

Executive Summary – Enforcement Matter – Case No. 40268
TEEN CHALLENGE OF TEXAS
RN102179124
Docket No. 2010-1380-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more NOVs over the prior five year period for the same violation.

Media:

MWD

Small Business:

Yes (Non-Profit)

Location(s) Where Violation(s) Occurred:

north side of United States Highway 77, approximately two miles north of the intersection of Farm-to-Market Road 655 and United States Highway 77, Nueces County

Type of Operation:

wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: March 2, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$23,595

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$670

Total Due to General Revenue: \$22,925

Payment Plan: 35 payments of \$655 each

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

TEEN CHALLENGE OF TEXAS
RN102179124
Docket No. 2010-1380-MWD-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: June 17, 2010
Date(s) of NOV(s): See Compliance History – 18 related NOVs
Date(s) of NOE(s): August 5, 2010

Violation Information

1. Failed to maintain authorization for the discharge of wastewater at the Facility [30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a)(1)].
2. Failed to ensure that the Facility was operated a minimum of five days per week by a licensed chief operator or operator holding the required level of license or higher [30 TEX. ADMIN. CODE §§ 30.350(j) and 305.125(1) and TPDES Permit No. WQ0011689001, Other Requirements No. 1].
3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0011689001, Sludge Provisions].
4. Failed to analyze effluent samples as specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1), 319.6, 319.9(d), and 319.11(c) and TPDES Permit No. WQ0011689001, Monitoring and Reporting Requirements Nos. 2 and 3].
5. Failed to monitor all metal constituents and fecal coliform or *Salmonella* species bacteria at the frequency specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A) and 312.46(a)(1) and TPDES Permit No. WQ0011689001, Sludge Provisions Section I.C.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Submitted a TPDES permit application on June 11, 2010, which was approved on February 11, 2011; and
2. Submitted the annual sludge report for the monitoring period ending July 31, 2009, on July 9, 2010.

Technical Requirements:

1. Within 30 days:
 - a. Update operational guidance to ensure sampling and reporting are conducted in accordance with 30 TEX. ADMIN. CODE §§ 319.4 and 319.12 and that all metal constituents and fecal coliform or *Salmonella* species bacteria are monitored at the frequency specified in TPDES Permit No. WQ0011689001; and
 - b. Ensure that the Facility is operated a minimum of five days per week by a licensed chief operator or operator holding the required level of license or higher, in accordance with 30 TEX. ADMIN. CODE §§ 30.350(j) and 305.125(1) and TPDES Permit No. WQ0011689001, Other Requirements No. 1.
2. Within 45 days, submit written certification to demonstrate compliance.

**TEEN CHALLENGE OF TEXAS
RN102179124
Docket No. 2010-1380-MWD-E**

Litigation Information

Date Petition(s) Filed: January 25, 2011
Date Answer(s) Filed: March 8, 2011
SOAH Referral Date: April 12, 2011
Hearing Date(s):
Preliminary hearing: May 26, 2011
Evidentiary hearing: December 20, 2011 (scheduled/remanded)
Settlement Date: December 19, 2011

Contact Information

TCEQ Attorneys: Xavier Guerra, Litigation Division, (210) 403-4016
Lena Roberts, Litigation Division, (512) 239-3400
TCEQ SEP Coordinator: N/A
TCEQ Enforcement Coordinator: Lanae Foard, Water Enforcement Section, (512) 239-2554
TCEQ Regional Contact: Kelly Ruble, Corpus Christi Regional Office, (361) 825-3113
Respondent: George M. Thomas, President/CEO, Teen Challenge of Texas, 3850 South Loop 1604
West, Lot 1, San Antonio, Texas 78264
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-Aug-2010	Screening	20-Aug-2010	EPA Due	
	PCW	2-Sep-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Teen Challenge of Texas		
Reg. Ent. Ref. No.	RN102179124		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	40268	No. of Violations	5
Docket No.	2010-1380-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Lanae Foard
		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	\$12,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	95.0% Enhancement	Subtotals 2, 3, & 7	\$11,495
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Notes Enhancement recommended for three NOVs with same/similar violations, 15 months of self-reported effluent violations, and two orders without denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$37,927
Approx. Cost of Compliance	\$46,100

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,595
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$23,595

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$23,595
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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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	\$23,595
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Screening Date 20-Aug-2010

Docket No. 2010-1380-MWD-E

PCW

Respondent Teen Challenge of Texas

Policy Revision 2 (September 2002)

Case ID No. 40268

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102179124

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 95%

>> 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 recommended for three NOVs with same/similar violations, 15 months of self-reported effluent violations, and two orders without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 95%

Screening Date 20-Aug-2010
Respondent Teen Challenge of Texas
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Reg. Ent. Reference No. RN102179124
Media [Statute] Water Quality
Enf. Coordinator Lanae Foard

Docket No. 2010-1380-MWD-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
<input type="text" value="100% of rule requirement was not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

	<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	(mark with x)	

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Teen Challenge of Texas
Case ID No. 40268
Req. Ent. Reference No. RN102179124
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$10,000	1-Jun-2010	2-Sep-2011	1.25	\$627	n/a	\$627
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a new permit application to obtain authorization to discharge wastewater. Date required is the permit expiration date. 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

\$627

Screening Date 20-Aug-2010
Respondent Teen Challenge of Texas
Case ID No. 40268
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Media [Statute] Water Quality
Enf. Coordinator Lanae Foard

Docket No. 2010-1380-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description

Failed to ensure that the Facility was operated a minimum of five days per week by a licensed chief operator or operator holding the required level of license or higher, as documented during an investigation conducted on June 17, 2010. Specifically, the operational records from June 1, 2009, through June 1, 2010, indicated that the Facility was operated only one day per week by a licensed operator.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Four quarterly events are recommended from the date the violation began (June 1, 2009) to the permit expiration date (June 1, 2010).

Good Faith Efforts to Comply

Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Teen Challenge of Texas
Case ID No. 40268
Req. Ent. Reference No. RN102179124
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$35,000	1-Jun-2009	1-Jun-2010	1.00	\$1,750	\$35,000	\$36,750
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

Estimated cost to hire an operator that operates the Facility at least five days per week. Date required is the date the violation began. Final date is the date the permit expired.

Approx. Cost of Compliance \$35,000

TOTAL \$36,750

Screening Date 20-Aug-2010
Respondent Teen Challenge of Texas
Case ID No. 40268
Reg. Ent. Reference No. RN102179124
Media [Statute] Water Quality
Enf. Coordinator Lanae Foard

Docket No. 2010-1380-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0011689001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009, as documented during an investigation conducted on June 17, 2010.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1%"/>
More than 70% of permit requirement was met.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Teen Challenge of Texas
Case ID No. 40268
Req. Ent. Reference No. RN102179124
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	1-Sep-2009	9-Jul-2010	0.85	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report for the monitoring period ending July 31, 2009. Date required is the date the report was due. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 20-Aug-2010
Respondent Teen Challenge of Texas
Case ID No. 40268
Reg. Ent. Reference No. RN102179124
Media [Statute] Water Quality
Enf. Coordinator Lanae Foard

Docket No. 2010-1380-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 319.6, 319.9(d), and 319.11(c) and TPDES Permit No. WQ0011689001, Monitoring and Reporting Requirements Nos. 2 and 3

Violation Description

Failed to analyze effluent samples as specified in the permit, as documented during an investigation conducted on June 17, 2010. Specifically, operational records from June 1, 2009, through June 1, 2010, documented that the pH meter was not calibrated each day that samples were analyzed using a minimum of two standards which bracket the pH value of the sample, and the Chlorine Pocket II Colorimeter was not calibrated each day that the chlorine residual was analyzed.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Four quarterly events are recommended from the date the violation began (June 1, 2009) to the permit expiration date (June 1, 2010).

Good Faith Efforts to Comply

Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Teen Challenge of Texas
Case ID No. 40268
Req. Ent. Reference No. RN102179124
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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	1-Jun-2009	31-Mar-2011	1.83	\$23	n/a	\$23
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance to ensure that samples are properly analyzed. Date required is the initial date of violation. 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

\$250

TOTAL

\$23

Screening Date 20-Aug-2010
Respondent Teen Challenge of Texas
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Reg. Ent. Reference No. RN102179124
Media [Statute] Water Quality
Enf. Coordinator Lanae Foard

Docket No. 2010-1380-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(A) and 312.46(a)(1) and TPDES Permit No. WQ0011689001, Sludge Provisions Section I. C

Violation Description

Failed to monitor all metal constituents and fecal coliform or Salmonella species bacteria at the frequency specified in the permit, as documented during an investigation conducted on June 17, 2010. Specifically, the Respondent did not monitor all metal constituents and fecal coliform or Salmonella species bacteria at least once per year for the time period of August 1, 2009, through June 1, 2010, for all sewage sludge used for land application (less than 290 metric tons per year).

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One annual event is recommended for the year testing was not conducted.

Good Faith Efforts to Comply

Reduction

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Teen Challenge of Texas
Case ID No. 40268
Req. Ent. Reference No. RN102179124
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	1-Jun-2009	31-Mar-2011	1.83	\$23	n/a	\$23
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance to ensure that all metal constituents and fecal coliform or Salmonella species bacteria are monitored at the frequency specified in the permit. Date required is the initial date of violation. 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]	\$500	31-May-2010	1-Jun-2010	0.00	\$0	\$500	\$500
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to monitor all metal constituents and fecal coliform or Salmonella species bacteria for the annual sampling period missed. Date required is the last day sampling could have been conducted. Final date is the date the permit expired.

Approx. Cost of Compliance

\$750

TOTAL

\$523

Compliance History Report

Customer/Respondent/Owner-Operator: CN603142084 Teen Challenge of Texas Classification: AVERAGE Rating: 3.18
 Regulated Entity: RN102179124 COASTAL BEND YOUTH CITY WWTP Classification: AVERAGE Site Rating: 3.18
 ID Number(s): WASTEWATER EPA ID TX0132756
 WASTEWATER PERMIT WQ0014981001
 Location: Located on the north side of United States Highway 77, approximately two miles north of the intersection of Farm-to-Market Road 655 and United States Highway 77 in Nueces County, Texas.
 TCEQ Region: REGION 14 - CORPUS CHRISTI
 Date Compliance History Prepared: October 26, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: October 26, 2005 to October 26, 2010
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Lanae Foard Phone: (512) 796-1025

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 Teen Challenge of Texas
4. If Yes, who was/were the prior owner(s)/operator(s)? OWN Robert Driscoll and Julia Driscoll and Robert Driscoll Jr. Foundation
OWN Coastal Bend Youth City
5. When did the change(s) in owner or operator occur? 04/01/2006 OWN Coastal Bend Youth City
09/13/2006 OWN Robert Driscoll and Julia Driscoll and Robert Driscoll Jr. Foundation
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: 12/30/2005** **ADMINORDER 2005-0498-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 self-reported data.
- Effective Date: 10/06/2008** **ADMINORDER 2008-0426-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 record review of self-reported data.
- 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 | 02/10/2006 | (474292) | 33 | 05/22/2008 | (692516) |
| 2 | 03/13/2006 | (474293) | 34 | 05/12/2008 | (692517) |
| 3 | 11/21/2005 | (474295) | 35 | 05/12/2008 | (692518) |
| 4 | 12/12/2005 | (474296) | 36 | 06/16/2008 | (713629) |
| 5 | 01/12/2006 | (474297) | 37 | 07/28/2008 | (713630) |
| 6 | 08/22/2006 | (487149) | 38 | 08/21/2008 | (713631) |
| 7 | 04/14/2006 | (502168) | 39 | 10/22/2008 | (729632) |
| 8 | 05/15/2006 | (502169) | 40 | 12/01/2008 | (729633) |
| 9 | 06/15/2006 | (502170) | 41 | 12/23/2008 | (729634) |
| 10 | 08/16/2006 | (524511) | 42 | 06/09/2009 | (738524) |
| 11 | 09/18/2006 | (524512) | 43 | 07/30/2009 | (746713) |
| 12 | 08/09/2007 | (562816) | 44 | 02/20/2009 | (752891) |
| 13 | 06/26/2007 | (563659) | 45 | 03/26/2009 | (752892) |
| 14 | 08/21/2007 | (603865) | 46 | 02/05/2009 | (752893) |
| 15 | 09/18/2007 | (603866) | 47 | 04/16/2009 | (770497) |
| 16 | 02/01/2008 | (614520) | 48 | 05/20/2009 | (770498) |
| 17 | 02/01/2008 | (622635) | 49 | 09/29/2008 | (770499) |
| 18 | 02/01/2008 | (622636) | 50 | 02/26/2010 | (811144) |
| 19 | 10/15/2007 | (622637) | 51 | 06/17/2009 | (811145) |
| 20 | 02/01/2008 | (622638) | 52 | 07/16/2009 | (811146) |
| 21 | 11/19/2007 | (622639) | 53 | 01/21/2010 | (811147) |
| 22 | 02/01/2008 | (622640) | 54 | 09/16/2009 | (811148) |
| 23 | 12/14/2007 | (622641) | 55 | 10/30/2009 | (811149) |
| 24 | 02/01/2008 | (622642) | 56 | 11/30/2009 | (811150) |
| 25 | 02/29/2008 | (636522) | 57 | 12/28/2009 | (811151) |
| 26 | 02/15/2008 | (674191) | 58 | 01/13/2010 | (811152) |
| 27 | 01/14/2008 | (674192) | 59 | 03/22/2010 | (833126) |

28	05/12/2008	(692511)	60	04/22/2010	(833127)
29	03/19/2008	(692512)	61	05/21/2010	(833128)
30	05/12/2008	(692513)	62	08/05/2010	(842376)
31	04/16/2008	(692514)	63	06/17/2010	(846970)
32	05/12/2008	(692515)			

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

- 1 **Date:** 10/31/2005 (474295) CN603142084
 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
- 2 **Date:** 02/28/2006 (474293) CN603142084
 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
- 3 **Date:** 08/22/2006 (487149) CN603142084
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations # 1 PERMIT
 Description: Failure to comply with the effluent limitations as specified in the permit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.7(e)
 Description: Failure to completely fence the plant area.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements # 1 PERMIT
 Description: Failure to properly maintain the aeration basins.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)(5)
 Monitoring & Reporting Requirements # 3c PERMIT
 Description: Failure to maintain records of the quality assurance requirements for wastewater analyses.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring & Reporting Requirements # 7c PERMIT
 Description: Failure to report in writing any effluent violation which deviates from the permitted effluent limitation by more than 40%.
- 4 **Date:** 07/31/2007 (603865) CN603142084
 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
- 5 **Date:** 08/09/2007 (562816) CN603142084
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations #1, Page 2 PERMIT
 Description: Failure to maintain compliance with the permitted effluent limits. The grab sample collected during the investigation was noncompliant for total residual chlorine. The result of the chlorine residual analysis was 0.14 mg/l. The permit requires the total residual chlorine to be maintained between 1 and 4 mg/L. Steps must be taken to comply with all permit limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring Requirements No. 5 PERMIT
 Description: Failure to calibrate the flow meter annually. The flow meter had not been calibrated during the previous twelve months. The flow meter must be accurately calibrated at least annually or as often as necessary to ensure accuracy.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Operational Requirements #1, Page 9 PERMIT
 Description: Failure to maintain required records and have available for review during investigations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Reporting Requirements #1 PERMIT
 Description: Failure to complete, submit, and maintain copies of monthly discharge monitoring reports.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.9(c)
 Monitoring Requirements #3b PERMIT
 Description: Failure to calibrate the pH meter each day that samples were analyzed using a minimum of two standards which bracket the pH value(s) for the sample(s) and failure to maintain a calibration record.

	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3) Operational Requirements #1 ORDER			
	Description:	Failure to properly operate and maintain the chlorine contact basin. Specifically, the permitted detention time of at least 20 minutes was not being achieved by the chlorine contact basin.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements PERMIT			
	Description:	Failure to at all times properly operate and maintain all facilities and systems of treatment and control. Specifically, the fencing surrounding the plant needed repair and a manhole cover located outside of the fence was broken and inoperable. In addition, the outfall was unable to be located due to overgrown vegetation.			
6	Date:	08/31/2007	(603866)	CN603142084	
	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			
7	Date:	09/30/2007	(622637)	CN603142084	
	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			
8	Date:	10/31/2007	(622639)	CN603142084	
	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			
9	Date:	11/30/2007	(622641)	CN603142084	
	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			
10	Date:	12/31/2007	(674192)	CN603142084	
	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			
11	Date:	01/31/2008	(674191)	CN603142084	
	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			
12	Date:	02/29/2008	(692512)	CN603142084	
	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			
13	Date:	03/31/2008	(692514)	CN603142084	
	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			
14	Date:	04/30/2008	(692516)	CN603142084	
	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			
15	Date:	08/31/2008	(770499)	CN603142084	
	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			
16	Date:	09/30/2008	(729632)	CN603142084	
	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			

17	Date:	10/31/2008	(729633)	CN603142084	
	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			
18	Date:	07/30/2009	(746713)	CN603142084	
	Self Report?	NO			Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations #1, Page 2 PERMIT			
	Description:	Failure to maintain compliance with the permitted effluent limits. The grab sample collected during the investigation was noncompliant for total residual chlorine. The result of the chlorine residual analysis was 0.14 mg/l. The permit requires the total residual chlorine to be maintained between 1 and 4 mg/L. Steps must be taken to comply with all permit limits.			
	Self Report?	NO			Classification: Minor
	Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) Operational Requirements #1, Page 9 PERMIT			
	Description:	Failure to maintain required records and have available for review during investigations.			
	Self Report?	NO			Classification: Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) Reporting Requirements #1 PERMIT			
	Description:	Failure to complete, submit, and maintain copies of monthly discharge monitoring reports.			
	Self Report?	NO			Classification: Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.6 30 TAC Chapter 319, SubChapter A 319.9(c) Monitoring Requirements #3b PERMIT			
	Description:	Failure to calibrate the pH meter each day that samples were analyzed using a minimum of two standards which bracket the pH value(s) for the sample(s) and failure to maintain a calibration record.			
	Self Report?	NO			Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3) Operational Requirements #1 ORDER			
	Description:	Failure to properly operate and maintain the chlorine contact basin. Specifically, the permitted detention time of at least 20 minutes was not being achieved by the chlorine contact basin.			
	Self Report?	NO			Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements PERMIT			
	Description:	Failure to at all times properly operate and maintain all facilities and systems of treatment and control. Specifically, the fencing surrounding the plant needed repair and a manhole cover located outside of the fence was broken and inoperable. In addition, the outfall was unable to be located due to overgrown vegetation.			
	Self Report?	NO			Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring Requirements, Page 5 PERMIT			
	Description:	Failure to calibrate automatic flow measuring device as often as necessary to ensure accuracy.			
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
TEEN CHALLENGE OF TEXAS;
RN102179124**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2010-1380-MWD-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Teen Challenge of Texas ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

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, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment facility located on the north side of United States Highway 77, approximately two miles north of the intersection of Farm-to-Market Road 655 and United States Highway 77 in Nueces County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on June 17, 2010, a TCEQ Corpus Christi Regional Office investigator documented that Respondent:
 - a. Failed to maintain authorization for the discharge of wastewater at the Facility. Specifically, Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011689001, which expired on June 1, 2010, and continued to discharge wastewater from the Facility without authorization;

- b. Failed to ensure that the Facility was operated a minimum of five days per week by a licensed chief operator or operator holding the required level of license or higher. Specifically, the operational records for the time period of June 1, 2009, through June 1, 2010, indicated that the Facility was operated only one day per week by a licensed operator;
 - c. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009;
 - d. Failed to analyze effluent samples as specified in the permit. Specifically, operational records from June 1, 2009 to June 1, 2010, show that the the pH meter was not calibrated each day that samples were analyzed using a minimum of two standards which bracket the pH value of the sample, and the Chlorine Pocket II Colorimeter was not calibrated each day that chlorine residual was analyzed; and
 - e. Failed to monitor all metal constituents and fecal coliform or *Salmonella* species bacteria at the frequency specified in the permit. Specifically, Respondent did not monitor all metal constituents and fecal coliform or *Salmonella* species bacteria at least once per year for the time period of August 1, 2009 through June 1, 2010, for all sewage sludge used for land application (less than 290 metric tons per year).
3. Respondent received notice of the violations on or about August 10, 2010.
 4. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. Submitted a TPDES permit application on June 11, 2010, which was approved on February 11, 2011 (Conclusion of Law No. 2); and
 - b. Submitted the annual sludge report for the monitoring period ending July 31, 2009, on July 9, 2010 (Conclusion of Law No. 4).

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to to maintain authorization for the discharge of wastewater at the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to ensure that the Facility was operated a minimum of five days per week by a licensed chief operator or operator holding the required level of license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.350(j) and 305.125(1) and TPDES Permit No. WQ0011689001, Other Requirements No. 1.

4. As evidenced by Finding of Fact No. 2.c., Respondent failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0011689001, Sludge Provisions.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to analyze effluent samples as specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.6, 319.9(d) and 319.11(c), and TPDES Permit No. WQ0011689001, Monitoring and Reporting Requirements Nos. 2 and 3.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to monitor all metal constituents and fecal coliform or *Salmonella* species bacteria at the frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A) and 312.46(a)(1), and TPDES Permit No. WQ0011689001, Sludge Provisions Section I.C.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of twenty-three thousand five hundred ninety-five dollars (\$23,595.00) 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. Respondent paid six hundred seventy dollars (\$670.00) of the administrative penalty. The remaining amount of twenty-two thousand nine hundred twenty-five dollars (\$22,925.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of six hundred fifty-five dollars (\$655.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 8, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Teen Challenge of Texas, Docket No. 2010-1380-MWD-E" to:

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

2. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Update operational guidance to ensure sampling and reporting are conducted in accordance with 30 TEX. ADMIN. CODE §§ 319.4 and 319.12 and that all metal constituents and fecal coliform or *Salmonella* species bacteria are monitored at the frequency specified in TPDES Permit No. WQ0011689001 (Conclusions of Law Nos. 5 and 6); and
 - ii. Ensure that the Facility is operated a minimum of five days per week by a licensed chief operator or operator holding the required level of license or higher, in accordance with 30 TEX. ADMIN. CODE §§ 30.350(j) and 305.125(1) and TPDES Permit No. WQ0011689001, Other Requirements No. 1. (Conclusion of Law No. 3);
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification and detailed supporting documentation, in accordance with Ordering Provision No. 2.c., below, to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2.a.ii.
 - c. The certification required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

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

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

and:

Kelly Ruble, Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that 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 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,

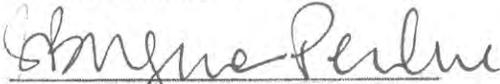
facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/9/2012

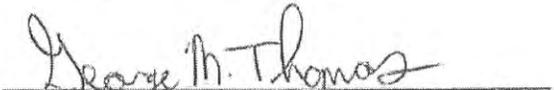
Date

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

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - George M. Thomas, President/CEO
Teen Challenge of Texas

12/19/2011
Date