

**Executive Summary – Enforcement Matter – Case No. 64989**  
**Texas Department of Criminal Justice**  
**RN102315199**  
**Docket No. 2023-1542-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

TDCJ Ellis Unit, 1697 Farm-to-Market Road 980, Huntsville, Walker 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:** July 12, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$12,375

**Amount Deferred for Expedited Settlement:** \$2,475

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$9,900

Name of SEP: Houston-Galveston Area Council (Third-Party Pre-Approved)

**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:** July 31, 2023

**Date(s) of NOE(s):** October 19, 2023

**Executive Summary – Enforcement Matter – Case No. 64989**  
**Texas Department of Criminal Justice**  
**RN102315199**  
**Docket No. 2023-1542-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for ammonia nitrogen, total suspended solids, and *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011180001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0011180001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Houston-Galveston Area Council, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

**Respondent:** Eric Nichols, Chair, Texas Department of Criminal Justice, P.O. Box 13084, Huntsville, Texas 78711

Ron Steffa, Chief Financial Officer, Texas Department of Criminal Justice, P.O. Box 4015, Huntsville, Texas 77342

**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> | 31-Oct-2023 | <b>Screening</b> | 31-Oct-2023 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 1-Nov-2023  |                  |             |                |  |

|  |                                      |
|--|--------------------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                      |
| <b>Respondent</b>                      | Texas Department of Criminal Justice |
| <b>Reg. Ent. Ref. No.</b>              | RN102315199                          |
| <b>Facility/Site Region</b>            | 12-Houston                           |
| <b>Major/Minor Source</b>              | Minor                                |

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 |                              |                    |
| <b>Enf./Case ID No.</b>                | 64989           | <b>No. of Violations</b>     | 1                  |
| <b>Docket No.</b>                      | 2023-1542-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>      | Taylor Williamson  |
|  |                 | <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> | \$11,250 |
|---|-------------------|----------|

### 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> | 10.0% Adjustment | <b>Subtotals 2, 3, &amp; 7</b> | \$1,125 |
|---------------------------|------------------|--------------------------------|---------|

|              |  |
|--------------|--|
| <b>Notes</b> | Enhancement for two months of self-reported effluent violations. |
|--------------|--|

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

|              |  |
|--------------|--|
| <b>Notes</b> | The Respondent does not meet the culpability criteria. |
|--------------|--|

|  |                   |     |
|--|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|--|-------------------|-----|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

|                              |          |                                   |
|------------------------------|----------|-----------------------------------|
| Total EB Amounts             | \$3,247  | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$25,000 |                                   |

|                             |                       |          |
|-----------------------------|-----------------------|----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$12,375 |
|-----------------------------|-----------------------|----------|

|   |      |                   |     |
|---|------|-------------------|-----|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | <b>Adjustment</b> | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> |  |
|--------------|--|

|                             |          |
|-----------------------------|----------|
| <b>Final Penalty Amount</b> | \$12,375 |
|-----------------------------|----------|

|                                   |                               |          |
|-----------------------------------|-------------------------------|----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$12,375 |
|-----------------------------------|-------------------------------|----------|

|                 |       |           |                   |          |
|-----------------|-------|-----------|-------------------|----------|
| <b>DEFERRAL</b> | 20.0% | Reduction | <b>Adjustment</b> | -\$2,475 |
|-----------------|-------|-----------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> | Deferral offered for expedited settlement. |
|--------------|--|

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$9,900 |
|------------------------|---------|

Screening Date 31-Oct-2023

Docket No. 2023-1542-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 5 (January 28, 2021)

Case ID No. 64989

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102315199

Media Water Quality

Enf. Coordinator Taylor Williamson

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

Adjustment Percentage (Subtotal 2) 10%

#### >> 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 months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 10%

Screening Date 31-Oct-2023

Docket No. 2023-1542-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 5 (January 28, 2021)

Case ID No. 64989

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102315199

Media Water Quality

Enf. Coordinator Taylor Williamson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011180001, Effluent Limitations and Monitoring Requirements No. 1

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Escherichia coli and total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

120 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters containing the months of May 2022, October 2022, February 2023, and April 2023.

Good Faith Efforts to Comply

0.0%

Reduction \$0

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      |                |                                   |
| N/A           | X              |                                   |

Notes

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,247

Violation Final Penalty Total \$12,375

This violation Final Assessed Penalty (adjusted for limits) \$12,375

# Economic Benefit Worksheet

**Respondent** Texas Department of Criminal Justice  
**Case ID No.** 64989  
**Reg. Ent. Reference No.** RN102315199  
**Media Violation No.** Water Quality  
 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)        | \$25,000 | 31-May-2022 | 3-Jan-2025 | 2.60 | \$3,247 | n/a | \$3,247 |

**Notes for DELAYED costs** Estimated cost to determine the cause of noncompliance, make necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the estimated 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** \$3,247

Texas Department of Criminal Justice  
TDCJ Ellis Unit TPDES Permit No. WQ0011180001  
Case No. 64989  
Docket No. 2023-1542-MWD-E

Effluent Violation Table

| Monitoring Period | <i>Escherichia coli</i> Daily Max. Conc. | Ammonia Nitrogen Daily Avg. Conc. | Ammonia Nitrogen Daily Max. Conc. | Ammonia Nitrogen Daily Avg. Load. | TSS Daily Avg. Conc. | TSS Daily Max. Conc. |
|-------------------|--|-----------------------------------|-----------------------------------|-----------------------------------|----------------------|----------------------|
| Month/Year        | Limit = 399 CFU/100 mL                   | Limit = 2 mg/L                    | Limit = 10 mg/L                   | Limit = 14 lbs/day                | Limit = 15 mg/L      | Limit = 40 mg/L      |
| May 2022          | 582                                      | 3.88                              | 10.1                              | 21                                | c                    | c                    |
| October 2022      | c  | c                                 | c                                 | c                                 | 18                   | 61.7                 |
| February 2023     | c  | c                                 | c                                 | c                                 | 21                   | c                    |
| April 2023        | c  | c                                 | c                                 | c                                 | 40                   | 137                  |

Max. = maximum Conc. = concentration Avg. = average Load. = loading TSS = total suspended solids CFU/100 mL = colony forming units per 100 milliliters mg/L = milligrams per liter lbs/day = pounds per day c = compliant

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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 CN601550650, RN102315199, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN601550650, Texas Department of Criminal Justice  
**Classification:** SATISFACTORY **Rating:** 1.06

**Regulated Entity:** RN102315199, TDCJ ELLIS UNIT  
**Classification:** SATISFACTORY **Rating:** 0.67

**Complexity Points:** 12  
**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 1697 Farm-To-Market Road 980, Huntsville, Walker County, Texas 77343

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR NEW SOURCE PERMITS REGISTRATION 168934**  
**AIR NEW SOURCE PERMITS REGISTRATION 50879**  
**AIR NEW SOURCE PERMITS REGISTRATION 44379**  
**AIR NEW SOURCE PERMITS REGISTRATION 81118**  
**PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 56148**  
**WASTEWATER PERMIT WQ0011180001**  
**WASTEWATER AGRICULTURE PERMIT TXG920525**  
**INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD980747893**

**AIR NEW SOURCE PERMITS REGISTRATION 168935**  
**AIR NEW SOURCE PERMITS REGISTRATION 56090**  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER WA0039K**  
**USED OIL EPA ID TXD980747893**  
**IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 71331**  
**WASTEWATER EPA ID TX0031607**  
**INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50361**

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

**Date Compliance History Report Prepared:** April 24, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 24, 2019 to April 24, 2024

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

**Name:** Taylor Williamson

**Phone:** (512) 239-2097

## 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:

N/A

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

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

|        |                    |           |         |                   |           |
|--------|--------------------|-----------|---------|-------------------|-----------|
| Item 1 | May 16, 2019       | (1584135) | Item 8  | January 10, 2020  | (1634484) |
| Item 2 | June 18, 2019      | (1584136) | Item 9  | February 13, 2020 | (1641100) |
| Item 3 | July 12, 2019      | (1593602) | Item 10 | March 11, 2020    | (1647617) |
| Item 4 | September 12, 2019 | (1599932) | Item 11 | April 14, 2020    | (1653961) |
| Item 5 | October 11, 2019   | (1613676) | Item 12 | May 12, 2020      | (1660540) |
| Item 6 | November 27, 2019  | (1619490) | Item 13 | May 19, 2020      | (1632339) |
| Item 7 | December 17, 2019  | (1626843) | Item 14 | June 16, 2020     | (1667054) |



|         |                    |           |         |                    |           |
|---------|--------------------|-----------|---------|--------------------|-----------|
| Item 15 | July 17, 2020      | (1674002) | Item 35 | January 18, 2022   | (1798878) |
| Item 16 | August 18, 2020    | (1680781) | Item 36 | February 15, 2022  | (1806755) |
| Item 17 | August 20, 2020    | (1664715) | Item 37 | March 16, 2022     | (1813820) |
| Item 18 | September 14, 2020 | (1687350) | Item 38 | April 18, 2022     | (1820393) |
| Item 19 | October 13, 2020   | (1693690) | Item 39 | July 18, 2022      | (1842725) |
| Item 20 | November 09, 2020  | (1713762) | Item 40 | August 22, 2022    | (1848856) |
| Item 21 | December 09, 2020  | (1713763) | Item 41 | September 20, 2022 | (1856657) |
| Item 22 | January 15, 2021   | (1713764) | Item 42 | October 19, 2022   | (1863014) |
| Item 23 | February 12, 2021  | (1726826) | Item 43 | December 15, 2022  | (1875776) |
| Item 24 | April 15, 2021     | (1726828) | Item 44 | January 18, 2023   | (1882596) |
| Item 25 | May 18, 2021       | (1740720) | Item 45 | February 16, 2023  | (1890408) |
| Item 26 | June 17, 2021      | (1747816) | Item 46 | April 19, 2023     | (1905762) |
| Item 27 | July 16, 2021      | (1738098) | Item 47 | June 19, 2023      | (1919546) |
| Item 28 | July 19, 2021      | (1752139) | Item 48 | July 20, 2023      | (1926511) |
| Item 29 | August 18, 2021    | (1757590) | Item 49 | August 18, 2023    | (1933469) |
| Item 30 | September 01, 2021 | (1710469) | Item 50 | September 19, 2023 | (1939609) |
| Item 31 | September 15, 2021 | (1766769) | Item 51 | November 17, 2023  | (1952148) |
| Item 32 | October 20, 2021   | (1777267) | Item 52 | December 19, 2023  | (1961915) |
| Item 33 | November 15, 2021  | (1784059) | Item 53 | January 18, 2024   | (1968509) |
| Item 34 | December 16, 2021  | (1791094) |         |                    |           |

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

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

- 1 Date: 04/30/2023 (1912938)  
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: 09/30/2023 (1946457)  
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          | § | BEFORE THE            |
| ENFORCEMENT ACTION           | § |                       |
| CONCERNING                   | § | TEXAS COMMISSION ON   |
| TEXAS DEPARTMENT OF CRIMINAL | § |                       |
| JUSTICE                      | § | ENVIRONMENTAL QUALITY |
| RN102315199                  | § |                       |

## AGREED ORDER DOCKET NO. 2023-1542-MWD-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Texas Department of Criminal Justice (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 1697 Farm-to-Market Road 980 in Huntsville, Walker 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 \$12,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of and \$2,475 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and 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.

Pursuant to TEX. WATER CODE § 7.067, \$9,900 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

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.

## II. ALLEGATIONS

During a record review for the Facility conducted on July 31, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011180001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below.

| Effluent Violation Table |  |                                   |                                   |                                   |                      |                      |
|--------------------------|--|-----------------------------------|-----------------------------------|-----------------------------------|----------------------|----------------------|
| Monitoring Period        | <i>Escherichia coli</i> Daily Max. Conc. | Ammonia Nitrogen Daily Avg. Conc. | Ammonia Nitrogen Daily Max. Conc. | Ammonia Nitrogen Daily Avg. Load. | TSS Daily Avg. Conc. | TSS Daily Max. Conc. |
| Month/Year               | Limit = 399 CFU/100 mL                   | Limit = 2 mg/L                    | Limit = 10 mg/L                   | Limit = 14 lbs/day                | Limit = 15 mg/L      | Limit = 40 mg/L      |
| May 2022                 | 582                                      | 3.88                              | 10.1                              | 21                                | c                    | c                    |
| October 2022             | c  | c                                 | c                                 | c                                 | 18                   | 61.7                 |
| February 2023            | c  | c                                 | c                                 | c                                 | 21                   | c                    |
| April 2023               | c  | c                                 | c                                 | c                                 | 40                   | 137                  |

Max. = maximum Conc. = concentration Avg. = average Load. = loading TSS = total suspended solids CFU/100 mL = colony forming units per 100 milliliters mg/L = milligrams per liter lbs/day = pounds per day c = compliant

### III. DENIALS

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

### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Department of Criminal Justice, Docket No. 2023-1542-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$9,900 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0011180001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. 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.
6. 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. 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.
8. 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.

9. 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

-----  
7/8/2024  
-----  
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

-----  
6-20-24  
-----  
Date

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

-----  
CFO  
-----  
Title

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

**Attachment A**  
**Docket Number: 2023-1542-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                   |  |
|-----------------------------------|--|
| <b>Respondent:</b>                | <b>Texas Department of Criminal Justice</b>  |
| <b>Payable Penalty Amount:</b>    | <b>\$9,900</b>   |
| <b>SEP Offset Amount:</b>         | <b>\$9,900</b>   |
| <b>Type of SEP:</b>               | <b>Contribution to a Third-Party Pre-Approved SEP</b>  |
| <b>Third-Party Administrator:</b> | <b>Houston-Galveston Area Council</b>  |
| <b>Project Name:</b>              | <b><i>Wastewater Treatment Assistance</i></b>  |
| <b>Location of SEP:</b>           | <b>Austin, Brazoria, Chambers, Colorado, Fort Bend, Harris, Galveston, Grimes, Liberty, Matagorda, Montgomery, San Jacinto, Waller, Walker, and Wharton Counties</b> |

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to provide assistance to low-income homeowners to repair or replace malfunctioning or failing onsite wastewater treatment systems. The Third-Party Administrator may also provide extension of first-time sewer service, pump out service, and water conservation equipment such as low-flow showerheads. The Third-Party Administrator shall review applications for eligibility for assistance at its own expense. The Third-Party Administrator shall seek bids from local onsite wastewater treatment system contractors to perform the work. The Third-Party Administrator shall ensure that all Project work is performed in compliance with local, state, and federal rules relating to onsite wastewater treatment systems. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit



Many of the onsite wastewater treatment systems currently in use in the Third-Party Administrator's region are substandard or in disrepair, resulting in the discharge of sewage into local neighborhoods, ditches, and waterways. These septic system failures coupled with proximity to the coast and numerous waterways increases the need to identify problem systems and replace or repair them to prevent further release of raw sewage into the environment.

Each failing septic system that is replaced will improve the water quality in waterways and watersheds by preventing raw sewage with high levels of bacteria, viruses, and protozoa from entering the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats. Removal of sewage as a source of pollution will also protect ground, surface, and drinking water from contamination.

This Project has the potential to not only improve water quality but also improve the public health for a sector of the population that is least able to afford health care. Diseases that result from sewage contaminated water range from mild gastroenteritis (causing stomach cramps and diarrhea) to life threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

c. Minimum Expenditure

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

**2. Performance Schedule**

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

Houston-Galveston Area Council  
Attention: Water Resources Program Manager  
3555 Timmons Lane, Suite 120  
Houston, Texas 77027

**3. Records and Reporting**

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

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

#### 4. Failure to Fully Perform

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.