

**Executive Summary – Enforcement Matter – Case No. 41167**

**The Salvation Army**

**RN102769098**

**Docket No. 2011-0258-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

The Salvation Army, located on the southern portion of Camp Hoblitzelle, approximately 1.5 miles south of the intersection of Farm-to-Market Road 875 and Farm-to-Market Road 663, south of Midlothian, Ellis County

**Type of Operation:**

Wastewater treatment system

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 10, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$5,140

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$5,140

**Total Due to General Revenue:** \$0

Payment Plan: N/A .

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**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. 41167  
The Salvation Army  
RN102769098  
Docket No. 2011-0258-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** January 18, 2011  
**Date(s) of NOE(s):** February 2, 2011

***Violation Information***

Failed to comply with permitted effluent limits for total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0013904001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

Within 90 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the permitted effluent limitations of TPDES Permit No. WQ0013904001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2569; Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** John G. Horton, Executive Director, The Salvation Army, 8060 Singleton Road, Midlothian, Texas 76065  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned PCW</b>	14-Feb-2011	<b>Screening</b>	15-Feb-2011	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	The Salvation Army
<b>Reg. Ent. Ref. No.</b>	RN102769098
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	41167	<b>Order Type</b>	Findings
<b>Docket No.</b>	2011-0258-MWD-E	<b>Government/Non-Profit</b>	Yes
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Jorge Ibarra
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **165.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,300**

Notes: Enhancement for 25 months of self-reported effluent violations, four NOV's with same/similar violations, and one agreed order with denial language.

**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 \$1,042  
Approx. Cost of Compliance \$10,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$5,300**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **-3.0%** **Adjustment** **-\$160**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

**Final Penalty Amount** **\$5,140**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$5,140**

**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** **\$5,140**

Screening Date 15-Feb-2011

Docket No. 2011-0258-MWD-E

PCW

Respondent The Salvation Army

Policy Revision 2 (September 2002)

Case ID No. 41167

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102769098

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

### 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> )	29	145%
	Other written NOVs	0	0%
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%
<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)** 165%

#### >> 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 25 months of self-reported effluent violations, four NOVs with same/similar violations, and one agreed order with denial language.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 165%

Screening Date 15-Feb-2011

Docket No. 2011-0258-MWD-E

PCW

Respondent The Salvation Army

Policy Revision 2 (September 2002)

Case ID No. 41167

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102769098

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013904001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented in a record review conducted on January 18, 2011. See attached Effluent Limit Violation Table.

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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

150 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.

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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,042

Violation Final Penalty Total \$5,140

This violation Final Assessed Penalty (adjusted for limits) \$5,140

# Economic Benefit Worksheet

**Respondent** The Salvation Army  
**Case ID No.** 41167  
**Reg. Ent. Reference No.** RN102769098  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Nov-2009	31-Dec-2011	2.08	\$1,042	n/a	\$1,042

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. 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

\$10,000

**TOTAL**

\$1,042

**Effluent Limit Violation Table**

<b>Respondent</b>	The Salvation Army
<b>ID Number(s)</b>	TPDES Permit No. WQ0013904001; Case No. 41167
<b>Docket Number</b>	2011-0258-MWD-E
<b>Enf. Coordinator</b>	Jorge Ibarra

**Corresponds to Violation Number:** 1

**EFFLUENT PARAMETER  
Permit Limit**

Effluent Parameters	Total Suspended Solids Daily Avg. Conc.
<b>Month/Year</b>	Limit = 15 mg/L
November 2009	16.5
December 2009	31.4
February 2010	18
March 2010	19.4
April 2010	23.5
	mg/L = milligrams per liter
	Conc. = concentration
	Avg. = average



## Compliance History

Customer/Respondent/Owner-Operator:	CN600631196	THE SALVATION ARMY	Classification: AVERAGE	Rating: 2.76
Regulated Entity:	RN102769098	THE SALVATION ARMY	Classification: AVERAGE	Site Rating: 2.52
ID Number(s):	WASTEWATER	EPA ID	TX0126616	
	WASTEWATER	PERMIT	WQ0013904001	
Location:	LOCATED ON THE SOUTHERN PORTION OF CAMP HOBLITZELLE, APPROXIMATELY 1.5 MILES SOUTH OF THE INTERSECTION OF FARM-TO-MARKET ROAD 875 AND FARM-TO-MARKET ROAD 663, SOUTH OF THE TOWN OF MIDLOTHIAN IN ELLIS COUNTY, TEXAS			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	February 15, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 15, 2006 to February 15, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Jorge Ibarra</u>		Phone:	<u>(817) 588-5890</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? 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.

Effective Date: 01/30/2009 ADMINORDER 2008-0984-MWD-E  
 Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
           30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov Effluent Limits PERMIT  
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of  
 Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Rqmt Prov Effluent Reporting Requirements PERMIT  
 Description: Failure to submit effluent monitoring results at the intervals specified in the permit as

- 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	05/31/2006	(479737)
2	06/30/2006	(507081)
3	06/30/2006	(507082)
4	06/30/2006	(507083)
5	06/30/2006	(507084)
6	06/30/2006	(507085)
7	06/30/2006	(507086)
8	06/30/2006	(507087)
9	06/30/2006	(507088)
10	06/30/2006	(507089)
11	06/30/2006	(507090)

12	06/30/2006	(507091)
13	06/30/2006	(507092)
14	06/30/2006	(507093)
15	06/30/2006	(507094)
16	11/30/2007	(633944)
17	11/30/2007	(633945)
18	11/30/2007	(633946)
19	11/30/2007	(633947)
20	11/30/2007	(633948)
21	11/30/2007	(633949)
22	11/30/2007	(633950)
23	11/30/2007	(633951)
24	12/06/2007	(633952)
25	11/30/2007	(633953)
26	11/30/2007	(633954)
27	11/30/2007	(633955)
28	11/30/2007	(633956)
29	11/30/2007	(633957)
30	11/30/2007	(633958)
31	11/30/2007	(633959)
32	12/18/2007	(633960)
33	11/30/2007	(633961)
34	05/09/2008	(639922)
35	05/15/2008	(653520)
36	02/14/2008	(677933)
37	01/16/2008	(677934)
38	06/30/2008	(684361)
39	04/22/2008	(696784)
40	05/22/2008	(696785)
41	09/24/2008	(703474)
42	03/31/2008	(718491)
43	06/16/2008	(718492)
44	07/18/2008	(718493)
45	08/14/2008	(718494)
46	09/18/2008	(718495)
47	11/24/2008	(733727)
48	12/22/2008	(733728)
49	02/23/2009	(756874)
50	01/26/2009	(756875)
51	03/23/2009	(773709)
52	04/21/2009	(773710)
53	10/16/2009	(779520)
54	11/22/2009	(783377)
55	02/25/2010	(821514)
56	06/03/2009	(821515)
57	06/25/2009	(821516)
58	07/27/2009	(821517)
59	08/20/2009	(821518)
60	09/25/2009	(821519)
61	10/29/2009	(821520)
62	11/23/2009	(821521)
63	12/18/2009	(821522)
64	01/06/2010	(821523)
65	03/22/2010	(836824)
66	04/23/2010	(836825)
67	05/24/2010	(836826)
68	06/28/2010	(848087)
69	06/30/2010	(862534)
70	08/26/2010	(869151)
71	09/15/2010	(876016)
72	10/26/2010	(883599)
73	11/19/2010	(889974)
74	02/11/2011	(891212)
75	02/09/2011	(891906)

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

Date: 03/31/2006 (507083) CN600631196  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/26/2006 (479737) CN600631196  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 317 317.4(a)(8)  
30 TAC Chapter 317 317.7(i)  
Description: Failure to install or verify the installation of backflow prevention devices.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to comply with the permitted daily average flow limit.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
Description: Failure to submit monthly discharge monitoring reports.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
Description: Failure to use the proper analytical methods and techniques used for sample analyses.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to maintain total chlorine residual (maximum), not to exceed 4.0 mg/L.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 317 317.7(d)  
Description: Failure to provide signs stating that the water located within the holding pond is from a non-potable water supply.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.4  
Description: Failure to perform sampling and analyses on the parameters specified in the permit.

Date: 05/31/2006 (507087) CN600631196  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2006 (633949) CN600631196  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2006 (633961) CN600631196  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2007 (633944) CN600631196  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 10/31/2007 (633958) CN600631196  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2007 (633960) CN600631196  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date	12/31/2007	(677934)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2008	(677933)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/29/2008	(718491)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2008	(696784)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2008	(696785)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/09/2008	(639922)	CN600631196
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to submit monthly discharge monitoring reports.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)		
Description:	Failure to use the proper analytical methods and techniques used for sample analyses.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain total chlorine residual (maximum), not to exceed 4.0 mg/L.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 317 317.7(d)		
Description:	Failure to provide signs stating that the water located within the holding pond is from a non-potable water supply.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.4		
Description:	Failure to perform sampling and analyses on the parameters specified in the permit.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Reporting Requirements PERMIT		
Description:	Failure to calibrate the flow meter annually.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring Req. PERMIT		
Description:	Failure to maintain compliance with the permitted effluent limits for TSS and total chlorine residual.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) Monitoring an Reporting Requirements PERMIT		
Description:	Failure to maintain adequate sampling documentation.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements PERMIT		
Description:	Failure to maintain process control records or maintenance and operations records.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to provide notification of effluent permit limit violations.		

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)  
 30 TAC Chapter 305, SubChapter F 305.125(11)(C)  
 Sludge Provisions PERMIT  
 Description: Failure to submit the year 2005-2006 and 2006-2007 annual sludge reports.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 30 TAC Chapter 317 317.4(i)  
 Description: Failure to properly maintain the storage pond.

Date 05/31/2008 (718492) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2008 (718495) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 09/30/2008 (733727) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2008 (756875) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2009 (773709) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2009 (773710) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2009 (821515) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2009 (821516) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 09/23/2009 (779520) CN600631196  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to comply with the TSS and TRC effluent permit limits.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.6  
 30 TAC Chapter 319, SubChapter A 319.9(c)  
 Description: Failure to perform and maintain adequate QC data for chlorine analysis.

Date 11/30/2009 (821522) CN600631196  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date	12/31/2009	(821523)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2010	(836824)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2010	(836825)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2010	(836826)	CN600631196
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/14/2011	(891212)	CN600631196
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to comply with the TSS effluent permit limits.		

- 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
- K. Sites Outside of Texas  
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE SALVATION ARMY  
RN102769098**

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

**AGREED ORDER  
DOCKET NO. 2011-0258-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Salvation Army ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment system located on the southern portion of Camp Hoblitzelle, approximately 1.5 miles south of the intersection of Farm-to-Market Road 875 and Farm-to-Market Road 663, south of Midlothian in Ellis County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on January 18, 2011, TCEQ staff documented that the Respondent did not comply with the permitted effluent limits as shown in the table below:

Effluent Parameters	Total Suspended Solids Daily Avg. Conc.
<i>Month/Year</i>	Limit = 15 mg/L
November 2009	16.5
December 2009	31.4
February 2010	18
March 2010	19.4
April 2010	23.5
	mg/L = milligrams per liter
	Conc. = concentration
	Avg. = average

4. The Respondent received notice of the violations on February 5, 2011.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013904001, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Five Thousand One Hundred Forty Dollars (\$5,140) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Five Thousand One Hundred Forty Dollar (\$5,140) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Five Thousand One Hundred Forty Dollars (\$5,140) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Salvation Army, Docket No. 2011-0258-MWD-E" to:

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

2. The Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013904001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

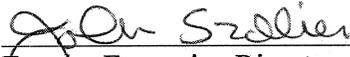
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 6/10/2011

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

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 5/09/2011

John G. Horton  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
The Salvation Army

Executive Director  
Hoblitzelle Camp & Conference Center  
\_\_\_\_\_  
Title

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