

Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1421-MWD-E TCEQ ID: RN102362498 CASE NO.: 36492
RESPONDENT NAME: Briarwood Lutheran Ministries

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: Briarwood Retreat, located on Copper Canyon Road, approximately one mile north of the intersection of Farm-to-Market Road 407 and Copper Canyon Road, Denton County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 2, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5363; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Bradley D. Buesing, Chairman of the Board, Briarwood Lutheran Ministries, 670 Copper Canyon Road, Argyle, Texas 76226 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 7, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 16, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to timely submit the annual sludge reports by September 1 of each year [30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012605002, Sludge Provisions].</p> <p>2) Failure to timely complete and submit discharge monitoring reports ("DMRs") [30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0012605002, Monitoring and Reporting Requirements No. 1].</p> <p>3) Failure to prevent an unauthorized discharge of sludge [30 TEX. ADMIN. CODE § 305.125(4), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0012605002, Permit Conditions No. 2.d.].</p> <p>4) Failure to provide an approved backflow prevention device between the public drinking water supply and the wastewater treatment facility [30 TEX. ADMIN. CODE § 217.330(a) [formerly 30 TEX. ADMIN. CODE § 317.4(a)(8)]].</p> <p>5) Failure to calibrate all flow measuring devices at least annually [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012605002, Monitoring and Reporting Requirements No. 5].</p>	<p>Total Assessed: \$6,025</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,025</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 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. On September 5, 2008, installed a backflow prevention device at the Facility;</p> <p>b. On September 15, 2008, calibrated the flow measuring device at the Facility; and</p> <p>c. By September 24, 2008, submitted the annual sludge reports for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007, as well as the DMRs for the months from August 2007 through July 2008.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, develop an operation and maintenance manual and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly DMRs and annual sludge reports to the TCEQ;</p> <p>b. Within 60 days after the effective date of this Agreed Order, remove all sludge from the the V-notch weir and the discharge path between the outfall and the receiving stream, dispose of all sludge at an authorized site, and develop written procedures to prevent the accumulation of sludge in the effluent meter basin or final treatment unit; and</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a and b.</p>

Additional ID No(s): WQ0012505002



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned	18-Aug-2008	Screening	8-Sep-2008	EPA Due	
	PCW	8-Sep-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Briarwood Lutheran Ministries		
Reg. Ent. Ref. No.	RN102362498		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36492	No. of Violations	5
Docket No.	2008-1421-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Merrilee Hupp
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

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

Economic Benefit **Subtotal 6**

Total EB Amounts	\$1,838	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$4,800	

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 8-Sep-2008

Docket No. 2008-1421-MWD-E

PCW

Respondent Briarwood Lutheran Ministries

Policy Revision 2 (September 2002)

Case ID No. 36492

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102362498

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments 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) 15%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent received three NOV's for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 8-Sep-2008	Docket No. 2008-1421-MWD-E	PCW												
Respondent Briarwood Lutheran Ministries	<i>Policy Revision 2 (September 2002)</i>													
Case ID No. 36492	<i>PCW Revision June 12, 2008</i>													
Reg. Ent. Reference No. RN102362498														
Media [Statute] Water Quality														
Enf. Coordinator Merrilee Hupp														
Violation Number <input type="text" value="1"/>														
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012605002, Sludge Provisions													
Violation Description	Failed to timely submit the annual sludge reports for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007 by September 1 of each corresponding year.													
	Base Penalty	<input type="text" value="\$10,000"/>												
>> Environmental, Property and Human Health Matrix														
	Harm													
	Major Moderate Minor													
OR	Release													
	Actual	<input type="text"/>												
	Potential	<input type="text"/>												
	Percent	<input type="text" value="0%"/>												
>> Programmatic Matrix														
	Falsification													
	Major Moderate Minor													
	<input type="text"/>	<input type="text" value="1%"/>												
Matrix Notes	Over 70% of the requirement was met.													
	Adjustment	<input type="text" value="\$9,900"/>												
		<input type="text" value="\$100"/>												
Violation Events														
	Number of Violation Events <input type="text" value="3"/>	<input type="text" value="1103"/> Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>	Violation Base Penalty <input type="text" value="\$300"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input checked="" type="checkbox"/>													
	Three single events are recommended.													
Good Faith Efforts to Comply														
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>												
	Before NOV NOV to EDPRP/Settlement Offer													
	Extraordinary	<input type="text"/>												
	Ordinary	<input type="text"/>												
	N/A	<input checked="" type="checkbox"/> (mark with x)												
Notes	The Respondent does not meet the good faith criteria for this violation.													
	Violation Subtotal	<input type="text" value="\$300"/>												
Economic Benefit (EB) for this violation														
	Estimated EB Amount <input type="text" value="\$55"/>	Statutory Limit Test												
		Violation Final Penalty Total <input type="text" value="\$345"/>												
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$345"/>													

Economic Benefit Worksheet

Respondent Briarwood Lutheran Ministries
Case ID No. 36492
Reg. Ent. Reference No. RN102362498
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	1-Sep-2005	30-Apr-2009	3.66	\$55	n/a	\$55

Notes for DELAYED costs
 Estimated cost for the completion and submittal of three annual sludge reports and to update operational guidance and conduct training on proper self-reporting procedures. Date required is the due date of the first report and 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	\$300	TOTAL	\$55
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Screening Date 8-Sep-2008	Docket No. 2008-1421-MWD-E	PCW												
Respondent Briarwood Lutheran Ministries		<small>Policy Revision 2 (September 2002)</small>												
Case ID No. 38492		<small>PCW Revision June 12, 2008</small>												
Reg. Ent. Reference No. RN102362498														
Media [Statute] Water Quality														
Enf. Coordinator Merrilee Hupp														
Violation Number 2														
Rule Cite(s)	30 Tex. Admin. Code § 319.7(c) and TPDES Permit No. WQ0012605002, Monitoring and Reporting Requirements No. 1													
Violation Description	Failed to timely complete and submit discharge monitoring reports from August 2007 through July 2008.													
	Base Penalty	\$10,000												
>> Environmental, Property and Human Health Matrix														
	Harm													
	Major Moderate Minor													
OR	Release													
	Actual	<table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td></tr></table>												
	Potential	<table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td></tr></table>												
	Percent	0%												
>> Programmatic Matrix														
	Falsification													
	Major Moderate Minor													
	<table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>													
	Percent	1%												
Matrix Notes	Over 70% of the requirement was met.													
	Adjustment	\$9,900												
		\$100												
Violation Events														
	Number of Violation Events 12	354 Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="display: inline-table;"> <tr><td>daily</td><td> </td></tr> <tr><td>monthly</td><td> </td></tr> <tr><td>quarterly</td><td> </td></tr> <tr><td>semiannual</td><td> </td></tr> <tr><td>annual</td><td> </td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$1,200
daily														
monthly														
quarterly														
semiannual														
annual														
single event	x													
	Twelve single events are recommended for the 12 discharge monitoring reports.													
Good Faith Efforts to Comply	0.0% Reduction	\$0												
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>													
	Extraordinary	<table border="1" style="display: inline-table;"><tr><td> </td><td> </td></tr></table>												
	Ordinary	<table border="1" style="display: inline-table;"><tr><td> </td><td> </td></tr></table>												
	N/A	x (mark with x)												
Notes	The Respondent does not meet the good faith criteria for this violation.													
	Violation Subtotal	\$1,200												
Economic Benefit (EB) for this violation	Statutory Limit Test													
Estimated EB Amount \$56	Violation Final Penalty Total	\$1,380												
	This violation Final Assessed Penalty (adjusted for limits)	\$1,380												

Economic Benefit Worksheet

Respondent Briarwood Lutheran Ministries
Case ID No. 36492
Reg. Ent. Reference No. RN102362498
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$700	20-Sep-2007	30-Apr-2009	1.61	\$56	n/a	\$56

Notes for DELAYED costs
 Estimated cost for retrieving and reviewing monitoring results for a 12-month period, completing and submitting the discharge monitoring reports (DMRs) with the corresponding data, and updating operational guidance and conducting training on the proper submittal of DMRs. Date required is the due date of the first report and 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 \$700

TOTAL \$56

Screening Date 8-Sep-2008 **Docket No.** 2008-1421-MWD-E **PCW**
Respondent Briarwood Lutheran Ministries *Policy Revision 2 (September 2002)*
Case ID No. 36492 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN102362498
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp
Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 305.125(4), Tex. Water Code § 26.121(a), and TPDES No. WQ0012605002, Permit Conditions No. 2.d
Violation Description Failed to prevent an unauthorized discharge of sludge. Specifically, sludge was visible in the weir box and in the discharge path between the outfall and the receiving stream.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 32 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (August 7, 2008) to the screening date (September 8, 2008).

Good Faith Efforts to Comply

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

\$0

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$81

Statutory Limit Test

Violation Final Penalty Total \$1,150

This violation Final Assessed Penalty (adjusted for limits) \$1,150

Economic Benefit Worksheet

Respondent Briarwood Lutheran Ministries
Case ID No. 36492
Reg. Ent. Reference No. RN102362498
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,000	7-Aug-2008	31-May-2009	0.81	\$81	n/a	\$81
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost of sludge removal and cleanup as well as determining the operational and maintenance changes necessary to prevent solids build up in the weir. Date required is the investigation date and final date is when compliance is expected to be achieved.

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	\$2,000	TOTAL	\$81
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Screening Date 8-Sep-2008 **Docket No.** 2008-1421-MWD-E **PCW**
Respondent Briarwood Lutheran Ministries *Policy Revision 2 (September 2002)*
Case ID No. 36492 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN102362498
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp
Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 217.330(a) [formerly 30 Tex. Admin. Code § 317.4(a)(8)]
Violation Description Failed to provide an approved backflow prevention device between the public drinking water supply and the wastewater treatment facility.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which may exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 29

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One monthly event is recommended from the August 7, 2008 investigation date to the September 5, 2008 compliance date.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes The Respondent had the required backflow prevention device installed and tested on September 5, 2008.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent Briarwood Lutheran Ministries
Case ID No. 36492
Reg. Ent. Reference No. RN102362498
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	7-Aug-2008	6-Sep-2008	0.08	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost of the required backflow prevention device, it's installation, and testing. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$300

TOTAL \$1

Screening Date 8-Sep-2008	Docket No. 2008-1421-MWD-E	PCW	
Respondent Briarwood Lutheran Ministries	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36492	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN102362498			
Media [Statute] Water Quality			
Enf. Coordinator Merrilee Hupp			
Violation Number 5			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0012605002, Monitoring and Reporting Requirements No. 5		
Violation Description	Failed to calibrate all flow measuring devices at least annually.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			5%
>> Programmatic Matrix			
	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			0%
Matrix Notes	Human health or the environment will or could be exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.		
Adjustment		\$9,500	
		\$500	
Violation Events			
Number of Violation Events		1	Number of violation days
		366	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
		\$500	
One single event is recommended.			
Good Faith Efforts to Comply		10.0% Reduction	
		\$60	
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
N/A	(mark with x)		
Notes	The Respondent calibrated the flow measuring device on September 15, 2008.		
Violation Subtotal		\$450	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$1,644	Violation Final Penalty Total	\$525
		This violation Final Assessed Penalty (adjusted for limits)	
		\$525	

Economic Benefit Worksheet

Respondent Briarwood Lutheran Ministries
Case ID No. 36492
Reg. Ent. Reference No. RN102362498
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$1,500	7-Aug-2007	7-Aug-2008	1.92	\$144	\$1,500	\$1,644

Notes for AVOIDED costs

Estimated cost for trained staff to perform the annual test on the flow measuring device at the wastewater treatment facility. Date required is twelve months prior to the investigation date and the final date is the investigation date.

Approx. Cost of Compliance

\$1,500

TOTAL

\$1,644

Compliance History

Customer/Respondent/Owner-Operator:	CN601238371 Briarwood Lutheran Ministries	Classification: AVERAGE	Rating: 9.33
Regulated Entity:	RN102362498 BRIARWOOD RETREAT	Classification: AVERAGE	Site Rating: 9.33
ID Number(s):	WASTEWATER	EPA ID	TX0091448
	WASTEWATER	PERMIT	WQ0012605002
	WASTEWATER	PERMIT	TX0091448
	WASTEWATER LICENSING	LICENSE	WQ0012605001
Location:	On Copper Canyon Rd., approx. one mile N. of Intersec. of FM Rd. 407 & Copper Canyon Rd, Denton Co.	Rating Date: 9/1/2008	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	September 08, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 08, 2003 to September 8, 2008		

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

Name: Merrilee Hupp Phone: 512-239-4490

Site Compliance History Components

- | | |
|----------------------------------------------------------------------------------------------|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|
| Date: | 12/16/2005 (436083) | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(17) | | |
| Rqmt Prov: | PERMIT Sludge Provisions | | |
| Description: | Failure to submit the annual sludge reports, as required by the permit. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| Rqmt Prov: | PERMIT Monitoring & Reporting Req. no. 5 | | |
| Description: | Failure to have the flow measuring devices tested annually by a certified technician and submit a copy of the test certification. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 319, SubChapter A 319.7(c) | | |
| Rqmt Prov: | PERMIT Monitoring and Reporting Requirements #1 | | |
| Description: | Failure to complete and submit discharge monitoring reports from 07/2003 through the present. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(4) | | |
| Rqmt Prov: | PERMIT Permit Conditions 2.d | | |
| Description: | Failure to prevent sludge from leaving the treatment plant. | | |
| Date: | 08/14/2007 (593329) | | |

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	07/03/2008 (699467)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		

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
BRIARWOOD LUTHERAN MINISTRIES
RN102362498

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2008-1421-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 Briarwood Lutheran Ministries ("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 it has 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 on Copper Canyon Road, approximately one mile north of the intersection of Farm-to-Market Road 407 and Copper Canyon Road in Denton 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 an investigation on August 7, 2008, TCEQ staff documented the following:
 - a. Annual sludge reports for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007 had not been timely submitted to the TCEQ;
 - b. The discharge monitoring reports ("DMRs") for the months from August 2007 through July 2008 had not been timely submitted to the TCEQ;
 - c. Sludge in the weir box and in the discharge path between the outfall and the receiving stream;
 - d. No backflow prevention assembly device had been provided at the Facility's main potable water service line; and
 - e. The flow meter had not been calibrated during the twelve months prior to the investigation.
4. The Respondent received notice of the violations on August 21, 2008.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On September 5, 2008, installed a backflow prevention device at the Facility, as required by 30 TEX. ADMIN. CODE § 217.330(a);
 - b. On September 15, 2008, calibrated the flow measuring device at the Facility; and
 - c. By September 24, 2008, submitted the annual sludge reports for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007 as well as the DMRs for the months from August 2007 through July 2008.

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.a, the Respondent failed to timely submit the annual sludge reports by September 1 of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012605002, Sludge Provisions.

3. As evidenced by Findings of Fact No. 3.b, the Respondent failed to timely complete and submit discharge monitoring reports, in violation of 30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0012605002, Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 3.c, the Respondent failed to prevent an unauthorized discharge of sludge, in violation of 30 TEX. ADMIN. CODE § 305.125(4), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0012605002, Permit Conditions No. 2.d.
5. As evidenced by Findings of Fact No. 3.d, the Respondent failed to provide an approved backflow prevention device between the public drinking water supply and the wastewater treatment facility, in violation of 30 TEX. ADMIN. CODE § 217.330(a) [formerly 30 TEX. ADMIN. CODE § 317.4(a)(8)].
6. As evidenced by Findings of Fact No. 3.e, the Respondent failed to calibrate all flow measuring devices at least annually, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012605002, Monitoring and Reporting Requirements No. 5.
7. 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.
8. An administrative penalty in the amount of Six Thousand Twenty-Five Dollars (\$6,025) 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. The Respondent has paid the Six Thousand Twenty-Five Dollar (\$6,025) administrative penalty.

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 Six Thousand Twenty-Five Dollars (\$6,025) as set forth in Section II, Paragraph 8 above, 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: Briarwood Lutheran Ministries, Docket No. 2008-1421-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 undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, develop an operation and maintenance manual and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly DMRs and annual sludge reports to the TCEQ, in accordance with TPDES Permit No. WQ0011988001, Monitoring and Reporting Requirements No. 1;
- b. Within 60 days after the effective date of this Agreed Order, remove all sludge from the the V-notch weir and the discharge path between the outfall and the receiving stream, dispose of all sludge at an authorized site, and develop written procedures to prevent the accumulation of sludge in the effluent meter basin or final treatment unit; and
- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b. 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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

TCEQ ENFORCEMENT

Fax: 512-239-2550

Dec 11 2008 04:54pm P001/001

Briarwood Lutheran Ministries
DOCKET NO. 2008-1421-MWD-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

9/1/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Briarwood Lutheran Ministries. I am authorized to agree to the attached Agreed Order on behalf of Briarwood Lutheran Ministries, 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, Briarwood Lutheran Ministries 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.

Bradley D. Bursing
Signature

12-11-2008
Date

Bradley D Bursing
Name (Printed or typed)
Authorized Representative of
Briarwood Lutheran Ministries

Chairman of the Board
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.