

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1505-MWD-E **TCEQ ID:** RN102335999 **CASE NO.:** 40388
RESPONDENT NAME: Texas Department of Aging and Disability Services

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: San Angelo State Supported Living Center WWTP, located approximately 16 miles northwest of San Angelo on United States Highway 87, Tom Green County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 28, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Philip Baugh, Director, Texas Department of Aging and Disability Services, P.O. Box 38, Carlsbad, Texas 76934 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 27, 2010</p> <p>Date of NOV/NOE Relating to this Case: August 11, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to prevent unauthorized discharges of wastewater into or adjacent to any water in the state. Specifically, an unauthorized discharge occurred on May 27, 2008, due to a blockage in the sewer main at the treatment plant, causing an overflow of approximately 300-400 gallons from a manhole; and on March 30, 2009, a discharge of approximately 2,500 gallons occurred due to clogged pumps at the lift station. Appropriate corrective measures were taken on the day of each discharge [Permit No. WQ0010634001 Permit Conditions 2.g., 30 TEX. ADMIN. CODE § 305.125(4), and TEX. WATER CODE § 26.121(c)].</p> <p>2) Failed to maintain a total chlorine residual concentration of at least 1.0 milligram per liter ("mg/L") in the final effluent. Specifically, on July 27, 2010, the investigator conducted a field measurement of the treated effluent for total chlorine residual. The field measurement result before manganese correction was 0.91 mg/L and after the manganese correction the result was 0.73 mg/L [Permit No. WQ0010634001 Effluent Limitations and Monitoring Requirements A., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121].</p> <p>3) Failed to properly preserve a biochemical oxygen demand ("BOD")</p>	<p>Total Assessed: \$5,660</p> <p>Total Deferred: \$1,132 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,528</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On May 27, 2008, raked and disinfected the area of the discharge and cleaned out the main line with a hydro jet machine; and</p> <p>b. On March 30, 2009, disinfected the area of the discharge with a chlorine solution, spread lime to control odor, disposed of all dry sludge, unclogged the line and pumps, and increased monitoring of the lift station.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin performing and recording quality assurance checks for total chlorine residual;</p> <p>b. Within 30 days after the effective date of the Agreed Order:</p> <p>i. Update the Facility's operational guidance and conduct employee training to ensure that the total chlorine residual concentration is at least 1.0 mg/L in the final effluent, BOD samples are properly preserved and all records of monitoring activities are properly documented and maintained; and</p> <p>ii. Provide documentation certifying that effluent storage ponds are adequately lined to control seepage;</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

<p>sample at the correct temperature of 6° Celsius. Specifically, the cooler temperature reported for BOD samples taken June 15, 2010 was 12.7° Celsius [Permit No. WQ0010634001, Monitoring Requirements No. 2 and 30 TEX. ADMIN. CODE § 319.11(b)].</p> <p>4) Failed to maintain adequate records of monitoring activities. Specifically, the pH calibration log did not include the time and did not identify the individual that calibrated the pH meter from the period of January 2008 through August 2008. Also, on the monthly operator's log, flow was recorded but did not identify the individual taking the measurement [Permit No. WQ0010634001, Monitoring Requirements No. 3.c. and 30 TEX. ADMIN. CODE § 319.7(a)].</p> <p>5) Failed to perform and record quality assurance checks for total chlorine residual monitoring [Permit No. WQ0010634001, Monitoring Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 319.6 and 319.9(d)].</p> <p>6) Failed to provide documentation showing the effluent storage ponds are adequately lined to control seepage [Permit No. WQ0010634001, Special Provisions No. 15 and 30 TEX. ADMIN. CODE § 305.125(1)].</p>		
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Additional ID No(s): WQ0010634001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Aug-2010	Screening	1-Sep-2010	EPA Due	
	PCW	17-Sep-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Department of Aging and Disability Services		
Reg. Ent. Ref. No.	RN102335999		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	40388	No. of Violations	6
Docket No.	2010-1505-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 1-Sep-2010

Docket No. 2010-1505-MWD-E

PCW

Respondent Texas Department of Aging and Disability Service

Policy Revision 2 (September 2002)

Case ID No. 40388

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335999

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 1-Sep-2010

Docket No. 2010-1505-MWD-E

PCW

Respondent Texas Department of Aging and Disability Services

Policy Revision 2 (September 2002)

Case ID No. 40388

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335999

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Permit No. WQ0010634001 Permit Conditions 2.g., 30 Tex. Admin. Code § 305.125(4), and Tex. Water Code § 26.121(c)

Violation Description

Failed to prevent unauthorized discharges of wastewater into or adjacent to any water in the state. Specifically, an unauthorized discharge occurred on May 27, 2008, due to a blockage in the sewer main at the treatment plant, causing an overflow of approximately 300-400 gallons from a manhole; and on March 30, 2009, a discharge of approximately 2,500 gallons occurred due to clogged pumps at the lift station. Appropriate corrective measures were taken on the day of each discharge.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

2 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended, one for each discharge.

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes

The Respondent returned to compliance by March 30, 2009.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$1,700

This violation Final Assessed Penalty (adjusted for limits) \$1,700

Economic Benefit Worksheet

Respondent Texas Department of Aging and Disability Services
Case ID No. 40388
Reg. Ent. Reference No. RN102335999
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	27-May-2008	30-Mar-2009	0.84	\$42	n/a	\$42

Notes for DELAYED costs

Estimated cost to spread lime to control odor, disinfect with chlorine solution; to clean out the main line with a hydro-jet machine and unstopped pumps. Date required is the date of the first documented discharge. The final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$42

Screening Date 1-Sep-2010

Docket No. 2010-1505-MWD-E

PCW

Respondent Texas Department of Aging and Disability Services

Policy Revision 2 (September 2002)

Case ID No. 40388

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335999

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s) Permit No. WQ0010634001 Effluent Limitations and Monitoring Requirements A., 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121

Violation Description Failed to maintain a total chlorine residual concentration of at least 1.0 milligram per liter ("mg/L") in the final effluent. Specifically, on July 27, 2010, the investigator conducted a field measurement of the treated effluent for total chlorine residual. The field measurement result before manganese correction was 0.91 mg/L and after the manganese correction the result was 0.73 mg/L.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

36 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 period of July 27, 2010 (investigation date) to the September 1, 2020 (screening date).

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 \$13

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent Texas Department of Aging and Disability Services
Case ID No. 40388
Reg. Ent. Reference No. RN102335999
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)				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	27-Jul-2010	31-May-2011	0.84	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	27-Jul-2010	31-May-2011	0.84	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to ensure that the total chlorine residual is maintained at least 1.0 mg/L in the final effluent, to update operation guidance, and to conduct employee training. Date required is the investigation date. Final date is the projected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$300

TOTAL \$13

Screening Date 1-Sep-2010

Docket No. 2010-1505-MWD-E

PCW

Respondent Texas Department of Aging and Disability Services

Policy Revision 2 (September 2002)

Case ID No. 40388

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335999

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s)

Permit No. WQ0010634001, Monitoring Requirements No. 2 and 30 Tex. Admin. Code § 319.11(b)

Violation Description

Failed to properly preserve a biochemical oxygen demand ("BOD") sample at the correct temperature of 6° Celsius. Specifically, the cooler temperature reported for BOD samples taken June 15, 2010 was 12.7° Celsius.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

36 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$550

This violation Final Assessed Penalty (adjusted for limits) \$550

Economic Benefit Worksheet

Respondent Texas Department of Aging and Disability Services
Case ID No. 40388
Reg. Ent. Reference No. RN102335999
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic benefit covered by training requirement on violation no. 2.

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 \$0

TOTAL \$0

Screening Date 1-Sep-2010

Docket No. 2010-1505-MWD-E

PCW

Respondent Texas Department of Aging and Disability Services

Policy Revision 2 (September 2002)

Case ID No. 40388

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335999

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 4

Rule Cite(s)

Permit No. WQ0010634001, Monitoring Requirements No. 3.c. and 30 Tex. Admin. Code § 319.7(a)

Violation Description

Failed to maintain adequate records of monitoring activities. Specifically, the pH calibration log did not include the time and did not identify the individual that calibrated the pH meter from the period of January 2008 through August 2008. Also, on the monthly operator's log, flow was recorded but did not identify the individual taking the measurement.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Greater than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

243 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

Economic Benefit Worksheet

Respondent Texas Department of Aging and Disability Services
Case ID No. 40388
Reg. Ent. Reference No. RN102335999
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic benefit covered by training requirement on violation no. 2.

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 \$0

TOTAL \$0

Screening Date 1-Sep-2010

Docket No. 2010-1505-MWD-E

PCW

Respondent Texas Department of Aging and Disability Services

Policy Revision 2 (September 2002)

Case ID No. 40388

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335999

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 5

Rule Cite(s)

Permit No. WQ0010634001, Monitoring Requirements No. 2 and 30 Tex. Admin. Code §§ 319.6 and 319.9(d)

Violation Description

Failed to perform and record quality assurance checks for total chlorine residual monitoring.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 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 the environment as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

36 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 period of July 27, 2010 (investigation date) to the September 1, 2020 (screening date).

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 \$0

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent Texas Department of Aging and Disability Services
Case ID No. 40388
Reg. Ent. Reference No. RN102335999
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic benefit covered by training requirement on violation no. 2.

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 \$0

TOTAL \$0

Screening Date 1-Sep-2010

Docket No. 2010-1505-MWD-E

PCW

Respondent Texas Department of Aging and Disability Services

Policy Revision 2 (September 2002)

Case ID No. 40388

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335999

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 6

Rule Cite(s)

Permit No. WQ0010634001, Special Provisions No. 15 and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to provide documentation showing the effluent storage ponds are adequately lined to control seepage.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

36 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 \$4

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent Texas Department of Aging and Disability Services

Case ID No. 40388

Reg. Ent. Reference No. RN102335999

Media Water Quality

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	27-Jul-2010	31-May-2011	0.84	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to provide documents that the pond linings are adequately lined to control seepage. Date required is the investigation date. Final date is the projected 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

\$100

TOTAL

\$4

Compliance History Report

Customer/Respondent/Owner-Operator: CN602728834 Texas Department of Aging and Disability Services Classification: AVERAGE Rating: 1.99

Regulated Entity: RN102335999 SAN ANGELO STATE SUPPORTED LIVING CENTER WWTP Classification: AVERAGE Site Rating: 1.40

ID Number(s): WASTEWATER WASTEWEATER LICENSING PERMIT LICENSE WQ0010634001 WQ0010634001

Location: located approximately 16 miles northwest of the City of San Angelo on U.S. Highway 87

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: September 15, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 15, 2005 to September 15, 2010

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

Name: Cheryl Thompson Phone: (817) 588-5886

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? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|-------------|
| 1 | 05/19/2006 | (465575) | CN602728834 |
| 2 | 02/29/2008 | (613768) | CN602728834 |
| 3 | 03/14/2008 | (639187) | |
| 4 | 08/11/2010 | (844326) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|--------------------------|
| Date: | 05/19/2006 | (465575) | CN602728834 |
| Self | NO | | Classification: Moderate |
| Citation: | PPVII.2.B. PERMIT
TWC Chapter 26 26.121 | | |
| Description: | Unauthorized discharge from the on-site lift station. | | |
| Date: | 02/29/2008 | (613768) | CN602728834 |
| Self | NO | | Classification: Moderate |
| Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(4)
PPVII.2.b PERMIT | | |
| Description: | Failure to prevent an unauthorized discharge from the on-site lift station and influent sewer main. | | |
| Self | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 317 317.6(b)(1)(E) | | |
| Description: | Failure to maintain an operational forced mechanical ventilation fan in the chlorine room. | | |
- 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
TEXAS DEPARTMENT OF AGING
AND DISABILITY SERVICES
RN102335999**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1505-MWD-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Department of Aging and Disability Services ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 16 miles northwest of San Angelo on United States Highway 87 in Tom Green County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 16, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Five Thousand Six Hundred Sixty Dollars (\$5,660) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Five Hundred Twenty-Eight Dollars (\$4,528) of the administrative penalty and One Thousand One Hundred Thirty-Two Dollars (\$1,132) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On May 27, 2008, raked and disinfected the area of the discharge and cleaned out the main line with a hydro jet machine; and
 - b. On March 30, 2009, disinfected the area of the discharge with a chlorine solution, spread lime to control odor, disposed of all dry sludge, unclogged the line and pumps, and increased monitoring of the lift station.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent unauthorized discharges of wastewater into or adjacent to any water in the state, in violation of Permit No. WQ0010634001 Permit Conditions 2.g., 30 TEX. ADMIN. CODE § 305.125(4), and TEX. WATER CODE § 26.121(c), as documented during an investigation conducted on July 27, 2010. Specifically, an unauthorized discharge occurred on May 27, 2008, due to a blockage in the sewer main at the treatment plant,

causing an overflow of approximately 300-400 gallons from a manhole; and on March 30, 2009, a discharge of approximately 2,500 gallons occurred due to clogged pumps at the lift station. Appropriate corrective measures were taken on the day of each discharge.

2. Failed to maintain a total chlorine residual concentration of at least 1.0 milligram per liter ("mg/L") in the final effluent, in violation of Permit No. WQ0010634001 Effluent Limitations and Monitoring Requirements A., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121, as documented during an investigation conducted on July 27, 2010. Specifically, on July 27, 2010, the investigator conducted a field measurement of the treated effluent for total chlorine residual. The field measurement result before manganese correction was 0.91 mg/L and after the manganese correction the result was 0.73 mg/L.
3. Failed to properly preserve a biochemical oxygen demand ("BOD") sample at the correct temperature of 6° Celsius, in violation of Permit No. WQ0010634001, Monitoring Requirements No. 2 and 30 TEX. ADMIN. CODE § 319.11(b), as documented during an investigation conducted on July 27, 2010. Specifically, the cooler temperature reported for BOD samples taken June 15, 2010 was 12.7° Celsius.
4. Failed to maintain adequate records of monitoring activities, in violation of Permit No. WQ0010634001, Monitoring Requirements No. 3.c. and 30 TEX. ADMIN. CODE § 319.7(a), as documented during an investigation conducted on July 27, 2010. Specifically, the pH calibration log did not include the time and did not identify the individual that calibrated the pH meter from the period of January 2008 through August 2008. Also, on the monthly operator's log, flow was recorded but did not identify the individual taking the measurement.
5. Failed to perform and record quality assurance checks for total chlorine residual monitoring, in violation of Permit No. WQ0010634001, Monitoring Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 319.6 and 319.9(d), as documented during an investigation conducted on July 27, 2010.
6. Failed to provide documentation showing the effluent storage ponds are adequately lined to control seepage, in violation of Permit No. WQ0010634001, Special Provisions No. 15 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on July 27, 2010.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Department of Aging and Disability Services, Docket No. 2010-1505-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin performing and recording quality assurance checks for total chlorine residual, in accordance with 30 TEX. ADMIN. CODE ch. 319;
 - b. Within 30 days after the effective date of the Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that the total chlorine residual concentration is at least 1.0 mg/L in the final effluent, BOD samples are properly preserved and all records of monitoring activities are properly documented and maintained; and
 - ii. Provide documentation certifying that effluent storage ponds are adequately lined to control seepage.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2. a and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 3/28/2011

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Date 11.23.10

PHILIP BAUGH

Name (Printed or typed)
Authorized Representative of
Texas Department of Aging and Disability Services

DIRECTOR

Title

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