



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

APR 02 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: (7005 1820 0003 7453 8601)

Mr. George E. McCaleb
Director of Operations
South Texas College
3201 W. Pecan Boulevard
McAllen, TX 78501

Re: South Texas College, Self-Disclosure of Violations
EPA Docket Number: CWA-06-2012-1739
Unpermitted Facility Number: TXU010944
Self-Disclosure Processing ID Number: P 000053
EPA Region 6 Disclosure Report Number: 1651
Original Disclosure Date: March 30, 2011

Dear Mr. McCaleb:

Enclosed is a Notice of Determination (NOD) issued to South Texas College, by the Environmental Protection Agency (EPA), under EPA's "Self-Disclosure Policy" (April 11, 2000). This NOD is based on the voluntary disclosure made to EPA on March 31, 2011, and the final compliance report dated July 20, 2011.

Based upon the written information submitted by South Texas College, EPA has determined that South Texas College has met all nine conditions of EPA's Self-Disclosure Policy (Policy) and qualifies for 100% mitigation of the gravity-based penalty. EPA has determined that the economic benefit gained as a result of non-compliance is insignificant; therefore, at its discretion, EPA has waived the collection thereof.

Please note that this matter has been designated with the Docket Number referenced above to document resolution of the disclosed violations in EPA's Compliance Assurance and Enforcement program. Please contact Christina Kracher at (214) 665-8054 if you have any legal questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

South Texas College
McAllen, TX

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DOCKET NO. CWA-06-2012-1739

NOTICE OF DETERMINATION

Pursuant to the “Revised Final Policy on Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations” (65 *Fed. Reg.* 19618, April 11, 2000) (“Audit Policy”), the United States Environmental Protection Agency, Region 6 (“EPA”) hereby issues this Notice of Determination to South Texas College, in McAllen, Texas (“Disclosing Party”) regarding Disclosing Party’s disclosed violations of the Clean Water Act (“CWA”), 33 U.S.C. § 1251, *et seq.*, the Clean Air Act (“CAA”), 42 U.S.C. § 7401 *et seq.*, the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6901 *et seq.*, the Emergency Planning and Community Right-to-Know Act (“EPCRA”) 42 U.S.C. § 11001 *et seq.*, and the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2601-2695(d).

I. SELF-DISCLOSURE POLICY

EPA issued the Self-Disclosure Policy to encourage regulated entities to voluntarily discover, disclose, correct, and prevent violations of federal environmental requirements. As an incentive for regulated entities to participate in the Self-Disclosure

Policy, EPA may substantially reduce or eliminate the gravity component of the civil penalty where the conditions specified in the Self-Disclosure Policy are met. EPA retains the full discretion, however, to recover any economic benefit gained as a result of the noncompliance. Where the disclosing party establishes that it has satisfied all nine conditions listed below, EPA will not seek gravity-based penalties for the violations of federal environmental requirements.

The conditions are:

- (1) Discovery of the violation(s) through an environmental audit or due diligence;
- (2) Voluntary disclosure;
- (3) Prompt disclosure;
- (4) Discovery and disclosure independent of government or third party Plaintiff;
- (5) Correction and remediation;
- (6) Prevent recurrence;
- (7) No repeat violations;
- (8) Other violations excluded; and
- (9) Cooperation.

II. FINDINGS OF FACT

On March 31, 2011, Disclosing Party submitted a Self-Disclosure to EPA which was followed by a final compliance report, dated July 20, 2011. Disclosing Party submitted these disclosures regarding possible violations of the CWA, CAA, RCRA, EPCRA, TSCA and regulations promulgated thereunder.

At all times relevant to the violations cited herein, Disclosing Party operated a school facility known as "South Texas College" ("facility") with the five following campuses:

- 1) Pecan Campus, located at 3201 W. Pecan, McAllen, TX 78501;
- 2) Mid Valley Campus, located at 400 N. Border, Weslaco, TX 78596;

- 3) Starr County Campus, located at 142 FM 3767, Rio Grande City, TX 78596;
- 4) Nursing and Allied Health Campus, located at 1101 E. Vermont, McAllen, TX 78501; and
- 5) Technology Campus, located at 3700 W. Military Hwy., McAllen, TX 78501.

From October 12-15, 2010, a peer audit team conducted an audit of Disclosing Party's facilities and procedures to identify areas of environmental non-compliance. The Final Audit Report was received by EPA on July 25, 2011. Disclosing Party disclosed to EPA 76 violations of CWA, CAA, RCRA, EPCRA, TSCA, and various regulations promulgated thereunder. These violations were discovered through the peer audit conducted at the facility. A complete list of the disclosed violations is attached to this Notice of Determination as Schedule A.

Based upon information provided by Disclosing Party, EPA has determined that Disclosing Party has met each of the conditions set forth in the Audit Policy for each of the violations listed in Schedule A.

III. RESERVATION OF RIGHTS

If, and to the extent that, any information or statement provided by Disclosing Party upon which this Notice of Determination is based, was false or inaccurate at the time such information or statement was provided to EPA, EPA reserves the right to revoke this Notice of Determination and, thereby, render such Notice of Determination null and void. Such revocation shall be in writing and shall become effective upon receipt by the Disclosing Party.

If, and to the extent that, any information or statement provided by the Disclosing Party upon which any civil penalty mitigation granted herein was based, was false or

inaccurate at the time such information or statement was provided to EPA, EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. Such revocation shall be in writing and shall become effective upon receipt by the Disclosing Party.

Nothing herein shall be construed to limit the authority of EPA and/or the United States to undertake action against any person, including the Disclosing Party, in response to any condition which EPA or the United States determines may present an imminent and substantial endangerment to the public health, welfare or the environment. Furthermore, issuance of this Notice of Determination does not constitute a waiver by EPA and/or the United States of its right to bring an enforcement action, either civil or criminal, against Disclosing Party for any other violation of any federal or state statute, regulation, or permit.

In issuing this Notice of Determination, EPA seeks to promote self-auditing, and expects the Disclosing Party to be in full compliance with all environmental requirements and to continue the internal procedures necessary to prevent recurrence of violations of environmental requirements.

IV. EPA FINAL DETERMINATION

Pursuant to the Audit Policy and based upon information provided by Disclosing Party, EPA makes the following determinations:

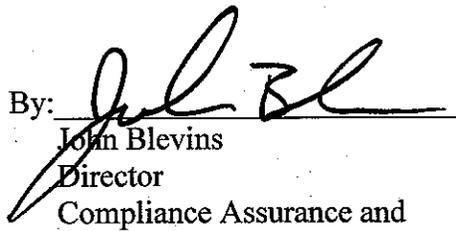
1. Disclosing Party violated environmental statutes and regulations as set forth in Schedule A.
2. Based on the information disclosed in Schedule A, EPA calculated the gravity-based penalty component for the violations identified. The gravity-based penalty

calculations for the violation identified in Schedule A, by statute, are:

CAA	\$75,000
RCRA	\$347,210
Total	\$422,210

3. Disclosing Party has met each of the conditions of the Audit Policy for all violations in Schedule A.
4. Because Disclosing Party has met each of the conditions of the Audit Policy for all disclosed violations, Disclosing Party qualifies for 100% mitigation of the gravity-based penalty for violations identified in Schedule A. Therefore, EPA will not assess any gravity-based penalty for the disclosed violations.
5. EPA further finds that the economic benefit derived by Disclosing Party's non-compliance is *de minimis*. Thus, EPA will not assess any penalty based on Disclosing Party's economic benefit from non-compliance.
6. In making this determination and consistent with the purposes of the Audit Policy, Disclosing Party is expected to institute, on a continuing and facility-wide basis, the internal policies and procedures necessary to prevent a recurrence of violations of environmental requirements.

Dated: 4.2.12

By: 
Joan Blevins
Director
Compliance Assurance and
Enforcement Division