

**Executive Summary – Enforcement Matter – Case No. 60919**  
**KB FOUNDATION OF TEXAS**  
**RN102179124**  
**Docket No. 2021-0804-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

BCFS Driscoll Health & Human Services WWTP, 2547 U.S. Highway 77, Nueces 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 13, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$37,050

**Amount Deferred for Expedited Settlement:** \$7,410

**Total Paid to General Revenue:** \$29,640

**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:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 29, 2021

**Date(s) of NOE(s):** May 25, 2021

**Executive Summary – Enforcement Matter – Case No. 60919**  
**KB FOUNDATION OF TEXAS**  
**RN102179124**  
**Docket No. 2021-0804-MWD-E**

***Violation Information***

Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014981001 expired on June 1, 2020, and the Respondent continued to operate the wastewater treatment facility without authorization [30 TEX. ADMIN. CODE § 305.65 and TEX. WATER CODE § 26.121(a)(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By July 7, 2021, the Respondent prepared and submitted an application and obtained authorization to discharge wastewater under TPDES Permit No. WQ0014981002.

**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:** Akram Boulos, Director, KB FOUNDATION OF TEXAS, 2925 Clifford Street, Harlingen, Texas 78550

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	1-Jun-2021	<b>Screening</b>	17-Jun-2021	<b>EPA Due</b>	
	<b>PCW</b>	24-Sep-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	KB FOUNDATION OF TEXAS
<b>Reg. Ent. Ref. No.</b>	RN102179124
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60919	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0804-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Caleb Olson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$32,500
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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.

<b>Compliance History</b>	24.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$7,800
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Notes: Enhancement for two NOVs with dissimilar violations and one order containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$3,250
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$1,373  
 Estimated Cost of Compliance: \$25,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$37,050
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$37,050
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$37,050
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$7,410
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$29,640
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**Screening Date** 17-Jun-2021

**Docket No.** 2021-0804-MWD-E

**PCW**

**Respondent** KB FOUNDATION OF TEXAS

Policy Revision 5 (January 28, 2021)

**Case ID No.** 60919

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN102179124

**Media** Water Quality

**Enf. Coordinator** Caleb Olson

### 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> )	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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)** 24%

#### >> 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 dissimilar violations and one order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 24%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 24%

<b>Screening Date</b>	17-Jun-2021	<b>Docket No.</b>	2021-0804-MWD-E	<b>PCW</b>
<b>Respondent</b>	KB FOUNDATION OF TEXAS			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60919			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102179124			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.65 and Tex. Water Code § 26.121(a)(1)			
<b>Violation Description</b>	Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014981001 expired on June 1, 2020, and the Respondent continued to operate the wastewater treatment facility without authorization.			
		<b>Base Penalty</b>	\$25,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		X			<b>Percent</b> 10.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				
					<b>Adjustment</b> \$22,500

**Violation Events**

Number of Violation Events	13	381	Number of violation days	
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
				<b>Violation Base Penalty</b> \$32,500
	Thirteen monthly events are recommended from the date TPDES Permit No. WQ0014981001 expired (June 1, 2020) to the screening date (June 17, 2021).			

**Good Faith Efforts to Comply** **10.0%** Reduction \$3,250

	Extraordinary	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Ordinary		X	
	N/A			
<b>Notes</b>	The Respondent achieved compliance by July 7, 2021.			

**Violation Subtotal** \$29,250

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$1,373	<b>Violation Final Penalty Total</b> \$37,050
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$37,050	

## Economic Benefit Worksheet

**Respondent** KB FOUNDATION OF TEXAS  
**Case ID No.** 60919  
**Reg. Ent. Reference No.** RN102179124  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	\$25,000	1-Jun-2020	7-Jul-2021	1.10	\$1,373	n/a	\$1,373
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Permit delayed cost is the estimated amount to prepare and submit an application, and obtain authorization to discharge wastewater. Date required is the date TPDES Permit No. WQ0014981001 expired. 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

\$25,000

**TOTAL**

\$1,373

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

Compliance History Report for CN605576271, RN102179124, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605576271, KB FOUNDATION OF TEXAS **Classification:** SATISFACTORY **Rating:** 23.50  
**Regulated Entity:** RN102179124, BCFS DRISCOLL HEALTH & HUMAN SERVICES WWTP **Classification:** SATISFACTORY **Rating:** 23.50  
**Complexity Points:** 4 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 2547 United States Highway 77 in Nueces County, Texas  
**TCEQ Region:** REGION 14 - CORPUS CHRISTI

**ID Number(s):**

**WASTEWATER** EPA ID TX0140562

**WASTEWATER** PERMIT WQ0014981002

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** January 03, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 03, 2017 to January 03, 2022

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

**Name:** Caleb Olson

**Phone:** (817) 588-5856

**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? Adult & Teen Challenge Of Texas OWNER since 12/6/1991  
KB FOUNDATION OF TEXAS OWNER since 10/4/2018
- 4) Who was/were the prior owner(s)/operator(s)? Ies Children And Family Services, Inc., OWNER, 6/27/2013 to 10/3/2018

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

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

- 1 Effective Date: 05/13/2019 ADMINORDER 2015-0851-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
Rqmt Prov: Operational Requirements; No.4, Pg.10 PERMIT  
Description: Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
Rqmt Prov: Operational Requirements; No. 1, Pg. 9 PERMIT  
Description: Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal  
Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.7(a)(1)  
30 TAC Chapter 319, SubChapter A 319.7(a)(2)  
30 TAC Chapter 319, SubChapter A 319.7(a)(3)  
30 TAC Chapter 319, SubChapter A 319.7(a)(5)

Rqmt Prov: Monitoring Requirements No. 3(c), Pg. 5 PERMIT  
 Description: Failed to maintain complete records of monitoring activities  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.11(c)  
 30 TAC Chapter 319, SubChapter A 319.9(d)  
 40 CFR Chapter 136, SubChapter D, PT 136 136.1

Rqmt Prov: Definitions: 2.f., Pg. 4 PERMIT  
 Monitor & Report Req., No. 2, Pg. 4 PERMIT  
 Description: Failed to analyze effluent samples as specified by the permit  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.1  
 30 TAC Chapter 319, SubChapter A 319.4  
 30 TAC Chapter 319, SubChapter A 319.5(a)

Rqmt Prov: Monitoring&Reporting Req.; No. 1, Pg. 4 PERMIT  
 Description: Failed to collect and analyze effluent at the intervals specified in the permit  
 Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: Effluent Limitations; No. 1, Pg. 2 PERMIT  
 Description: Failed to comply with the effluent limits

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	January 24, 2017	(1399385)	Item 19	September 15, 2019	(1608588)
Item 2	March 22, 2017	(1413403)	Item 20	October 20, 2019	(1615464)
Item 3	April 10, 2017	(1419850)	Item 21	November 20, 2019	(1621265)
Item 4	June 18, 2017	(1433512)	Item 22	December 20, 2019	(1628603)
Item 5	July 16, 2017	(1442070)	Item 23	January 19, 2020	(1636223)
Item 6	August 23, 2017	(1445738)	Item 24	April 19, 2020	(1655714)
Item 7	November 20, 2017	(1463633)	Item 25	September 16, 2020	(1689089)
Item 8	December 22, 2017	(1470085)	Item 26	October 13, 2020	(1695454)
Item 9	March 20, 2018	(1492586)	Item 27	November 30, 2020	(1718957)
Item 10	April 18, 2018	(1495892)	Item 28	December 09, 2020	(1718958)
Item 11	December 12, 2018	(1547390)	Item 29	January 07, 2021	(1718959)
Item 12	February 20, 2019	(1566385)	Item 30	February 12, 2021	(1732019)
Item 13	March 20, 2019	(1566386)	Item 31	March 12, 2021	(1732020)
Item 14	April 20, 2019	(1574052)	Item 32	May 12, 2021	(1743297)
Item 15	May 20, 2019	(1587671)	Item 33	June 11, 2021	(1743298)
Item 16	June 18, 2019	(1587672)	Item 34	July 12, 2021	(1753841)
Item 17	July 20, 2019	(1595419)	Item 35	September 13, 2021	(1768925)
Item 18	August 19, 2019	(1601683)	Item 36	October 11, 2021	(1780099)

**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: 03/31/2021 (1732021)  
 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: 07/31/2021 (1759221)  
 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  
KB FOUNDATION OF TEXAS  
RN102179124**

**§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0804-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 KB FOUNDATION OF TEXAS (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 2547 United States Highway 77 in Nueces County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. 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 \$37,050 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$29,640 of the penalty and \$7,410 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 July 7, 2021, the Respondent prepared and submitted an application, and obtained authorization to discharge wastewater under Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014981002.

## **II. ALLEGATIONS**

During a record review conducted on April 29, 2021, an investigator documented that the Respondent failed to maintain authorization to discharge wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.65 and TEX. WATER CODE § 26.121(a)(1). Specifically, TPDES Permit No. WQ0014981001 expired on June 1, 2020, and the Respondent continued to operate the wastewater treatment facility without authorization.

## **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: KB FOUNDATION OF TEXAS, Docket No. 2021-0804-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



8/15/2022

\_\_\_\_\_  
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 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

2/10/2022

\_\_\_\_\_  
Date

Akram Boulos

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
KB FOUNDATION OF TEXAS

\_\_\_\_\_  
Title

President

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