

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-1509-PWS-E TCEQ ID: RN101198067 CASE NO.: 30963**  
**RESPONDENT NAME: Eddie & Manal, LLC dba Café Natalie**

**ORDER TYPE:**

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	<input type="checkbox"/> ENDANGERMENT ORDER

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATERQUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** Café Natalie, 2012 East Highway 90A, Fort Bend County

**TYPE OF OPERATION:** Restaurant with a public water supply

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on March 12, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Yuliya Dunaway, Enforcement Division, Enforcement Section I, MC R-13, (210) 403-4077; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Respondent:** Mr. Eddie Bandak, Manager, Eddie & Manal, LLC dba Café Natalie, 2012 E Highway 90A, Richmond, Texas 77469

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**RESPONDENT'S NAME:** Eddie & Manal, LLC dba Café Natalie  
**DOCKET NO.:** 2006-1509-PWS-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 1, 2006</p> <p><b>Dates of NOV/NOE Relating to this Case:</b> October 1, 2004; April 1, and December 12, 2005; January 9 and January 25, 2006 (NOVs), July 18, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. Three violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to perform routine bacteriological sampling of the public water supply and failed to provide public notice of the failure to perform routine bacteriological monitoring [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i), 290.122(c)(2)(B) and TEX. HEALTH &amp; SAFETY CODE § 341.033(d)].</p> <p>2) Failed to collect four repeat samples following a total coliform-positive sample found and failed to provide public notice of the failure to collect repeat samples [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)].</p> <p>3) Failed to collect at least five routine samples the month following a total coliform positive result and failed to provide public notice of failure to collect an appropriate number of routine samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)].</p>	<p><b>Total assessed:</b> \$1,487</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$287 (remaining \$1,200 due in 12 payments of \$100 each)</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> The Respondent has five prior NOVs for the same violation over the prior five year period</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that Eddie &amp; Manal, LLC has implemented the following corrective measures at the Facility:</p> <p>a. On January 1, 2006, resumed collecting the required monthly bacteriological monitoring samples; and</p> <p>b. On January 15, 2006, implemented new procedures and hired additional staff to ensure that monthly bacteriological sampling is conducted.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

<b>DATES</b>	Assigned	14-Aug-2006	Screening	28-Aug-2006	EPA Due	18-Mar-2007
	PCW	30-Aug-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Eddie & Manal, LLC dba Café Natalie		
Reg. Ent. Ref. No.	RN101196067		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	30963	No. of Violations	3
Docket No.	2006-1509-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50	Maximum \$1,000	

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$1,250

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 29% Enhancement Subtotals 2, 3, & 7 \$362

Notes: The penalty enhancement is due to five prior Notices of Violation (NOVs) for the same or similar violations as those in the current enforcement action and two dissimilar prior NOVs.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes: Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 10% Reduction Subtotal 5 \$125

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes: Respondent came into compliance as of January 2006.

**Approx. Cost of Compliance** 0% Enhancement\* Subtotal 6 \$0

Total EB Amounts	\$723
Approx. Cost of Compliance	\$710

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$1,487

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

**Final Penalty Amount** \$1,487

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$1,487

**DEFERRAL** 0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$1,487

Screening Date 28-Aug-2006

Docket No. 2006-1509-PWS-E

PCW

Respondent Eddie & Manal, LLC dba Café Natalie

Policy Revision 2 (September 2002)

Case ID No. 30963

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101198067

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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) 29%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to five prior Notices of Violation (NOVs) for the same or similar violations as those in the current enforcement action and two dissimilar prior NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 29%

Screening Date 28-Aug-2006

Docket No. 2006-1509-PWS-E

PCW

Respondent Eddie & Manal, LLC dba Café Natalie

Policy Revision 2 (September 2002)

Case ID No. 30963

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101198067

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30.Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to perform routine bacteriological monitoring and failure to provide public notice of the failure to perform routine bacteriological monitoring during the months of August 2004, February and December 2005.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to perform routine bacteriological monitoring of the public water supply and failure to provide public notification could result in the public being exposed to significant amounts of bacteriological contamination which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 Number of violation days 90

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$750

Three monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$261

Violation Final Penalty Total \$892

This violation Final Assessed Penalty (adjusted for limits) \$892

## Economic Benefit Worksheet

Respondent: Eddle & Manal, LLC dba Café Natalie

Case ID No: 30963

Reg. Ent. Reference No: RN101198067

Media: Public Water Supply

Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	1-Aug-2004	30-Aug-2004	0.0	\$0	\$250	\$250
Other (as needed)	\$10	1-Feb-2005	1-Dec-2005	1.7	\$1	\$10	\$11

Notes for AVOIDED costs

The avoided costs include the amount to conduct monthly bacteriological sampling, to provide sampling results to the Commission, and provide public notification, calculated for the months when violations occurred.

Approx. Cost of Compliance

\$260

TOTAL

\$261

Screening Date 28-Aug-2006

Docket No. 2006-1509-PWS-E

PCW

Respondent Eddie & Manal, LLC dba Café Natalie

Policy Revision 2 (September 2002)

Case ID No. 30963

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101198067

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)

Violation Description

Failed to collect and submit four repeat samples following a total coliform-positive sample found in September 2005, and failure to post public notice of the failure to collect and submit the appropriate number of additional samples.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Customers of the public water supply could be exposed to pollutants which would exceed levels that are protective of human health as a result of the violations.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$297

This violation Final Assessed Penalty (adjusted for limits) \$297

## Economic Benefit Worksheet

**Respondent:** Eddie & Manal, LLC dba Café Natalie  
**Case ID No.:** 30963  
**Reg. Ent. Reference No.:** RN101198067  
**Media:** Public Water Supply  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	1-Sep-2005	30-Sep-2005	0.0	\$0	\$200	\$200
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to conduct repeat bacteriological sampling following a coliform found result, to provide sampling results to the Commission, and provide public notification, calculated for the month when violation occurred.

Approx. Cost of Compliance

\$200

TOTAL

\$200

Screening Date 28-Aug-2006

Docket No. 2006-1509-PWS-E

PCW

Respondent Eddie & Manal, LLC dba Café Natalie

Policy Revision 2 (September 2002)

Case ID No. 30963

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101198067

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)

Violation Description

Failed to collect at least five routine samples the month following a total coliform positive result and failed to provide public notice of failure to collect an appropriate number of routine samples in October 2005.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Customers of the public water supply could be exposed to pollutants which would exceed levels that are protective of human health as a result of the violations.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$263

Violation Final Penalty Total \$297

This violation Final Assessed Penalty (adjusted for limits) \$297

## Economic Benefit Worksheet

Respondent: Eddie & Manal, LLC dba Café Natalie  
 Case ID No. 30963  
 Reg. Ent. Reference No. RN101198067  
 Media: Public Water Supply  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	1-Oct-2005	31-Oct-2005	1.0	\$13	\$250	\$263
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to collect at least five distribution bacteriological samples, to provide sampling results to the Commission, and provide public notification, calculated for the month in which the violation occurred.

Approx. Cost of Compliance \$250

TOTAL \$263

# Compliance History

Customer/Respondent/Owner-Operator:	CN603114331 Eddie & Manal, LLC	Classification:	Rating:
Regulated Entity:	RN101198067 CAFE NATALIE	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0790187
Location:	2012 E HIGHWAY 90A, FORT BEND COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	November 2, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 31, 2001 to October 31, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: (210)403-4077

## Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |            |          |
|----|------------|----------|
| 1  | 12/12/2005 | (487691) |
| 2  | 01/29/2004 | (260838) |
| 3  | 04/01/2005 | (487352) |
| 4  | 02/27/2004 | (378087) |
| 5  | 06/01/2005 | (393804) |
| 6  | 01/09/2006 | (488853) |
| 7  | 08/08/2006 | (490003) |
| 8  | 10/01/2004 | (380144) |
| 9  | 01/25/2006 | (488873) |
| 10 | 03/30/2004 | (380126) |
| 11 | 12/20/2004 | (343279) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |          |                          |
|--------------|--|----------|--------------------------|
| Date:        | 04/01/2005   | (487352) |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)                               |          |                          |
|              | 5A THC Chapter 341, SubChapter A 341.033(d)  |          |                          |
| Description: | Failure to collect any routine monitoring samples in 02/2005.                      |          |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)                                  |          |                          |
| Description: | Failure to post a PN for not collecting any routine monitoring samples in 02/2005. |          |                          |
| Date:        | 10/01/2004   | (380144) |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)                               |          |                          |
| Description: | Failure to collect any routine monitoring samples in 08/2004.                      |          |                          |

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting any routine monitoring samples in 08/2004.  
Date: 12/12/2005 (487691)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)  
Description: Failure to collect any repeat samples in 09/2005 following a coliform found result.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting any repeat samples in 09/2005 following a coliform found result.  
(380126)

Date: 01/09/2006 (488853) Classification: Moderate

Self Report? NO  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)  
Description: Failure to collect all of the 5 distribution samples in 10/2005 following a coliform found month.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting all of the 5 distribution samples in 10/2005 following a coliform found month.

Date: 01/25/2006 (488873) Classification: Moderate

Self Report? NO  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
Description: 5A-THC Chapter 341, SubChapter A 341.033(d)  
Failure to collect any routine monitoring samples in 12/2005.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting any routine monitoring samples in 12/2005.

Date: 12/20/2004 (343279) Classification: Minor

Self Report? NO  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)  
Description: Failure to maintain a minimum pressure of 35 pounds per square inch (psi) at all points within distribution.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to properly maintain the regulated entities by not sealing the opening on the well house.  
Failure to properly maintain the regulated entities by not sealing the opening on the well house.

Date: 02/02/2004 (260838) Classification: Minor

Self Report? NO  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)  
Description: Failure to maintain a minimum pressure of 35 pounds per square inch (psi) at all points within distribution.  
Classification: Minor

Self Report? NO  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
Description: Failure to maintain the well house locked.

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
EDDIE & MANAL, LLC DBA CAFÉ	§	
NATALIE	§	
RN101198067	§	ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2006-1509-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eddie & Manal, LLC dba Café Natalie ("Eddie & Manal, LLC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Café Natalie presented this agreement to the Commission.

Eddie & Manal, LLC understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed Order, Eddie & Manal, LLC agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Eddie & Manal, LLC.

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

**I. FINDINGS OF FACT**

1. Eddie & Manal, LLC owns and operates a restaurant with a public water supply at 2012 East Highway 90A, Fort Bend County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. During a record review on January 1, 2006, TCEQ staff documented that Eddie & Manal, LLC did not perform routine bacteriological sampling and did not provide public notification of the failure to conduct monthly bacteriological sampling during the months of August 2004, February and December 2005.



3. During a record review on January 1, 2006, TCEQ staff documented that Eddie & Manal, LLC did not collect and submit four repeat samples following a total coliform-positive sample found in September 2005 and did not provide public notification of the failure to collect and submit the appropriate number of additional samples.
4. During a record review on January 1, 2006, TCEQ staff documented that Eddie & Manal, LLC did not collect all five routine distribution samples following a coliform-positive month in October 2005, and did not provide public notification of the failure to perform repeat sampling.
5. Eddie & Manal, LLC received notices of the violations on October 6, 2004, April 6, 2005, December 17, 2005, January 14, 2006 and January 30, 2006, and a notice of the enforcement on July 23, 2006.
6. The Executive Director recognizes that Eddie & Manal, LLC has implemented the following corrective measures at the Facility:
  - a. On January 1, 2006, resumed collecting the required monthly bacteriological monitoring samples; and
  - b. On January 15, 2006, implemented new procedures and hired additional staff to ensure that monthly bacteriological sampling is conducted.

## II. CONCLUSIONS OF LAW

1. Eddie & Manal, LLC is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Eddie & Manal, LLC failed to perform routine bacteriological sampling of the public water supply and failed to provide public notice of the failure to perform routine bacteriological monitoring, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i), 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 3, Eddie & Manal, LLC failed to collect four repeat samples following a total coliform-positive sample found and failed to provide public notice of the failure to collect repeat samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B).
4. As evidenced by Finding of Fact No. 4, Eddie & Manal, LLC failed to collect at least five routine samples the month following a total coliform positive result and failed to provide public notice of failure to collect an appropriate number of routine samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Eddie & Manal, LLC for violations of the Texas Water Code and

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to ensure the validity of the results.

3. The third part of the document describes the different types of data that are collected and how they are used to inform decision-making. It notes that a combination of quantitative and qualitative data is often used to provide a comprehensive view of the organization's performance.

4. The fourth part of the document discusses the challenges and limitations of data collection and analysis. It identifies common issues such as data quality, bias, and incomplete information, and offers strategies to address these challenges.

5. The fifth part of the document provides a summary of the key findings and conclusions of the study. It reiterates the importance of data-driven decision-making and the need for ongoing monitoring and evaluation of the organization's performance.

6. The sixth part of the document offers recommendations for future research and practice. It suggests areas for further exploration and provides practical advice for implementing effective data collection and analysis processes.

7. The seventh part of the document discusses the ethical considerations surrounding data collection and analysis. It emphasizes the need for transparency, informed consent, and the protection of personal information.

8. The eighth part of the document provides a conclusion and a final summary of the document's content. It reiterates the key points and offers a final thought on the importance of data in driving organizational success.

9. The ninth part of the document discusses the implications of the findings for the organization and its stakeholders. It highlights the potential benefits of data-driven decision-making and the need for a data-centric culture.

10. The tenth part of the document provides a final summary and a call to action. It encourages the organization to embrace data and use it to drive positive change and improve its performance.

11. The eleventh part of the document discusses the role of technology in data collection and analysis. It highlights the benefits of using advanced tools and techniques to streamline the process and improve the quality of the data.

12. The twelfth part of the document provides a final summary and a call to action. It encourages the organization to embrace data and use it to drive positive change and improve its performance.

13. The thirteenth part of the document discusses the importance of data literacy and the need for training and education. It highlights the benefits of having a workforce that is skilled in data analysis and interpretation.

14. The fourteenth part of the document provides a final summary and a call to action. It encourages the organization to embrace data and use it to drive positive change and improve its performance.

15. The fifteenth part of the document discusses the future of data and the potential for new technologies and techniques. It highlights the opportunities for innovation and the need for continued research and development.

the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of One Thousand Four Hundred Eighty-Seven Dollars (\$1,487) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Eddie & Manal, LLC has paid Two Hundred Eighty-Seven Dollars (\$287) of the administrative penalty. The remaining amount of One Thousand Two Hundred Dollars (\$1,200) of the administrative penalty shall be payable in 12 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Eddie & Manal, LLC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Eddie & Manal, LLC to meet the payment schedule of this Agreed Order constitutes the failure by Eddie & Manal, LLC to timely and satisfactorily comply with all the terms of this Agreed Order.

### III. ORDERING PROVISIONS

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

1. Eddie & Manal, LLC is assessed an administrative penalty in the amount of One Thousand Four Hundred Eighty-Seven Dollars (\$1,487), as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Eddie & Manal, LLC's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Eddie & Manal, LLC dba Café Natalie, Docket No. 2006-1509-PWS-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon Eddie & Manal, LLC. Eddie & Manal, LLC is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Eddie & Manal, LLC if the

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Executive Director determines that Eddie & Manal, LLC has not complied with one or more of the terms or conditions in this Agreed Order.

4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against Eddie & Manal, LLC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



Eddie & Manal, LLC dba Cafe Natalie  
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**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission



For the Executive Director

4/18/07

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Eddie & Manal, LLC dba Cafe Natalie. I am authorized to agree to the attached Agreed Order on behalf of Eddie & Manal, LLC dba Cafe Natalie, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Eddie & Manal, LLC dba Cafe Natalie waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

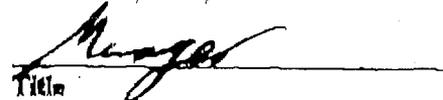
I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

  
Signature

4/12/06/06  
Date

  
Name (printed or typed)  
Authorized Representative  
Eddie & Manal, LLC dba Cafe Natalie  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Resources Section at the address in Ordering Provision 1 of this Agreed Order.

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