

Executive Summary – Enforcement Matter – Case No. 66454
Texas Health and Human Services Commission
RN100834662
Docket No. 2024-1694-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Mexia State Supported Living Center WWTP, 755 Honey Pond Lane, Mexia, Limestone 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 2, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$24,750

Amount Deferred for Expedited Settlement: \$4,950

Total Paid to General Revenue: \$19,800

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 30, 2024

Date(s) of NOE(s): July 3, 2024

Executive Summary – Enforcement Matter – Case No. 66454
Texas Health and Human Services Commission
RN100834662
Docket No. 2024-1694-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for pH, total suspended solids, 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. WQ0010717001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010717001 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 to demonstrate compliance.

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

Respondent: Kelly Wilson, Director of Support Services, Texas Health and Human Services Commission, P.O. Box 1132, Mexia, Texas 76667
Melinda Gentry, Director, Texas Health and Human Services Commission, P.O. Box 1132, Mexia, Texas 76667

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 22-Jul-2024 | Screening | 23-Jul-2024 | EPA Due | |
| | PCW | 22-Jan-2025 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | | | |
|-----------------------------|--|---------------------------|-------|--|--|
| Respondent | Texas Health and Human Services Commission | | | | |
| Reg. Ent. Ref. No. | RN100834662 | | | | |
| Facility/Site Region | 9-Waco | Major/Minor Source | Minor | | |

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 66454 | No. of Violations | 1 |
| Docket No. | 2024-1694-MWD-E | Order Type | 1660 |
| 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 | \$15,000 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|-------|-------------------|--------------------------------|---------|
| Compliance History | 65.0% | Adjustment | Subtotals 2, 3, & 7 | \$9,750 |
|---------------------------|-------|-------------------|--------------------------------|---------|

Notes: Enhancement for nine months of self-reported effluent violations and one order 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 | \$0 |
|--|-------------------|-----|

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

| | |
|------------------------------|----------|
| Total EB Amounts | \$2,184 |
| Estimated Cost of Compliance | \$15,000 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$24,750 |
|-----------------------------|-----------------------|----------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$24,750 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$24,750 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|------------------|-------------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$4,950 |
|-----------------|-------|------------------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$19,800 |
|------------------------|----------|

| | | | | |
|--------------------------------|--|-------------------|-----------------|---|
| Screening Date | 23-Jul-2024 | Docket No. | 2024-1694-MWD-E | PCW |
| Respondent | Texas Health and Human Services Commission | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 66454 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN100834662 | | | |
| Media | Water Quality | | | |
| Enf. Coordinator | Harley Hobson | | | |

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>) | 9 | 45% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 65%

>> 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 nine months of self-reported effluent violations and one order containing a denial of liability. |
|--------------------------|--|

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

| | | | | |
|--|--|--|--------------------------------------|--------------------------------------|
| Screening Date | 23-Jul-2024 | Docket No. | 2024-1694-MWD-E | PCW |
| Respondent | Texas Health and Human Services Commission | | | Policy Revision 5 (January 28, 2021) |
| Case ID No. | 66454 | | | PCW Revision February 11, 2021 |
| Reg. Ent. Reference No. | RN100834662 | | | |
| 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 Permit No. WQ0010717001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3 | | | |
| 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 | Total residual chlorine was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. <i>Escherichia coli</i> , pH 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 | 4 | 306 | Number of violation days |
| | daily | | | |
| | weekly | | | |
| | monthly | | | |
| | quarterly | x | | |
| | semiannual | | | |
| | annual | | | |
| | single event | | | |
| | Violation Base Penalty \$15,000 | | | |
| | Four quarters are recommended, for the quarters containing the months of April, May, June, July, August, September, October, November, and December 2023, and January 2024. | | | |
| 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 | \$15,000 | | |
| Economic Benefit (EB) for this violation | | | | |
| Statutory Limit Test | | | | |
| | Estimated EB Amount | \$2,184 | Violation Final Penalty Total | \$24,750 |
| | This violation Final Assessed Penalty (adjusted for limits) | | | \$24,750 |

Economic Benefit Worksheet

Respondent Texas Health and Human Services Commission
Case ID No. 66454
Reg. Ent. Reference No. RN100834662
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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-Apr-2023 | 28-Mar-2026 | 2.91 | \$2,184 | n/a | \$2,184 |

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

\$2,184

| Texas Health and Human Services Docket No. 2024-1694-MWD-E TPDES Permit No. WQ0010717001 Case No.66454 | | | | | |
|---|--|--|--|-------------------|---|
| Effluent Violation Table | | | | | |
| | Chlorine Residual Monthly Minimum | Chlorine Residual Monthly Maximum | <i>Escherichia coli</i> Single Grab Conc. | pH Minimum | Total Suspended Solids Daily Average Conc. |
| Monitoring Period | Limit = 1.0 mg/L | Limit = 4.0 mg/L | Limit = 399 CFU/100 mL | Limit = 6.0 SU | Limit = 20 mg/L |
| April 2023 | 0.99 | 4.24 | c | 4.4 | c |
| May 2023 | 0.45 | c | c | c | c |
| June 2023 | 0.6 | c | c | c | c |
| July 2023 | 0.7 | c | c | c | c |
| August 2023 | c | 4.3 | c | c | c |
| September 2023 | 0.88 | c | c | c | c |
| October 2023 | 0.88 | c | c | c | c |
| November 2023 | c | 4.25 | c | c | c |
| December 2023 | 0.1 | 4.24 | c | c | 26.5 |
| January 2024 | 0.05 | 4.24 | 961 | c | 25.8 |

Conc. = concentration mg/L = milligram per liter c = compliant
SU = standard units CFU/100 mL = colony forming units per 100 milliliters



Compliance History Report

Compliance History Report for CN605437276, RN100834662, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:
Regulated Entity:
Complexity Points:
CH Group:
Location:
TCEQ Region:
ID Number(s):
AIR NEW SOURCE PERMITS ACCOUNT NUMBER
WASTEWATER EPA ID TX0030775

CN605437276, Texas Health and Human Services Commission

RN100834662, MEXIA STATE SUPPORTED LIVING CENTER WWTP

4

14 - Other

755 Honey Pond Lane, Mexia, Limestone County, Texas

REGION 09 - WACO

WASTEWATER PERMIT WQ0010717001

Classification: SATISFACTORY
Classification: SATISFACTORY
Repeat Violator: NO

Rating: 5.26
Rating: 7.06

Compliance History Period: September 01, 2019 to August 31, 2024
Date Compliance History Report Prepared: January 22, 2025
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: January 22, 2020 to January 22, 2025

Rating Year: 2024
Rating Date: 09/01/2024

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?
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period?
- YES
- NO

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

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

- 1
- Effective Date: 06/14/2021

ADMINORDER 2020-0468-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Lim. and Mon. Req. No. 1 PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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 19, 2020 | (1641083) | Item 12 | April 15, 2021 | (1726777) |
| Item 2 | March 18, 2020 | (1647600) | Item 13 | May 12, 2021 | (1740695) |
| Item 3 | April 22, 2020 | (1653944) | Item 14 | July 01, 2021 | (1747807) |
| Item 4 | June 18, 2020 | (1667037) | Item 15 | July 19, 2021 | (1752122) |
| Item 5 | September 15, 2020 | (1687333) | Item 16 | August 13, 2021 | (1757574) |
| Item 6 | October 16, 2020 | (1693673) | Item 17 | September 16, 2021 | (1766751) |
| Item 7 | November 18, 2020 | (1713711) | Item 18 | October 14, 2021 | (1777250) |
| Item 8 | December 15, 2020 | (1713712) | Item 19 | November 17, 2021 | (1784042) |
| Item 9 | January 14, 2021 | (1713713) | Item 20 | December 17, 2021 | (1791077) |
| Item 10 | February 18, 2021 | (1726775) | Item 21 | January 24, 2022 | (1798862) |
| Item 11 | March 19, 2021 | (1726776) | Item 22 | February 16, 2022 | (1806737) |

| | | | | | |
|---------|--------------------|-----------|---------|-------------------|-----------|
| Item 23 | April 18, 2022 | (1820376) | Item 29 | December 16, 2022 | (1875759) |
| Item 24 | May 19, 2022 | (1829215) | Item 30 | January 20, 2023 | (1882578) |
| Item 25 | June 19, 2022 | (1835508) | Item 31 | February 17, 2023 | (1890391) |
| Item 26 | July 20, 2022 | (1842708) | Item 32 | April 03, 2023 | (1898959) |
| Item 27 | September 18, 2022 | (1856640) | Item 33 | April 19, 2023 | (1905745) |
| Item 28 | November 20, 2022 | (1869909) | Item 34 | March 20, 2024 | (1984129) |

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: 01/31/2024 (1977551) | | |
| | 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: 03/31/2024 (1990649) | | |
| | 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: 04/30/2024 (1997105) | | |
| | 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: 05/31/2024 (2004060) | | |
| | 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 | | |
| 5 | Date: 06/30/2024 (2011617) | | |
| | 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 | | |
| 6 | Date: 07/31/2024 (2017211) | | |
| | 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 | | |
| 7 | Date: 08/31/2024 (2024234) | | |
| | 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 | | |
| 8 | Date: 09/30/2024 (2030355) | | |
| | 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 | | |
| 9 | Date: 10/31/2024 (2036680) | | |
| | 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 HEALTH AND HUMAN
SERVICES COMMISSION
RN100834662

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

AGREED ORDER DOCKET NO. 2024-1694-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 Health and Human Services Commission (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 755 Honey Pond Lane, in Mexia, Limestone 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 \$24,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$19,800 of the penalty and \$4,950 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on April 30, 2024, 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. WQ0010717001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3, as shown in the effluent violation table below:

| Effluent Violation Table | | | | | |
|--------------------------|--|--|--|-------------------|---|
| | Chlorine Residual Monthly Minimum | Chlorine Residual Monthly Maximum | <i>Escherichia coli</i> Single Grab Conc. | pH Minimum | Total Suspended Solids Daily Average Conc. |
| Monitoring Period | Limit = 1.0 mg/L | Limit = 4.0 mg/L | Limit = 399 CFU/100 mL | Limit = 6.0 SU | Limit = 20 mg/L |
| April 2023 | 0.99 | 4.24 | c | 4.4 | c |
| May 2023 | 0.45 | c | c | c | c |
| June 2023 | 0.6 | c | c | c | c |
| July 2023 | 0.7 | c | c | c | c |
| August 2023 | c | 4.3 | c | c | c |
| September 2023 | 0.88 | c | c | c | c |
| October 2023 | 0.88 | c | c | c | c |
| November 2023 | c | 4.25 | c | c | c |
| December 2023 | 0.1 | 4.24 | c | c | 26.5 |
| January 2024 | 0.05 | 4.24 | 961 | c | 25.8 |

Conc. = concentration mg/L = milligram per liter c = compliant
 SU = standard units CFU/100 mL = colony forming units per 100 milliliters

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 Health and Human Services Commission, Docket No. 2024-1694-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, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010717001, 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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

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

Date



6/3/2025

For the Executive Director

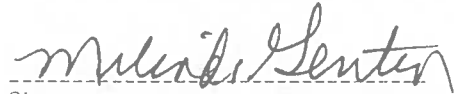
Date

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

2-13-25

Date

Melinda Gentry

Name (Printed or typed)

Director

Title

Authorized Representative of

Texas Health and Human Services Commission

☐ 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.