

Executive Summary – Enforcement Matter – Case No. 48059
Texas Department of Criminal Justice
RN102341401
Docket No. 2013-2221-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

TDCJ Ramsey Area, located within the Texas Department of Criminal Justice Ramsey Prison Farm, at 1300 Farm-to-Market Road ("FM") 655, approximately 5.4 miles west of the intersection of FM 655 and FM 521; on the east bank of Oyster Creek and the southwest corner of the Terrell Unit, Brazoria County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 9, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,250

Amount Deferred for Expedited Settlement: \$5,850

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: \$23,400

Name of SEP: Brazoria County

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 48059
Texas Department of Criminal Justice
RN102341401
Docket No. 2013-2221-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: November 5, 2013
Date(s) of NOE(s): December 13, 2013

Violation Information

Failed to comply with permitted effluent limits for residual chlorine, nitrate-nitrogen, and 5-day carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013804001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 2 (issued August 31, 2007) and Effluent Limitations and Monitoring Requirements Nos. 1 and 2 (issued June 14, 2013)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013804001, 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

Executive Summary – Enforcement Matter – Case No. 48059
Texas Department of Criminal Justice
RN102341401
Docket No. 2013-2221-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Had Darling, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-2520; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Frank Inmon, Facilities Division Director, Texas Department of
Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342

Jerry McGinty, Chief Financial Officer, Texas Department of Criminal Justice,
Business & Finance Division, P.O. Box 4015, Huntsville, Texas 77342-4015

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-2221-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|-----------------------------------|--|
| Respondent: | Texas Department of Criminal Justice |
| Penalty Amount: | Twenty-Three Thousand Four Hundred Dollars (\$23,400) |
| SEP Offset Amount: | Twenty-Three Thousand Four Hundred Dollars (\$23,400) |
| Type of SEP: | Contribution to a Third-Party Administrator SEP |
| Third-Party Administrator: | Brazoria County |
| Project Name: | <i>On-Site Wastewater Facilities Assistance</i> |
| Location of SEP: | Brazoria County |

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Brazoria County** for the *On-Site Wastewater Facilities Assistance* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to provide assistance to low-income homeowners in replacing their malfunctioning or failing onsite wastewater treatment systems in Brazoria County. The Third-Party Administrator shall identify property owners for potential replacement of their inoperable wastewater treatment system. Each candidate shall complete an application, including standard income documentation, to determine their eligibility. The Third-Party Administrator shall review applications for eligibility for assistance at the Third-Party Administrator's expense.

After a candidate's low-income income status is verified, the Third-Party Administrator shall seek bids from local onsite wastewater treatment system installers to design and install an appropriate onsite wastewater treatment system for the particular property and soil conditions. The Third-Party Administrator shall determine which kind of system is appropriate for installation at each qualified site based on factors including the size of

Texas Department of Criminal Justice
Agreed Order - Attachment A

the property and the soil composition. The Third-Party Administrator shall also determine whether a system should be repaired rather than replaced.

The Third-Party Administrator shall select a qualified bidder for the installation. The installer shall submit an application including all standard wastewater treatment system installation requirements that shall be reviewed by the Third-Party Administrator. Upon approval of the application, the system shall be installed by the selected contract company. After the system installation is completed by the contract company and approved by The Third-Party Administrator, payment shall be made by the Third-Party Administrator to the selected company using the SEP Offset Amount.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to onsite wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing onsite wastewater treatment systems and installation of new onsite wastewater treatment systems. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows also cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

Texas Department of Criminal Justice
Agreed Order - Attachment A

Each failing septic system that is replaced will improve the water quality in waterways and watersheds by removing raw sewage and high levels of bacteria, viruses, and protozoa. Removal of sewage as a point source of pollution will also protect ground, surface, and drinking water from contamination. This Project has the potential to not only improve the water quality in the Brazos River Basin, Christmas Bay, Galveston Bayou, Chocolate Bayou, Bastrop Bayou, and the San Bernard River Basin, but will also improve the public health for a sector of the population that is least able to afford health care. Diseases that result from sewage contaminated water range from mild gastroenteritis (causing stomach cramps and diarrhea) to life threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Karen Y. Carroll, Director
Brazoria County
111 East Locust, Building A-29, Suite 270
Angleton, Texas 77515

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; 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
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the 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.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the 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 Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned
PCW

16-Dec-2013
22-Jan-2014

Screening

19-Dec-2013

EPA Due

5-Mar-2014

RESPONDENT/FACILITY INFORMATION

| | | | |
|----------------------|--------------------------------------|--------------------|-------|
| Respondent | Texas Department of Criminal Justice | | |
| Reg. Ent. Ref. No. | RN102341401 | | |
| Facility/Site Region | 12-Houston | Major/Minor Source | Major |

CASE INFORMATION

| | | | |
|---------------------------------|-----------------|-----------------------|--------------------|
| Enf./Case ID No. | 48059 | No. of Violations | 2 |
| Docket No. | 2013-2221-MWD-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Had Darling |
| | | EC's Team | Enforcement Team 1 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$22,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **30.0%** Enhancement **Subtotals 2, 3, & 7** **\$6,750**

Notes: Enhancement for five months of self-reported effluent violations and one NOV with same/similar violations.

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: \$853
Approx. Cost of Compliance: \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$29,250**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$29,250**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$29,250**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$5,850**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$23,400**

Screening Date 19-Dec-2013

Docket No. 2013-2221-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 3 (September 2011)

Case ID No. 48059

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102341401

Media [Statute] Water Quality

Enf. Coordinator Had Darling

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>) | 6 | 30% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| <i>Please Enter Yes or No</i> | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported effluent violations and one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 19-Dec-2013

Docket No. 2013-2221-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 3 (September 2011)

Case ID No. 48059

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102341401

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013804001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 2 (issued August 31, 2007) and Effluent Limitations and Monitoring Requirements Nos. 1 and 2 (issued June 14, 2013)

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on November 5, 2013, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR Release Harm Major Moderate Minor Actual Potential Percent 30.0%

>> Programmatic Matrix

Falsification Major Moderate Minor Percent 0.0%

Matrix Notes A simplified model was used to evaluate five-day carbonaceous biochemical oxygen demand and Nitrate-Nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Chlorine residual was also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 Number of violation days 62

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

Violation Base Penalty \$15,000

Two monthly events are recommended for the months of December 2012 and July 2013.

Good Faith Efforts to Comply

0.0% Reduction \$0

Extraordinary Ordinary N/A Before NOV NOV to EDPRP/Settlement Offer

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$853

Violation Final Penalty Total \$19,500

This violation Final Assessed Penalty (adjusted for limits) \$19,500

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 48059
Reg. Ent. Reference No. RN102341401
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 |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|----------|-------------|-------------|------|-------|-----|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$10,000 | 31-Dec-2012 | 15-Sep-2014 | 1.71 | \$853 | n/a | \$853 |

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$853

Screening Date 19-Dec-2013

Docket No. 2013-2221-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 3 (September 2011)

Case ID No. 48059

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102341401

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013804001, Final Effluent Limitations and Monitoring Requirements No. 1 (issued August 31, 2007) and Effluent Limitations and Monitoring Requirements No. 1 (issued June 14, 2013)

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on November 5, 2013, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | X | 15.0% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes: A simplified model was used to evaluate five-day carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded protective levels. 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 \$21,250

\$3,750

Violation Events

Number of Violation Events 2 Number of violation days 91

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

Violation Base Penalty \$7,500

Two quarterly events are recommended for the quarters containing the months of April 2013, June 2013, and August 2013.

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 48059
Reg. Ent. Reference No. RN102341401
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

Economic benefit for this violation is included with Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Texas Department of Criminal Justice
TPDES Permit No. WQ0013804001
Docket No. 2013-2221-MWD-E

| Effluent Violation Table | | | | | |
|--|-------------------|------------|-----------|-----------|-------------|
| Permitted Effluent Limits | Monitoring Period | | | | |
| | December 2012 | April 2013 | June 2013 | July 2013 | August 2013 |
| CBOD ₅ Daily Maximum Concentration Limit = 25 mg/L | c | 50 | 43 | 105 | 73 |
| CBOD ₅ Daily Average Concentration Limit = 10 mg/L | c | c | c | 49 | 28 |
| CBOD ₅ Daily Average Loading Limit = 167 lbs/day | c | c | c | 519.44 | 374.61 |
| Chlorine Residual Daily Average Minimum = 1.0 mg/L | 0.89 | c | c | c | c |
| Nitrate-Nitrogen Daily Average Concentration Limit = 22 mg/L | 49.83 | c | c | c | c |
| Nitrate-Nitrogen Daily Maximum Concentration Limit = 46 mg/L | 339.01 | c | c | c | c |
| Nitrate-Nitrogen Daily Average Loading Limit = 367 lbs/day | 512.2 | c | c | c | c |

CBOD₅ = five-day carbonaceous biochemical oxygen demand
mg/L = milligrams per liter
lbs/day = pounds per day
c = compliant

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN601550650, RN102341401, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN601550650, Texas Department of Criminal Justice
Classification: SATISFACTORY **Rating:** 1.48

Regulated Entity: RN102341401, TDCJ RAMSEY AREA
Classification: SATISFACTORY **Rating:** 2.13

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 14 - Other

Location: Within the Texas Department of Criminal Justice Ramsey Prison Farm, at 1300 Farm-to-Market Road 655, approximately 5.4 miles west of the intersection of Farm-to-Market Road 655 and Farm-to-Market Road 521; on the east bank of Oyster Creek and the southwest corner of the Terrell unit in Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT WQ0013804001 **WASTEWATER EPA ID** TX0115169
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200201 **WASTEWATER AGRICULTURE PERMIT** TXG920523
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 56150

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: January 22, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 22, 2009 to January 22, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Herbert Darling **Phone:** (512) 239-2520

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**
 - Item 1 February 20, 2009 (755750)
 - Item 2 March 18, 2009 (755751)
 - Item 3 April 10, 2009 (755752)
 - Item 4 May 19, 2009 (772771)
 - Item 5 June 15, 2009 (772772)

| | | |
|---------|--------------------|-----------|
| Item 6 | August 30, 2009 | (818393) |
| Item 7 | September 18, 2009 | (818394) |
| Item 8 | October 13, 2009 | (818395) |
| Item 9 | November 18, 2009 | (818396) |
| Item 10 | December 17, 2009 | (818397) |
| Item 11 | December 22, 2009 | (818398) |
| Item 12 | February 19, 2010 | (818392) |
| Item 13 | March 15, 2010 | (835690) |
| Item 14 | May 04, 2010 | (835691) |
| Item 15 | May 19, 2010 | (835692) |
| Item 16 | June 15, 2010 | (847749) |
| Item 17 | July 01, 2010 | (862147) |
| Item 18 | September 20, 2010 | (875623) |
| Item 19 | October 28, 2010 | (883175) |
| Item 20 | December 20, 2010 | (889591) |
| Item 21 | December 22, 2010 | (884522) |
| Item 22 | January 12, 2011 | (903852) |
| Item 23 | January 13, 2011 | (897954) |
| Item 24 | February 17, 2011 | (910747) |
| Item 25 | March 18, 2011 | (918000) |
| Item 26 | April 06, 2011 | (930049) |
| Item 27 | May 19, 2011 | (939705) |
| Item 28 | June 16, 2011 | (947117) |
| Item 29 | August 22, 2011 | (960957) |
| Item 30 | September 22, 2011 | (967054) |
| Item 31 | October 21, 2011 | (973019) |
| Item 32 | December 21, 2011 | (992344) |
| Item 33 | December 28, 2011 | (985991) |
| Item 34 | January 19, 2012 | (985990) |
| Item 35 | February 17, 2012 | (999649) |
| Item 36 | March 15, 2012 | (1005199) |
| Item 37 | April 12, 2012 | (1011778) |
| Item 38 | May 21, 2012 | (1018133) |
| Item 39 | June 18, 2012 | (1025877) |
| Item 40 | July 16, 2012 | (1033229) |
| Item 41 | August 16, 2012 | (1039741) |
| Item 42 | September 20, 2012 | (1048688) |
| Item 43 | October 22, 2012 | (1069260) |
| Item 44 | November 19, 2012 | (1069261) |
| Item 45 | December 18, 2012 | (1069262) |
| Item 46 | February 15, 2013 | (1082678) |
| Item 47 | March 14, 2013 | (1091093) |
| Item 48 | April 16, 2013 | (1097418) |
| Item 49 | June 14, 2013 | (1112026) |
| Item 50 | November 15, 2013 | (1142427) |

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

| | | | | |
|---|--------------|--|-----------|--------------------------|
| 1 | Date: | 04/05/2013 | (1057397) | CN601550650 |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) F.E.L.&M.R., page 2(a), No. 1 PERMIT F.E.L.&M.R., page 2(a), No. 2 PERMIT | | |
| | Description: | Failed to maintain compliance with the permitted effluent limits. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 317 317.4(a)(8) | | |
| | Description: | Failed to provide a reduced-pressure backflow prevention assembly as required. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 319, SubChapter A 319.11(b) 30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c) | | |

| | | | | |
|---|--------------|--|-----------------|----------|
| | Description: | Failed to ensure proper preservation of effluent samples. | | |
| 2 | Date: | 04/30/2013 (1108440) | CN601550650 | |
| | 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 | | |
| 3 | Date: | 06/30/2013 (1118965) | CN601550650 | |
| | 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 | | |
| 4 | Date: | 07/31/2013 (1126723) | CN601550650 | |
| | 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: | 08/31/2013 (1131254) | CN601550650 | |
| | 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 | | |
| 6 | Date: | 09/30/2013 (1137013) | CN601550650 | |
| | 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 | | |

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS DEPARTMENT OF
CRIMINAL JUSTICE
RN102341401**

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

**AGREED ORDER
DOCKET NO. 2013-2221-MWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Texas Department of Criminal Justice ("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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located within the Texas Department of Criminal Justice Ramsey Prison Farm, at 1300 Farm-to-Market Road 655, approximately 5.4 miles west of the intersection of Farm-to-Market Road 655 and Farm-to-Market Road 521; on the east bank of Oyster Creek and the southwest corner of the Terrell unit in Brazoria 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. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 18, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Nine Thousand Two Hundred Fifty Dollars (\$29,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Five Thousand Eight Hundred Fifty Dollars (\$5,850) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Three Thousand Four Hundred Dollars (\$23,400) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013804001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 2 (issued August 31, 2007) and Effluent Limitations and Monitoring Requirements Nos. 1 and 2 (issued June 14, 2013), as documented during a record review conducted on November 5, 2013, and shown in the table below:

| Effluent Violation Table | | | | | |
|--|-------------------|------------|-----------|-----------|-------------|
| Permitted Effluent Limits | Monitoring Period | | | | |
| | December 2012 | April 2013 | June 2013 | July 2013 | August 2013 |
| CBOD ₅ Daily Maximum Concentration Limit = 25 mg/L | c | 50 | 43 | 105 | 73 |
| CBOD ₅ Daily Average Concentration Limit = 10 mg/L | c | c | c | 49 | 28 |
| CBOD ₅ Daily Average Loading Limit = 167 lbs/day | c | c | c | 519.44 | 374.61 |
| Chlorine Residual Daily Average Minimum = 1.0 mg/L | 0.89 | c | c | c | c |
| Nitrate-Nitrogen Daily Average Concentration Limit = 22 mg/L | 49.83 | c | c | c | c |
| Nitrate-Nitrogen Daily Maximum Concentration Limit = 46 mg/L | 339.01 | c | c | c | c |
| Nitrate-Nitrogen Daily Average Loading Limit = 367 lbs/day | 512.2 | c | c | c | c |

CBOD₅ = five-day carbonaceous biochemical oxygen demand

mg/L = milligrams per liter

lbs/day = pounds per day

c = compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Department of Criminal Justice, Docket No. 2013-2221-MWD-E" to:

Financial Administration Division, Revenue Operations 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 I, Paragraph 6 above, Twenty-Three Thousand Four Hundred Dollars (\$23,400) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. 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, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013804001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self reported Discharge Monitoring Reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
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. 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.
8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/18/14

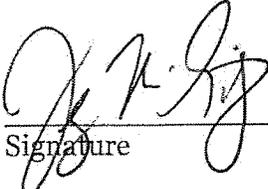
Date

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

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

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

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



Signature

4/1/14

Date

Jerry McGinty

Name (Printed or typed)
Authorized Representative of
Texas Department of Criminal Justice

Chief Financial Officer

Title

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

Attachment A
Docket Number: 2013-2221-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|-----------------------------------|--|
| Respondent: | Texas Department of Criminal Justice |
| Penalty Amount: | Twenty-Three Thousand Four Hundred Dollars (\$23,400) |
| SEP Offset Amount: | Twenty-Three Thousand Four Hundred Dollars (\$23,400) |
| Type of SEP: | Contribution to a Third-Party Administrator SEP |
| Third-Party Administrator: | Brazoria County |
| Project Name: | <i>On-Site Wastewater Facilities Assistance</i> |
| Location of SEP: | Brazoria County |

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Brazoria County** for the *On-Site Wastewater Facilities Assistance* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to provide assistance to low-income homeowners in replacing their malfunctioning or failing onsite wastewater treatment systems in Brazoria County. The Third-Party Administrator shall identify property owners for potential replacement of their inoperable wastewater treatment system. Each candidate shall complete an application, including standard income documentation, to determine their eligibility. The Third-Party Administrator shall review applications for eligibility for assistance at the Third-Party Administrator's expense.

After a candidate's low-income income status is verified, the Third-Party Administrator shall seek bids from local onsite wastewater treatment system installers to design and install an appropriate onsite wastewater treatment system for the particular property and soil conditions. The Third-Party Administrator shall determine which kind of system is appropriate for installation at each qualified site based on factors including the size of

Texas Department of Criminal Justice
Agreed Order - Attachment A

the property and the soil composition. The Third-Party Administrator shall also determine whether a system should be repaired rather than replaced.

The Third-Party Administrator shall select a qualified bidder for the installation. The installer shall submit an application including all standard wastewater treatment system installation requirements that shall be reviewed by the Third-Party Administrator. Upon approval of the application, the system shall be installed by the selected contract company. After the system installation is completed by the contract company and approved by The Third-Party Administrator, payment shall be made by the Third-Party Administrator to the selected company using the SEP Offset Amount.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to onsite wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing onsite wastewater treatment systems and installation of new onsite wastewater treatment systems. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows also cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

Each failing septic system that is replaced will improve the water quality in waterways and watersheds by removing raw sewage and high levels of bacteria, viruses, and protozoa. Removal of sewage as a point source of pollution will also protect ground, surface, and drinking water from contamination. This Project has the potential to not only improve the water quality in the Brazos River Basin, Christmas Bay, Galveston Bayou, Chocolate Bayou, Bastrop Bayou, and the San Bernard River Basin, but will also improve the public health for a sector of the population that is least able to afford health care. Diseases that result from sewage contaminated water range from mild gastroenteritis (causing stomach cramps and diarrhea) to life threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Karen Y. Carroll, Director
Brazoria County
111 East Locust, Building A-29, Suite 270
Angleton, Texas 77515

3. Records and Reporting

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

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

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; 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
P.O. Box 13087
Austin, Texas 78711-3087

5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the 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.

6. **Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the 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 Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.