

Executive Summary – Enforcement Matter – Case No. 62794
University of Texas Medical Branch at Galveston
RN101921138
Docket No. 2022-1165-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:

Hospital with a medical research facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 10, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$55,100

Total Paid to General Revenue: \$55,100

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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: July 22, 2022

Date(s) of NOE(s): August 11, 2022

Executive Summary – Enforcement Matter – Case No. 62794
University of Texas Medical Branch at Galveston
RN101921138
Docket No. 2022-1165-AIR-E

Violation Information

1. Failed to conduct initial demonstration of compliance testing within 60 days after startup following installation of emissions monitors. Specifically, the Respondent did not conduct the initial demonstration of compliance testing for Unit ID No. BOILER PB-01 by October 9, 2020 [30 TEX. ADMIN. CODE §§ 117.335(a)(4), 117.340(a)(1), 117.9020(2)(A)(ii), and 122.143(4), Federal Operating Permit ("FOP") No. O1531, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 16.A(i)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to sample the cooling water for the concentration of total dissolved solids ("TDS") no later than every two weeks. Specifically, sampling of the cooling water TDS concentrations for the West Plant Cooling Tower, Emissions Point Number ("EPN") WP-COOLTWR, was due on June 15, 2021, July 20, 2021, September 22, 2021, and October 27, 2021, but the samples were taken on June 25, 2021, July 28, 2021, September 30, 2021, and November 2, 2021, respectively [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. 33.B, FOP No. O1531, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to sample the cooling water for the concentration of TDS no later than every two weeks. Specifically, sampling of the cooling water TDS concentrations for the East Plant Cooling Tower, EPN EP-COOLTWR, was due on June 15, 2021, July 20, 2021, September 22, 2021, and October 27, 2021, but the samples were taken on June 25, 2021, July 28, 2021, September 30, 2021, and November 2, 2021, respectively [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 56653 and PSDTX1376, SC No. 33.B, 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. By November 2, 2021, conducted sampling of cooling water for TDS every two weeks for the West Plant Cooling Tower, EPN WP-COOLTWR, and the East Plant Cooling Tower, EPN EP-COOLTWR;
- b. By November 2, 2021, implemented measures designed to ensure that the sampling of cooling water for TDS is conducted every two weeks for the West Plant Cooling Tower, EPN WP-COOLTWR, and the East Plant Cooling Tower, EPN EP-COOLTWR; and
- c. For Unit ID No. BOILER PB-01:
 - i. By November 2, 2022, conducted compliance testing for the boiler; and

Executive Summary – Enforcement Matter – Case No. 62794
University of Texas Medical Branch at Galveston
RN101921138
Docket No. 2022-1165-AIR-E

ii. By October 20, 2023, removed the boiler from service.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amy Cox, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-4631; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: William Pate, Associate Vice President, University of Texas Medical Branch at Galveston, 301 University Boulevard, Galveston, Texas 77555

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	16-Aug-2022	Screening	23-Aug-2022	EPA Due	
	PCW	30-Oct-2024				

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.	62794	No. of Violations	3
Docket No.	2022-1165-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$44,000
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	40.0%	Adjustment	Subtotals 2, 3, & 7	\$17,600
---------------------------	-------	-------------------	--------------------------------	----------

Notes	Enhancement for two Orders containing a denial of liability.			
--------------	--	--	--	--

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	------	--------------------	-------------------	-----

Notes	The Respondent does not meet the culpability criteria.			
--------------	--	--	--	--

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$6,500
--	-------------------	----------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	------	---------------------	-------------------	-----

Total EB Amounts	\$1,245	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$9,700	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$55,100
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
</	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$55,100
-----------------------------------	-------------------------------	----------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).			
--------------	---	--	--	--

PAYABLE PENALTY	\$55,100
------------------------	----------

Screening Date	23-Aug-2022	Docket No.	2022-1165-AIR-E	PCW
Respondent	University of Texas Medical Branch at Galveston			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62794			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101921138			
Media	Air			
Enf. Coordinator	Danielle Porras			

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	0	0%
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) 40%

>> 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 Orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 23-Aug-2022 Respondent University of Texas Medical Branch at Galveston Case ID No. 62794 Reg. Ent. Reference No. RN101921138 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-1165-AIR-E <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	PCW
---	---	------------

Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code §§ 117.335(a)(4), 117.340(a)(1), 117.9020(2)(A)(ii), and 122.143(4), Federal Operating Permit ("FOP") No. 01531, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 16.A(i)(1), and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to conduct initial demonstration of compliance testing within 60 days after startup following installation of emissions monitors. Specifically, the Respondent did not conduct the initial demonstration of compliance testing for Unit ID No. BOILER PB-01 by October 9, 2020.		

Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
		Percent			0.0%

	Adjustment	\$21,250
--	-------------------	----------

		\$3,750
--	--	---------

Violation Events

Number of Violation Events	8	683	Number of violation days
----------------------------	---	-----	--------------------------

	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$30,000

Eight quarterly events are recommended from the October 9, 2020 date of non-compliance to the August 23, 2022 screening date.	
---	--

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent completed the corrective measures by October 20, 2023, after the Notice of Enforcement ("NOE") dated August 11, 2022.	
Violation Subtotal		\$3,000

	Reduction	\$3,000
--	------------------	---------

Economic Benefit (EB) for this violation

	Statutory Limit Test	
Estimated EB Amount	\$1,212	
Violation Final Penalty Total	\$39,000	
This violation Final Assessed Penalty (adjusted for limits)		\$39,000

Economic Benefit Worksheet

Respondent University of Texas Medical Branch at Galveston
Case ID No. 62794
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$8,000	9-Oct-2020	20-Oct-2023	3.03	\$1,212	n/a	\$1,212

Notes for DELAYED costs

Estimated cost to conduct compliance testing for Unit ID No. BOILER PB-01 and remove BOILER PB-01 from service. The Date Required is the date the testing was due 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

\$8,000

TOTAL

\$1,212

Screening Date	23-Aug-2022	Docket No.	2022-1165-AIR-E	PCW	
Respondent	University of Texas Medical Branch at Galveston		<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62794	<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No.	RN101921138				
Media	Air				
Enf. Coordinator	Danielle Porras				
Violation Number	2				
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. 33.B, FOP No. O1531, GTC and STC No. 11, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to sample the cooling water for the concentration of total dissolved solids ("TDS") no later than every two weeks. Specifically, sampling of the cooling water TDS concentrations for the West Plant Cooling Tower, Emissions Point Number ("EPN") WP-COOLTWR, was due on June 15, 2021, July 20, 2021, September 22, 2021, and October 27, 2021, but the samples were taken on June 25, 2021, July 28, 2021, September 30, 2021, and November 2, 2021, respectively.				
		Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 7.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
		Adjustment	\$23,250		
		\$1,750			
Violation Events					
	Number of Violation Events	4	4	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		Violation Base Penalty \$7,000
Four single events are recommended (one for each late sampling).					
Good Faith Efforts to Comply		25.0%	Reduction \$1,750		
	Extraordinary				
	Ordinary	x			
	N/A				
	Notes	The Respondent completed the corrective measures on November 2, 2021, prior to the NOE dated August 11, 2022.			
		Violation Subtotal	\$5,250		
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount	\$31	Violation Final Penalty Total	\$8,050		
This violation Final Assessed Penalty (adjusted for limits)		\$8,050			

Economic Benefit Worksheet

Respondent University of Texas Medical Branch at Galveston
Case ID No. 62794
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$1,500	15-Jun-2021	2-Nov-2021	0.38	\$29	n/a	\$29
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	15-Jun-2021	2-Nov-2021	0.38	\$2	n/a	\$2

Notes for DELAYED costs

Estimated costs to conduct sampling of cooling water for TDS every two weeks (\$25/sample x 4= \$100) and to implement measures designed to ensure that the sampling of cooling water for TDS is conducted every two weeks (\$1,500). The Dates Required are the first date the sampling was due and the Final Dates are the dates 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

\$1,600

TOTAL

\$31

Screening Date	23-Aug-2022	Docket No.	2022-1165-AIR-E	PCW
Respondent	University of Texas Medical Branch at Galveston		<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	62794	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101921138			
Media	Air			
Enf. Coordinator	Danielle Porras			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 56653 and PSDTX1376, SC No. 33.B, FOP No. O1531, GTC and STC No. 11, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to sample the cooling water for the concentration of TDS no later than every two weeks. Specifically, sampling of the cooling water TDS concentrations for the East Plant Cooling Tower, EPN EP-COOLTWR, was due on June 15, 2021, July 20, 2021, September 22, 2021, and October 27, 2021, but the samples were taken on June 25, 2021, July 28, 2021, September 30, 2021, and November 2, 2021, respectively.			
			Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential		x	
			Percent	7.0%

>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
			Adjustment	\$23,250
				\$1,750

Violation Events				
	Number of Violation Events	4	Number of violation days	4
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
			Violation Base Penalty	\$7,000
Four single events are recommended (one for each late sampling).				

Good Faith Efforts to Comply		25.0%		Reduction	\$1,750
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent completed the corrective measures on November 2, 2021, prior to the NOE dated August 11, 2022.				
			Violation Subtotal		\$5,250

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$2	Violation Final Penalty Total	\$8,050
This violation Final Assessed Penalty (adjusted for limits)			\$8,050

Economic Benefit Worksheet

Respondent University of Texas Medical Branch at Galveston
Case ID No. 62794
Reg. Ent. Reference No. RN101921138
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$100	15-Jun-2021	2-Nov-2021	0.38	\$2	n/a	\$2

Notes for DELAYED costs

Estimated costs to conduct sampling of cooling water for TDS every two weeks (\$25/sample x 4= \$100).
 The Date Required is the first date the sampling was due and the Final Date is the date of compliance.
 See Economic Benefit on Violation No. 2 for estimated cost to implement measures designed to ensure that the sampling of cooling water for TDS is conducted every two weeks.

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

\$100

TOTAL

\$2



Compliance History Report

Compliance History Report for CN601246887, RN101921138, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN601246887, University of Texas Medical Branch at Galveston	Classification:	SATISFACTORY	Rating:	5.91
Regulated Entity:	RN101921138, UTMB GALVESTON	Classification:	SATISFACTORY	Rating:	7.65
Complexity Points:	17	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	301 University Boulevard, Galveston, Galveston County, Texas 77555-1108				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER GB0081Q

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

AIR OPERATING PERMITS PERMIT 1531

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

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: August 30, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 30, 2019 to August 30, 2024

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

Name: Danielle Porras

Phone: (512) 239-2923

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: 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

2 Effective Date: 01/27/2022 ADMINORDER 2020-1217-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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: FOP-001531 OP
NSR 56653 PERMIT

Description: Failure to comply with the concentration limit. 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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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: FOP O-01531 OP
NSR 56653 OP

Description: Failure to comply with the concentration limit. 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.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 27, 2019	(1578986)
Item 2	February 20, 2020	(1623706)
Item 3	August 17, 2021	(1750447)
Item 4	February 24, 2022	(1788644)
Item 5	August 27, 2024	(2000948)

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.

N/A

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:

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. 2022-1165-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 hospital with a medical research facility 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 \$55,100 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$55,100 of the penalty.
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. By November 2, 2021, conducted sampling of cooling water for total dissolved solids ("TDS") every two weeks for the West Plant Cooling Tower, Emissions Point Number ("EPN") WP-COOLTWR, and the East Plant Cooling Tower, EPN EP-COOLTWR;
 - b. By November 2, 2021, implemented measures designed to ensure that the sampling of cooling water for TDS is conducted every two weeks for the West Plant Cooling Tower, EPN WP-COOLTWR, and the East Plant Cooling Tower, EPN EP-COOLTWR; and
 - c. For Unit ID No. BOILER PB-01:
 - i. By November 2, 2022, conducted compliance testing for the boiler; and
 - ii. By October 20, 2023, removed the boiler from service.

II. ALLEGATIONS

During an investigation at the Site conducted on July 22, 2022, an investigator documented that the Respondent:

1. Failed to conduct initial demonstration of compliance testing within 60 days after startup following installation of emissions monitors, in violation of 30 TEX. ADMIN. CODE §§ 117.335(a)(4), 117.340(a)(1), 117.9020(2)(A)(ii), and 122.143(4), Federal Operating Permit ("FOP") No. O1531, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 16.A(i)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct the initial demonstration of compliance testing for Unit ID No. BOILER PB-01 by October 9, 2020.
2. Failed to sample the cooling water for the concentration of TDS no later than every two weeks, 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. 33.B, FOP No. O1531, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, sampling of the cooling water TDS concentrations for the West Plant Cooling Tower, EPN WP-COOLTWR, was due on June 15, 2021, July 20, 2021, September 22, 2021, and October 27, 2021, but the samples were taken on June 25, 2021, July 28, 2021, September 30, 2021, and November 2, 2021, respectively.

3. Failed to sample the cooling water for the concentration of TDS no later than every two weeks, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 56653 and PSDTX1376, SC No. 33.B, FOP No. O1531, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, sampling of the cooling water TDS concentrations for the East Plant Cooling Tower, EPN EP-COOLTWR, was due on June 15, 2021, July 20, 2021, September 22, 2021, and October 27, 2021, but the samples were taken on June 25, 2021, July 28, 2021, September 30, 2021, and November 2, 2021, respectively.

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. 2022-1165-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. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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.

6. 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.
7. 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.
8. 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

Krista Mello-Jurach

For the Executive Director

Date

11/10/2025

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.

[Signature]

Signature

8/18/2025

Date

William Pate

Name (Printed or typed)

Authorized Representative of

University of Texas Medical Branch at Galveston

AVP, EHS

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.