

Executive Summary – Enforcement Matter – Case No. 63703
Texas Department of Criminal Justice
RN102419181
Docket No. 2024-0159-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

TDCJ Powledge Unit, 1400 Farm-to-Market Road 3452, Palestine, Anderson 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 3, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$24,000

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$24,000

Name of SEP: Angelina Beautiful Clean (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: October 31, 2022

Date(s) of NOE(s): January 6, 2023

Executive Summary – Enforcement Matter – Case No. 63703
Texas Department of Criminal Justice
RN102419181
Docket No. 2024-0159-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for total suspended solids, ammonia nitrogen, residual chlorine, 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. WQ0013717001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

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 permitted effluent limitations of TPDES Permit No. WQ0013717001, 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: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Angelina Beautiful Clean, 1615 South Chestnut Drive, Lufkin, Texas 75901

Respondent: Eric Nichols, Chair, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342-0099

Ron Steffa, Chief Financial Officer, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342-0099

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Feb-2023		
	PCW	29-Jan-2024	Screening	17-Feb-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Department of Criminal Justice			
Reg. Ent. Ref. No.	RN102419181			
Facility/Site Region	5-Tyler	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	63703	No. of Violations	2
Docket No.	2024-0159-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$20,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$4,000
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Notes	Enhancement for four months of self-reported effluent violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,332
Estimated Cost of Compliance	\$15,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$24,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes				
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Final Penalty Amount	\$24,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$24,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.			
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PAYABLE PENALTY	\$24,000
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Screening Date

17-Feb-2023

Docket No.

2024-0159-MWD-E

PCW

Respondent

Texas Department of Criminal Justice

Case ID No.

63703

Reg. Ent. Reference No.

RN102419181

Media

Water Quality

Enf. Coordinator

Harley Hobson

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	4	20%
	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)

20%

>> 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 four months of self-reported effluent violations.

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

20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

20%

Screening Date		17-Feb-2023		Docket No.		2024-0159-MWD-E		PCW		
Respondent		Texas Department of Criminal Justice						Policy Revision 5 (January 28, 2021)		
Case ID No.		63703						PCW Revision February 11, 2021		
Reg. Ent. Reference No.		RN102419181								
Media		Water Quality								
Enf. Coordinator		Harley Hobson								
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 ("TPDES") Permit No. WQ0013717001, 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		Major		Moderate		Minor			
	Actual		x						Percent	
	Potential								50.0%	
>>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. <i>Escherichia coli</i> and total suspended solids were also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.								
						Adjustment		\$12,500		
								\$12,500		
Violation Events										
		Number of Violation Events		1		31		Number of violation days		
		daily								
		weekly								
		monthly		x						
		quarterly								
		semiannual								
		annual								
		single event								
						Violation Base Penalty		\$12,500		
One monthly event is recommended, for the month of May 2022.										
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		\$12,500		
Economic Benefit (EB) for this violation										
Statutory Limit Test										
Estimated EB Amount				\$2,332		Violation Final Penalty Total		\$15,000		
						This violation Final Assessed Penalty (adjusted for limits)		\$15,000		

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 63703
Reg. Ent. Reference No. RN102419181
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	30-Sep-2021	8-Nov-2024	3.11	\$2,332	n/a	\$2,332
Notes for DELAYED costs	Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the 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	\$15,000	TOTAL	\$2,332
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Screening Date17-Feb-2023

Docket No.2024-0159-MWD-E

PCW

RespondentTexas Department of Criminal Justice

Policy Revision 5 (January 28, 2021)

Case ID No.63703

PCW Revision February 11, 2021

Reg. Ent. Reference No.RN102419181

MediaWater Quality

Enf. CoordinatorHarley Hobson

Violation Number2

Rule Cite(s)30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0013717001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation DescriptionFailed 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				

Percent15.0%

>>Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Chlorine residual 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 Events2

60

Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty\$7,500

Two quarterly events are recommended, for the quarters containing the months of September 2021 and April 2022.

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\$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount\$0

Violation Final Penalty Total\$9,000

This violation Final Assessed Penalty (adjusted for limits)\$9,000

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Texas Department of Criminal Justice 63703 RN102419181 Water Quality 2

Percent Interest	Years of Depreciation
5.0	15

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

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations captured in Economic Benefit Worksheet No. 1.

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 \$0

TOTAL \$0

Texas Department of Criminal Justice
Docket No. 2024-0159-MWD-E
TPDES Permit No. WQ0013717001
Case No. 63703

Effluent Violation Table

	Chlorine Residual Monthly Max.	<i>Escherichia coli</i> Daily Average	<i>Escherichia coli</i> Single Grab	NH3 Daily Average Conc.	NH3 Single Grab Conc.	NH3 Daily Average Load.	TSS Daily Average Conc.
Monitoring Period	Limit = 4.0 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 8.8 lbs/day	Limit = 15 mg/L
September 2021	4.25	c	c	3.89	c	c	c
April 2022	c	c	c	20.6	34.1	22.7	c
May 2022	c	>2,420	>2,420	14.9	17.5	21.3	19

Max. = maximum

Load. = loading

c = compliant

CFU/100 mL = colony forming units per 100 milliliters

NH3 = ammonia nitrogen

Conc. = concentration

lbs/day = pounds per day

TSS = total suspended solids

mg/L = milligrams per liter



Compliance History Report

Compliance History Report for CN601550650, RN102419181, 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

Regulated Entity: RN102419181, TDCJ POWLEDGE UNIT

Complexity Points: 5

CH Group: 14 - Other

Location: 1400 Farm-to-Market Road 3452 in Palestine, Anderson County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 34806

AIR NEW SOURCE PERMITS REGISTRATION 44489

AIR NEW SOURCE PERMITS REGISTRATION 168938

WASTEWATER EPA ID TX0089044

Classification: SATISFACTORY

Rating: 1.06

Classification: SATISFACTORY

Rating: 0.36

Repeat Violator: NO

AIR NEW SOURCE PERMITS REGISTRATION 35038

AIR NEW SOURCE PERMITS ACCOUNT NUMBER AA0098U

WASTEWATER PERMIT WQ0013717001

Compliance History Period: September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: January 24, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 24, 2019 to January 24, 2024

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

Name: Harley Hobson

Phone: (512) 239-1337

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	February 15, 2019	(1563306)	Item 15	June 16, 2020	(1667811)
Item 2	March 12, 2019	(1563307)	Item 16	July 17, 2020	(1674759)
Item 3	April 17, 2019	(1573033)	Item 17	August 18, 2020	(1681529)
Item 4	May 17, 2019	(1585668)	Item 18	September 15, 2020	(1688107)
Item 5	June 18, 2019	(1585669)	Item 19	October 15, 2020	(1694463)
Item 6	July 12, 2019	(1594390)	Item 20	November 12, 2020	(1715997)
Item 7	September 16, 2019	(1607598)	Item 21	November 30, 2020	(1686365)
Item 8	September 20, 2019	(1600683)	Item 22	December 17, 2020	(1715998)
Item 9	October 14, 2019	(1614468)	Item 23	February 12, 2021	(1729070)
Item 10	November 27, 2019	(1620257)	Item 24	February 23, 2021	(1702730)
Item 11	December 17, 2019	(1627606)	Item 25	March 19, 2021	(1729071)
Item 12	January 14, 2020	(1635237)	Item 26	April 15, 2021	(1729072)
Item 13	April 14, 2020	(1654718)	Item 27	May 18, 2021	(1741832)
Item 14	May 14, 2020	(1661284)	Item 28	June 17, 2021	(1748190)

Item 29	July 19, 2021	(1752879)	Item 41	October 19, 2022	(1863750)
Item 30	August 18, 2021	(1758287)	Item 42	November 16, 2022	(1853009)
Item 31	September 15, 2021	(1767560)	Item 43	November 18, 2022	(1870658)
Item 32	November 16, 2021	(1784805)	Item 44	December 15, 2022	(1876515)
Item 33	December 16, 2021	(1791837)	Item 45	January 18, 2023	(1883327)
Item 34	January 18, 2022	(1799687)	Item 46	February 17, 2023	(1891143)
Item 35	February 15, 2022	(1807522)	Item 47	March 17, 2023	(1899712)
Item 36	March 16, 2022	(1814563)	Item 48	April 19, 2023	(1906515)
Item 37	April 26, 2022	(1821131)	Item 49	June 19, 2023	(1920277)
Item 38	July 25, 2022	(1843464)	Item 50	July 19, 2023	(1927262)
Item 39	August 22, 2022	(1849628)	Item 51	November 17, 2023	(1952873)
Item 40	September 20, 2022	(1857395)			

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 (1913668)
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: 07/31/2023 (1934206)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 08/31/2023 (1940379)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 09/30/2023 (1947185)
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
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE
RN102419181

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

AGREED ORDER DOCKET NO. 2024-0159-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding 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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 1400 Farm-to-Market Road 3452 in Palestine, Anderson 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. During a record review for the Facility conducted on October 31, 2022, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table							
	Chlorine Residual Monthly Max.	<i>Escherichia coli</i> Daily Average	<i>Escherichia coli</i> Single Grab	NH3 Daily Average Conc.	NH3 Single Grab Conc.	NH3 Daily Average Load.	TSS Daily Average Conc.
Monitoring Period	Limit = 4.0 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 8.8 lbs/day	Limit = 15 mg/L
September 2021	4.25	c	c	3.89	c	c	c
April 2022	c	c	c	20.6	34.1	22.7	c
May 2022	c	>2,420	>2,420	14.9	17.5	21.3	19

Max. = maximum

Load. = loading

c = compliant

CFU/100 mL = colony forming units per 100 milliliters

NH3 = ammonia nitrogen

Conc. = concentration

lbs/day = pounds per day

TSS = total suspended solids

mg/L = milligrams per liter

II. CONCLUSIONS OF LAW

- As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- As evidenced by Finding of Fact No. 2, 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. WQ0013717001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
- Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of \$24,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$24,000 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that 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. 2024-0159-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 II, Conclusion of Law No. 4. The amount of \$24,000 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 permitted effluent limitations of TPDES Permit No. WQ0013717001, 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, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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. 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 in this Order.
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. 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.
10. 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.

11. 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



5/15/2024

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date



4-9-24

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:

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.

Attachment A
Docket Number: 2024-0159-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Department of Criminal Justice
Payable Penalty Amount:	\$24,000
SEP Offset Amount:	\$24,000
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Angelina Beautiful Clean
Project Name:	<i>Household Hazardous Waste Collection</i>
Total Project Budget:	\$301,080 (\$30,108 per event)
Location of SEP:	Angelina, Cherokee, Houston, Jasper, Nacogdoches, Polk, San Augustine, Trinity, and Tyler Counties

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 **Angelina Beautiful Clean** for the *Household Hazardous Waste Collection* project (the “Project”). The Project is to conduct events for residents to bring in Household Hazardous Waste (“HHW”) such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (“Collection Event”). When possible, the Collection Event may also provide electronics collection, disposal, and recycling. The Third-Party Administrator or its contractors shall determine exactly which materials will be accepted and how they will be disposed of or recycled. The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event.

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code.

The Third-Party Administrator shall use only licensed haulers and authorized disposal sites. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

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 able to be 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 from this SEP.

B. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW and will provide for proper and protective disposal or recycling of collected materials.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to 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 Third-Party Administrator. The Respondent shall make the check payable to **Angelina Beautiful Clean SEP** and shall mail the contribution with a copy of the Agreed Order to:

Angelina Beautiful Clean
Attention: Project Manager
1615 South Chestnut Drive
Lufkin, Texas 75901

3. Records and Reporting

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

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
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. 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.