

Executive Summary – Enforcement Matter – Case No. 59824
University of Texas Medical Branch at Galveston
RN101921138
Docket No. 2020-1217-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

UTMB Galveston, 301 University Boulevard, Galveston, Galveston County

Type of Operation:

Medical research facility and hospital

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 30, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,676

Amount Deferred for Expedited Settlement: \$1,935

Total Paid to General Revenue: \$7,741

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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: July 10, 2020 through July 14, 2020

Date(s) of NOE(s): August 28, 2020

Executive Summary – Enforcement Matter – Case No. 59824
University of Texas Medical Branch at Galveston
RN101921138
Docket No. 2020-1217-AIR-E

Violation Information

1. Failed to comply with the concentration limit. Specifically, the Respondent exceeded the carbon monoxide ("CO") concentration limit of 50 parts per million by volume dry ("ppmvd") corrected to three percent oxygen ("3% O₂") by a range from 0.206 to 205.40 ppmvd corrected to 3% O₂ for a total of 1,339 minutes from August 1, 2019 to August 2, 2019 for the West Chill Plant Boiler, Emissions Point Number ("EPN") BOILER9 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 56653 and PSDTX1376, Special Conditions ("SC") No. 5, Federal Operating Permit ("FOP") No. O1531, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the concentration limit. Specifically, the Respondent exceeded the total dissolved solids concentration limit of 3,500 parts per million by weight ("ppmw") by a range from 5.0 to 342.0 ppmw for a total of 975 minutes from August 21, 2019 to August 22, 2019 for the East Plant Combustion Turbine, EPN EP-CTG/HRSG [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Nos. 56653 and PSDTX1376, SC No. 33, FOP No. O1531, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On August 2, 2019, re-tuned the West Chill Plant Boiler in order to comply with the CO concentration limit for the West Chill Plant Boiler, EPN BOILER9; and
- b. On August 22, 2019, identified and cleaned a clogged blowdown valve in order to comply with the total dissolved solids concentration limit for the East Plant Combustion Turbine, EPN EP-CTG/HRSG.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 59824
University of Texas Medical Branch at Galveston
RN101921138
Docket No. 2020-1217-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jack D. Tarpley, Associate Vice President, University of Texas Medical Branch at Galveston, 301 University Boulevard, Rt. 1108, Galveston, Texas 77555

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	8-Sep-2020	Screening	14-Sep-2020	EPA Due	
	PCW	29-Jan-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	University of Texas Medical Branch at Galveston
Reg. Ent. Ref. No.	RN101921138
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59824	No. of Violations	2
Docket No.	2020-1217-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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	54.0% Adjustment	Subtotals 2, 3, & 7	\$4,050
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Notes: Enhancement for two NOV's with same/similar violations, two NOV's with dissimilar violations, and two orders containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,874
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1
 Estimated Cost of Compliance: \$6,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,676
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$9,676
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,676
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,935
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,741
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Screening Date 14-Sep-2020

Docket No. 2020-1217-AIR-E

PCW

Respondent University of Texas Medical Branch at Galveston

Policy Revision 4 (April 2014)

Case ID No. 59824

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101921138

Media Air

Enf. Coordinator Yuliya Dunaway

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>)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 54%

>> 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 two NOVs with same/similar violations, two NOVs with dissimilar violations, and two orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 54%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 54%

Screening Date 14-Sep-2020

Docket No. 2020-1217-AIR-E

PCW

Respondent University of Texas Medical Branch at Galveston

Policy Revision 4 (April 2014)

Case ID No. 59824

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101921138

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 56653 and PSDTX1376, Special Conditions ("SC") No. 5, Federal Operating Permit ("FOP") No. O1531, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the concentration limit. Specifically, the Respondent exceeded the carbon monoxide ("CO") concentration limit of 50 parts per million by volume dry ("ppmvd") corrected to three percent oxygen ("3% O2") by a range from 0.206 to 205.40 ppmvd corrected to 3% O2 for a total of 1,339 minutes from August 1, 2019 to August 2, 2019 for the West Chill Plant Boiler, Emissions Point Number ("EPN") BOILER9.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes 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 \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 2

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and checkboxes.

Violation Base Penalty \$3,750

One quarterly event is recommended for the instances of non-compliance that occurred on August 1, 2019 and August 2, 2019.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Table with columns: Extraordinary, Ordinary, N/A and checkboxes.

Notes The Respondent completed the corrective action on August 2, 2019, prior to the Notice of Enforcement ("NOE") dated August 28, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,838

This violation Final Assessed Penalty (adjusted for limits) \$4,838

Economic Benefit Worksheet

Respondent University of Texas Medical Branch at Galveston
Case ID No. 59824
Reg. Ent. Reference No. RN101921138
Media Air
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)	\$1,500	1-Aug-2019	2-Aug-2019	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to re-tune the West Chill Plant Boiler in order to comply with the CO concentration limit for EPN BOILER9. The Date Required is the initial date of non-compliance 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

\$1,500

TOTAL

\$0

Screening Date 14-Sep-2020

Docket No. 2020-1217-AIR-E

PCW

Respondent University of Texas Medical Branch at Galveston

Policy Revision 4 (April 2014)

Case ID No. 59824

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101921138

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Nos. 56653 and PSDTX1376, SC No. 33, FOP No. O1531, GTC and STC No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the concentration limit. Specifically, the Respondent exceeded the total dissolved solids ("TDS") concentration limit of 3,500 parts per million by weight ("ppmw") by a range from 5.0 to 342.0 ppmw for a total of 975 minutes from August 21, 2019 to August 22, 2019 for the East Plant Combustion Turbine, EPN EP-CTG/HRSG.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
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.					0.0%

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 2 Number of violation days

daily		Violation Base Penalty \$3,750
weekly		
monthly		
quarterly	x	
semiannual		
annual		
single event		

One quarterly event is recommended for the instances of non-compliance that occurred on August 21, 2019 and August 22, 2019.

Good Faith Efforts to Comply

25.0% Reduction \$937

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

Notes The Respondent completed the corrective action on August 22, 2019, prior to the NOE dated August 28, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1 Violation Final Penalty Total \$4,838

This violation Final Assessed Penalty (adjusted for limits) \$4,838

Economic Benefit Worksheet

Respondent University of Texas Medical Branch at Galveston
Case ID No. 59824
Reg. Ent. Reference No. RN101921138
Media Air
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)	\$5,000	21-Aug-2019	22-Aug-2019	0.00	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to identify and clean a clogged blowdown valve in order to comply with the TDS concentration limit for EPN EP-CTG/HRSG. The Date Required is the initial date of non-compliance 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

\$5,000

TOTAL

\$1

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Compliance History Report

Compliance History Report for CN601246887, RN101921138, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN601246887, University of Texas Medical Branch at Galveston **Classification:** SATISFACTORY **Rating:** 4.18
Regulated Entity: RN101921138, UTMB GALVESTON **Classification:** SATISFACTORY **Rating:** 5.41
Complexity Points: 17 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 301 UNIVERSITY BLVD GALVESTON, TX 77555-1108, GALVESTON COUNTY
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER GB0081Q

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0840272

AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0081Q

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1376

AIR NEW SOURCE PERMITS PERMIT AMOC116

MUNICIPAL SOLID WASTE PROCESSING PERMIT 2232A

AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0081Q

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000821264

AIR OPERATING PERMITS PERMIT 1531

AIR NEW SOURCE PERMITS PERMIT 18655

AIR NEW SOURCE PERMITS PERMIT 56653

AIR NEW SOURCE PERMITS REGISTRATION 112940

AIR NEW SOURCE PERMITS AFS NUM 4816700078

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 30977

POLLUTION PREVENTION PLANNING ID NUMBER P01510

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 71034

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: January 29, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 29, 2016 to January 29, 2021

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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

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

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 09/26/2017 ADMINORDER 2017-0069-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Terms and Conditions (ST&C) 12 OP
Description: Failure to comply with the Maximum Allowable Emission Rate (MAER) for lead (Pb). (A8GC2)
- 2 Effective Date: 11/10/2020 ADMINORDER 2020-0602-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.56c(f)(6)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01531 GT&C OP
Special Conditions No. 2.B PERMIT
Special Terms and Conditions No. 12 OP

Description: Failed to prevent the use of the bypass stack for the medical waste incinerator equipped with a wet scrubber

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CEEDS Inv. Track. No.):

Item 1	August 31, 2016	(1356439)
Item 2	September 15, 2016	(1343698)
Item 3	September 20, 2016	(1350937)
Item 4	March 06, 2017	(1383140)
Item 5	April 20, 2017	(1383336)
Item 6	July 27, 2018	(1499090)
Item 7	February 14, 2019	(1513426)
Item 8	June 05, 2019	(1558055)
Item 9	September 27, 2019	(1578986)
Item 10	February 20, 2020	(1623706)

E. Written notices of violations (NOV) (CEEDS 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.

- Date: 03/19/2020 (1622859)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(1)

Description: Failure to secure a written contract, a signed document of specific terms, or a memorandum or letter of understanding between the purchaser and wholesaler which authorizes the purchase of water at a rate sufficient to meet capacity requirements.
- Date: 04/14/2020 (1617229)

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
56653, NSR 56653 PERMIT

Description: Failure to maintain Carbon Monoxide (CO) emissions below the required limit.
(Category B18.g.(1))

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
56653, NSR 56653 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain Nitrogen Oxide (NOx) emissions below the required limit.
(Category B18.g.(1))

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
56653, NSR 56653 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain Carbon Monoxide (CO) emissions below the required limit.
(Category B18.g.(1))

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

56653, NSR 56653 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to maintain total dissolved solids (TDS) below the required limit. (Category B18.1.(g))

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
56653, NSR 56653 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain Nitrogen Oxide (NOx) emissions below the required limit. (Category B18.g.(1))

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
56653, NSR 56653 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain ammonia (NH3) below the required limit. (Category B18.1.(g))

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
56653, NSR 56653 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain ammonia (NH3) below the required limit. (Category B18.1.(g))

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
56653, NSR 56653 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain Nitrogen Oxide (NOx) emissions below the required limit. (Category B18g(1))

Self Report? NO Classification: Moderate

Citation: 1531, O-01531 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit Permit Compliance Certification (PCC) by the submittal due date. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.56c(f)(6)
5C THSC Chapter 382 382.085(b)
FOP O-01531 GT&C OP
NSR 18655 SC 4 PERMIT

Description: Failure to maintain Incinerator operation without the use of the Bypass Stack. (Category B18.g.(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 56653 SC 21 PERMIT
O-01531 GT&C OP

Description: Failure to maintain Nitrogen Oxide (NOx) emissions below the required limit. (Category B18g(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
FOP O-01531 GT&C OP

Description: Failure to submit a Deviation Report (DR) by the submittal due date. (Category B3)

Date: 08/28/2020 (1663496)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.56c(f)(6)
5C THSC Chapter 382 382.085(b)
FOP O-01531 OP
NSR 18655 PERMIT

Description: Failure to maintain Incinerator operation without the use of the Bypass Stack.
(Category B18.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01531 OP
NSR 56653 PERMIT

Description: Failure to maintain Carbon Monoxide (CO) emissions below the required limit.
(Category B18.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01531 OP
NSR 56653 PERMIT

Description: Failure to maintain ammonia (NH3) below the required limit. (Category B18.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01531 OP
NSR 56653 PERMIT

Description: Failure to maintain ammonia (NH3) below the required limit. (Category B18.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01531 OP
NSR 56653 PERMIT

Description: Failure to maintain firing rate below the required limit. (Category B18.g.1)

4 Date: 11/16/2020 (1685847)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(1)

Description: Failure to secure a written contract, a signed document of specific terms, or a memorandum or letter of understanding between the purchaser and wholesaler which authorizes the purchase of water at a rate sufficient to meet capacity requirements.

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
UNIVERSITY OF TEXAS
MEDICAL BRANCH AT
GALVESTON
RN101921138**

**§
§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1217-AIR-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 University of Texas Medical Branch at Galveston (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a medical research facility and hospital located at 301 University Boulevard in Galveston, Galveston County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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. HEALTH & SAFETY CODE ch. 382 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 \$9,676 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,741 of the penalty and \$1,935 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 the Respondent implemented the following corrective measures at the Site:
 - a. On August 2, 2019, re-tuned the West Chill Plant Boiler in order to comply with the carbon monoxide ("CO") concentration limit for the West Chill Plant Boiler, Emissions Point Number ("EPN") BOILER9.
 - b. On August 22, 2019, identified and cleaned a clogged blowdown valve in order to comply with the total dissolved solids ("TDS") concentration limit for the East Plant Combustion Turbine, EPN EP-CTG/HRSG.

II. ALLEGATIONS

During a record review conducted from July 10, 2020 through July 14, 2020, an investigator documented that the Respondent:

1. Failed to comply with the concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 56653 and PSDTX1376, Special Conditions ("SC") No. 5, Federal Operating Permit ("FOP") No. O1531, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO concentration limit of 50 parts per million by volume dry ("ppmvd") corrected to three percent oxygen ("3% O₂") by a range from 0.206 to 205.40 ppmvd corrected to 3% O₂ for a total of 1,339 minutes from August 1, 2019 to August 2, 2019 for the West Chill Plant Boiler, EPN BOILER9.
2. Failed to comply with the concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Nos. 56653 and PSDTX1376, SC No. 33, FOP No. O1531, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the TDS concentration limit of 3,500 parts per million by weight ("ppmw") by a range from 5.0 to 342.0 ppmw for a total of 975

minutes from August 21, 2019 to August 22, 2019 for the East Plant Combustion Turbine, EPN EP-CTG/HRSG.

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: University of Texas Medical Branch at Galveston, Docket No. 2020-1217-AIR-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 Site 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



For the Executive Director

12/13/2021


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 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

03/22/2021
Date

Jack D. Terpley
Name (Printed or typed)
Authorized Representative of
University of Texas Medical Branch at Galveston

Asst. Environmental Health Safety
Title

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.