materials;
5. Photographs of the project;
6. A statement of quantifiable environmental benefits; and
7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset 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 Offset Amount. The Respondent agrees that it will contribute any monetary shortages in the SEP Offset amount to TCEQ within 90 days of the expiration of time to complete the SEP or within 90 days of completion of the projects, whichever occurs first.

In the event that the Respondent does not spend the required SEP Offset Amount on the projects, the Respondent shall remit the remaining balance to TCEQ. The Respondent shall include the docket number of this Agreed Order and a note with the payment, explaining that the payment is for a SEP reimbursement. The check shall be made payable to "Texas Commission on Environmental Quality" and shall be mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must also clearly state 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.

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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