

Executive Summary – Enforcement Matter – Case No. 58590
Texas Health and Human Services Commission
RN101523595
Docket No. 2020-0249-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

North Texas State Hospital Vernon Campus South, located adjacent to the south side of Farm-to-Market Road 433 and approximately 2.3 miles east of Farm-to-Market Road 2074, Wilbarger 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: March 4, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,937

Amount Deferred for Expedited Settlement: \$4,387

Total Paid to General Revenue: \$17,550

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 27, 2019

Date(s) of NOE(s): October 14, 2019

Executive Summary – Enforcement Matter – Case No. 58590
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Violation Information

Failed to comply with permitted effluent limitations for total suspended solids, *Escherichia coli*, and biochemical oxygen demand (5-day) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010651001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By December 31, 2018, the Respondent installed a new updated package plant at the Facility and that by December 31, 2019, returned to compliance with the permitted effluent limitations of TPDES Permit No. WQ0010651001.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mark Gamble, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Scott M. Schalchlin, Deputy Executive Commissioner, Texas Health and Human Services Commission, 4900 North Lamar Boulevard, Austin, Texas 78751-2316
James Smith, Superintendent, Texas Health and Human Services Commission, 4900 North Lamar Boulevard, Austin, Texas 78751-2316

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	21-Oct-2019		
	PCW	11-Feb-2020	Screening	14-Nov-2019
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Texas Health and Human Services Commission
Reg. Ent. Ref. No.	RN101523595
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	58590	No. of Violations	2
Docket No.	2020-0249-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Mark Gamble
		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	\$16,250
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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	35.0%	Adjustment	Subtotals 2, 3, & 7	\$5,687
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Notes	Enhancement for seven months of self-reported effluent violations.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$2,056	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$28,975	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,937
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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	
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Final Penalty Amount	\$21,937
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,937
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,387
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$17,550
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Screening Date 14-Nov-2019

Docket No. 2020-0249-MWD-E

PCW

Respondent Texas Health and Human Services Commission

Policy Revision 4 (April 2014)

Case ID No. 58590

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101523595

Media Water Quality

Enf. Coordinator Mark Gamble

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	7	35%
	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 judgments 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%
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) 35%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 14-Nov-2019

Docket No. 2020-0249-MWD-E

PCW

Respondent Texas Health and Human Services Commission

Policy Revision 4 (April 2014)

Case ID No. 58590

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101523595

Media Water Quality

Enf. Coordinator Mark Gamble

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010651001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	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 biochemical oxygen demand (5-day) to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Total suspended solids and Escherichia coli were also considered. 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 as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 93 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three monthly events are recommended for the months of July 2018, December 2018, and January 2019.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,419

Violation Final Penalty Total \$15,188

This violation Final Assessed Penalty (adjusted for limits) \$15,188

Economic Benefit Worksheet

Respondent Texas Health and Human Services Commission
Case ID No. 58590
Reg. Ent. Reference No. RN101523595
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	Costs Saved	EB Amount
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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)	\$20,000	31-Jul-2018	31-Dec-2019	1.42	\$1,419	n/a	\$1,419

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary adjustments or repairs to achieve compliance with permitted effluent limitations. Date required is the end date of the first month of noncompliance. Final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,419

Screening Date 14-Nov-2019
Respondent Texas Health and Human Services Commission
Case ID No. 58590
Reg. Ent. Reference No. RN101523595
Media Water Quality
Enf. Coordinator Mark Gamble

Docket No. 2020-0249-MWD-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 2

Rule Cite(s)
 Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010651001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description
 Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 4 272 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Four quarterly events are recommended for the quarters containing August, September, October, and November of 2018 and February, March, April, May, and June of 2019.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$637

Violation Final Penalty Total \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent Texas Health and Human Services Commission
Case ID No. 58590
Reg. Ent. Reference No. RN101523595
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	Costs Saved	EB Amount
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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)	\$8,975	31-Jul-2018	31-Dec-2019	1.42	\$637	n/a	\$637

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,975

TOTAL

\$637

Texas Health and Human Services Commission

Docket No. 2020-0249-MWD-E

TPDES Permit No. WQ0010651001

Monitoring Period	Biochemical Oxygen Demand (5-day)			<i>Escherichia coli</i>		Total Suspended Solids		
	Daily Average Concentration	Single Grab	Daily Average Loading	Daily Average Concentration	Single Grab	Daily Average Concentration	Single Grab	Daily Average Loading
Month/Year	Limit =	Limit =	Limit =	Limit =	Limit =	Limit =	Limit =	Limit =
	20 mg/L	65 mg/L	4 lbs/d	126 CFU/100 ml	399 CFU/100 ml	20 mg/L	65 mg/L	4 lbs/d
Jul-18	20.11	135	5.02	2,420	2,420	152.47	550	34.58
Aug-18	35.65	209	7.13	c	c	c	c	c
Sep-18	32	67	c	c	c	25.37	c	c
Oct-18	29.2	81	c	c	c	40.8	c	c
Nov-18	c	c	c	c	c	34.5	c	c
Dec-18	87.25	123	4.94	4,838	4,838	63.95	77	c
Jan-19	c	c	c	2,420	2,420	c	c	c
Feb-19	27.25	c	c	c	c	42.4	c	c
Mar-19	28	c	5.3	c	c	38.4	c	7.8

Monitoring Period	Biochemical Oxygen Demand (5-day)		Total Suspended Solids		
	Daily Average Concentration	Daily Average Loading	Daily Average Concentration	Single Grab	Daily Average Loading
Month/Year	Limit =	Limit =	Limit =	Limit =	Limit =
	20 mg/L	2.8 lbs/d	20 mg/L	65 mg/L	2.8 lbs/d
Apr-19	40	c	45.75	c	c
May-19	24.2	5.5	32.92	c	7.45
Jun-19	26.75	c	31.85	73	c

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Compliance History Report

Compliance History Report for CN605437276, RN101523595, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN605437276, Texas Health and Human Services Commission **Classification:** SATISFACTORY **Rating:** 6.98

Regulated Entity: RN101523595, North Texas State Hospital Vernon Campus South **Classification:** SATISFACTORY **Rating:** 4.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: adjacent to the south side of Farm-to-Market Road 433 and approximately 2.3 miles east of Farm-to-Market Road 2074, in Wilbarger County, Texas 76384

TCEQ Region: REGION 03 - ABILENE

ID Number(s): WASTEWATER PERMIT WQ0010651001 WASTEWATER EPA ID TX0030732
WASTEWATER LICENSING LICENSE WQ0010651001

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: February 07, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 07, 2015 to February 07, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Mark Gamble

Phone: (512) 239-2587

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? YES
- 3) Who is the current owner/operator? TEXAS HEALTH AND HUMAN SERVICES COMMISSION OWNER OPERATOR since 3/27/2018
- 4) Who was/were the prior owner(s)/operator(s)? Texas Department of State Health Services, OWNER, 9/16/2010 to 10/31/2018

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	March 18, 2015	(1249068)	Item 11	February 25, 2016	(1325448)
Item 2	May 06, 2015	(1255956)	Item 12	March 23, 2016	(1332186)
Item 3	May 15, 2015	(1262672)	Item 13	May 12, 2016	(1346147)
Item 4	June 15, 2015	(1269834)	Item 14	June 15, 2016	(1352582)
Item 5	July 23, 2015	(1277368)	Item 15	July 21, 2016	(1359549)
Item 6	August 13, 2015	(1283548)	Item 16	August 15, 2016	(1365992)
Item 7	September 18, 2015	(1290697)	Item 17	September 22, 2016	(1372681)
Item 8	October 13, 2015	(1296893)	Item 18	October 20, 2016	(1378853)
Item 9	December 18, 2015	(1302342)	Item 19	November 15, 2016	(1384815)
Item 10	January 12, 2016	(1309277)	Item 20	December 08, 2016	(1390952)

Item 21	January 06, 2017	(1397568)	Item 29	November 13, 2017	(1461871)
Item 22	March 13, 2017	(1404461)	Item 30	February 16, 2018	(1487173)
Item 23	April 12, 2017	(1418049)	Item 31	March 21, 2018	(1490846)
Item 24	May 08, 2017	(1425640)	Item 32	October 17, 2019	(1613658)
Item 25	June 13, 2017	(1431680)	Item 33	October 18, 2019	(1606816)
Item 26	July 11, 2017	(1440263)	Item 34	November 20, 2019	(1619472)
Item 27	August 15, 2017	(1443944)	Item 35	December 20, 2019	(1626825)
Item 28	October 23, 2017	(1450549)			

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: 02/28/2019 (1560942)
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

- 2 Date: 03/31/2019 (1572245)
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: 04/30/2019 (1584099)
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: 05/31/2019 (1584100)
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: 06/30/2019 (1593584)
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: 07/31/2019 (1599914)
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: 08/31/2019 (1606815)
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

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements PERMIT
Description: Failure to provide an adequate effluent monitoring point after the final treatment unit.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT
Description: Failure to properly maintain the influent flow meter.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring and Reporting Requirements PERMIT
Description: Failure to properly record and maintain all effluent monitoring records.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
Monitoring and Reporting Requirements PERMIT
Description: Failure to provide proper noncompliance notification for exceeding the permit limit by more than 40%.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT
Description: Failure to submit a discharge monitoring report (DMR) for each month.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT
Description: Failure to calibrate the flow meter on an annual basis.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions PERMIT
Description: Failure to provide notice of physical alterations to the permitted facility.

7 Date: 07/31/2018 (1520514)
Classification: Moderate

Self Report? YES For Informational Purposes Only
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: 08/31/2018 (1527683)
Classification: Moderate

Self Report? YES For Informational Purposes Only
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: 09/30/2018 (1534043)
Classification: Moderate

Self Report? YES For Informational Purposes Only
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: 10/31/2018 (1541875)
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

- 11* Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2018 (1545648) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 12/31/2018 (1560943) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 01/31/2019 (1560941) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 02/28/2019 (1560942) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 03/31/2019 (1572245) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 04/30/2019 (1584099) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 05/31/2019 (1584100) Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 06/30/2019 (1593584) Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 19* Date: 07/31/2019 (1599914) Classification: Moderate
Self Report? YES For Informational Purposes Only
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

20* Date: 08/31/2019 (1606815)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

* NOVs applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

Appendix B

All Investigations Conducted During Component Period February 07, 2015 and February 07, 2020

Item 1	February 25, 2015**	(1227553) For Informational Purposes Only
Item 2*	March 18, 2015**	(1249068) For Informational Purposes Only
Item 3*	May 06, 2015**	(1255956) For Informational Purposes Only
Item 4*	May 15, 2015**	(1262672) For Informational Purposes Only
Item 5	May 20, 2015**	(1252864) For Informational Purposes Only
Item 6*	June 15, 2015**	(1269834) For Informational Purposes Only
Item 7*	July 23, 2015**	(1277368) For Informational Purposes Only
Item 8*	August 13, 2015**	(1283548) For Informational Purposes Only
Item 9	August 28, 2015**	(1275389) For Informational Purposes Only
Item 10*	September 18, 2015**	(1290697) For Informational Purposes Only
Item 11*	October 13, 2015**	(1296893) For Informational Purposes Only
Item 12*	December 18, 2015**	(1302342) For Informational Purposes Only
Item 13*	January 12, 2016**	(1309277) For Informational Purposes Only
Item 14*	February 25, 2016**	(1325448) For Informational Purposes Only
Item 15*	March 23, 2016**	(1332186) For Informational Purposes Only
Item 16*	May 12, 2016**	(1346147) For Informational Purposes Only
		(1352582)

Item 17*	June 15, 2016**	For Informational Purposes Only (1359549)
Item 18*	July 21, 2016**	For Informational Purposes Only (1365992)
Item 19*	August 15, 2016**	For Informational Purposes Only (1372681)
Item 20*	September 22, 2016**	For Informational Purposes Only (1378853)
Item 21*	October 20, 2016**	For Informational Purposes Only (1384815)
Item 22*	November 15, 2016**	For Informational Purposes Only (1390952)
Item 23*	December 08, 2016**	For Informational Purposes Only (1397568)
Item 24*	January 06, 2017**	For Informational Purposes Only (1404461)
Item 25*	March 13, 2017**	For Informational Purposes Only (1418049)
Item 26*	April 12, 2017**	For Informational Purposes Only (1425640)
Item 27*	May 08, 2017**	For Informational Purposes Only (1431680)
Item 28*	June 13, 2017**	For Informational Purposes Only (1440263)
Item 29*	July 11, 2017**	For Informational Purposes Only (1443944)
Item 30*	August 15, 2017**	For Informational Purposes Only (1450549)
Item 31*	October 23, 2017**	For Informational Purposes Only (1461871)
Item 32*	November 13, 2017**	For Informational Purposes Only (1487173)
Item 33*	February 16, 2018**	For Informational Purposes Only (1490846)
Item 34*	March 21, 2018**	For Informational Purposes Only (1494093)
Item 35	April 19, 2018**	For Informational Purposes Only (1501041)
Item 36	May 21, 2018**	For Informational Purposes Only (1508129)
Item 37	June 20, 2018**	For Informational Purposes Only (1504705)
Item 38	July 20, 2018**	For Informational Purposes Only

Item 39	August 16, 2018**	(1520514) For Informational Purposes Only
Item 40	August 28, 2018**	(1512344) For Informational Purposes Only
Item 41	September 20, 2018**	(1527683) For Informational Purposes Only
Item 42	October 18, 2018**	(1534043) For Informational Purposes Only
Item 43	November 20, 2018**	(1541875) For Informational Purposes Only
Item 44	December 19, 2018**	(1545648) For Informational Purposes Only
Item 45	January 19, 2019**	(1560943) For Informational Purposes Only
Item 46	February 21, 2019**	(1560941) For Informational Purposes Only
Item 47	March 20, 2019**	(1560942) For Informational Purposes Only
Item 48	April 18, 2019**	(1572245) For Informational Purposes Only
Item 49	May 16, 2019**	(1584099) For Informational Purposes Only
Item 50	June 20, 2019**	(1584100) For Informational Purposes Only
Item 51	July 17, 2019**	(1593584) For Informational Purposes Only
Item 52	September 03, 2019	(1599914) For Informational Purposes Only
Item 53	September 20, 2019	(1592779) For Informational Purposes Only
Item 54	October 14, 2019	(1598231) For Informational Purposes Only
Item 55*	October 17, 2019	(1613658) For Informational Purposes Only
Item 56*	October 18, 2019	(1606816) For Informational Purposes Only
Item 57	October 30, 2019	(1604515) For Informational Purposes Only
Item 58*	November 20, 2019	(1619472) For Informational Purposes Only
Item 59*	December 20, 2019	(1626825) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS HEALTH AND HUMAN
SERVICES COMMISSION
RN101523595

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

AGREED ORDER DOCKET NO. 2020-0249-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 Texas Health and Human Services Commission (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 at adjacent to the south side of Farm-to-Market Road 433 and approximately 2.3 miles east of Farm-to-Market Road 2074, in Wilbarger 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$21,937 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$17,550 of the penalty and \$4,387 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. 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). 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.

6. 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 Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by December 31, 2018, the Respondent installed a new updated package plant at the Facility and that by December 31, 2019, returned to compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010651001.

II. ALLEGATIONS

During a record review at the Facility conducted on September 27, 2019, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010651001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the attached effluent violation tables below:

Monitoring Period	Biochemical Oxygen Demand (5-day)			<i>Escherichia coli</i>		Total Suspended Solids		
	Daily Average Concentration	Single Grab	Daily Average Loading	Daily Average Concentration	Single Grab	Daily Average Concentration	Single Grab	Daily Average Loading
Month/Year	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 4 lbs/d	Limit = 126 CFU/100 ml	Limit = 399 CFU/100 ml	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 4 lbs/d
Jul-18	20.11	135	5.02	2,420	2,420	152.47	550	34.58
Aug-18	35.65	209	7.13	c	c	c	c	c
Sep-18	32	67	c	c	c	25.37	c	c
Oct-18	29.2	81	c	c	c	40.8	c	c
Nov-18	c	c	c	c	c	34.5	c	c
Dec-18	87.25	123	4.94	4,838	4,838	63.95	77	c
Jan-19	c	c	c	2,420	2,420	c	c	c
Feb-19	27.25	c	c	c	c	42.4	c	c
Mar-19	28	c	5.3	c	c	38.4	c	7.8

Monitoring Period	Biochemical Oxygen Demand (5-day)		Total Suspended Solids		
	Daily Average Concentration	Daily Average Loading	Daily Average Concentration	Single Grab	Daily Average Loading
Month/Year	Limit = 20 mg/L	Limit = 2.8 lbs/d	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 2.8 lbs/d
Apr-19	40	c	45.75	c	c
May-19	24.2	5.5	32.92	c	7.45
Jun-19	26.75	c	31.85	73	c

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Health and Human Services Commission, Docket No. 2020-0249-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. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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.
5. This 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 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.

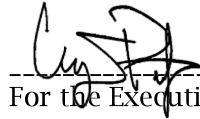
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this 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.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



3/30/2023

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 OAG 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 OAG 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.

Scott M

Schalchlin

Digitally signed by Scott M
Schalchlin
Date: 2023.03.06 12:14:31
-06'00'

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of
Texas Health and Human Services Commission

If mailing address has changed, please check this box and provide the new address below:

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