

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0027-MWD-E **TCEQ ID:** RN101518843 **CASE NO.:** 32087

RESPONDENT NAME: Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba
Holiday Motel

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Holiday Motel Wastewater Treatment Facility, south of Michael Street at a point approximately 180 feet west of the intersection of McGruder and Michael Streets, Liberty County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondents have expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 4, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Catherine Albrecht, Enforcement Division, Enforcement Team 1, MC R-12, (713) 767-3672; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Maganbhai R. Patel, Mr. Bhagubhai B. Patel, Ms. Vinubhai B. Patel, and Ms. Laxmiben L. Patel, Co-Owners, Holiday Motel, 661 US Highway 59 North, Cleveland, Texas 77327 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-0027-MWD-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 23, 2006</p> <p>Date of NOE Relating to this Case: November 30, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Four violations were documented</p> <p>WATER</p> <p>1) Failed to comply with the permit effluent limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12161001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to submit monitoring results at the interval specified in the permit. Specifically, Discharge Monitoring Reports ("DMRs") were not submitted for the months of September and October 2005 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1].</p> <p>3) Failed to submit monitoring results at the interval specified in the permit. Specifically, a complete annual sludge report with the land application disposal ("SLLA"), surface disposal ("SLSA"), and the landfilling disposal ("SLDF") reports was not submitted for the monitoring period of August 1, 2004 through July 31, 2005 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions I.C., II.F., and III.G.].</p>	<p>Total Assessed: \$13,875</p> <p>Total Deferred: \$2,775 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$925 (remaining \$10,175 due in 11 monthly payments of \$925 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondents submitted to TCEQ the revised DMRs for July 2005, August 2005, and November 2005 through June 2006 with the flow daily average and daily minimum and chlorine residual monthly minimum and maximum parameter data on January 5, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondents to:</p> <p>a. Within 30 day after the effective date of this Agreed Order, submit the delinquent DMRs for September 2005 and October 2005 and the complete annual sludge report with the SLDP, SLDF, and SLLA reports for the monitoring period of August 1, 2004 through July 31, 2005;</p> <p>b. Within 90 days after the effective date of this Agreed Order, achieve compliance with effluent limits of TPDES Permit No. 12161001; and</p> <p>c. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.</p>

DOCKET NO.: 2007-0027-MWD-E

<p>4) Failed to submit monitoring results at the interval specified in the permit. Specifically, no parameter data for the daily average and daily maximum flows and the monthly minimum and maximum total chlorine residuals were reported on the DMRs for the months of July and August 2005 and November 2005 through June 2006 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1]</p>		
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

DATES	Assigned	4-Dec-2006	Screening	27-Dec-2006	EPA Due	
	PCW	29-Jan-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel
Reg. Ent. Ref. No.	RN101518843
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	32087	No. of Violations	4
Docket No.	2007-0027-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Catherine Albrecht
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$2,748"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$18,550"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 27-Dec-2006

Docket No. 2007-0027-MWD-E

PCW

Respondent Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel

Policy Revision 2 (September 2002)

Case ID No. 32087

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101518843

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

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)	22	110%
	Other written NOVs	0	0%
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%
Please Enter Yes or No			
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) 110%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondents have two NOV's for same or similar violations and 20 self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 110%

Screening Date 27-Dec-2006

Docket No. 2007-0027-MWD-E

PCW

Respondent Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel

Policy Revision 2 (September 2002)

Case ID No. 32087

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101518843

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 12161001, Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with the permit effluent limits. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate the effects of contaminants on human health and the environment. Failure to comply with the permit limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health and the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

304 Number of violation days

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

Violation Base Penalty \$4,000

Four quarterly events are recommended from July 1, 2005 through June 30, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,714

Violation Final Penalty Total \$7,400

This violation Final Assessed Penalty (adjusted for limits) \$7,400

Economic Benefit Worksheet

Respondent: Maganbhal R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmben L. Patel dba Holiday Motel
Case ID No.: 32087
Reg. Ent. Reference No.: RN101518843
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	Overtime 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	\$15,000	1-Jul-2005	1-Oct-2007	2.3	\$113	\$2,252	\$2,365
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$3,100	1-Jul-2005	1-Oct-2007	2.3	\$349	n/a	\$349
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

Estimated costs of evaluating the causes of the effluent noncompliances is \$5,000 and implementing necessary rehabilitation work is \$10,000. Estimated costs of additional operator training and process control testing is based on \$100 per month. Date required is the beginning of the effluent noncompliances. Final date is the projected date of compliance.

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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$18,100

TOTAL

\$2,714

Screening Date 27-Dec-2006

Docket No. 2007-0027-MWD-E

PCW

Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and

Respondent Laxmiben L. Patel dba Holiday Motel

Policy Revision 2 (September 2002)

Case ID No. 32087

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101518843

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit monitoring results at the interval specified in the permit. Specifically, Discharge Monitoring Reports (DMRs) were not submitted for the months of September and October 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			10%

Matrix Notes

Greater than 70% of the rule was not met by not submitting two DMRs.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 434

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

Violation Base Penalty \$2,000

Two single events are recommended for the September and October 2005 effluent DMRs.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$3,700

This violation Final Assessed Penalty (adjusted for limits) \$3,700

Economic Benefit Worksheet

Respondent: Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel
Case ID No.: 32087
Reg. Ent. Reference No.: RN101518843
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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)	\$100	20-Oct-2005	1-Aug-2007	1.8	\$9	n/a	\$9

Notes for DELAYED costs

Estimated costs of preparing and submitting the September and October 2005 DMRs is based on \$50 per DMR. Date required is the September 2005 DMR was due. Final date is the projected date of compliance.

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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$9

Screening Date 27-Dec-2006

Docket No. 2007-0027-MWD-E

PCW

Respondent Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and

Laxmiben L. Patel dba Holiday Motel

Policy Revision 2 (September 2002)

Case ID No. 32087

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101518843

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions, I.C., II.F., and III.G.

Violation Description

Failed to submit monitoring results at the interval specified in the permit. Specifically, the complete annual sludge monitoring report with the land application disposal (SLLA), surface disposal (SLSA), and landfilling disposal (SLDF) reports for the monitoring period of August 1, 2004 through July 31, 2005 was not submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 5%

Matrix Notes

Between 30% and 70% of the rule was not met by not submitting three of the five parts of the annual sludge report.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

483 Number of violation days

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

Violation Base Penalty \$500

One annual event is recommended for the 2005 annual sludge report.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$925

This violation Final Assessed Penalty (adjusted for limits) \$925

Economic Benefit Worksheet

Respondent: Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel
Case ID No.: 32087
Reg. Ent. Reference No.: RN101518843
Media: Water Quality
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
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Item Description No commas or \$

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)	\$100	1-Sep-2005	1-Aug-2007	1.9	\$10	n/a	\$10

Notes for DELAYED costs

Estimated costs of preparing and submitting the complete annual sludge DMRs is based on \$100 per annual reporting period. Date required is the date the annual sludge report was due. Final date is the projected date for submitting the delinquent reports.

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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$10

Screening Date 27-Dec-2006

Docket No. 2007-0027-MWD-E

PCW

Respondent Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel

Policy Revision 2 (September 2002)

Case ID No. 32087

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101518843

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit monitoring results at the interval specified in the permit. Specifically, no parameter data for the daily average and daily maximum flows and the monthly minimum and maximum total chlorine residuals were reported on the DMRs for the months of July and August 2005 and November 2005 through June 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule was not met by not reporting four of the 14 parameter data requirements each month.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 10

444 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

Ten single events are recommended for the July 2005, August 2005, and November 2005 through June 2006 DMRs.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$1,850

This violation Final Assessed Penalty (adjusted for limits) \$1,850

Economic Benefit Worksheet

Respondent Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel
Case ID No. 32087
Reg. Ent. Reference No. RN101518843
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$250	10-Oct-2005	5-Jan-2007	1.2	\$15	n/a	\$15

Notes for DELAYED costs

Estimated costs of revising ten DMRs to add the flow and chlorine residual data is based on \$25 per DMR. Date required is the date the first incomplete DMR was submitted. Final date is the date of compliance.

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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$15

Respondent: Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel

ID Number: RN101518843

Docket Number: 2007-0027-MWD-E

Corresponds to Violation Number: 1

OUTFALL 001 EFFLUENT PARAMETERS

Permit Limits

Month/ Year	NH3-N Dly Avg Conc Limit of 3.0 (in mg/L)	NH3-N Single Grab Limit of 15.0 (in mg/L)	NH3-N Dly Avg Loading Limit of 0.15 (in lbs/day)	TSS Dly Avg Conc Limit of 15.0 (in mg/L)	TSS Dly Avg Loading Limit of 0.75 (in lbs/day)	CBOD Dly Avg Loading Limit of 0.50 (in lbs/day)
Jul-05	4.5	17.6	0.75	c	1.70	0.66
Aug-05	5.5	15.8	1.23	c	4.27	1.65
Nov-05	10.3	c	0.94	c	c	0.52
Dec-05	12.6	18.2	1.96	c	c	0.64
Jan-06	9.46	17.0	2.35	c	1.21	2.38
Feb-06	13.8	16.7	c	c	c	c
Mar-06	10.3	c	c	15.5	c	c
Apr-06	11.18	c	0.72	c	1.30	0.54
May-06	10.8	16.6	c	c	c	c
Jun-06	8.7	c	0.21	c	c	c

Abbreviations: Ammonia-nitrogen ("NH3-N"); Total Suspended Solids ("TSS"); Carbonaceous Biochemical Oxygen Demand (five-day) ("CBOD"); Daily Average ("Dly Avg"); Concentration ("Conc"); milligrams per liter ("mg/L"); pounds per day ("lbs/day"); and compliant ("c")

Compliance History

Customer/Respondent/Owner-Operator: CN601649585 PATEL, Laxmiben L Classification: AVERAGE Rating: 1.41
Regulated Entity: RN101518843 HOLIDAY MOTEL Classification: AVERAGE Site Rating: 1.41
ID Number(s): WASTEWATER PERMIT WQ0012161001
WASTEWATER PERMIT TPDES0081299
Location: South of Michael Street at a point approximately 180 feet west of the intersection of
McGruder and Michael Streets, Liberty County Rating Date: 9/1/2006
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 27, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 27, 2001 to December 27, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Catherine Albrecht Phone: (713)767-3672

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 11/18/2002 (205672)
2 06/04/2003 (60997)
3 11/04/2002 (205674)
4 01/09/2003 (205676)
5 01/28/2002 (205677)
6 01/09/2003 (205678)
7 01/28/2002 (205680)
8 05/28/2004 (360476)
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11 02/24/2003 (205681)
12 07/16/2004 (360478)
13 10/11/2004 (360479)
14 04/24/2006 (503433)
15 11/09/2005 (436501)
16 05/19/2006 (503434)
17 03/15/2004 (315480)
18 06/26/2006 (503435)
19 03/29/2004 (315481)
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21 07/25/2006 (525802)
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31 01/02/2004 (315488)
32 12/14/2006 (533074)
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36 10/16/2003 (252138)
37 02/28/2005 (386581)
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42 02/27/2006 (476325)
43 10/10/2005 (476326)
44 10/09/2005 (476327)
45 12/30/2005 (476328)
46 06/06/2005 (424412)
47 01/25/2006 (476329)
48 07/05/2005 (424413)
49 08/10/2006 (489660)
50 04/01/2002 (205657)
51 03/03/2003 (205658)
52 11/30/2006 (517043)
53 04/04/2002 (205659)
54 04/16/2003 (205660)
55 06/24/2002 (205662)
56 06/24/2002 (205664)
57 08/06/2002 (205666)
58 08/19/2002 (205668)
59 10/07/2002 (205670)

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

Date: 10/31/2002 (205676)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2001 (205680)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (503432)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (205681)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (503433)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (503434)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (315480)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (503435)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (315482)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (525802)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (525803)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (525804)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/14/2005 (394254)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)[G]
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Description: Failure to provide an accurate location to measure the head for flow measurements.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit noncompliance notification for an effluent violation that deviated from the permit limit by greater than 40%.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to analyze the sludge for all the required parameters.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Description: Failure to submit the annual FY04 sludge report.

Date: 06/04/2003 (60997)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to submit the annual sludge report which was due September 1, 2002.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to maintain compliance with the permit effluent limits for Total Suspended Solids (TSS), Carbonaceous Biochemical Oxygen Demand (CBOD), and daily average flow.

Date: 01/31/2006 (476325)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (476326)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (476327)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (476328)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (424412)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (476329)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (424413)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (205660)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
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

Compliance History

Customer/Respondent/Owner-Operator: CN601649544 PATEL, Bhagubhai B Classification: AVERAGE Rating: 1.41
Regulated Entity: RN101518843 HOLIDAY MOTEL Classification: AVERAGE Site Rating: 1.41
ID Number(s): WASTEWATER PERMIT WQ0012161001
WASTEWATER PERMIT TPDES0081299
Location: South of Michael Street at a point approximately 180 feet west of the intersection of
McGruder and Michael Streets, Liberty County Rating Date: 9/1/2006
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 27, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 27, 2001 to December 27, 2006

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

Name: Catherine Albrecht Phone: (713)767-3672

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 11/18/2002 (205672)
2 06/04/2003 (60997)
3 11/04/2002 (205674)
4 01/09/2003 (205676)
5 01/28/2002 (205677)
6 01/09/2003 (205678)
7 01/28/2002 (205680)
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16 05/19/2006 (503434)
17 03/15/2004 (315480)
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32 12/14/2006 (533074)
33 01/02/2004 (315489)

34 01/26/2004 (315490)
35 03/15/2004 (315491)
36 10/16/2003 (252138)
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49 08/10/2006 (489660)
50 04/01/2002 (205657)
51 03/03/2003 (205658)
52 11/30/2006 (517043)
53 04/04/2002 (205659)
54 04/16/2003 (205660)
55 06/24/2002 (205662)
56 06/24/2002 (205664)
57 08/06/2002 (205666)
58 08/19/2002 (205668)
59 10/07/2002 (205670)

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

Date: 10/31/2002 (205676)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2001 (205680)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (503432)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (205681)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (503433)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (503434)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (315480)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (503435)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (315482)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (525802)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (525803)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (525804)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/14/2005 (394254)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)[G]
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Description: Failure to provide an accurate location to measure the head for flow measurements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit noncompliance notification for an effluent violation that deviated from the permit limit by greater than 40%.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to analyze the sludge for all the required parameters.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Description: Failure to submit the annual FY04 sludge report.

Date: 06/04/2003 (60997)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to submit the annual sludge report which was due September 1, 2002.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to maintain compliance with the permit effluent limits for Total Suspended Solids (TSS), Carbonaceous Biochemical Oxygen Demand (CBOD), and daily average flow.

Date: 01/31/2006 (476325)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (476326)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (476327)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (476328)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (424412)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (476329)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (424413)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (205660)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
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

Compliance History

Customer/Respondent/Owner-Operator: CN601649528 PATEL, Maganbhai R Classification: AVERAGE Rating: 1.41
Regulated Entity: RN101518843 HOLIDAY MOTEL Classification: AVERAGE Site Rating: 1.41
ID Number(s): WASTEWATER PERMIT WQ0012161001
WASTEWATER PERMIT TPDES0081299
Location: South of Michael Street at a point approximately 180 feet west of the intersection of
McGruder and Michael Streets, Liberty County Rating Date: 9/1/2006
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 27, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 27, 2001 to December 27, 2006

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

Name: Catherine Albrecht Phone: (713)767-3672

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. (CEDS Inv. Track. No.)

1 11/18/2002 (205672)
2 06/04/2003 (60997)
3 11/04/2002 (205674)
4 01/09/2003 (205676)
5 01/28/2002 (205677)
6 01/09/2003 (205678)
7 01/28/2002 (205680)
8 05/28/2004 (360476)
9 06/28/2004 (360477)
10 04/03/2006 (503432)
11 02/24/2003 (205681)
12 07/16/2004 (360478)
13 10/11/2004 (360479)
14 04/24/2006 (503433)
15 11/09/2005 (436501)
16 05/19/2006 (503434)
17 03/15/2004 (315480)
18 06/26/2006 (503435)
19 03/29/2004 (315481)
20 05/19/2003 (315482)
21 07/25/2006 (525802)
22 06/23/2003 (315483)
23 07/28/2003 (146556)
24 08/18/2006 (525803)
25 07/21/2003 (315484)
26 07/18/2005 (394254)
27 09/08/2003 (315485)
28 09/29/2006 (525804)
29 09/19/2003 (315486)
30 10/21/2003 (315487)
31 01/02/2004 (315488)
32 12/14/2006 (533074)
33 01/02/2004 (315489)

34 01/26/2004 (315490)
35 03/15/2004 (315491)
36 10/16/2003 (252138)
37 02/28/2005 (386581)
38 11/03/2004 (386582)
39 11/29/2004 (386583)
40 01/12/2005 (386584)
41 01/24/2005 (386585)
42 02/27/2006 (476325)
43 10/10/2005 (476326)
44 10/09/2005 (476327)
45 12/30/2005 (476328)
46 06/06/2005 (424412)
47 01/25/2006 (476329)
48 07/05/2005 (424413)
49 08/10/2006 (489660)
50 04/01/2002 (205657)
51 03/03/2003 (205658)
52 11/30/2006 (517043)
53 04/04/2002 (205659)
54 04/16/2003 (205660)
55 06/24/2002 (205662)
56 06/24/2002 (205664)
57 08/06/2002 (205666)
58 08/19/2002 (205668)
59 10/07/2002 (205670)

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

Date: 10/31/2002 (205676)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2001 (205680)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (503432)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (205681)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (503433)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (503434)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (315480)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (503435)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (315482)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (525802)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (525803)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (525804)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/14/2005 (394254)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)[G]
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Description: Failure to provide an accurate location to measure the head for flow measurements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit noncompliance notification for an effluent violation that deviated from the permit limit by greater than 40%.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to analyze the sludge for all the required parameters.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Description: Failure to submit the annual FY04 sludge report.

Date: 06/04/2003 (60997)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to submit the annual sludge report which was due September 1, 2002.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to maintain compliance with the permit effluent limits for Total Suspended Solids (TSS), Carbonaceous Biochemical Oxygen Demand (CBOD), and daily average flow.

Date: 01/31/2006 (476325)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (476326)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (476327)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (476328)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (424412)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (476329)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (424413)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (205660)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Compliance History

Customer/Respondent/Owner-Operator: CN6016495551 PATEL, Vinubhai B Classification: AVERAGE Rating: 1.41
Regulated Entity: RN101518843 HOLIDAY MOTEL Classification: AVERAGE Site Rating: 1.41
ID Number(s): WASTEWATER PERMIT WQ0012161001
WASTEWATER PERMIT TPDES0081299
Location: South of Michael Street at a point approximately 180 feet west of the intersection of
McGruder and Michael Streets, Liberty County Rating Date: 9/1/2006
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 27, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 27, 2001 to December 27, 2006

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

Name: Catherine Albrecht Phone: (713)767-3672

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 11/18/2002 (205672)
2 06/04/2003 (60997)
3 11/04/2002 (205674)
4 01/09/2003 (205676)
5 01/28/2002 (205677)
6 01/09/2003 (205678)
7 01/28/2002 (205680)
8 05/28/2004 (360476)
9 06/28/2004 (360477)
10 04/03/2006 (503432)
11 02/24/2003 (205681)
12 07/16/2004 (360478)
13 10/11/2004 (360479)
14 04/24/2006 (503433)
15 11/09/2005 (436501)
16 05/19/2006 (503434)
17 03/15/2004 (315480)
18 06/26/2006 (503435)
19 03/29/2004 (315481)
20 05/19/2003 (315482)
21 07/25/2006 (525802)
22 06/23/2003 (315483)
23 07/28/2003 (146556)
24 08/18/2006 (525803)
25 07/21/2003 (315484)
26 07/18/2005 (394254)
27 09/08/2003 (315485)
28 09/29/2006 (525804)
29 09/19/2003 (315486)
30 10/21/2003 (315487)
31 01/02/2004 (315488)
32 12/14/2006 (533074)
33 01/02/2004 (315489)

34 01/26/2004 (315490)
35 03/15/2004 (315491)
36 10/16/2003 (252138)
37 02/28/2005 (386581)
38 11/03/2004 (386582)
39 11/29/2004 (386583)
40 01/12/2005 (386584)
41 01/24/2005 (386585)
42 02/27/2006 (476325)
43 10/10/2005 (476326)
44 10/09/2005 (476327)
45 12/30/2005 (476328)
46 06/06/2005 (424412)
47 01/25/2006 (476329)
48 07/05/2005 (424413)
49 08/10/2006 (489660)
50 04/01/2002 (205657)
51 03/03/2003 (205658)
52 11/30/2006 (517043)
53 04/04/2002 (205659)
54 04/16/2003 (205660)
55 06/24/2002 (205662)
56 06/24/2002 (205664)
57 08/06/2002 (205666)
58 08/19/2002 (205668)
59 10/07/2002 (205670)

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

Date: 10/31/2002 (205676)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2001 (205680)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (503432)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (205681)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (503433)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (503434)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (315480)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (503435)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (315482)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (525802)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (525803)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (525804)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/14/2005 (394254)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)[G]
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Description: Failure to provide an accurate location to measure the head for flow
measurements.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit noncompliance notification for an effluent violation that deviated from the permit limit by greater than 40%.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to analyze the sludge for all the required parameters.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Description: Failure to submit the annual FY04 sludge report.

Date: 06/04/2003 (60997)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to submit the annual sludge report which was due September 1, 2002.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP IA
Description: Failure to maintain compliance with the permit effluent limits for Total Suspended Solids (TSS), Carbonaceous Biochemical Oxygen Demand (CBOD), and daily average flow.

Date: 01/31/2006 (476325)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (476326)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (476327)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (476328)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (424412)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (476329)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (424413)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (205660)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
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
MAGANBHAI R. PATEL,
BHAGUBHAI B. PATEL, VINUBHAI
B. PATEL, AND LAXMIBEN L.
PATEL DBA HOLIDAY MOTEL
RN101518843**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0027-MWD-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel ("Patel et al.") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Patel et al. appear before the Commission and together stipulate that:

1. Patel et al. own and operate a wastewater treatment facility located south of Michael Street at a point approximately 180 feet west of the intersection of McGruder and Michael Streets in Liberty County, Texas (the "Facility").
2. Patel et al. have caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and Patel et al. agree that the Commission has jurisdiction to enter this Agreed Order, and that Patel et al. are subject to the Commission's jurisdiction.
4. Patel et al. received notice of the violations alleged in Section II ("Allegations") on or about December 5, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Patel et al. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Eight Hundred Seventy-Five Dollars (\$13,875) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Patel et al. have paid Nine Hundred Twenty-Five Dollars (\$925) of the administrative penalty and Two Thousand Seven Hundred Seventy-Five Dollars (\$2,775) is deferred contingent upon Patel et al.'s timely and satisfactory compliance with all the terms of this Agreed Order. If Patel et al. fail to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Patel et al. to pay all or part of the deferred penalty.

The remaining amount of Ten Thousand One Hundred Seventy-Five Dollars (\$10,175) of the administrative penalty shall be payable in 11 monthly payments of Nine Hundred Twenty-Five Dollars (\$925) 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 Patel et al. fail 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 Patel et al. to meet the payment schedule of this Agreed Order constitutes the failure by Patel et al. to timely and satisfactorily comply with all the terms of this Agreed Order.

7. 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.
8. The Executive Director of the TCEQ and Patel et al. have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Patel et al. submitted to TCEQ the revised Discharge Monitoring Reports ("DMRs") for July 2005, August 2005, and November 2005 through June 2006 with the flow daily average and daily maximum and chlorine residual monthly minimum and maximum parameter data on January 5, 2007.
10. 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 Patel et al. have not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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 first of these is the fact that the patient is usually a young man, and that the disease is usually of a chronic nature.

The second is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The third is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The fourth is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The fifth is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The sixth is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The seventh is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The eighth is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The ninth is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The tenth is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The eleventh is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

The twelfth is the fact that the disease is usually of a chronic nature, and that the patient is usually a young man.

II. ALLEGATIONS

As owners and operators of the Facility, Patel et al. are alleged to have:

- Failed to comply with the permit effluent limits, as listed below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 12161001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on October 23, 2006:

Month/ Year	NH3-N Dly Avg Conc Limit of 3.0	NH3-N Single Grab Limit of 15.0	NH3-N Dly Avg Loading Limit of 0.15	TSS Dly Avg Conc Limit of 15.0	TSS Dly Avg Loading Limit of 0.75	CBOD Dly Avg Loading Limit of 0.50
	(in mg/L)	(in mg/L)	(in lbs/day)	(in mg/L)	(in lbs/day)	(in lbs/day)
Jul-05	4.5	17.6	0.75	c	1.70	0.66
Aug-05	5.5	15.8	1.23	c	4.27	1.65
Nov-05	10.3	c	0.94	c	c	0.52
Dec-05	12.6	18.2	1.96	c	c	0.64
Jan-06	9.46	17.0	2.35	c	1.21	2.38
Feb-06	13.8	16.7	c	c	c	c
Mar-06	10.3	c	c	15.5	c	c
Apr-06	11.18	c	0.72	c	1.30	0.54
May-06	10.8	16.6	c	c	c	c
Jun-06	8.7	c	0.21	c	c	c

Abbreviations: Ammonia-nitrogen (“NH3-N”); Total Suspended Solids (“TSS”); Carbonaceous Biochemical Oxygen Demand (five-day) (“CBOD”); Daily Average (“Dly Avg”); Concentration (“Conc”); milligrams per liter (“mg/L”); pounds per day (“lbs/day”); and compliant (“c”)

- Failed to submit monitoring results at the interval specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 23, 2006. Specifically, DMRs were not submitted for the months of September and October 2005.
- Failed to submit monitoring results at the interval specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions I.C., II.F., and III.G., as documented during a record review conducted on October 23, 2006. Specifically, a complete annual sludge report with the land application disposal (“SLLA”), surface disposal (“SLSA”), and the landfilling disposal (“SLDF”) reports was not submitted for the monitoring period of August 1, 2004 through July 31, 2005.
- Failed to submit monitoring results at the interval specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 12161001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 23, 2006. Specifically, no parameter data for the daily average and daily maximum flows and the monthly minimum and maximum total chlorine residuals were reported on the DMRs for the months of July and August 2005 and November 2005 through June 2006.

III. DENIALS

Patel et al. generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Patel et al. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Patel et al.'s compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel, Docket No. 2007-0027-MWD-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. Patel et al. are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that Patel et al. shall undertake the following technical requirements:
 - a. Within 30 day after the effective date of this Agreed Order, submit the delinquent DMRs for September 2005 and October 2005 and the complete annual sludge report with the SLDP, SLDF, and SLLA reports for the monitoring period of August 1, 2004 through July 31, 2005 to the TCEQ, Enforcement Division, MC 224, PO Box 13087, Austin, Texas 78711-3087;
 - b. Within 90 days after the effective date of this Agreed Order, achieve compliance with effluent limits of TPDES Permit No. 12161001; and
 - c. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant

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penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon Patel et al. Patel et al. are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If Patel et al. fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Patel et al.'s failure to comply is not a violation of this Agreed Order. Patel et al. shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Patel et al. shall notify the Executive Director within seven days after Patel et al. become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Patel et al. shall be made in writing to the Executive Director. Extensions are not effective until Patel et al. receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Patel et al. 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.
8. 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.

The Board of Directors of the National Aeronautics and Space Administration is pleased to present to you this report on the activities of the Administration during the year 1947-1948. The report is divided into two parts: a summary of the Administration's activities and a detailed report on the work of the various departments.

Summary of Activities

The Administration has been very busy during the year 1947-1948. It has completed a number of important projects and has made significant progress in many areas. The most important of these are:

- 1. The development of the first American satellite, the Explorer 1, which was launched on January 31, 1948.
- 2. The development of the first American rocket, the Redstone, which was launched on July 24, 1948.
- 3. The development of the first American jet engine, the J-33, which was first run on August 1, 1948.
- 4. The development of the first American jet aircraft, the F-86, which was first flown on July 22, 1948.

The Administration has also been very active in the field of research and development. It has supported a number of important research projects and has made significant progress in many areas. The most important of these are:

- 1. The development of the first American satellite, the Explorer 1, which was launched on January 31, 1948.
- 2. The development of the first American rocket, the Redstone, which was launched on July 24, 1948.
- 3. The development of the first American jet engine, the J-33, which was first run on August 1, 1948.
- 4. The development of the first American jet aircraft, the F-86, which was first flown on July 22, 1948.

The Administration has also been very active in the field of education and public relations. It has supported a number of important educational projects and has made significant progress in many areas. The most important of these are:

- 1. The development of the first American satellite, the Explorer 1, which was launched on January 31, 1948.
- 2. The development of the first American rocket, the Redstone, which was launched on July 24, 1948.
- 3. The development of the first American jet engine, the J-33, which was first run on August 1, 1948.
- 4. The development of the first American jet aircraft, the F-86, which was first flown on July 22, 1948.

The Administration has also been very active in the field of international relations. It has supported a number of important international projects and has made significant progress in many areas. The most important of these are:

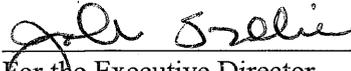
- 1. The development of the first American satellite, the Explorer 1, which was launched on January 31, 1948.
- 2. The development of the first American rocket, the Redstone, which was launched on July 24, 1948.
- 3. The development of the first American jet engine, the J-33, which was first run on August 1, 1948.
- 4. The development of the first American jet aircraft, the F-86, which was first flown on July 22, 1948.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Patel et al., or three days after the date on which the Commission mails notice of the Order to Patel et al., whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/12/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 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.

Maganbhai R Patel
Signature

3/22/07
Date

MAGANBHAIR PATEL
Name (Printed or typed)
Authorized Representative of
Maganbhai R. Patel dba Holiday Motel

Co-owner
Title

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



Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel
DOCKET NO. 2007-0027-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

J. S. Zeller
For the Executive Director

7/12/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 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.

M. Bhagubhai B. Patel
Signature

7-24-07
Date

BHAGUBHAI B. PATEL
Name (Printed or typed)
Authorized Representative of
Bhagubhai B. Patel dba Holiday Motel

Partner
Title

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

Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel
DOCKET NO. 2007-0027-MWD-E
Page 9

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

7/12/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 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.

X. Vinubhai B. Patel
Signature

3/19/07
Date

Vinubhai B. Patel
Name (Printed or typed)
Authorized Representative of
Vinubhai B. Patel dba Holiday Motel

Owner
Title

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

Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben J. Patel dba Holiday Motel
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Page 10

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

7/12/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 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.

LAXMIBEN L. PATEL
Signature

3-21-07
Date

LAXMIBEN L. PATEL
Name (Printed or typed)
Authorized Representative of
Laxmiben L. Patel dba Holiday Motel

OWNER
Title

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

