

Executive Summary – Enforcement Matter – Case No. 40930
Archdiocese of Galveston-Houston
RN101523215
Docket No. 2011-0015-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:

Circle Lake Retreat Center WWTP, located approximately seven miles southeast of the intersection of Farm-to-Market Road 1488 and State Highway 249, Montgomery County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 6, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,625

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$7,625

Name of SEP: Bayou Land Conservancy *fka Legacy Land Trust*

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. 40930
Archdiocese of Galveston-Houston
RN101523215
Docket No. 2011-0015-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 9, 2010

Date(s) of NOE(s): December 9, 2010

Violation Information

1. Failed to comply with the permitted effluent limitations for residual chlorine and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014218001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
2. Failed to timely submit the discharge monitoring reports (“DMRs”) for the monitoring periods ending December 31, 2009 and January 31, 2010, by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 1].
3. Failed to submit complete DMRs for the monitoring periods ending April 30, 2010 and June 30, 2010 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 1].
4. Failed to timely 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 305.125(17) and TPDES Permit No. WQ0014218001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. By January 6, 2011, submitted the annual sludge report for the monitoring period ending July 31, 2009; and
- b. By January 21, 2011, submitted the DMRs for the monitoring periods ending April 30, 2010, June 30, 2010, December 31, 2010, and January 31, 2010.

Technical Requirements:

- 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

Executive Summary – Enforcement Matter – Case No. 40930
Archdiocese of Galveston-Houston
RN101523215
Docket No. 2011-0015-MWD-E

2) The Order will also require the Respondent to:

a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports;

b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.; and

c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014218001, 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: Ms. Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

TCEQ SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732

Respondent: Ms. Christina E. Deajon, Agent & Attorney-in-Fact for the Most Reverend Daniel N. DiNardo, Archdiocese of Galveston-Houston, P.O. Box 1410, Pinehurst, Texas 77362

Ms. Gloria Bustillo, Director, Archdiocese of Galveston-Houston, P.O. Box 1410, Pinehurst, Texas 77362

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0015-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Archdiocese of Galveston-Houston
Penalty Amount: Seven Thousand Six Hundred Twenty-Five Dollars (\$7,625)
SEP Offset Amount: Seven Thousand Six Hundred Twenty-Five Dollars (\$7,625)
Type of SEP: Pre-approved
Third-Party Recipient: Bayou Land Conservancy *fka Legacy Land Trust*
Project Name: Spring Creek Greenway Project
Location of SEP: Harris or Montgomery Counties

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

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Bayou Land Conservancy** for the *Spring Creek Greenway Project*. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, this SEP will focus on preserving multiple tracts of land comprising approximately 1,000 acres in the riparian corridor east of FM 2978 and west of U.S. 59. The Third-Party Recipient shall use SEP Funds to acquire conservation easements on these tracts to provide permanent protection and stewardship of these lands and waters. The Third-Party Recipient shall also use SEP Funds to conduct restoration work, including tree plantings, on these tracts, as needed. All property acquired in whole or in part with SEP Funds must be preserved in perpetuity through a conservation easement that complies with Subchapter A, Chapter 183, Texas Natural Resources Code. The holder of the conservation easement must be an entity that meets the definition of “holder” under section 183.001(2), Texas Natural Resources Code. Additionally, the holder of the conservation easement may not also be the owner of the property. The Third-Party Recipient shall use only conservation easements that are substantially similar to the conservation easement described in the Supplement Environmental Project Agreement between Third-Party Recipient and TCEQ. The

Archdiocese of Galveston-Houston

Agreed Order - Attachment A

Third-Party Recipient shall not use or set aside SEP Funds for legal defense of these properties without prior written approval of the TCEQ.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

The preservation of open space in the Spring Creek Greenway Project area provides substantial environmental, economic, and community benefits for the region. Spring Creek is on the State's 303(d) list for water quality impairment due to bacteria. The sandy banks of Spring Creek have frequently been stripped of their native vegetation, increasing erosion potential and reducing wildlife habitat. However, for such a highly populated area, northern Harris and southern Montgomery Counties are still heavily forested. Protecting this forested area's trees, understory and wetlands helps absorb fertilizer, roadway runoff, and animal fecal matter from the nearby highly populated areas. Biofiltration through these vegetated areas protects Spring Creek from non-point source water pollution by slowing the flow of run-off and assisting particulates and their associated pollutants to settle. As pollutants settle out via washover through these forests, they are immobilized, decomposed and absorbed back into the soil, instead of running off into the waterway. By preserving the natural vegetated banks, turbidity is reduced, and source water for recreation and human consumption is protected from further degradation before reaching the San Jacinto River, which feeds Lake Houston, a primary water source for Houston. Having vegetated areas remain protected along this area, while also increasing tree plantings through this project, will help protect this waterway from contaminants. Finally, the linking of open space enhances the conservation value of this greenway project by reversing land fragmentation.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Archdiocese of Galveston-Houston
Agreed Order - Attachment A

Bayou Land Conservancy
Jennifer Lorenz, Executive Director
10330 Lake Road, Building J
Houston, Texas 77070

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
PO Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to “Texas Commission on Environmental Quality” and shall mail it to:

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ.** Such statements include advertising, public relations, and press releases.

Archdiocese of Galveston-Houston
Agreed Order - Attachment A

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	13-Dec-2010	Screening	29-Dec-2010	EPA Due	
	PCW	14-Jan-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Archdiocese of Galveston-Houston
Reg. Ent. Ref. No.	RN101523215
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	40930	No. of Violations	4
Docket No.	2011-0015-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jennifer Graves
		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	\$2,500
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	210.0% Enhancement	Subtotals 2, 3, & 7	\$5,250
---------------------------	---------------------------	--------------------------------	----------------

Notes: Enhancement for 30 months of self-reported effluent violations, four NOV's with same/similar violations, and two orders with denial of liability.

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: \$5,580
 Approx. Cost of Compliance: \$50,550
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,750
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	-1.6%	Adjustment	-\$125
---	--------------	-------------------	---------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction to prevent double-enhancement for violations that were self-reported.

Final Penalty Amount	\$7,625
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,625
-----------------------------------	-------------------------------	----------------

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	\$7,625
------------------------	----------------

Screening Date 29-Dec-2010

Docket No. 2011-0015-MWD-E

PCW

Respondent Archdiocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 40930

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

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>)	34	170%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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) 210%

>> **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 30 months of self-reported effluent violations, four NOVs with same/similar violations, and two orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 210%

Screening Date 29-Dec-2010

Docket No. 2011-0015-MWD-E

PCW

Respondent Archdiocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 40930

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014218001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with the permitted effluent limitations, as documented during a record review conducted on November 9, 2010, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Chlorine residual was also considered. As a result of these discharges, 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.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 120 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 \$5,552

Violation Final Penalty Total \$6,100

This violation Final Assessed Penalty (adjusted for limits) \$6,100

Economic Benefit Worksheet

Respondent Archdiocese of Galveston-Houston
Case ID No. 40930
Req. Ent. Reference No. RN101523215
Media Violation No. Water Quality
 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)	\$50,000	28-Feb-2010	30-Sep-2011	1.59	\$264	\$5,288	\$5,552
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 conduct an evaluation of the wastewater treatment system to determine the cause of noncompliance. Date required is the initial month 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

\$50,000

TOTAL

\$5,552

Screening Date 29-Dec-2010

Docket No. 2011-0015-MWD-E

PCW

Respondent Archdiocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 40930

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the discharge monitoring reports ("DMRs") for the monitoring periods ending December 31, 2009 and January 31, 2010, by the 20th day of the following month, as documented during a record review conducted on November 9, 2010.

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 1%

Matrix Notes

70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

62 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single 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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$610

This violation Final Assessed Penalty (adjusted for limits) \$610

Economic Benefit Worksheet

Respondent Archdiocese of Galveston-Houston
Case ID No. 40930
Req. Ent. Reference No. RN101523215
Media Water Quality
Violation No. 2

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)	\$250	9-Nov-2010	30-Sep-2011	0.89	\$1	\$15	\$16
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)	\$200	20-Jan-2010	21-Jan-2011	1.00	\$10	n/a	\$10

Notes for DELAYED costs

The estimated cost to update operational guidance and conduct employee training to ensure that all reporting requirements are met. Date required is the investigation date. Final date is the expected date of compliance. The estimated cost to prepare and submit the DMRs (\$50 x 4 DMRs = \$200). Date required is the date the first DMR was due. Final date is the date the DMRs 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

\$450

TOTAL

\$26

Screening Date 29-Dec-2010

Docket No. 2011-0015-MWD-E

PCW

Respondent Archdiocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 40930

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.1 and TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit complete DMRs for the monitoring periods ending April 30, 2010 and June 30, 2010, as documented during a record review conducted on November 9, 2010. Specifically, the DMRs did not include parameter data for chlorine residual minimum concentration for April 2010 and daily maximum flow for June 2010.

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

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

60 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$200

Two single 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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$610

This violation Final Assessed Penalty (adjusted for limits) \$610

Economic Benefit Worksheet

Respondent Archdiocese of Galveston-Houston
Case ID No. 40930
Rea. Ent. Reference No. RN101523215
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

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				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

See Economic Benefit for Violation No. 2.

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

\$0

TOTAL

\$0

Screening Date 29-Dec-2010

Docket No. 2011-0015-MWD-E

PCW

Respondent Archdiocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 40930

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014218001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2010 by September 1, 2010, as documented during a record review conducted on November 9, 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	1%

Matrix Notes 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 119

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 \$2

Violation Final Penalty Total \$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent Archdiocese of Galveston-Houston
Case ID No. 40930
Req. Ent. Reference No. RN101523215
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)	\$100	1-Sep-2010	6-Jan-2011	0.35	\$0	\$2	\$2
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 of preparing and submitting the annual sludge report. Date required is the date the report was due. The final date is the date the sludge report was 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

\$2

EFFLUENT VIOLATION TABLE

Archdiocese of Galveston-Houston

TPDES Permit No. WQ0014218001

Docket No. 2011-0015-MWD-E

Months	Chlorine Residual Monthly Max. Conc.	NH ₃ -N Daily Avg. Conc.	NH ₃ -N Max. Conc. Single Grab	NH ₃ -N Daily Avg. Loading
	Limit = 4 mg/L	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.25 lbs/d
February 2010	c	4.54	c	0.35
March 2010	c	3.14	c	c
May 2010	8.8	c	c	c
June 2010	c	8.08	23.8	c

NH₃-N = ammonia nitrogen

Max. = maximum

Conc. = concentration

lbs/d = pounds per day

Avg. = average

mg/L = milligrams per Liter

c = compliant

Compliance History

Customer/Respondent/Owner-Operator: CN603208158 Archdiocese of Galveston Houston Classification: AVERAGE Rating: 3.31
Regulated Entity: RN101523215 CIRCLE LAKE RETREAT CENTER Classification: AVERAGE Site Rating: 4.21
WWTP
ID Number(s): WASTEWATER PERMIT WQ0014218001
WASTEWATER EPA ID TX0123587
Location: APPROX 7 M SE OF THE INTX OF
FM RD 1488 AND ST HWY 249 IN
MONTGOMERY CO, TX
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: December 16, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: December 16, 2005 to December 16, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Jennifer Graves Phone: (956) 430-6023

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 Archdiocese of Galveston Houston
4. If yes, who was/were the prior owner(s)/operator(s)? OWN Diocese of Galveston-Houston
5. When did the change(s) in owner or operator occur? 02/22/2008
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: 12/20/2007 ADMINORDER 2007-0384-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 the permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 04/28/2008 ADMINORDER 2007-1499-MWD-E
Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Rqmt Prov: IEL&MR, P. 2, No. 1 PERMIT
Description: Failure to collect and analyze samples for each parameter at the minimum frequency specified in the permit.
Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Rqmt Prov: M&RR No. 2 PERMIT
Description: Failure to properly preserve effluent samples and meet the required holding times.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: D&SPC, P. 4, No. 2e PERMIT
Description: Failure to accurately calculate and report the monthly average concentration for fecal coliform.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: M&RR, P. 6, No. 7c PERMIT
Description: Failure to report in writing to the TCEQ any effluent violation which deviates from the permitted effluent limitations by more than 40%.

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	08/30/2006	(488547)
2	12/29/2005	(493372)
3	12/29/2005	(493373)
4	12/29/2005	(493374)
5	12/29/2005	(493375)
6	07/28/2006	(528872)
7	07/28/2006	(528873)
8	07/28/2006	(528874)
9	07/28/2006	(528875)
10	07/28/2006	(528876)
11	07/28/2006	(528877)
12	07/28/2006	(528878)
13	03/08/2007	(539707)
14	09/07/2007	(567819)
15	03/21/2007	(632720)
16	03/21/2007	(632721)
17	09/05/2007	(632722)
18	07/23/2007	(632723)
19	06/15/2007	(632724)
20	07/20/2007	(632725)
21	11/20/2006	(632726)
22	09/04/2007	(632727)
23	11/15/2006	(632728)
24	09/18/2007	(632729)
25	11/15/2006	(632730)
26	10/23/2007	(632731)
27	11/20/2006	(632732)
28	11/26/2007	(632733)
29	12/27/2006	(632734)
30	12/20/2007	(632735)
31	01/29/2007	(632736)
32	07/24/2008	(654216)
33	01/23/2008	(677606)
34	05/23/2008	(680303)
35	04/02/2008	(696381)
36	04/23/2008	(696382)
37	05/27/2008	(696383)
38	02/21/2008	(718037)
39	06/23/2008	(718038)
40	07/18/2008	(718039)
41	08/19/2008	(718040)
42	03/31/2009	(725721)
43	08/31/2008	(733337)
44	10/01/2008	(733338)
45	12/12/2008	(733339)
46	06/11/2009	(743769)
47	02/24/2009	(756481)
48	03/04/2009	(756482)
49	12/18/2008	(756483)
50	03/04/2009	(756484)
51	01/20/2009	(756485)
52	08/10/2009	(764479)
53	03/23/2009	(773405)
54	04/17/2009	(773406)
55	07/14/2010	(802926)
56	06/22/2009	(820477)
57	07/15/2009	(820478)
58	08/13/2009	(820479)
59	09/21/2009	(820480)
60	10/15/2009	(820481)
61	11/13/2009	(820482)
62	12/09/2009	(820483)
63	05/03/2010	(836438)
64	05/03/2010	(836439)
65	05/19/2010	(836440)
66	05/19/2010	(845413)

67 08/23/2010 (869022)
68 08/23/2010 (869023)
69 08/23/2010 (869024)
70 09/23/2010 (875868)
71 12/10/2010 (876823)

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

Date: 12/31/2005 (528878) CN603208158
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: 01/31/2006 (528872) CN603208158
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (528873) CN603208158
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: 03/31/2006 (528874) CN603208158
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: 04/30/2006 (528875) CN603208158
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: 06/30/2006 (528877) CN603208158
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: 08/30/2006 (488547) CN603208158
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
Description: Failure to employ an operator with adequate wastewater certification.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations, No. 1 PERMIT
Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS), carbonaceous biochemical oxygen demand (CBOD), ammonia-nitrogen (NH3-N), and fecal coliform bacteria.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT
Description: Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limits by more than 40%.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations, No. 3 PERMIT
 Description: Failure to maintain compliance with the permitted effluent limits for pH.

Date: 09/30/2006 (632730) CN603208158
 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: 11/30/2006 (632734) CN603208158
 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 (632736) CN603208158
 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 (632720) CN603208158
 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: 02/28/2007 (632721) CN603208158
 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 (632733) CN603208158
 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 (677606) CN603208158
 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 (696381) CN603208158
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2008 (718039) CN603208158
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2008 (718040) CN603208158
 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: 08/01/2008 (733337) CN603208158
 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 (733338) CN603208158
 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 (756483) CN603208158
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2008 (733339) CN603208158
 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 (756485) CN603208158
 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: 01/31/2009 (756481) CN603208158
 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 (773405) CN603208158
 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 (725721) CN603208158
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)(B)
 Sludge Provisions, P. 12, No. B1 PERMIT
 Description: Failure to submit the 2008 annual sludge report.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 EL&MR, P. 2, No. 1 PERMIT
 Description: Failure to maintain compliance with the permit limits for total suspended solids and ammonia nitrogen.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
 EL&MR, P. 2, Nos. 1, 2, 3 & 6 PERMIT
 Description: Failure to collect effluent samples at the required frequency.

Date: 03/31/2009 (773406) CN603208158
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2009 (820479) CN603208158
 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: 08/10/2009 (764479) CN603208158
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 EL&MR, P. 2, No. 1 PERMIT
 Description: Failure to maintain compliance with the permit limits for total suspended solids and ammonia nitrogen.

Date: 11/30/2009 (820483) CN603208158
 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 (836438) CN603208158
 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 (836439) CN603208158
 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: 05/31/2010 (869022) CN603208158
 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: 06/30/2010 (869023) CN603208158
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/14/2010 (802926) CN603208158
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 EL&MR, P. 2, No. 1 PERMIT
 Description: Failure to maintain compliance with the permit limits for total suspended solids and ammonia nitrogen.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) EL&MR, P. 2, No. 2 PERMIT		
Description:	Failure to maintain compliance with the permit limits for total chlorine residual.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) Sludge Provisions, P. 19, Provision F PERMIT		
Description:	Failure to submit the annual sludge report.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) M&RR, P. 5, No. 5 PERMIT		
Description:	Failure to calibrate the flow meter annually.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.6 30 TAC Chapter 319, SubChapter A 319.9(d)		
Description:	Failure to adequately conduct the Quality Assurance/Quality Control (QA/QC) for the total chlorine residual analyses.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) M&RR, P. 4, No. 1 PERMIT		
Description:	Failure to accurately complete the discharge monitoring reports (DMR).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) M&RR, P. 6, No. 7c PERMIT		
Description:	Failure to provide adequate effluent violation notifications in accordance with the permit requirements and applicable State regulations.		

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
ARCHDIOCESE OF GALVESTON-
HOUSTON
RN101523215**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0015-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 Archdiocese of Galveston-Houston (“the Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns a wastewater treatment plant located approximately seven miles southeast of the intersection of Farm-to-Market Road 1488 and State Highway 249 in Montgomery 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 conducted on November 9, 2010, TCEQ staff documented the following from the self-reported monthly discharge monitoring reports (“DMRs”):

EFFLUENT VIOLATION TABLE				
	Chlorine Residual Monthly Max. Conc.	NH ₃ -N Daily Avg. Conc.	NH ₃ -N Max. Conc. Single Grab	NH ₃ -N Daily Avg. Loading
Months	Limit = 4 mg/L	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.25 lbs/d
February 2010	c	4.54	c	0.35
March 2010	c	3.14	c	c
May 2010	8.8	c	c	c
June 2010	c	8.08	23.8	c
NH ₃ -N = ammonia nitrogen Max. = maximum Conc. = concentration lbs/d = pounds per day			Avg. = average mg/L = milligrams per Liter c = compliant	

4. During a record review conducted on November 9, 2010, TCEQ staff documented the failure to timely submit the DMRs for the monitoring periods ending December 31, 2009 and January 31, 2010.
5. During a record review conducted on November 9, 2010, TCEQ staff documented that the Respondent did not submit complete DMRs for the monitoring periods ending April 30, 2010 and June 30, 2010. Specifically, the DMRs did not include parameter data for chlorine residual minimum concentration for April 2010 and daily maximum flow for June 2010.
6. During a record review conducted on November 9, 2010, TCEQ staff documented the failure to timely submit the annual sludge report for the monitoring period ending July 31, 2010 by September 1, 2010.
7. The Respondent received notice of the violations on December 20, 2010.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By January 6, 2011, submitted the annual sludge report for the monitoring period ending July 31, 2009; and

- b. By January 21, 2011, submitted the DMRs for the monitoring periods ending April 30, 2010, June 30, 2010, December 31, 2010, and January 31, 2010.

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 the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014218001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the DMRs for the monitoring periods ending December 31, 2009 and January 31, 2010, by the 20th day of the following month, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit complete DMRs for the monitoring periods ending April 30, 2010 and June 30, 2010, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. WQ0014218001, Monitoring and Reporting Requirements No. 1.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to timely 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 305.125(17) and TPDES Permit No. WQ0014218001, Sludge Provisions.
6. 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.
7. An administrative penalty in the amount of Seven Thousand Six Hundred Twenty-Five Dollars (\$7,625) 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. Seven Thousand Six Hundred Twenty-Five Dollars (\$7,625) of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 Seven Thousand Six Hundred Twenty-Five Dollars (\$7,625) as set forth in Section II, Paragraph 7 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: Archdiocese of Galveston-Houston, Docket No. 2011-0015-MWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 7 above, Seven Thousand Six Hundred Twenty-Five Dollars (\$7,625) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0014218001;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a, in accordance with Ordering Provision No. 3.c; and
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014218001, including specific corrective actions that were implemented at

the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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 fine and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 5/12/2011

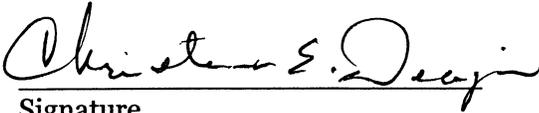
I, the undersigned, have read and understand the attached Agreed Order in the matter of Archdiocese of Galveston-Houston. I am authorized to agree to the attached Agreed Order on behalf of Archdiocese of Galveston-Houston, and do agree to the specified terms and conditions. I further acknowledge that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

I understand that by entering into this Agreed Order, Archdiocese of Galveston-Houston 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

Christina E. Deajon
Name (Printed or typed)
Authorized Representative of
Archdiocese of Galveston-Houston

March 28, 2011
Date **Agent & Attorney-in-Fact for the
Most Rev. Daniel N. DiNardo**

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.

Attachment A
Docket Number: 2011-0015-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Archdiocese of Galveston-Houston
Penalty Amount:	Seven Thousand Six Hundred Twenty-Five Dollars (\$7,625)
SEP Offset Amount:	Seven Thousand Six Hundred Twenty-Five Dollars (\$7,625)
Type of SEP:	Pre-approved
Third-Party Recipient:	Bayou Land Conservancy <i>fka Legacy Land Trust</i>
Project Name:	Spring Creek Greenway Project
Location of SEP:	Harris or Montgomery Counties

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

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Bayou Land Conservancy** for the *Spring Creek Greenway Project*. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, this SEP will focus on preserving multiple tracts of land comprising approximately 1,000 acres in the riparian corridor east of FM 2978 and west of U.S. 59. The Third-Party Recipient shall use SEP Funds to acquire conservation easements on these tracts to provide permanent protection and stewardship of these lands and waters. The Third-Party Recipient shall also use SEP Funds to conduct restoration work, including tree plantings, on these tracts, as needed. All property acquired in whole or in part with SEP Funds must be preserved in perpetuity through a conservation easement that complies with Subchapter A, Chapter 183, Texas Natural Resources Code. The holder of the conservation easement must be an entity that meets the definition of “holder” under section 183.001(2), Texas Natural Resources Code. Additionally, the holder of the conservation easement may not also be the owner of the property. The Third-Party Recipient shall use only conservation easements that are substantially similar to the conservation easement described in the Supplement Environmental Project Agreement between Third-Party Recipient and TCEQ. The

Archdiocese of Galveston-Houston

Agreed Order - Attachment A

Third-Party Recipient shall not use or set aside SEP Funds for legal defense of these properties without prior written approval of the TCEQ.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

The preservation of open space in the Spring Creek Greenway Project area provides substantial environmental, economic, and community benefits for the region. Spring Creek is on the State's 303(d) list for water quality impairment due to bacteria. The sandy banks of Spring Creek have frequently been stripped of their native vegetation, increasing erosion potential and reducing wildlife habitat. However, for such a highly populated area, northern Harris and southern Montgomery Counties are still heavily forested. Protecting this forested area's trees, understory and wetlands helps absorb fertilizer, roadway runoff, and animal fecal matter from the nearby highly populated areas. Biofiltration through these vegetated areas protects Spring Creek from non-point source water pollution by slowing the flow of run-off and assisting particulates and their associated pollutants to settle. As pollutants settle out via washover through these forests, they are immobilized, decomposed and absorbed back into the soil, instead of running off into the waterway. By preserving the natural vegetated banks, turbidity is reduced, and source water for recreation and human consumption is protected from further degradation before reaching the San Jacinto River, which feeds Lake Houston, a primary water source for Houston. Having vegetated areas remain protected along this area, while also increasing tree plantings through this project, will help protect this waterway from contaminants. Finally, the linking of open space enhances the conservation value of this greenway project by reversing land fragmentation.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Archdiocese of Galveston-Houston

Agreed Order - Attachment A

Bayou Land Conservancy
Jennifer Lorenz, Executive Director
10330 Lake Road, Building J
Houston, Texas 77070

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
PO Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to “Texas Commission on Environmental Quality” and shall mail it to:

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

Archdiocese of Galveston-Houston
Agreed Order - Attachment A

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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