

Executive Summary – Enforcement Matter – Case No. 39991
Aldine Community Care Center, Inc.
RN102186889
Docket No. 2010-1109-MLM-E

Order Type:

Default Order (SOAH preliminary hearing)

Findings Order Justification:

N/A

Media:

MLM – Water Quality and Public Water Supply

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

10110 Airline Drive, Houston, Harris County

Type of Operation:

public water system; wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: \$8,368.50 (\$7,927.01 for Acct. No. 23002404; \$441.49 for Acct. No. 91010071)
(Referred to AG for collection)

Other: None

Interested Third-Parties: None

Texas Register Publication Date: September 16, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$46,478

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$46,478

Compliance History Classifications:

Person/CN – Average

Site/RN – Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 39991
Aldine Community Care Center, Inc.
RN102186889
Docket No. 2010-1109-MLM-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: May 20, 2010; April 14, 2010; February 18, 2011
Date(s) of NOV(s): See Compliance Histories.
Date(s) of NOE(s): June 14, 2010; June 8, 2010; March 10, 2011

Violation Information

1. Failed to locate the ground storage tank at least 500 feet away from a municipal WWTP [30 TEX. ADMIN. CODE § 290.43(b)(1)].
2. Failed to maintain all required records [30 TEX. ADMIN. CODE § 305.125(1); and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010825001, Monitoring and Reporting Requirements No. 3.b.].
3. Failed to properly operate and maintain all facilities and systems of treatment and control [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(g)(4)(b)(iii); and TPDES Permit No. WQ0010825001, Operational Requirements No. 1].
4. Failed to properly operate and maintain all facilities and systems of treatment and control [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.3(b)(1) and (e)(5); and TPDES Permit No. WQ0010825001, Operational Requirements No. 1].
5. Failed to secure hazard signs to the WWTP Facility fence [30 TEX. ADMIN. CODE § 317.7(e)].
6. Failed to provide a reduced pressure zone (“RPZ”) backflow prevention device or air gap on the main potable water line to the WWTP [30 TEX. ADMIN. CODE § 317.4(a)(8)].
7. Failed to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d); and TPDES Permit No. WQ0010825001, Monitoring and Reporting Requirements No. 1].
8. Failed to submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17); and TPDES Permit No. WQ0010825001, Sludge Provisions].
9. Failed to collect and analyze samples for carbonaceous biochemical oxygen demand (“CBOD”), total suspended solids (“TSS”), and ammonia-nitrogen (“NH3-N”) for the monitoring period ending March 31, 2010 and for all effluent parameters for the monitoring period ending April 30, 2010 [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(a), 319.4, and 319.7(d); and TPDES Permit No. WQ0010825001, Interim Effluent Limitations and Monitoring Requirements No. 1].
10. Failed to properly dispose of sludge [30 TEX. ADMIN. CODE § 305.125(4); and TPDES Permit No. WQ0010825001, Sludge Provisions].
11. Failed to comply with permit effluent limits [TEX. WATER CODE § 26.121(a)(1); 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0010825001, Interim Effluent Limitations and Monitoring Requirements No. 2].
12. Failed to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d); and TPDES Permit No. WQ0010825001, Monitoring and Reporting Requirements No. 1].
13. Failed to submit the annual sludge report for the monitoring period ending July 31, 2010, by September 1, 2010 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17); and TPDES Permit No. WQ0010825001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days:
 - a. Update the WWTP Facility's operations guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of completed, signed, and certified monthly DMRs and annual sludge reports and that all effluent parameters are monitored (Violation Nos. 7, 8, 9, 12, and 13);
 - b. Submit the WWTP Facility annual sludge reports for the monitoring periods ending July 31, 2009 and July 31, 2010 (Violation Nos. 8 and 13);
 - c. Fasten signs stating "Danger - Open Tanks – No Trespassing" to the intruder resistant fence at the WWTP Facility and within visible distance of each other (Violation No. 5);
 - d. Install an RPZ backflow prevention device or air gap on the main potable water line to the WWTP Facility (Violation No. 6); and
 - e. Begin maintaining operations and maintenance records and all DMRs on-site at the WWTP Facility (Violation No. 2).
2. Within 60 days:
 - a. Install a high-level alarm and an operational backup pump for the lift station at the WWTP Facility (Violation No. 4);
 - b. Install a back-up blower at the WWTP Facility (Violation No. 3);
 - c. Repair the chlorine contact chamber at the WWTP Facility to ensure there are no leaks (Violation No. 3);
 - d. Remove and properly dispose of sludge from the on-site abandoned WWTP (Violation No. 4); and
 - e. Install a legible staff gauge at the WWTP Facility (Violation No. 3).
3. Within 90 days, submit written certification to demonstrate compliance with the permitted effluent limitations of TPDES Permit No. WQ0010825001, including specific corrective actions that were implemented at the WWTP Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations (Violation Nos. 9 and 11).
4. Within 180 days, relocate the PWS Facility's ground storage tank to ensure it is at a minimum distance of 500 feet away from a municipal WWTP (Violation No. 1).
5. Submit written certification to demonstrate compliance:
 - a. Technical Requirement No. 1 within 45 days;
 - b. Technical Requirement No. 2 within 75 days;
 - c. Technical Requirement No. 3 within 90 days; and
 - d. Technical Requirement No. 4 within 195 days.

Executive Summary – Enforcement Matter – Case No. 39991
Aldine Community Care Center, Inc.
RN102186889
Docket No. 2010-1109-MLM-E

Litigation Information

Date Petition(s) Filed: March 25, 2011; April 18, 2011
Date(s) Green Card(s) Signed: April 20, 2011
Date(s) Answer(s) Filed: May 16, 2011
SOAH Referral Date: June 21, 2011
Hearing Date(s):
Preliminary hearing: August 4, 2011 (defaulted)
Evidentiary hearing: N/A

Contact Information

TCEQ Attorneys: Tammy L. Mitchell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Steve Villatoro, Water Enforcement Section, (512) 239-4930
TCEQ Regional Contact: Steven Smith, Houston Regional Office, (713) 767-3581
Respondent: Jesse R. Dunn, President and Director, Aldine Community Care Center, Inc., 10110
Airline, Houston, TX 77073
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008



| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 21-Jun-2010 | Screening | 1-Jul-2010 | EPA Due | |
| | PCW | 12-Oct-2010 | | | | |

| | | | |
|--|------------------------------------|---------------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Aldine Community Care Center, Inc. | | |
| Reg. Ent. Ref. No. | RN102186889 | | |
| Facility/Site Region | 12-Houston | Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 39991 | No. of Violations | 1 |
| Docket No. | 2010-1109-MLM-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | Water Quality | Enf. Coordinator | Steve Villatoro |
| | | EC's Team | Enforcement Team 1 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

| | | |
|---|-------------------|-------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$500 |
|---|-------------------|-------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|-------|
| Compliance History | 70.0% Enhancement | Subtotals 2, 3, & 7 | \$350 |
|---------------------------|-------------------|--------------------------------|-------|

Notes
Enhancement for two months of self-reported effluent violations, three NOV's with same/similar violations, three NOV's with dissimilar violations, one final agreed order with denial of liability, and repeat violator status.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes
The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts \$1,591
Approx. Cost of Compliance \$8,000
**Capped at the Total EB \$ Amount*

| | | |
|-----------------------------|-----------------------|-------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$850 |
|-----------------------------|-----------------------|-------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

| | |
|-----------------------------|-------|
| Final Penalty Amount | \$850 |
|-----------------------------|-------|

| | | |
|-----------------------------------|-------------------------------|-------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$850 |
|-----------------------------------|-------------------------------|-------|

| | | | |
|-----------------|----------------|-------------------|-----|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|----------------|-------------------|-----|

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

Notes

No deferral is recommended for Findings Orders.

| | |
|------------------------|-------|
| PAYABLE PENALTY | \$850 |
|------------------------|-------|

Screening Date 1-Jul-2010

Docket No. 2010-1109-MLM-E

PCW

Respondent Aldine Community Care Center, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39991

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186889

Media [Statute] Public Water Supply

Enf. Coordinator Steve Villatoro

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 3 | 15% |
| | Other written NOVs | 5 | 10% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations, three NOVs with same/similar violations, three NOVs with dissimilar violations, one final agreed order with denial of liability, and repeat violator status.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date 1-Jul-2010 **Docket No.** 2010-1109-MLM-E
Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Reg. Ent. Reference No. RN102186889
Media [Statute] Public Water Supply
Enf. Coordinator Steve Villatoro

PCW
Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Violation Number 1

Rule Cite(s) 30 Tex. Admin Code § 290.43(b)(1)

Violation Description Failed to locate the ground storage tank at least 500 feet away from a municipal wastewater treatment plant ("WWTP"), as documented during an investigation conducted on May 20, 2010. Specifically, the ground storage tank was located within 31 feet of a municipal WWTP.

Base Penalty \$1,000

>> 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 Failure to locate the ground storage tank at least 500 feet away from a municipal WWTP could expose the drinking water supply to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 42 Number of violation days

| | | |
|--------------------------------|--------------|---|
| <i>mark only one with an x</i> | daily | |
| | weekly | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$500

Two monthly events are recommended from the investigation date (May 20, 2010) to the screening date (July 1, 2010).

Good Faith Efforts to Comply 0.0% Reduction \$0

| | 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 \$500

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

Estimated EB Amount \$1,591 **Violation Final Penalty Total** \$850

This violation Final Assessed Penalty (adjusted for limits) \$850

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Public Water Supply
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) | \$8,000 | 28-May-2008 | 31-Mar-2011 | 2.84 | \$76 | \$1,515 | \$1,591 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to move the ground storage tank. Date required is the date the violation was first documented.
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

\$8,000

TOTAL

\$1,591



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 14-Jun-2010 | Screening | 1-Jul-2010 | EPA Due | |
| | PCW | 12-Oct-2010 | | | | |

| | | | |
|--|------------------------------------|---------------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Aldine Community Care Center, Inc. | | |
| Reg. Ent. Ref. No. | RN102186889 | | |
| Facility/Site Region | 12-Houston | Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 39991 | No. of Violations | 10 |
| Docket No. | 2010-1109-MLM-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | Public Water Supply | 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 | \$20,300 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|----------|
| Compliance History | 76.0% Enhancement | Subtotals 2, 3, & 7 | \$15,428 |
|---------------------------|-------------------|--------------------------------|----------|

Notes: Enhancement for two months of self-reported effluent violations, three NOV's with same/similar violations, three NOV's with dissimilar violations, one final agreed order with denial of liability, and repeat violator status.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts: \$2,186
 Approx. Cost of Compliance: \$31,550
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$35,728 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$35,728

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$35,728 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|------|-----------|-------------------|-----|
| DEFERRAL | 0.0% | Reduction | Adjustment | \$0 |
|-----------------|------|-----------|-------------------|-----|

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

Notes

No deferral is recommended for Findings Orders.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$35,728 |
|------------------------|----------|

Screening Date 1-Jul-2010

Docket No. 2010-1109-MLM-E

PCW

Respondent Aldine Community Care Center, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39991

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186889

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 5 | 25% |
| | Other written NOVs | 3 | 6% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 51%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations, three NOVs with same/similar violations, three NOVs with dissimilar violations, one final agreed order with denial of liability, and repeat violator status.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 76%

Screening Date 1-Jul-2010
Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Reg. Ent. Reference No. RN102186889
Media [Statute] Water Quality
Enf. Coordinator Steve Villatoro

Docket No. 2010-1109-MLM-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010825001 Monitoring and Reporting Requirements No. 3.b.

Violation Description Failed to maintain all required records as documented during an investigation conducted on April 14, 2010. Specifically, the daily operator's log was not available for review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0% |
| | Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Harm | | | Percent |
|--------------|---------------|-------|----------|---------|
| | Falsification | Major | Moderate | |
| | | x | | 10% |

100% of rule requirement not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 78 Number of violation days

| | | |
|--------------------------------|--------------|---|
| <i>mark only one with an x</i> | daily | |
| | weekly | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

| | 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$1,760

This violation Final Assessed Penalty (adjusted for limits) \$1,760

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$200 | 14-Apr-2010 | 28-Feb-2011 | 0.88 | \$9 | n/a | \$9 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs Estimated cost to develop a record keeping system for maintenance and operational records. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$9

Screening Date 1-Jul-2010 **Docket No.** 2010-1109-MLM-E **PCW**
Respondent Aldine Community Care Center, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 39991 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102186889
Media [Statute] Water Quality
Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 305.125(5) and 317.4(g)(4)(b)(iii), and TPDES Permit No. WQ0010825001 Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain all facilities and systems of treatment and control, as documented during an investigation conducted on April 14, 2010. Specifically, the chlorine contact chamber was leaking, the staff gauge installed was not legible, and only one blower was operational at the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|-----------|---------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| Actual | | | | | 10% |
| Potential | | x | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Major | Moderate | Minor | Percent |
|--------------|---------------|-------|----------|-------|---------|
| | | | | | |

Human health or the environment will or could be exposed to significant amounts of pollutants which would 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 1 78 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (April 14, 2010) to the screening date (July 1, 2010).

Good Faith Efforts to Comply

0.0% Reduction \$0

| | 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,010

Violation Final Penalty Total \$1,760

This violation Final Assessed Penalty (adjusted for limits) \$1,760

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|----------|-------------|-------------|------|------|-------|---------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$15,000 | 14-Apr-2010 | 31-Mar-2011 | 0.96 | \$48 | \$962 | \$1,010 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to repair the chlorine contact chamber, install a legible staff gauge, and repair backup blower at the Facility. Date required is the investigation date and final date is the date of expected 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

\$15,000

TOTAL

\$1,010

| | | | | |
|--------------------------------|------------------------------------|-------------------|-----------------|---|
| Screening Date | 1-Jul-2010 | Docket No. | 2010-1109-MLM-E | PCW |
| Respondent | Aldine Community Care Center, Inc. | | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. | 39991 | | | <i>PCW Revision October 30, 2008</i> |
| Reg. Ent. Reference No. | RN102186889 | | | |
| Media [Statute] | Water Quality | | | |
| Enf. Coordinator | Steve Villatoro | | | |

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 317.3(b)(1) and 317.3(e)(5), and TPDES Permit No. WQ0010825001 Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain all facilities and systems of treatment and control, as documented during an investigation conducted on April 14, 2010. Specifically, a high level alarm was not installed and only one pump was working at the on-site lift station.

Base Penalty

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------------|----------------------|----------------------|----------------------|---|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="10%"/> |
| Potential | <input type="text"/> | x | <input type="text"/> | | |

>> Programmatic Matrix

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

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|----------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | x |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

One quarterly event is recommended from the investigation date (April 14, 2010) to the screening date (July 1, 2010).

Good Faith Efforts to Comply Reduction

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

Notes

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 3

| 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) | \$5,500 | 14-Apr-2010 | 31-Mar-2011 | 0.96 | \$18 | \$353 | \$370 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to install a high level alarm and provide a back up pump for the on-site lift station. Date required is the investigation date and final date is date of expected compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,500

TOTAL

\$370

Screening Date 1-Jul-2010 **Docket No.** 2010-1109-MLM-E
Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Reg. Ent. Reference No. RN102186889
Media [Statute] Water Quality
Enf. Coordinator Steve Villatoro

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|----------------------|----------------------|-------------------------------------|---------------------------------|
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="5%"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | |

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|-------------------------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input checked="" type="checkbox"/> |

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$500 | 14-Apr-2010 | 31-Mar-2011 | 0.96 | \$2 | \$32 | \$34 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to properly install hazard signage. Date required is the investigation date and final date is date of expected 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

\$500

TOTAL

\$34

| | | | | |
|--------------------------------|------------------------------------|-------------------|-----------------|---|
| Screening Date | 1-Jul-2010 | Docket No. | 2010-1109-MLM-E | PCW |
| Respondent | Aldine Community Care Center, Inc. | | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. | 39991 | | | <i>PCW Revision October 30, 2008</i> |
| Reg. Ent. Reference No. | RN102186889 | | | |
| Media [Statute] | Water Quality | | | |
| Enf. Coordinator | Steve Villatoro | | | |

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|--------------------------------|----------------------|----------------------|----------------------------------|
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="25%"/> |
| | Potential | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|--------------------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text" value="x"/> |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|-----|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$1,000 | 14-Apr-2010 | 11-Mar-2011 | 0.91 | \$3 | \$60 | \$63 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to install an RPZ backflow prevention device or air gap. Date required is the investigation date and final date is date of expected 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

\$1,000

TOTAL

\$63

| | | | | |
|--------------------------------|------------------------------------|-------------------|-----------------|---|
| Screening Date | 1-Jul-2010 | Docket No. | 2010-1109-MLM-E | PCW |
| Respondent | Aldine Community Care Center, Inc. | | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. | 39991 | | | <i>PCW Revision October 30, 2008</i> |
| Reg. Ent. Reference No. | RN102186889 | | | |
| Media [Statute] | Water Quality | | | |
| Enf. Coordinator | Steve Villatoro | | | |

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------------|----------------------|----------------------|--|----------------------|
| OR | Harm | | | Percent <input type="text" value="0%"/> | |
| | Release | Major | Moderate | | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | | <input type="text"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | | |

>> Programmatic Matrix

| | | | | | |
|--|----------------------|----------------------|----------------------|--------------|--|
| | Falsification | Major | Moderate | Minor | Percent <input type="text" value="1%"/> |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | x | |

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|----------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | x |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$100 | 20-Apr-2009 | 12-Jul-2010 | 1.23 | \$0 | \$8 | \$9 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to prepare and submit the DMRs. Date required is date the first report was due. Final date is the date the reports were submitted.

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

\$100

TOTAL

\$9

Screening Date 1-Jul-2010 **Docket No.** 2010-1109-MLM-E
Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Reg. Ent. Reference No. RN102186889
Media [Statute] Water Quality
Enf. Coordinator Steve Villatoro

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 305.125(17) and TPDES Permit No. WQ0010825001 Sludge Provisions
Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009, as documented during an investigation conducted on April 14, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 0% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Harm | | | Percent |
|---------------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| | x | | | 10% |

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

1 303 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

| | 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39 **Violation Final Penalty Total** \$1,760

This violation Final Assessed Penalty (adjusted for limits) \$1,760

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 7

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|------|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$250 | 1-Sep-2009 | 31-Mar-2011 | 1.58 | \$1 | \$26 | \$28 |
| 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 | \$150 | 1-Sep-2009 | 31-Mar-2011 | 1.58 | \$12 | n/a | \$12 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report and update the Facility's operational guidance and conduct employee training to ensure that all reports, including DMRs and annual sludge reports, are submitted as required. Date required is date the report was due. 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

\$400

TOTAL

\$39

| | | | | |
|--------------------------------|------------------------------------|-------------------|---|------------|
| Screening Date | 1-Jul-2010 | Docket No. | 2010-1109-MLM-E | PCW |
| Respondent | Aldine Community Care Center, Inc. | | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. | 39991 | | <i>PCW Revision October 30, 2008</i> | |
| Reg. Ent. Reference No. | RN102186889 | | | |
| Media [Statute] | Water Quality | | | |
| Enf. Coordinator | Steve Villatoro | | | |

Violation Number

Rule Cite(s)

Violation Description

Failed to collect and analyze samples for carbonaceous biochemical oxygen demand ("CBOD"), total suspended solids ("TSS"), and ammonia-nitrogen ("NH3-N") for the monitoring period ending March 31, 2010 and for all effluent parameters for the monitoring period ending April 30, 2010, as documented during an investigation conducted on April 14, 2010.

Base Penalty

>> Environmental, Property and Human Health Matrix

| | | | | | |
|----|----------------|--------------------------------|----------------------|---|----------------------|
| OR | Harm | | | Percent <input type="text" value="25%"/> | |
| | Release | Major | Moderate | | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | | <input type="text"/> |
| | Potential | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

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

Matrix Notes

Human health or the environment will or could be be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of violation days

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

Violation Base Penalty

Two single events are recommended.

Good Faith Efforts to Comply Reduction

| | | |
|---------------|--|-------------------------------|
| | Before NOV | NOV to EDPRP/Settlement Offer |
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input type="text" value="x"/> | (mark with x) |
| Notes | The Respondent does not meet the good faith criteria for this violation. | |

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 8

| 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$250 | 9-Mar-2010 | 31-Mar-2011 | 1.06 | \$13 | n/a | \$13 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to update operational guidance to ensure sampling for TSS, NH₃-N, and CBOD are conducted. 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) | \$100 | 9-Mar-2010 | 30-Apr-2010 | 1.06 | \$5 | \$100 | \$105 |

Notes for AVOIDED costs

Estimated cost that was avoided by failing to analyze the required parameters at \$50 per month. Date required is the first date of non-compliance. Final date is the last date of non-compliance.

Approx. Cost of Compliance

\$350

TOTAL

\$119

| | | | | |
|--------------------------------|------------------------------------|-------------------|-----------------|---|
| Screening Date | 1-Jul-2010 | Docket No. | 2010-1109-MLM-E | PCW |
| Respondent | Aldine Community Care Center, Inc. | | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. | 39991 | | | <i>PCW Revision October 30, 2008</i> |
| Reg. Ent. Reference No. | RN102186889 | | | |
| Media [Statute] | Water Quality | | | |
| Enf. Coordinator | Steve Villatoro | | | |

Violation Number
Rule Cite(s) 30 Tex. Admin Code § 305.125(4) and TPDES Permit No. WQ0010825001 Sludge Provisions

Violation Description Failed to properly dispose of sludge, as documented during an investigation conducted on April 14, 2010. Specifically, the Respondent was disposing of sludge in an abandoned wastewater treatment plant at the Facility.

Base Penalty

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------------|----------------------|----------------------|----------------------|---|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="10%"/> |
| Potential | <input type="text"/> | x | <input type="text"/> | | |

>> Programmatic Matrix

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

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|----------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | x |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

One quarterly event is recommended from the investigation date (April 14, 2010) to the screening date (July 1, 2010).

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 9

| 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 | | | | 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 | 14-Apr-2010 | 31-Mar-2011 | 0.96 | \$96 | n/a | \$96 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to remove and properly dispose of sludge, Date required is the investigation date and final date is the date of expected 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

\$2,000

TOTAL

\$96

| | | | | |
|--------------------------------|------------------------------------|-------------------------------|------------------------------------|------------|
| Screening Date | 1-Jul-2010 | Docket No. | 2010-1109-MLM-E | PCW |
| Respondent | Aldine Community Care Center, Inc. | | Policy Revision 2 (September 2002) | |
| Case ID No. | 39991 | PCW Revision October 30, 2008 | | |
| Reg. Ent. Reference No. | RN102186889 | | | |
| Media [Statute] | Water Quality | | | |
| Enf. Coordinator | Steve Villatoro | | | |

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------------|----------------------|----------------------|---|--------------------------------|
| OR | Harm | | | Percent <input type="text" value="10%"/> | |
| | Release | Major | Moderate | | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | | <input type="text" value="x"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | | |

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|--------------------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text" value="x"/> |

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 10

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|-------|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | \$5,000 | 14-Apr-2010 | 30-Apr-2011 | 1.04 | \$17 | \$348 | \$365 |
| 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 determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

| | | | |
|----------------------------|---------|--------------|-------|
| Approx. Cost of Compliance | \$5,000 | TOTAL | \$365 |
|----------------------------|---------|--------------|-------|



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008



| | | | | | | |
|--------------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 14-Mar-2011 | Screening | 23-Mar-2011 | EPA Due | |
| | PCW | 1-Apr-2011 | | | | |

| | | | |
|--|------------------------------------|--------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Aldine Community Care Center, Inc. | | |
| Reg. Ent. Ref. No. | RN102186889 | | |
| Facility/Site Region | 12-Houston | Major/Minor Source | Minor |

| | | | |
|---------------------------------|---------------------|-----------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 39991 | No. of Violations | 2 |
| Docket No. | 2010-1109-MLM-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | Public Water Supply | 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 | \$6,000 |
|---|-------------------|----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|--------------------------|--------------------------------|----------------|
| Compliance History | 65.0% Enhancement | Subtotals 2, 3, & 7 | \$3,900 |
|---------------------------|--------------------------|--------------------------------|----------------|

Notes: Enhancement for two months of self-reported effluent violations, two NOV's with same/similar violations, three NOV's with dissimilar violations, one final agreed order with denial of liability, and repeat violator status.

| | | | | |
|--------------------|----|-------------------------|-------------------|------------|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------------------|-------------------|------------|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|------------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|------------|

| | | | |
|-------------------------|--------------------------|-------------------|------------|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|--------------------------|-------------------|------------|

Total EB Amounts: \$102
 Approx. Cost of Compliance: \$1,975
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$9,900 |
|-----------------------------|-----------------------|----------------|

| | | | |
|---|-------------|-------------------|------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|-------------|-------------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|----------------|
| Final Penalty Amount | \$9,900 |
|-----------------------------|----------------|

| | | |
|-----------------------------------|-------------------------------|----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$9,900 |
|-----------------------------------|-------------------------------|----------------|

| | | | |
|-----------------|-----------------------|-------------------|------------|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|-----------------------|-------------------|------------|

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

Notes:

No deferral is recommended for Findings Orders.

| | |
|------------------------|----------------|
| PAYABLE PENALTY | \$9,900 |
|------------------------|----------------|

Screening Date 23-Mar-2011

Docket No. 2010-1109-MLM-E

PCW

Respondent Aldine Community Care Center, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39991

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186889

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 2 | 10% |
| | Other written NOVs | 5 | 10% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 40%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations, two NOVs with same/similar violations, three NOVs with dissimilar violations, one final agreed order with denial of liability, and repeat violator status.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 65%

Screening Date 23-Mar-2011

Docket No. 2010-1109-MLM-E

PCW

Respondent Aldine Community Care Center, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39991

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186889

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 305.125(17) and 319.7(d), and TPDES Permit No. WQ0010825001 Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit monitoring results at the intervals specified in the permit, as documented during a record review conducted on February 18, 2011. Specifically, the Respondent failed to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2010 through December 31, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0% |
| | Potential | | | | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | x | | | 10% |

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 5 184 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$5,000

Five monthly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

| | 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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$8,250

This violation Final Assessed Penalty (adjusted for limits) \$8,250

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$125 | 20-Sep-2010 | 30-Sep-2011 | 1.03 | \$0 | \$9 | \$9 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to prepare and submit the DMRs (\$25/DMR). Date required is date the first report was due.
 Final date is the date the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

TOTAL

\$9

| | | | | |
|--------------------------------|------------------------------------|--------------------------------------|---|------------|
| Screening Date | 23-Mar-2011 | Docket No. | 2010-1109-MLM-E | PCW |
| Respondent | Aldine Community Care Center, Inc. | | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. | 39991 | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No. | RN102186889 | | | |
| Media [Statute] | Water Quality | | | |
| Enf. Coordinator | Steve Villatoro | | | |

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 305.125(17) and TPDES Permit No. WQ0010825001 Sludge Provisions

Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2010, by September 1, 2010, as documented during an record review conducted on February 18, 2011.

Base Penalty

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|-----------|----------------------|----------------------|----------------------|----------------------|---------------------------------|
| | | Major | Moderate | Minor | |
| Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0%"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|----------------------|---|----------------------|----------------------|----------------------------------|
| | <input type="text"/> | <input checked="" type="text" value="x"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="10%"/> |

Matrix Notes 100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input checked="" type="text" value="x"/> |

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Aldine Community Care Center, Inc.
Case ID No. 39991
Req. Ent. Reference No. RN102186889
Media Water Quality
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$100 | 1-Sep-2010 | 30-Sep-2011 | 1.08 | \$0 | \$7 | \$8 |
| 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 | \$250 | 1-Sep-2010 | 30-Sep-2011 | 1.08 | \$13 | n/a | \$13 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs
 Estimated cost to prepare and submit the annual sludge report and update the Facility's operational guidance and conduct employee training to ensure that all reports, including DMRs and annual sludge reports, are submitted as required. Date required is date the report was due. 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

\$350

TOTAL

\$21

Compliance History Report

| | | | |
|---|--|-------------------------|-----------------------|
| Customer/Respondent/Owner-Operator: | CN603330655 Aldine Community Care Center, Inc. | Classification: AVERAGE | Rating: 24.59 |
| Regulated Entity: | RN102186889 ALDINE COMMUNITY CARE | Classification: AVERAGE | Site Rating: 24.59 |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1010071 |
| | WASTEWATER | PERMIT | WQ0010825001 |
| | WASTEWATER | PERMIT | TX0032255000 |
| | WASTEWATER | PERMIT | TX0032255 |
| | WASTEWATER LICENSING | LICENSE | WQ0010825001 |
| Location: | located at 10110 Airline Drive at the northeast corner of the intersection of Airline Drive and Aldine Mail Road in Harris County, Texas | | |
| TCEQ Region: | REGION 12 - HOUSTON | | |
| Date Compliance History Prepared: | July 07, 2010 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | July 1, 2005 to July 1, 2010 | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | |
| Name: | <u>Steve Villatoro</u> | Phone: | <u>(512) 239-4930</u> |

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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Aldine Community Care Center, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s)? Harvest Communities of Houston, Inc.
5. When did the change(s) in owner or operator occur? 1/1/2008
6. Rating Date: 9/1/2009 Repeat Violator: YES

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/23/2009

ADMINORDER 2007-1078-MWD-E

Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 309, SubChapter B 309.13(e)(2)

Rqmt Prov: Other Requirement No. 3 PERMIT

Description: Failure to implement a nuisance prevention system to mitigate odor and noise. An adequate nuisance prevention plan to mitigate odor and noise has not been submitted and approved by the permittee.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Req. No. 1 PERMIT

Description: Failure to operate and maintain the Facility. Specifically, the return sludge line was not functioning and had contributed to the excessive accumulation of solids in the chlorine contact chamber and effluent settling basin.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: M&RR No. 1 PERMIT

Description: Failure to correctly calculate and report the monitoring data bases on the required monitoring frequency for November 2005. Specifically, the total suspended solids ("TSS"), carbonaceous biochemical oxygen demand ("CBOD"), ammonia-nitrogen ("NH3-N"), and dissolved oxygen values reported on November 2005 DMR were based on three of the four weekly monitoring events.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: M&RR No. 3.b. PERMIT

Description: Failure to have all the required monitoring and reporting records available for review upon request. Specifically, the following records were not available: 1) Laboratory reports for...; 2) One of four laboratory reports...; 3) Operation logs...; and 4) The annual sludge report for the monitoring period ending July 31, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: M&RR No. 1 PERMIT

Description: Failure to submit Discharge Monitoring Reports (DMRs) as required by the permit. Specifically, DMRs have not been submitted for February 2005, April through October 2005, December 2005, and January 2006.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: M&RR No. 1 PERMIT

Description: Failure to submit DMRs as required by the permit. Specifically, the DMRs for February 2006, April through June 2006, September 2006, and November 2006 through February 2007 were not submitted timely.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 12/22/2005 (471758)
- 2 03/06/2006 (451566)
- 3 06/23/2006 (482687)
- 4 08/24/2006 (522384)
- 5 08/24/2006 (522385)
- 6 11/29/2006 (547087)
- 7 11/29/2006 (547088)
- 8 05/08/2007 (538438)
- 9 07/23/2007 (602871)
- 10 07/23/2007 (602872)
- 11 07/23/2007 (602873)
- 12 07/23/2007 (602874)
- 13 07/23/2007 (602875)
- 14 07/23/2007 (602876)
- 15 07/23/2007 (602877)
- 16 07/23/2007 (602878)
- 17 10/22/2007 (621245)
- 18 12/10/2007 (621246)
- 19 01/11/2008 (621247)
- 20 01/11/2008 (621248)
- 21 12/12/2008 (728683)
- 22 12/12/2008 (728684)
- 23 12/12/2008 (728685)
- 24 01/09/2009 (709506)
- 25 03/20/2009 (751785)
- 26 03/20/2009 (751786)
- 27 03/20/2009 (751787)
- 28 03/20/2009 (751788)
- 29 03/20/2009 (751789)
- 30 04/15/2009 (740935)
- 31 04/29/2010 (827835)
- 32 06/08/2010 (825340)

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

- | | | | |
|--------------|---|-----------------|--------------------------|
| Date: | 3/2/2006 | (451566) | CN601181449 |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(a)(8) Operational Req No. 1 PERMIT | | |
| Description: | Failure to conduct the annual test for the backflow prevention device. The backflow prevention device must be tested annually and the documentaion must be maintained. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.1 M&RR No. 1 PERMIT Sludge Provisions PERMIT | | |
| Description: | Failure to submit the annual sludge report for the period of August 1, 2004 through July 31, 2005. An annual sludge report must be submitted September 1st of each year whether sludge is hauled or not. There was reportedly no sludge hauled in 2005. | | |
| Self Report? | NO | | Classification: Major |
| Citation: | 30 TAC Chapter 305, SubChapter D 305.64(b) | | |
| Description: | Failure to transfer the permit into the name of the current legal entity. The permit is currently in the name of Harvest Community, Inc. | | |
| Self Report? | NO | | Classification: Major |

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 309, SubChapter B 309.13(e)(2)
Other Requirement No. 3 PERMIT

Description: Failure to implement a nuisance prevention system to mitigate odor and noise. An adequate nuisance prevention plan to mitigate odor and noise has not been submitted and approved by the permittee.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Req. No. 1 PERMIT
TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of sewage and partially treated wastewater. Specifically, sewage was leaking onto the ground from the piping at the lift station and from the settling tank and from the influent pipe to the influent chamber prior to the bar screen.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Req. No. 1 PERMIT

Description: Failure to operate and maintain the Facility. Specifically, the return sludge line was not functioning and had contributed to the excessive accumulation of solids in the chlorine contact chamber and effluent settling basin.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Req. No. 1 PERMIT

Description: Failure to adequately operate and maintain the facility. Specifically, the plant was not secure because the fence had been cut for access due to an inaccessible gate.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Req. No. 1 PERMIT

Description: Failure to adequately operate and maintain the facility. Specifically, the bar screenings were not being disposed of properly. Screenings from the bar screen were placed on top of the walkway grating to dry.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.1
Operational Req. No. 1 PERMIT

Description: Failure to adequately operate and maintain the facility. Specifically, only one blower and one lift pump were operational at the time of the investigation and no backup blower or lift pump was provided.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.1
M&RR No. 1 PERMIT

Description: Failure to correctly calculate and report the monitoring data based on the required monitoring frequency for November 2005. Specifically, the total suspended solids ("TSS"), carbonaceous biochemical oxygen demand ("CBOD"), ammonia-nitrogen ("NH3-N"), and dissolved oxygen values reported on November 2005 DMR were based on three of the four weekly monitoring events.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 319, SubChapter A 319.7(c)
M&RR No. 3.b. PERMIT

Description: Failure to have all the required monitoring and reporting records available for review upon request. Specifically, the following records were not available: 1) Laboratory reports for...; 2) One of four laboratory reports...; 3) Operation logs...; and 4) The annual sludge report for the monitoring period ending July 31, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.1

Description: del

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Req. No. 1 PERMIT

Description: Failure to adequately operate and maintain the facility. Specifically, the excessive sludge accumulations were found in the chlorine contact chamber. One and one-half feet of sludge was noted in a three foot water depth in the chlorine contact chamber and effluent settling basin at the time of the investigation.

Date: 7/31/2006 (522385) CN601181449

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: 6/4/2008 (680126) CN603330655

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(b)(1)

Description: Failure to locate a ground storage tank at least 500 feet away from any municipal or industrial sewage treatment plant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all related appurtenances in a watertight condition.

Date: 7/8/2008 (684731) CN603330655

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(b)(1)

Description: Failure to locate a ground storage tank at least 500 feet away from any municipal or industrial sewage treatment plant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all related appurtenances in a watertight condition.

Date: 9/30/2008 (751786) CN601181449

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: 1/7/2009 (709506) CN601181449

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to submit the discharge monitoring reports (DMRs) by the 20th day of the following month. DMRs for May 2008 through July 2008 were not submitted by the required deadline.

Date: 1/19/2010 (787893) CN603330655

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(b)(1)

Description: Failure to locate a ground storage tank at least 500 feet away from any municipal or industrial sewage treatment plant.

Date: 4/29/2010 (827835) CN601181449

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 | | |
| 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) | | |

- 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

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Compliance History Report

| | | | |
|---|--|-------------------------|-----------------------|
| Customer/Respondent/Owner-Operator: | CN603330655 Aldine Community Care Center, Inc. | Classification: AVERAGE | Rating: 16.46 |
| Regulated Entity: | RN102186889 ALDINE COMMUNITY CARE | Classification: AVERAGE | Site Rating: 16.46 |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1010071 |
| | WASTEWATER | PERMIT | WQ0010825001 |
| | WASTEWATER | EPA ID | TX0032255 |
| | WASTEWATER LICENSING | LICENSE | WQ0010825001 |
| Location: | 10110 AIRLINE DR, HOUSTON, TX, 77037 | | |
| TCEQ Region: | REGION 12 - HOUSTON | | |
| Date Compliance History Prepared: | April 01, 2011 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | April 01, 2006 to April 01, 2011 | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | |
| Name: | <u>Steve Villatoro</u> | Phone: | <u>(512) 239-4930</u> |

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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWN Aldine Community Care Center, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s)? OWN Harvest Communities of Houston, Inc.
OWN Aldine Community Care Center, Inc.
5. When did the change(s) in owner or operator occur? 01/01/2008 OWN Aldine Community Care Center, Inc.
07/07/2010 OWN Harvest Communities of Houston, Inc.
6. Rating Date: 9/1/2010 Repeat Violator: YES

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/23/2009

ADMINORDER 2007-1078-MWD-E

Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 309, SubChapter B 309.13(e)(2)

Rqmt Prov: Other Requirement No. 3 PERMIT

Description: Failure to implement a nuisance prevention system to mitigate odor and noise. An adequate nuisance prevention plan to mitigate odor and noise has not been submitted and approved by the permittee.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Req. No. 1 PERMIT

Description: Failure to operate and maintain the Facility. Specifically, the return sludge line was not functioning and had contributed to the excessive accumulation of solids in the chlorine contact chamber and effluent settling basin.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: M&RR No. 1 PERMIT

Description: Failure to correctly calculate and report the monitoring data bases on the required monitoring frequency for November 2005. Specifically, the total suspended solids ("TSS"), carbonaceous biochemical oxygen demand ("CBOD"), ammonia-nitrogen ("NH3-N"), and dissolved oxygen values reported on November 2005 DMR were based on three of the four weekly monitoring events.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: M&RR No. 3.b. PERMIT

Description: Failure to have all the required monitoring and reporting records available for review upon request. Specifically, the following records were not available: 1) Laboratory reports for...; 2) One of four laboratory reports...; 3) Operation logs...; and 4) The annual sludge report for the monitoring period ending July 31, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: M&RR No. 1 PERMIT

Description: Failure to submit Discharge Monitoring Reports (DMRs) as required by the permit. Specifically, DMRs have not been submitted for February 2005, April through October 2005, December 2005, and January 2006.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: M&RR No. 1 PERMIT

Description: Failure to submit DMRs as required by the permit. Specifically, the DMRs for February 2006, April through June 2006, September 2006, and November 2006 through February 2007 were not submitted timely.

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 | 06/23/2006 | (482687) |
| 2 | 08/24/2006 | (522384) |
| 3 | 08/24/2006 | (522385) |
| 4 | 05/08/2007 | (538438) |
| 5 | 11/29/2006 | (547087) |
| 6 | 11/29/2006 | (547088) |
| 7 | 07/23/2007 | (602871) |
| 8 | 07/23/2007 | (602872) |
| 9 | 07/23/2007 | (602873) |
| 10 | 07/23/2007 | (602874) |
| 11 | 07/23/2007 | (602875) |
| 12 | 07/23/2007 | (602876) |
| 13 | 07/23/2007 | (602877) |
| 14 | 07/23/2007 | (602878) |
| 15 | 10/22/2007 | (621245) |
| 16 | 12/10/2007 | (621246) |
| 17 | 01/11/2008 | (621247) |
| 18 | 01/11/2008 | (621248) |
| 19 | 06/20/2008 | (680126) |
| 20 | 07/02/2008 | (684731) |
| 21 | 01/09/2009 | (709506) |
| 22 | 12/12/2008 | (728683) |
| 23 | 12/12/2008 | (728684) |
| 24 | 12/12/2008 | (728685) |
| 25 | 04/15/2009 | (740935) |
| 26 | 03/20/2009 | (751785) |
| 27 | 03/20/2009 | (751786) |
| 28 | 03/20/2009 | (751787) |
| 29 | 03/20/2009 | (751788) |
| 30 | 03/20/2009 | (751789) |
| 31 | 06/08/2010 | (825340) |
| 32 | 04/29/2010 | (827835) |
| 33 | 06/07/2010 | (832211) |
| 34 | 06/07/2010 | (832212) |
| 35 | 06/07/2010 | (832213) |
| 36 | 06/07/2010 | (832214) |
| 37 | 06/07/2010 | (832215) |
| 38 | 06/07/2010 | (832216) |
| 39 | 06/07/2010 | (832217) |
| 40 | 06/07/2010 | (832218) |
| 41 | 06/07/2010 | (832219) |
| 42 | 06/03/2010 | (832220) |
| 43 | 06/03/2010 | (832221) |
| 44 | 06/03/2010 | (832222) |
| 45 | 07/12/2010 | (845189) |
| 46 | 07/12/2010 | (845190) |
| 47 | 07/12/2010 | (846683) |
| 48 | 07/12/2010 | (861221) |
| 49 | 08/30/2010 | (867339) |
| 50 | 03/11/2011 | (899665) |

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

Date: 7/31/2006 (522385)

CN603330655

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

| | | | |
|--------------|---|-----------------|----------|
| 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 | | |

- 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
ALDINE COMMUNITY CARE
CENTER, INC.;
RN102186889**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2010-1109-MLM-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Aldine Community Care Center, Inc. ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 10110 Airline Drive in Houston, Harris County, Texas (the "PWS Facility"). The Facility provides water for human consumption, has approximately 96 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. Respondent owns and operates a wastewater treatment plant ("WWTP") located at 10110 Airline Drive in Houston, Harris County, Texas (the "WWTP Facility"). Respondent has discharged waste from the WWTP Facility into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
3. During an investigation conducted on May 20, 2010, at the PWS Facility, a TCEQ Houston Regional Office investigator documented that Respondent failed to locate the ground storage tank at least 500 feet away from a municipal WWTP. Specifically, the ground storage tank was located within 31 feet of a municipal WWTP.
4. During an investigation conducted on April 14, 2010, at the WWTP Facility, a TCEQ Houston Regional Office investigator documented that Respondent:
 - a. Failed to maintain all required records. Specifically, the daily operator's log was not available for review;
 - b. Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically:

- i. the chlorine contact chamber was leaking;
 - ii. the staff gauge was not legible; and
 - iii. only one blower was operational.
 - c. Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically:
 - i. a high level alarm was not installed at the on-site lift station; and
 - ii. only one pump was working at the on-site lift station.
 - d. Failed to secure hazard signs to the WWTP Facility's fence. Specifically, the fence surrounding the WWTP Facility did not have hazard signs stating "Danger – Open Tanks – No Trespassing."
 - e. Failed to provide a reduced pressure zone ("RPZ") backflow prevention device or air gap on the main potable water line to the WWTP.
 - f. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, Respondent failed to timely submit the discharge monitoring reports ("DMRs") for the monitoring periods ending March 31, 2009 through March 31, 2010.
 - g. Failed to submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009.
 - h. Failed to collect and analyze samples for carbonaceous biochemical oxygen demand ("CBOD"), total suspended solids ("TSS"), and ammonia-nitrogen ("NH₃-N") for the monitoring period ending March 31, 2010, and for all effluent parameters for the monitoring period ending April 30, 2010.
 - i. Failed to properly dispose of sludge. Specifically, Respondent was disposing of sludge in an abandoned WWTP at the WWTP Facility.
 - j. Failed to comply with permit effluent limits. Specifically, the concentration of chlorine residual from a grab sample taken during the investigation was 0.57 milligrams per liter ("mg/L") and the permitted minimum is 1.0 mg/L.
5. During a record review of the WWTP Facility conducted on February 18, 2011, a TCEQ Central Office investigator documented that Respondent:
- a. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, Respondent failed to timely submit the DMRs for the monitoring periods ending August 31, 2010 through December 31, 2010; and
 - b. Failed to submit the annual sludge report for the monitoring period ending July 31, 2010, by September 1, 2010.

6. Respondent received notice of the violation in Finding of Fact No. 3 on or about June 19, 2010. Respondent received notice of the violations in Findings of Fact Nos. 4.a. through 4.j. on or about June 13, 2010. Respondent received notice of the violations in Findings of Fact Nos. 5.a. and 5.b. on or about March 15, 2011.
7. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Aldine Community Care Center, Inc." (the "EDPRP") in the TCEQ Chief Clerk's office on March 25, 2011.
8. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Aldine Community Care Center, Inc." (the "EDFARP") in the TCEQ Chief Clerk's office on April 18, 2011.
9. Respondent filed an answer requesting a hearing on May 16, 2011, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on June 21, 2011.
10. On July 1, 2011, the TCEQ Chief Clerk mailed notice of the August 4, 2011, preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.
11. On August 4, 2011, the Administrative Law Judge ("ALJ") convened the preliminary hearing, but Respondent failed to appear. The ALJ entered a finding that Respondent was served with proper notice of the hearing, and the Executive Director requested that the matter be remanded to the Executive Director so that a Default Order may be entered and the case may be dismissed from the SOAH Docket.
12. The ALJ remanded the matter to the Executive Director by SOAH Order No. 1, Granting Motion to Dismiss and Remand, issued on August 4, 2011, so that TCEQ may dispose of this case on a default basis.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Respondent failed to locate the ground storage tank at least 500 feet away from a municipal WWTP, in violation of 30 TEX. ADMIN. CODE § 290.43(b)(1).
3. As evidenced by Finding of Fact No. 4.a., Respondent failed to maintain all required records, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010825001, Monitoring and Reporting Requirements No. 3.b.

4. As evidenced by Finding of Fact No. 4.b., Respondent failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(g)(4)(b)(iii); and TPDES Permit No. WQ0010825001, Operational Requirements No. 1.
5. As evidenced by Finding of Fact No. 4.c., Respondent failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.3(b)(1) and (e)(5); and TPDES Permit No. WQ0010825001, Operational Requirements No. 1.
6. As evidenced by Finding of Fact No. 4.d., Respondent failed to secure hazard signs to the WWTP Facility's fence, in violation of 30 TEX. ADMIN. CODE § 317.7(e).
7. As evidenced by Finding of Fact No. 4.e., Respondent failed to provide a RPZ backflow prevention device or air gap on the main potable water line to the WWTP, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8).
8. As evidenced by Finding of Fact No. 4.f., Respondent failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d); and TPDES Permit No. WQ0010825001, Monitoring and Reporting Requirements No. 1.
9. As evidenced by Finding of Fact No. 4.g., Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17); and TPDES Permit No. WQ0010825001, Sludge Provisions.
10. As evidenced by Finding of Fact No. 4.h., Respondent failed to collect and analyze samples for CBOD, TSS, and NH₃-N for the monitoring period ending March 31, 2010, and for all effluent parameters for the monitoring period ending April 30, 2010, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(a) and 319.4; and TPDES Permit No. WQ0010825001, Interim Effluent Limitations and Monitoring Requirements No. 1.
11. As evidenced by Finding of Fact No. 4.i., Respondent failed to properly dispose of sludge, in violation of 30 TEX. ADMIN. CODE § 305.125(4) and TPDES Permit No. WQ0010825001, Sludge Provisions.
12. As evidenced by Finding of Fact No. 4.j., Respondent failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1); 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0010825001, Interim Effluent Limitations and Monitoring Requirements No. 2.
13. As evidenced by Finding of Fact No. 5.a., Respondent failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d); and TPDES Permit No. WQ0010825001, Monitoring and Reporting Requirements No. 1.
14. As evidenced by Finding of Fact No. 5.b., Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2010, by September 1, 2010, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17); and TPDES Permit No. WQ0010825001, Sludge Provisions.

15. As evidenced by Finding of Fact No. 9, Respondent filed an answer requesting a hearing as required by TEX. WATER CODE § 7.056, TEX. HEALTH & SAFETY CODE § 341.049(e), and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(a)(3) and 30 TEX. ADMIN. CODE § 70.109.
16. As evidenced by Finding of Fact No. 10, Respondent was provided proper notice of the preliminary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, TEX. HEALTH & SAFETY CODE § 341.049(g), 1 TEX. ADMIN. CODE §§ 155.103(a) and (c)(3), 155.401 and 155.501(c) and (e)(2), and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.23, 39.25, 39.405, 39.413, 39.423, 39.425 and 80.6.
17. As evidenced by Findings of Fact Nos. 11 and 12, Respondent failed to appear for the preliminary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4), TEX. WATER CODE § 7.057, TEX. HEALTH & SAFETY CODE § 341.049(g), and 1 TEX. ADMIN. CODE § 155.501(e)(1)(A), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 70.106(b).
18. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
19. An administrative penalty in the amount of forty-six thousand four hundred seventy-eight dollars (\$46,478.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049.
20. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of forty-six thousand four hundred seventy-eight dollars (\$46,478.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Aldine Community Care Center, Inc.; Docket No. 2010-1109-MLM-E" to:

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

3. Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Respondent shall:
- i. Update the WWTP Facility's operations guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of completed, signed, and certified monthly DMRs and annual sludge reports and that all effluent parameters are monitored in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d); and TPDES Permit No. WQ0010825001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions (Conclusions of Law Nos. 8, 9, 10, 13, and 14);
 - ii. Submit the WWTP Facility annual sludge reports for the monitoring periods ending July 31, 2009 and July 31, 2010, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. WQ0010825001, Sludge Provisions (Conclusions of Law Nos. 9 and 14) to:

Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3088

- iii. Fasten signs stating "Danger - Open Tanks – No Trespassing" to the intruder resistant fence at the WWTP Facility and within visible distance of each other, in accordance with 30 TEX. ADMIN. CODE § 317.7(e) (Conclusion of Law No. 6);
 - iv. Install an RPZ backflow prevention device or air gap on the main potable water line to the WWTP Facility, in accordance with 30 TEX. ADMIN. CODE § 317.4(a)(8) (Conclusion of Law No. 7); and
 - v. Begin maintaining operations and maintenance records and all DMRs on-site at the WWTP Facility, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c); and TPDES Permit No. WQ0010825001, Monitoring and Reporting Requirements No. 3.b. (Conclusion of Law No. 3).
- b. Within 45 days after the effective date of this Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 3.h below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i through 3.a.v.

- c. Within 60 days after the effective date of this Order, Respondent shall:
 - i. Install a high-level alarm and an operational backup pump for the lift station at the WWTP Facility in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.3(b)(1) and (e)(5); and TPDES Permit No. WQ0010825001, Operational Requirements No. 1 (Conclusion of Law No. 5);
 - ii. Install a back-up blower at the WWTP Facility, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(g)(4)(b)(iii); and TPDES Permit No. WQ0010825001, Operational Requirements No. 1 (Conclusion of Law No. 4);
 - iii. Repair the chlorine contact chamber at the WWTP Facility to ensure there are no leaks, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and (5); and TPDES Permit No. WQ0010825001, Operational Requirements No. 1 (Conclusion of Law No. 4);
 - iv. Remove and properly dispose of sludge from the on-site abandoned WWTP, in accordance with 30 TEX. ADMIN. CODE § 305.125(4) and TPDES Permit No. WQ0010825001, Sludge Provisions (Conclusion of Law No. 11); and
 - v. Install a legible staff gauge at the WWTP Facility, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and (5); and TPDES Permit No. WQ0010825001, Operational Requirements No. 1 (Conclusion of Law No. 4).
- d. Within 75 days after the effective date of this Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 3.h below, to demonstrate compliance with Ordering Provisions Nos. 3.c.i through 3.c.v.
- e. Within 90 days after the effective date of this Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 3.h. below, to demonstrate compliance with the permitted effluent limitations of TPDES Permit No. WQ0010825001, including specific corrective actions that were implemented at the WWTP Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, in accordance with TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(a), 319.4, and 319.7(d), and TPDES Permit No. WQ0010825001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2. The certification shall be in accordance with Ordering Provision No. 3.h below (Conclusion of Law Nos. 10 and 12).
- f. Within 180 days after the effective date of this Order, Respondent shall relocate the PWS Facility's ground storage tank to ensure it is at a minimum distance of 500 feet away from a municipal WWTP, in accordance with 30 TEX. ADMIN. CODE § 290.43(b)(1) (Conclusion of Law No. 2).
- g. Within 195 days after the effective date of this Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 3.h below, to demonstrate compliance with Ordering Provision No. 3.f.

- h. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, 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."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Stephen Smith, Water Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk Street, Ste. H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the PWS Facility and WWTP Facility operations referenced in this Order.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

8. 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

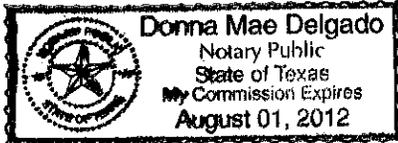
For the Commission



Tammy Mitchell, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tammy Mitchell, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 24th day of August, A.D. 2011.





Notary Signature