

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

ODOCKET NO.: 2008-0562-MWD-E TCEQ ID: RN102916814 CASE NO.: 35663

RESPONDENT NAME: A. K. Interests-Hunterwood, L.P.

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: Hunterwood Apartments, 5830 South Lake Houston Parkway, approximately 1.5 miles south/southeast of the intersection of Farm-to-Market Road 526 and U.S. Highway 90, and approximately 10.5 miles northeast of the Harris County courthouse in downtown Houston, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 19, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5806; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Anwar Kajani, President, A. K. Interests-Hunterwood, L.P., 9535 Katy Freeway, Houston, Texas 77024 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

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: February 21, 2008</p> <p>Date of NOV/NOE Relating to this Case: March 14, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to timely submit monthly discharge monitoring reports at the intervals specified in the permit. Specifically, the Respondent did not timely submit the monthly discharge monitoring reports to the TCEQ for the months of February 2006 through December 2007 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11066001, Monitoring and Reporting Requirements, No. 1].</p> <p>2) Failure to timely submit the annual sludge report by September 1 of each year as required by the permit. Specifically, the annual sludge reports were not timely submitted for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 11066001, Sludge Provisions].</p>	<p>Total Assessed: \$2,834</p> <p>Total Deferred: \$566 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,268</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>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted the annual sludge reports for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007 on May 28, 2008; and</p> <p>b. Submitted the monthly discharge reports for February 2006 through December 2007 on June 2, 2008.</p>

Additional ID No(s): TPDES No. 11066-001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

TCEQ

DATES	Assigned	31-Mar-2008	Screening	3-Apr-2008	EPA Due	NA
	PCW	23-Oct-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	A. K. Interests-Hunterwood, L.P.
Reg. Ent. Ref. No.	RN102916814
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35663	No. of Violations	2
Docket No.	2008-0562-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	9% Enhancement	Subtotals 2, 3, & 7	\$234
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Notes An enhancement is recommended for having two non-similar NOV's and one same-similar NOV for violations during the past five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$356	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$3,050	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,834
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$2,834

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,834
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DEFERRAL	20% Reduction	Adjustment	-\$566
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,268
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Screening Date 3-Apr-2008 **Docket No.** 2008-0562-MWD-E
Respondent A. K. Interests-Hunterwood, L.P.
Case ID No. 35663
Reg. Ent. Reference No. RN102916814
Media [Statute] Water Quality
Enf. Coordinator J. Craig Fleming

PCW

Policy Revision 2 (September 2002)
 PCW Revision February 29, 2008

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)	1	5%
	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 judgements 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) 9%

>> **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

An enhancement is recommended for having two non-similar NOVs and one same-similar NOV for violations during the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 9%

Screening Date 3-Apr-2008 **Docket No.** 2008-0562-MWD-E **PCW**
Respondent A. K. Interests-Hunterwood, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 35663 *PCW Revision February 29, 2008*
Reg. Ent. Reference No. RN102916814
Media [Statute] Water Quality
Enf. Coordinator J. Craig Fleming

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d), and TPDES Permit No. 11066001, Monitoring and Reporting Requirements, No. 1

Violation Description
 Failed to timely submit monthly discharge monitoring reports at the intervals specified in the permit. Specifically, the Respondent did not timely submit the monthly discharge monitoring reports to the TCEQ for the months of February 2006 through December 2007.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes

Greater than 70% of the rule requirement was met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Twenty-three single events (one for each missing report) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent A. K. Interests-Hunterwood, L.P.

Case ID No. 35663

Reg. Ent. Reference No. RN102916814

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	Onetime Costs	EB Amount
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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)	\$2,300	20-Mar-2006	2-Jun-2008	2.2	\$254	n/a	\$254

Notes for DELAYED costs

Estimated cost for submitting (\$100 per month) monthly Discharge Monitoring Reports. The Date Required was the date requiring the February DMR report to be submitted. The 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

N/A

Approx. Cost of Compliance

\$2,300

TOTAL

\$254

Screening Date 3-Apr-2008	Docket No. 2008-0562-MWD-E	PCW
Respondent A. K. Interests-Hunterwood, L.P.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35663	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN102916814		
Media [Statute] Water Quality		
Enf. Coordinator J. Craig Fleming		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17), and TPDES Permit No. 11066001, Sludge Provisions	
Violation Description	Failed to timely submit the annual sludge report by September 1 of each year as required by the permit. Specifically, the annual sludge reports were not timely submitted for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	
				Percent <input type="text" value="1%"/>
Matrix Notes	Greater than 70% of the rule requirement was met.			

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Three single events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$103"/>	Violation Final Penalty Total <input type="text" value="\$327"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$327"/>	

Economic Benefit Worksheet

Respondent A. K. Interests-Hunterwood, L.P.
Case ID No. 35663
Reg. Ent. Reference No. RN102916814
Media Water Quality
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
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	\$750	1-Sep-2005	28-May-2008	2.7	\$103	n/a	\$103
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

The approximate cost (\$250 per year) to submit the annual sludge report. The Date Required was the date required by the Facility's permit for the first report. The 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

N/A

Approx. Cost of Compliance

\$750

TOTAL

\$103

Compliance History

Customer/Respondent/Owner-Operator: CN601479736 A.K. Interests-Hunterwood, L.P. Classification: AVERAGE Rating: 0.42
 Regulated Entity: RN102916814 HUNTERWOOD APARTMENTS Classification: AVERAGE Site Rating: 0.42

ID Number(s):
 WASTEWATER PERMIT WQ0011066001
 WASTEWATER PERMIT TPDES0027332
 WASTEWATER PERMIT TX0027332
 WASTEWATER LICENSING LICENSE WQ0011066001

Location: LOCATED AT 5830 SOUTH LAKE HOUSTON PARKWAY APPROXIMATELY 1.5 MILES SOUTH/SOUTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 526 AND U.S. HIGHWAY 90 AND APPROXIMATELY 10.5 MILES NORTHEAST OF THE HARRIS COUNTY COURTHOUSE IN DOWNTOWN HOUSTON IN HARRIS COUNTY, TEXAS.
 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 03, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 03, 2003 to April 03, 2008

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

Name: J. Craig Fleming Phone: (512) 239-5806

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 04/22/2003 (175475)
- 2 05/22/2003 (302770)
- 3 06/23/2003 (302771)
- 4 07/18/2003 (302772)
- 5 08/22/2003 (302773)
- 6 09/22/2003 (302774)
- 7 10/23/2003 (302775)
- 8 11/21/2003 (302776)
- 9 12/29/2003 (302777)
- 10 03/01/2004 (302769)
- 11 03/03/2004 (261551)
- 12 04/29/2004 (355032)
- 13 05/26/2004 (355033)
- 14 07/01/2004 (355034)
- 15 08/04/2004 (355035)
- 16 08/25/2004 (355036)

17 09/09/2004 (283811)
 18 10/04/2004 (355037)
 19 11/03/2004 (383494)
 20 11/22/2004 (383495)
 21 01/06/2005 (383496)
 22 01/20/2005 (383497)
 23 03/16/2005 (383492)
 24 03/30/2005 (383493)
 25 05/04/2005 (442330)
 26 06/23/2005 (442331)
 27 07/07/2005 (442332)
 28 08/03/2005 (442333)
 29 09/01/2005 (442334)
 30 10/03/2005 (471302)
 31 11/07/2005 (471303)
 32 12/07/2005 (471304)
 33 01/19/2006 (471305)
 34 02/21/2006 (471306)
 35 03/01/2006 (471301)
 36 09/13/2006 (489450)
 37 02/28/2007 (542033)
 38 03/27/2008 (636399)

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

Date 03/03/2004 (261551)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to maintain an intruder resistant fence and gate around the waste water treatment plant.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 317 317.3(b)(1)

Description: Failure to maintain operational standby pumps in the onsite lift station.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to provide an all-weather road to the waste water treatment plant (WWTP), as required.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)(i)

Description: Failure to provide documentation that the potable water back flow prevention device has been tested and certified as operational within the last year.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to properly operate and maintain the waste water treatment plant.

Date 12/31/2004 (383497)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

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

Date 09/12/2006 (489450)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain the required sludge management records.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.6(b)(3)

Description: Failure to operate and maintain the wastewater treatment plant.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with permitted effluent limits.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

30 TAC Chapter 305, SubChapter F 305.125(17)
Description: Failure to submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.
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)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: Failure to submit sludge monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

- 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
A. K. INTERESTS-HUNTERWOOD,
L.P.
RN102916814

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§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0562-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 A. K. Interests-Hunterwood, L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 5830 South Lake Houston Parkway approximately 1.5 miles south/southeast of the intersection of Farm-to-Market Road 526 and U.S. Highway 90 and approximately 10.5 miles northeast of the Harris County courthouse in downtown Houston, Harris County, Texas (the "Facility").
2. The Respondent has 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 19, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Two Thousand Eight Hundred Thirty-Four Dollars (\$2,834) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Two Hundred Sixty-Eight Dollars (\$2,268) of the administrative penalty and Five Hundred Sixty-Six Dollars (\$566) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
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 the Respondent 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 the Respondent has implemented the following corrective measures at the Facility:
 - a. Submitted the annual sludge reports for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007 on May 28, 2008.
 - b. Submitted the monthly discharge reports for February 2006 through December 2007 on June 2, 2008.
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 the Respondent has 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.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to timely submit monthly discharge monitoring reports ("DMR") at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11066001, Monitoring and Reporting Requirements, No. 1, as documented during a record review conducted on February 21, 2008. Specifically, the Respondent did not timely submit the monthly discharge monitoring reports to the TCEQ for the months of February 2006 through December 2007.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The text also mentions that regular audits are necessary to identify any discrepancies or errors in the accounting process.

Furthermore, it is noted that the accounting system should be designed to be user-friendly and efficient. This helps in reducing the time and effort required to enter and process data, thereby improving overall productivity.

In addition, the document highlights the need for proper segregation of duties. This means that different individuals should be responsible for different aspects of the accounting cycle, such as recording transactions, reconciling accounts, and preparing financial statements. This helps in minimizing the risk of fraud and errors.

Another key point is the importance of staying up-to-date with the latest accounting standards and regulations. This ensures that the financial statements are prepared in accordance with the required legal and professional requirements.

Finally, the document concludes by stating that a strong internal control system is essential for the success of any organization. It involves implementing various measures to safeguard assets, ensure the accuracy of financial information, and promote ethical behavior.

Overall, the document provides a comprehensive overview of the accounting process and the various factors that contribute to its effectiveness. It serves as a valuable guide for anyone involved in financial management and reporting.

The second part of the document focuses on the practical aspects of accounting, including the use of accounting software and the preparation of financial statements. It provides detailed instructions on how to set up an accounting system and how to generate reports that are easy to understand and use.

It also discusses the importance of maintaining a clear and organized chart of accounts. This helps in tracking the flow of money and identifying areas where costs are being incurred. The text provides examples of how to structure the chart of accounts and how to use it to analyze financial performance.

CONCLUSION

In conclusion, the document emphasizes that accounting is a vital function for any organization. It provides the foundation for sound financial decision-making and helps in identifying areas for improvement. By following the principles and practices outlined in this document, organizations can ensure that their financial records are accurate, reliable, and compliant with all applicable laws and regulations.

2. Failed to timely submit the annual sludge report by September 1 of each year as required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. 11066001, Sludge Provisions, as documented during a record review conducted on February 21, 2008. Specifically, the annual sludge reports were not timely submitted for the monitoring periods ending July 31, 2005, July 31, 2006, and July 31, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: A. K. Interests-Hunterwood, L.P., Docket No. 2008-0562-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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/9/2009
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

November 11th, 2008
Date

Anwar Kajani
Name (Printed or typed)
Authorized Representative of
A. K. Interests-Hunterwood, L.P.

President
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.

[The page contains extremely faint and illegible text, likely bleed-through from the reverse side of the document. The text is too light to transcribe accurately.]