

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1014-MWD-E TCEQ ID: RN103915674 CASE NO.: 33903

**RESPONDENT NAME: INTERNATIONAL AIRPORT SQUARE INVESTMENT, LTD. DBA ROADWAY
INN INTERNATIONAL AIRPORT**

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 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

SITE WHERE VIOLATION(S) OCCURRED: Approximately 1,000 feet east of U.S. Highway 59 and 2,000 feet southeast of the intersection of Will Clayton Parkway and U.S. Highway 59, Harris County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired June 1, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Craig Fleming, Air Enforcement Section, MC 149, (512) 239-5806

TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581

Respondent: Mr. Narinder K. Arora, Director, International Airport Square Investment, Ltd., 17601 Eastex Freeway, Houston, Texas 77396

Respondent's Attorney: Mr. James A. Dunn, Attorney, Dunn, Neal & Gerger, L.L.P., 3050 Post Oak Blvd., Suite 400, Houston, Texas 77056

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 18, 2007 and June 13, 2008</p> <p>Dates of NOEs Relating to this Case: June 12, 2007 and June 20, 2008</p> <p>Background Facts: The EDRP was filed February 11, 2008. An EDFARP was filed December 12, 2008, to add violations discovered during a subsequent investigation. The Respondent filed an Answer on February 3, 2009. The Respondent signed the Agreed Order on March 27, 2009.</p> <p>Current Compliance Status: The Respondent's TPDES permit expired May 1, 2008, and has not yet been renewed. The Respondent owes \$4,178.42 in past-due fees and has not yet submitted documentation demonstrating compliance.</p> <p>MWD:</p> <p>1. Failed to provide and maintain the sludge management records [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 14405001, Sludge Provisions Section II(E)].</p> <p>2. Failed to provide and maintain the required records (effluent laboratory results, operating records, and maintenance records) [30 TEX. ADMIN. CODE § 319.7(c)].</p> <p>3. Failed to provide and maintain the required records (Discharge Monitoring Reports) [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 14405001, Monitoring and Reporting Requirement No. 1].</p> <p>4. Failed to design the contact chamber to provide a minimum average hydraulic residence time of 20 minutes at the design peak hydraulic flow [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.6(b)(3)(B)¹ and TPDES Permit No. 14405001, Effluent Monitoring Requirements No. 2].</p>	<p>Total Assessed: \$39,900</p> <p>Total Deferred: \$39,900 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$1,400/\$38,500</p> <p>The Respondent paid \$1,400 of the administrative penalty. The remaining amount of \$38,500 of the administrative penalty shall be payable in 35 monthly payments of \$1,100 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>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately, comply with the permit limits in expired TPDES Permit No. WQ0014405001 until such time that authorization to operate is obtained, or until 300 days after the effective date of the Order, whichever is earlier. 2. Within 30 days: <ol style="list-style-type: none"> a. Update the Plant's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual Sludge Report; b. Update the Plant's operational guidance and conduct employee training to ensure that effluent laboratory results, operating records and maintenance records requirements are properly accomplished; c. Update the plant's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of discharge monitoring reports; d. Construct and place proper railings around walkways; e. Submit an administratively complete permit application; and f. Submit payment of all outstanding fees. 3. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions 1 and 2. 4. Within 60 days, complete an assessment to have the chlorine contact chamber comply with the minimum standard for the average hydraulic residence time of 20 minutes at the design peak hydraulic flow. 5. Within 90 days, implement the recommendation of a Registered Professional Engineer to provide compliance with the minimum standard residence time for the chlorine contact chamber.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to have railings that conform with guidelines contained in the Occupational Safety and Health Act, Paragraph 1910.23 [30 TEX. ADMIN. CODE § 317.7(b)²].</p> <p>6. Failed to maintain authorization for the discharge of wastewater [30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a)].</p> <p>7. Failed to pay outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account No. 23005556 for FY 2004 through 2008 [TEX. WATER CODE §§ 5.702 and 26.0135(h) and 30 TEX. ADMIN. CODE § 21.4].</p> <p>¹ 30 TEX. ADMIN. CODE § 317.6(b)(3)(B) was recodified in 30 TEX. ADMIN. CODE § 217.281(b)(1) effective August 28, 2008 (33 Tex. Reg 6843).</p> <p>² 30 TEX. ADMIN. CODE § 317.7(b) was recodified in 30 TEX. ADMIN. CODE § 217.325 effective August 28, 2008 (33 Tex. Reg 6843).</p>		<p>6. Within 105 days, submit written certification to demonstrate compliance with Ordering Provisions 4 and 5.</p> <p>7. Within 300 days, submit certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is received.</p> <p>8. The Respondent shall respond completely and adequately to requests for information concerning the permit application in Ordering Provision 2.e., within 30 days after the date of such request.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

DATES	Assigned	18-Jun-2007	Screening	20-Jun-2007	EPA Due	
	PCW	12-Dec-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	International Airport Square Investment, Ltd. dba Roadway Inn International Airport
Reg. Ent. Ref. No.	RN103915674
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33903	No. of Violations	7	
Docket No.	2007-1014-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	J. Craig Fleming	
Multi-Media		EC's Team	EnforcementTeam 3	
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 14% Enhancement *Subtotals 2, 3, & 7*

Notes

Culpability No 0% Enhancement *Subtotal 4*

Notes

Good Faith Effort to Comply 0% Reduction *Subtotal 5*

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

Total EB Amounts 0% Enhancement* *Subtotal 6*
*Capped at the Total EB \$ Amount
Approx. Cost of Compliance

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 0% Reduction *Adjustment*

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

Notes

PAYABLE PENALTY

Screening Date 20-Jun-2007

Docket No. 2007-1014-MWD-E

PCW

Respondent International Airport Square Investment, Ltd. dba Roadw;

Policy Revision 2 (September 2002)

Case ID No. 33903

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN103915674

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

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)	2	10%
	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) 14%

>> 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 NOVs for similar violations, and two NOVs for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 14%

Screening Date 20-Jun-2007	Docket No. 2007-1014-MWD-E	PCW
Respondent International Airport Square Investment, Ltd. dba Roadway Inn In		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 33903		<i>PCW Revision May 25, 2007</i>
Reg. Ent. Reference No. RN103915674		
Media [Statute] Water Quality		
Enf. Coordinator J. Craig Fleming		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 14405001, Sludge Provisions, Section II(E)	
Violation Description	Failed to provide and maintain the sludge management records. Specifically, annual sludge reports for the years 2004, 2005, and 2006 were completed, but were not signed or submitted.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
				Percent <input type="text" value="5%"/>	
Matrix Notes	Much (30 to 70 percent) of a rule or permit requirement is not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three single events are recommended (one for each year).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$204"/>	Violation Final Penalty Total <input type="text" value="\$1,710"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,710"/>	

Economic Benefit Worksheet

Respondent International Airport Square Investment, Ltd. dba Roadway Inn International Airport

Case ID No. 33903

Reg. Ent. Reference No. RN103915674

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
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	\$1,000	1-Jan-2004	30-Jan-2008	4.1	\$204	n/a	\$204
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

Estimated cost to establish a record keeping system whereby the reports are documented, retrievable, and timely submitted. The Date Required was the first day of the reporting time period. The Final Date is the expected 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

NA

Approx. Cost of Compliance

\$1,000

TOTAL

\$204

Screening Date 20-Jun-2007

Docket No. 2007-1014-MWD-E

PCW

Respondent International Airport Square Investment, Ltd. dba Roadway Inn Int

Policy Revision 2 (September 2002)

Case ID No. 33903

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN103915674

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number

Rule Cite(s)

Violation Description

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

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

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="text" value="x"/>

Violation Base Penalty

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 International Airport Square Investment, Ltd. dba Roadway Inn International Airport
Case ID No. 33903
Reg. Ent. Reference No. RN103915674
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
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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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

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

NA

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 20-Jun-2007	Docket No. 2007-1014-MWD-E	PCW
Respondent International Airport Square Investment, Ltd. dba Roadway Inn Inte		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 33903		<i>PCW Revision May 25, 2007</i>
Reg. Ent. Reference No. RN103915674		
Media [Statute] Water Quality		
Enf. Coordinator J. Craig Fleming		
Violation Number	<input type="text" value="3"/>	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 14405001, Monitoring and Reporting, Requirement No. 1	
Violation Description	Failed to provide and maintain the required records. Specifically, no discharge monitoring reports (DMRs) for the years 2005 (except December), 2006 (except January through March), or 2007 have been submitted to the TCEQ or provided at the investigation.	
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 checked="" type="checkbox"/>	<input type="text"/>		<input type="text"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes	100% of the rule requirement was not met.				

Adjustment

Violation Events

Number of Violation Events <input type="text" value="25"/>	<input type="text" value="696"/>	Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	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 <input type="text" value="\$25,000"/>
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"/>													
25 single events are recommended.														

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$28,500"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$28,500"/>	

Economic Benefit Worksheet

Respondent International Airport Square Investment, Ltd. dba Roadway Inn International Airport

Case ID No. 33903

Reg. Ent. Reference No. RN103915674

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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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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

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

NA

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 20-Jun-2007	Docket No. 2007-1014-MWD-E	PCW
Respondent International Airport Square Investment, Ltd. dba Roadway Inn Int		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 33903		<i>PCW Revision May 25, 2007</i>
Reg. Ent. Reference No. RN103915674		
Media [Statute] Water Quality		
Enf. Coordinator J. Craig Fleming		
Violation Number	<input type="text" value="4"/>	
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 317.6(b)(3)(B), and TPDES Permit No. 14405001, Effluent Limitations and Monitoring Requirements, No. 2	
Violation Description	Failed to design the contact chamber to provide a minimum average hydraulic residence time of 20 minutes at the design peak hydraulic flow. Specifically, due to the inadequate design of the contact chamber, the requirement for 20 minutes detention time at peak flow was not met.	
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"/>	x	Percent <input type="text" value="5%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

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	x	

Violation Base Penalty

One single event is 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 International Airport Square Investment, Ltd. dba Roadway Inn International Airport

Case ID No. 33903

Reg. Ent. Reference No. RN103915674

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	\$10,000	18-May-2007	1-Feb-2007	-0.3	-\$10	-\$194	-\$203
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to construct a new chlorine contact basin. The Date Required was the date of the investigation. The Final Date is the expected 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

NA

Approx. Cost of Compliance

\$10,000

TOTAL

-\$203

Screening Date 20-Jun-2007	Docket No. 2007-1014-MWD-E	PCW
Respondent International Airport Square Investment, Ltd. dba Roadway Inn Intc	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33903	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN103915674		
Media [Statute] Water Quality		
Enf. Coordinator J. Craig Fleming		
Violation Number <input type="text" value="5"/>		
Rule Cite(s)	30 Tex. Admin. Code § 317.7(b)	
Violation Description	Failed to have railings that conform with guidelines contained in the Occupational Safety and Health Act, Paragraph 1910.23. Specifically, the handrails were either not provided or maintained around all the walkways.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual				
Potential	x			Percent <input type="text" value="25%"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification				Percent <input type="text" value="0%"/>

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

\$2,500

Violation Events

Number of Violation Events **Number of violation days**

<i>mark only one with an x</i>	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty

Two monthly events are recommended calculated from the investigation date (May 18, 2007) through the screening date (June 20, 2007).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$123"/>	Violation Final Penalty Total <input type="text" value="\$5,700"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,700"/>	

Economic Benefit Worksheet

Respondent International Airport Square Investment, Ltd. dba Roadway Inn International Airport
Case ID No. 33903
Reg. Ent. Reference No. RN103915674
Media Water Quality
Violation No. 5

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)	\$2,500	18-May-2007	30-Jan-2008	0.7	\$6	\$117	\$123
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install handrails where appropriate in the wastewater treatment plant. The Date Required was the date of the investigation. The Final Date is the expected 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

NA

Approx. Cost of Compliance

\$2,500

TOTAL

\$123

Screening Date 20-Jun-2007	Docket No. 2007-1014-MWD-E	PCW
Respondent International Airport Square Investment, Ltd. dba Roadway Inn Inte	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33903	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN103915674		
Media [Statute] Water Quality		
Enf. Coordinator J. Craig Fleming		
Violation Number	6	
Rule Cite(s)	Tex. Water Code § 26.121(a) and 30 Tex. Admin. Code §§ 305.65 and 305.125(2)	
Violation Description	Failed to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014405001 by May 1, 2008, and is continuing to discharge wastewater from the Facility without authorization.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release				
	Actual				
	Potential				Percent 0%

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification	x			Percent 10%
Matrix Notes	100% of the permit requirement was not met.				
Adjustment					\$9,000

\$1,000

Violation Events

Number of Violation Events: Number of violation days

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

Violation Base Penalty

Two monthly events are recommended based on the date the TPDES permit expired (May 1, 2008) to the screening date (July 2, 2008).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$126"/>	Violation Final Penalty Total <input type="text" value="\$2,280"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,280"/>	

Economic Benefit Worksheet

Respondent International Airport Square Investment, Ltd. dba Roadway Inn International Airport
Case ID No. 33903
Reg. Ent. Reference No. RN103915674
Media Water Quality
Violation No. 6

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	\$5,000	1-May-2008	1-Nov-2008	0.5	\$126	n/a	\$126
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a new permit application to obtain authorization to discharge wastewater. The Date Required is the date the previous permit expired. The Final Date is the expected 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

\$5,000

TOTAL

\$126

Screening Date 20-Jun-2007	Docket No. 2007-1014-MWD-E	PCW
Respondent International Airport Square Investment, Ltd. dba Roadway Inn Intc		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 33903		<i>PCW Revision May 25, 2007</i>
Reg. Ent. Reference No. RN103915674		
Media [Statute] Water Quality		
Enf. Coordinator J. Craig Fleming		
Violation Number	<input type="text" value="7"/>	
Rule Cite(s)	<input type="text" value="Tex. Water Code §§ 5.702 and 26.0135(h) and 30 Tex. Admin. Code § 21.4"/>	
Violation Description	<input type="text" value="Failed to pay outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account No. 23005556 for FY 2004 through 2008."/>	
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 type="text"/>		<input type="text"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes	<input type="text" value="N/A"/>				

Adjustment

Violation Events

	<input type="text"/>	<input type="text"/>	Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Please Select One	Violation Base Penalty <input type="text" value="\$0"/>
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	<input type="text"/>														

No penalty is recommended because the fees and interest will be assessed at the next billing cycle.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$0"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$0"/>	

Economic Benefit Worksheet

Respondent International Airport Square Investment, Ltd. dba Roadway Inn International Airport
Case ID No. 33903
Reg. Ent. Reference No. RN103915674
Media Water Quality
Violation No. 7

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

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 \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator: CN602421307 International Airport Square Investment, Ltd. Classification: AVERAGE Rating: 6.80

Regulated Entity: RN103915674 ROADWAY INN INTERNATIONAL AIRPORT Classification: AVERAGE Site Rating: 6.80

ID Number(s):
 WASTEWATER PERMIT WQ0014405001
 WASTEWATER PERMIT TPDES0079570
 WASTEWATER PERMIT TX0079570

Location: Approximately 1,000 feet west of U.S. Highway 59 and 2,000 feet southwest of the intersection of Will Clayton Parkway and U.S. Highway 59 in Harris County, Texas Rating Date: September 01 06 Repeat Violato

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 19, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 19, 2002 to June 19, 2007

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? | <u>N/A</u> |
| 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 | 04/02/2004 | (264055) |
| 2 | 09/28/2004 | (290589) |
| 3 | 12/21/2005 | (497008) |
| 4 | 01/19/2006 | (476250) |
| 5 | 01/25/2006 | (439235) |
| 6 | 04/12/2006 | (461664) |
| 7 | 08/08/2006 | (488468) |
| 8 | 11/21/2006 | (518941) |
| 9 | 06/12/2007 | (562388) |

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

S	1	Date: 04/02/2004	(264055)	
		Self Report?	NO	Classification: Moderate
		Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(g)[G]	
		Description:	Failure to properly maintain the aeration basin.	
		Self Report?	NO	Classification: Moderate
		Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)[G] 30 TAC Chapter 319, SubChapter A 319.7(c)	
		Description:	Failure to perform chlorine standards and/or duplicates as required.	

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 317 317.7(b)		
	Description:	Failure to provide safe walkways and handrails at the wastewater treatment		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 317 317.7(e)		
	Description:	Failure to display hazard signs on the perimeter of the plant as required.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 317 317.7(e)		
NS 2	Date	12/21/2005 (497008)		
	Description:	Failure to maintain an intruder resistant fence.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
NS 3	Date	12/31/2005 (476250)		
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

S 4 Description: TWC Chapter 26 26.121(a)[G]
 Failure to meet the limit for one or more permit parameter
 Date 01/24/2006 (439235)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT 14405-001
 Description: Failure to provide and maintain sludge management records.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.3[G]
 Description: Failure to maintain the standby pump in the onsite lift station.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to provide and maintain the required records.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 317 317.6(b)(3)(B)
 Rqmt Prov: PERMIT 10455-001
 Description: Failure to maintain compliance with the permitted total chlorine residual limit
 at the minimum required detention time.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.7(b)
 Description: Failure to provide safe walkways and handrails around the wastewater
 treatment plant (WWTP).

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
INTERNATIONAL AIRPORT
SQUARE INVESTMENT, LTD.
DBA ROADWAY INN
INTERNATIONAL AIRPORT;
RN103915674

§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1014-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding International Airport Square Investment, Ltd. dba Roadway Inn International Airport ("Roadway") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Roadway, represented by Mr. James A. Dunn of the law firm of Dunn, Neal & Gerger, L.L.P., appear before the Commission and together stipulate that:

1. Roadway owns and operates a wastewater treatment plant located approximately 1,000 feet east of U.S. Highway 59 and 2,000 feet southeast of the intersection of Will Clayton Parkway and U.S. Highway 59 in Harris County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE chs. 5, 7 and 26 and TCEQ rules.
3. The Commission and Roadway agree that the Commission has jurisdiction to enter this Agreed Order, and that Roadway is subject to the Commission's jurisdiction.
4. Roadway received notice of the violations in Section II ("Allegations"), paragraph 1 on or about June 17, 2007.

5. Roadway received notice of the violations in Section II ("Allegations"), paragraph 2 on or about June 25, 2008.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Roadway of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
7. An administrative penalty in the amount of thirty-nine thousand nine hundred dollars (\$39,900.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Roadway paid one thousand four hundred dollars (\$1,400.00) of the administrative penalty. The remaining amount of thirty-eight thousand five hundred dollars (\$38,500.00) of the administrative penalty shall be payable in 35 monthly payments of one thousand one hundred dollars (\$1,100.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Roadway fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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, Roadway's failure to meet the payment schedule of this Agreed Order constitutes the failure by Roadway to timely and satisfactorily comply with all of the terms of this Agreed Order
8. 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.
9. The Executive Director of the TCEQ and Roadway agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
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 Roadway 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

1. During an inspection conducted on May 18, 2007, a TCEQ Houston Regional Office investigator documented that Roadway violated:
 - a. 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 14405001, Sludge Provisions Section II(E) by failing to provide and maintain the sludge management records. Specifically, annual sludge reports for the years 2004, 2005, and 2006 were completed, but were not signed or submitted.
 - b. 30 TEX. ADMIN. CODE § 319.7(c) by failing to provide and maintain the required records. Specifically, the effluent laboratory results, operating records, and maintenance records prior to December 21, 2006 were not available for review.
 - c. 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 14405001, Monitoring and Reporting Requirement No. 1 by failing to provide and maintain the required records. Specifically, no discharge monitoring reports (“DMRs”) for the periods of January through November 2005, April through December 2006, or 2007 have been submitted to the TCEQ or provided at the time of the inspection.
 - d. 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.6(b)(3)(B)¹ and TPDES Permit No. 14405001, Effluent Limitations and Monitoring Requirements No. 2 by failing to design the contact chamber to provide a minimum average hydraulic residence time of 20 minutes at the design peak hydraulic flow. Specifically, due to the inadequate design of the contact chamber, the requirement for 20 minutes detention time at peak flow was not met.
 - e. 30 TEX. ADMIN. CODE § 317.7(b)² by failing to have railings that conform with guidelines contained in the Occupational Safety and Health Act, Paragraph 1910.23. Specifically, the handrails were either not provided or maintained around all of the walkways.

¹ 30 TEX. ADMIN. CODE § 317.6(b)(3)(B) was recodified in 30 TEX. ADMIN. CODE § 217.281(b)(1) effective August 28, 2008, by 33 Tex. Reg 6843.

² 30 TEX. ADMIN. CODE § 317.7(b) was recodified in 30 TEX. ADMIN. CODE § 217.325 effective August 28, 2008, by 33 Tex. Reg 6843.

2. During an inspection conducted on June 13, 2008, a TCEQ Houston Regional Office investigator documented that Roadway violated:
 - a. 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a) by failing to maintain authorization for the discharge of wastewater. Specifically, Roadway did not renew TPDES Permit No. WQ0014405001 by May 1, 2008, and is continuing to discharge wastewater from the Plant without authorization.
 - b. TEX. WATER CODE §§ 5.702 and 26.0135(h) and 30 TEX. ADMIN. CODE § 21.4 by failing to pay outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account No. 23005556 for FY 2004 through 2008.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Roadway pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and Roadway'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: International Airport Square Investment, Ltd. dba Roadway Inn International Airport, Docket No. 2007-1014-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. Roadway shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Roadway shall comply with the permit limits in expired TPDES Permit No. WQ0014405001 until such time that authorization to operate is obtained, or until 300 days after the effective date of this Agreed Order, whichever is earlier;

- b. Within 30 days after the effective date of this Agreed Order, Roadway shall:
- i. Update the Plant's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual Sludge Reports, in accordance with TPDES Permit No. WQ0014405001, Sludge Provisions Reporting Requirements.
 - ii. Update the Plant's operational guidance and conduct employee training to ensure that effluent laboratory results, operating records and maintenance records requirements are properly accomplished, in accordance with 30 TEX. ADMIN. CODE § 319.7(c).
 - iii. Update the plant's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of discharge monitoring reports, in accordance with TPDES Permit No. WQ0014405001, Effluent Limitations Monitoring and Reporting Requirements.
 - iv. Construct and place the proper railings around the walkways, as required by 30 TEX. ADMIN. CODE § 217.325.
 - v. Submit an administratively complete permit application in accordance with 30 TEX. ADMIN. CODE ch. 305 to:

Application and Review Processing Team
Water Quality Division, MC-148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- c. Roadway shall respond completely and adequately, as determined by TCEQ, to all requests for information concerning the permit application within 30 days after the date of such request or by any other deadline specified in writing.
- d. Within 30 days after the effective date of this Agreed Order, Roadway shall submit payment for all outstanding fees, including any associated penalties and interest with the notation, "International Airport Square Investment, Ltd. dba Roadway Inn International Airport for TCEQ Account No. 23005556," 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

- e. Within 45 days after the effective date of this Agreed Order, Roadway shall submit written certification as described in Ordering Provision No. 2.j., below, to demonstrate compliance with Ordering Provisions 2.a. through 2.d.;
- f. Within 60 days after the effective date of this Agreed Order, Roadway shall complete an assessment by a Registered Professional Engineer to have the chlorine contact chamber comply with the minimum standard for the average hydraulic residence time of 20 minutes at the design peak hydraulic flow, as required by 30 TEX. ADMIN. CODE § 217.281(b)(1);
- g. Within 90 days after the effective date of this Agreed Order, Roadway shall implement the recommendation of the Registered Professional Engineer to provide compliance with the minimum standard residence time for the chlorine contact chamber, as required by 30 TEX. ADMIN. CODE § 217.281(b)(1); and
- h. Within 105 days after the effective date of this Agreed Order, submit written certification as described in 2.j., below, to demonstrate compliance with Ordering Provision Nos. 2.f. and 2.g.
- i. Within 300 days after the effective date of this Agreed Order, Roadway shall submit written certification as described in Ordering Provision 2.j., below, that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts, photographs, and/or other records to demonstrate compliance.
- j. The certifications required by Ordering Provisions Nos. 2.e., 2.h. and 2.i. shall include photographs, receipts, and/or other records to demonstrate compliance. 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 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 169A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon Roadway. Roadway is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Roadway fails 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, Roadway's failure to comply is not a violation of this Agreed Order. Roadway shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Roadway shall notify the Executive Director within seven days after Roadway becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 Roadway shall be made in writing to the Executive Director. Extensions are not effective until Roadway receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Roadway 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.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Roadway, or three days after the date on which the Commission mails notice of the Order to Roadway, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

International Airport Square Investment, Ltd. dba Roadway Inn International Airport
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

5/3/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 Roadway's compliance history;
- Greater scrutiny of any permit applications submitted by Roadway;
- 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 Roadway;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Roadway; and
- TCEQ seeking other relief as authorized by law.

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

Signature *[Signature]*

Date 27.3.2009

Name (Printed or typed)
Authorized representative of
International Airport Square Investment, Ltd.
dba Roadway Inn International Airport

Manager
Title

M. K. ARORA