

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 5
DOCKET NO.: 2010-0561-MWD-E **TCEQ ID:** RN102852621 **CASE NO.:** 39476
RESPONDENT NAME: Kobra Mirhaj

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: East Mount Houston MHP, 6341 East Mount Houston Road, approximately 600 feet north of East Mount Houston Road and approximately 1.3 miles west of the intersection of Farm-to-Market Road 527 and East Mount Houston Road, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment system</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 September 6, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mrs. Redow Karbalai, Authorized Agent, Kobra Mirhaj, P.O. Box 55528, Houston, Texas 77255-5528 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input 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 2, 2010</p> <p>Date of NOV/NOE Relating to this Case: March 29, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to employ a certified operator with the proper level of license to operate the Facility. Specifically, the Respondent employed an operator with an expired Category D license but the Facility is required to be operated by a Category C or higher operator [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013955001, Other Requirements No. 1].</p> <p>2) Failure to provide an audio visual alarm system for all lift stations, atmospheric vacuum breakers for all potable water washdown hoses, and backup systems necessary to achieve compliance with permit conditions. Specifically, an audio-visual alarm system was not installed on the Facility lift station, a backflow prevention device was not installed on the washdown hose bibb on top of the wastewater treatment plant, and the aeration basin does not have a backup blower [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.3(e)(5), and 317.7(i), and TPDES Permit No. WQ0013955001, Operational Requirements No. 1].</p> <p>3) Failure to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly</p>	<p>Total Assessed: \$60,083</p> <p>Total Deferred: \$12,016 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$1,342 (remaining \$46,725 due in 35 monthly payments of \$1,335 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent hired a Class C licensed operator by February 8, 2010.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Calibrate the flow meter for accuracy and continue to calibrate it as often as necessary to ensure accuracy, but not less than annually;</p> <p>ii. Perform routine maintenance on the bar screen to ensure it remains unclogged and that trash does not spill over the sides of the bar screen into the aeration basin;</p> <p>iii. Repair or replace the ventilation fan in the chlorine room and ensure that it remains operational;</p> <p>iv. Replace the leaking trash can used to contain bar screenings with a covered leak proof container and clean the affected area around the old trash can;</p> <p>v. Update operational guidance and conduct employee training to ensure that all notifications, reports, and monitoring data are submitted timely;</p> <p>vi. Develop and implement a system to maintain records that are readily available for review;</p> <p>vii. Complete and submit the ASR that was due September 1, 2009;</p> <p>viii. Submit the noncompliance notification reports for effluent limit violations which deviated from the permitted effluent limitation by more than 40% for January, February, and May, 2009; and</p> <p>ix. Clear the activated sludge and scum return lines to the aeration basin and</p>

<p>operated and maintained. Specifically, the aeration basin activated sludge and scum return lines were plugged, the clarifier contained four feet of sludge which is 44% of total water depth, the chlorine contact basin contained three feet of settled sludge and had floating grease and sludge, the bar screen was observed to be clogged causing influent with trash to spill over the sides of the bar screen into the aeration basin, and the ventilation fan in the chlorine room was not operational [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.6(b)(1)(E) and TPDES Permit No. WQ0013955001, Operational Requirements No. 1].</p> <p>4) Failure to prevent unauthorized discharges of sludge. Specifically, sludge discharged to the receiving stream from outfall 001 was approximately one foot thick and was observed approximately 378 feet downstream and 30 feet upstream from the discharge pipe [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), and TPDES Permit No. WQ0013955001, Permit Conditions No. 2.d. and Operational Requirements No. 1].</p> <p>5) Failure to report an unauthorized discharge orally or by facsimile transmission within 24 hours and in writing within five working days of becoming aware of the noncompliance. Specifically, sludge discharged from the Facility to the receiving stream was not reported [30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 7.a.].</p> <p>6) Failure to prevent unauthorized discharges of wastewater. Specifically, wastewater was observed to be leaking onto the ground through holes cut in a trash can used to contain debris collected from the bar screen and the aeration basin was leaking near the bottom on the side facing the on-site lift-station [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), and TPDES Permit No. WQ0013955001, Permit Conditions No. 2.g. and Operational Requirements No. 1].</p> <p>7) Failure to accurately calibrate the flow meter. Specifically, a flow meter accuracy check conducted during the investigation indicated a 28% difference between the recorded and</p>		<p>ensure they remain unplugged.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Install a backflow prevention device on the washdown hose bibb on top of the wastewater treatment plant;</p> <p>ii. Install an audio-visual alarm on the Facility lift station; and</p> <p>iii. Repair the leak at the base of the aeration basin and clean the area affected by the leak.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide a backup blower for the aeration basin;</p> <p>ii. Remove excess sludge from the clarifier and chlorine contact basin and have it transported by a licensed hauler and disposed of properly; and</p> <p>iii. Remove sewage sludge from the receiving stream and have it transported by a licensed hauler and disposed of properly.</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision e.</p>
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calculated flow rates [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 5].

8) Failure to have all required monitoring and reporting records available for review upon request. Specifically, records from January through December 2009 were not available for the following: discharge monitoring, sludge disposal, sampling and laboratory data, calibration and maintenance, quality assurance/quality control, process control, and operation and maintenance. Also, test certificates for the flow meter and backflow prevention device were not available for review [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(a) and (c), and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements Nos. 3.b. and 3.c.].

9) Failure to submit an annual sludge report ("ASR") to the TCEQ by September 1 of each year. Specifically, the Respondent did not submit an ASR for the 2009 reporting period [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 312.123 and TPDES Permit No. WQ0013955001, Sludge Provisions].

10) Failure to timely submit monitoring results at the intervals specified in the permit. Specifically, the February 2009 discharge monitoring report ("DMR") was submitted on April 4, 2009, the March 2009 DMR was submitted on June 1, 2009, the April 2009 DMR was submitted on June 29, 2009, and the DMRs for June, July, and August 2009 were submitted on November 6, 2009 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 1].

11) Failure to submit noncompliance notification reports for effluent limit violations which deviate from the permitted effluent limitation by more than 40%. Specifically, the Regional Office and the Enforcement Division were not notified in writing that the recorded values of total suspended solids for January and February, 2009 and ammonia nitrogen for May, 2009, exceeded the permitted limits by more than 40% [30 TEX. ADMIN. CODE §§

305.125(1) and (9) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 7.c.].		
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Additional ID No(s).: TPDES Permit No. WQ0013955001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	29-Mar-2010	Screening	8-Apr-2010	EPA Due	
	PCW	6-Apr-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Kobra Mirhaj		
Reg. Ent. Ref. No.	RN102852621		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39476	No. of Violations	11
Docket No.	2010-0561-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Jecha
		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	\$28,600
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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	110.0% Enhancement	Subtotals 2, 3, & 7	\$31,460
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Notes: Enhancement for 15 NOVs with self-reported effluent data, two NOVs with same or similar violations, and one agreed order without a denial of liability issued to the Facility within the past five years.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$917
Approx. Cost of Compliance	\$21,050

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$59,810
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.5%	Adjustment	\$273
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount	\$60,083
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$60,083
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DEFERRAL	20.0% Reduction	Adjustment	-\$12,016
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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	\$48,067
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Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

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)	17	85%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 110%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 15 NOVs with self-reported effluent data, two NOVs with same or similar violations, and one agreed order without a denial of liability issued to the Facility within the past five years.

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

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013955001, Other Requirements No. 1

Violation Description Failed to employ a certified operator with the proper level of license to operate the Facility. Specifically, the Respondent employed an operator with an expired Category D license but the Facility is required to be operated by a Category C or higher operator.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 6

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the February 2, 2010 investigation date until the date of compliance on February 8, 2010.

Good Faith Efforts to Comply

25.0% Reduction \$250

	Reduction	
	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes A properly certified operator was employed by February 8, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$173

Violation Final Penalty Total \$1,858

This violation Final Assessed Penalty (adjusted for limits) \$1,858

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39478
Reg. Ent. Reference No. RN102852621
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$10,000	2-Feb-2010	8-Feb-2010	0.02	\$8	\$164	\$173
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Annual salary difference between a Category C and a Category D licensed wastewater operator. The date required is the investigation date and the final date is the date it was documented that a properly certified operator was hired.

Approx. Cost of Compliance

\$10,000

TOTAL

\$173

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5), 317.3(e)(5) and 317.7(l), and TPDES Permit No. WQ0013965001, Operational Requirements No. 1

Violation Description

Failed to provide an audio visual alarm system for all lift stations, atmospheric vacuum breakers for all potable water washdown hoses, and backup systems necessary to achieve compliance with permit conditions. Specifically, an audio-visual alarm system was not installed on the Facility lift station, a backflow prevention device was not installed on the washdown hose bibb on top of the wastewater treatment plant, and the aeration basin does not have a backup blower.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment could be exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 65

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events (one quarterly event per item) are recommended from the February 2, 2010 investigation until case screening on April 8, 2010.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$286

Statutory Limit Test

Violation Final Penalty Total \$6,329

This violation Final Assessed Penalty (adjusted for limits) \$6,329

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39478
Reg. Ent. Reference No. RN102852621
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	\$4,000	2-Feb-2010	10-Feb-2011	1.02	\$14	\$273	\$286
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a backflow prevention device, an audiovisual alarm, and a backup blower at the Facility.
The date required is the investigation date and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

TOTAL

\$286

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.6(b)(1)(E), and TPDES Permit No. WQ0013955001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the aeration basin activated sludge and scum return lines were plugged, the clarifier contained four feet of sludge which is 44% of total water depth, the chlorine contact basin contained three feet of settled sludge and had floating grease and sludge, the bar screen was observed to be clogged causing influent with trash to spill over the sides of the bar screen into the aeration basin, and the ventilation fan in the chlorine room was not operational.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 Number of violation days 65

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

Violation Base Penalty \$7,500

Three monthly events are recommended from the February 2, 2010 investigation date until case screening on April 8, 2010.

Good Faith Efforts to Comply

	0.0% Reduction	\$0
	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 for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$255

Violation Final Penalty Total \$15,822

This violation Final Assessed Penalty (adjusted for limits) \$15,822

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39476
Reg. Ent. Reference No. RN102852621
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	2-Feb-2010	10-Feb-2011	1.02	\$255	n/a	\$255

Notes for DELAYED costs

Estimate cost of maintenance to restore proper operation. The date required is the investigation date and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$255

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 4

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), (4), and (5), and TPDES Permit No. WQ0013955001, Permit Conditions No. 2.d. and Operational Requirements No. 1.

Violation Description Failed to prevent unauthorized discharges of sludge. Specifically, sludge discharged to the receiving stream from outfall 001 was approximately one foot thick and was observed approximately 378 feet downstream and 30 feet upstream from the discharge pipe.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

65 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three monthly events are recommended from the February 2, 2010 investigation date until case screening on April 8, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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 for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$16,822

This violation Final Assessed Penalty (adjusted for limits) \$16,822

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39478
Reg. Ent. Reference No. RN102852621
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$900	2-Feb-2010	10-Feb-2011	1.02	\$46	n/a	\$46
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove sewage sludge from the receiving stream and dispose of it properly. The date required is the investigation date and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$900

TOTAL

\$46

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0013965001, Monitoring and Reporting Requirements No. 7.a

Violation Description

Failed to report an unauthorized discharge orally or by facsimile transmission within 24 hours and in writing within five working days of becoming aware of the noncompliance. Specifically, sludge discharged from the Facility to the receiving stream was not reported.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 65

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	Reduction
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

\$0

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$2,110

This violation Final Assessed Penalty (adjusted for limits) \$2,110

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39476
Reg. Ent. Reference No. RN102852621
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	2-Feb-2010	12-Dec-2010	0.86	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that all notifications, reports, and data are submitted timely. The date required is the investigation date and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance (2)				0.00	\$0	\$0	\$0
ONE-TIME avoided costs (3)	\$100	2-Feb-2010	5-Feb-2010	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to submit a noncompliance report. The date required is the investigation date and the final date is the date the written report was due.

Approx. Cost of Compliance

\$200

TOTAL

\$104

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102862624

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 6

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), (4), and (5), and TPDES Permit No. WQ0013955001, Permit Conditions No. 2.g. and Operational Requirements No. 1.

Violation Description

Failed to prevent unauthorized discharges of wastewater. Specifically, wastewater was observed to be leaking onto the ground through holes cut in a trash can used to contain debris collected from the bar screen and the aeration basin was leaking near the bottom on the side facing the on-site lift-station.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

65 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events (one event for each discharge) are recommended from the February 2, 2010 investigation date until case screening on April 8, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$4,219

This violation Final Assessed Penalty (adjusted for limits) \$4,219

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39478
Reg. Ent. Reference No. RN102852621
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	2-Feb-2010	10-Feb-2011	1.02	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to replace the trash can with a leak proof container, repair the leak in the aeration basin, and clean the affected areas. The date required is the investigation date and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$15

Screening Date 8-Apr-2010

Docket No. 2010-0581-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 5

Violation Description

Failed to accurately calibrate the flow meter. Specifically, a flow meter accuracy check conducted during the investigation indicated a 28% difference between the recorded and calculated flow rates.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

1

65 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the February 2, 2010 investigation date until case screening on April 8, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$2,110

This violation Final Assessed Penalty (adjusted for limits) \$2,110

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39476
Reg. Ent. Reference No. RN102852621
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	2-Feb-2010	12-Dec-2010	0.86	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to calibrate the flow meter. The date required is the investigation date and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$9

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(a) and (c), and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements Nos. 3.b, and 3.c.

Violation Description

Failed to have all required monitoring and reporting records available for review upon request. Specifically, records from January through December 2009 were not available for the following: discharge monitoring, sludge disposal, sampling and laboratory data, calibration and maintenance, quality assurance/quality control, process control, and operation and maintenance. Also, test certificates for the flow meter and backflow prevention device were not available for review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

More than 70% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

	1	65	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	Reduction	\$0
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	X	(mark with x)	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$2,110

This violation Final Assessed Penalty (adjusted for limits) \$2,110

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39476
Reg. Ent. Reference No. RN102852621
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	2-Feb-2010	12-Dec-2010	0.86	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a system to maintain records that are readily available. The date required is the investigation date and the final date is the expected date of compliance.

Avoided Costs

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$9

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17) and 312.123 and TPDES Permit No. WQ0013955001, Sludge Provisions

Violation Description

Failed to submit an annual sludge report ("ASR") to the TCEQ by September 1 of each year. Specifically, the Respondent did not submit an ASR for the 2009 reporting period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$2,110

This violation Final Assessed Penalty (adjusted for limits) \$2,110

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39476
Reg. Ent. Reference No. RN102852621
Media Water Quality
Violation No. 9

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2009	12-Dec-2010	1.28	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to complete and submit an annual sludge report. The Date Required is the date the report was due and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the February 2009 discharge monitoring report ("DMR") was submitted on April 4, 2009, the March 2009 DMR was submitted on June 1, 2009, the April 2009 DMR was submitted on June 29, 2009, and the DMRs for June, July, and August 2009 were submitted on November 6, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Release	Major	Moderate	
Actual				0%
Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 6 Number of violation days 181

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

Violation Base Penalty \$600

Six single events are recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NGV to EOPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,268

This violation Final Assessed Penalty (adjusted for limits) \$1,268

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39476
Reg. Ent. Reference No. RN102852621
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation No. 5.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 8-Apr-2010

Docket No. 2010-0561-MWD-E

PCW

Respondent Kobra Mirhaj

Policy Revision 2 (September 2002)

Case ID No. 39476

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102852621

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 7.c.

Violation Description

Failed to submit noncompliance notification reports for effluent limit violations which deviate from the permitted effluent limitation by more than 40%. Specifically, the Regional Office and the Enforcement Division were not notified in writing that the recorded values of total suspended solids for January and February, 2009 and ammonia nitrogen for May, 2009, exceeded the permitted limits by more than 40%.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 90

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,000

Three single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	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 for this violation.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$6,329

This violation Final Assessed Penalty (adjusted for limits) \$6,329

Economic Benefit Worksheet

Respondent Kobra Mirhaj
Case ID No. 39478
Reg. Ent. Reference No. RN102852621
Media Water Quality
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
--	-----------	---------------	------------	-----	----------------	---------------	-----------

Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	5-Feb-2009	12-Dec-2010	1.85	\$14	n/a	\$14

Notes for DELAYED costs

Estimated costs of preparing and submitting the noncompliance reports. The date required is the date the January 2009 noncompliance report was due and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$14

13	04/20/2006	(504472)
14	05/24/2006	(504473)
15	06/20/2006	(504474)
16	07/28/2006	(526795)
17	10/16/2006	(512220)
18	01/22/2007	(626683)
19	01/22/2007	(626685)
20	01/22/2007	(626687)
21	01/22/2007	(626689)
22	01/22/2007	(626691)
23	01/28/2007	(675969)
24	02/22/2007	(541056)
25	03/22/2007	(626677)
26	03/22/2007	(626692)
27	05/25/2007	(626678)
28	05/25/2007	(626679)
29	05/25/2007	(626680)
30	08/20/2007	(626681)
31	08/20/2007	(626682)
32	09/18/2007	(626684)
33	11/19/2007	(626686)
34	11/19/2007	(626688)
35	11/19/2007	(626690)
36	01/20/2008	(754747)
37	01/20/2008	(754748)
38	01/28/2008	(675968)
39	04/04/2008	(694346)
40	04/04/2008	(694347)
41	07/22/2008	(694348)
42	07/22/2008	(694349)
43	07/22/2008	(694350)
44	10/27/2008	(688198)
45	12/17/2008	(731423)
46	12/17/2008	(731424)
47	12/17/2008	(731425)
48	02/17/2009	(726596)
49	02/25/2009	(754745)
50	02/25/2009	(754746)
51	02/25/2009	(754749)
52	03/26/2009	(739275)
53	04/24/2009	(771963)
54	05/08/2009	(737869)
55	06/01/2009	(771964)
56	03/29/2010	(791224)

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

Date:	02/28/2006	(478142)	CN601445471
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:	03/31/2006	(504472)	CN601445471
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: 09/30/2006 (626687) CN601445471
 Self YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/16/2006 (512220) CN601445471
 Self NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to provide a copy of an annual test report form for the back flow prevention device
 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)
 Description: Failure to submit the annual sludge reports as required by the permit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to maintain compliance with the permitted effluent limits for Total suspended solids(TSS) and Ammonia Nitrogen (NH3N).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to report the number of permit excursions on the Discharge Monitoring Reports (DMRs).
 Date 09/30/2007 (626688) CN601445471
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 10/31/2007 (626690) CN601445471
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2008 (694346) CN601445471
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 04/30/2008 (694349) CN601445471
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 05/31/2008 (754746) CN601445471
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 06/30/2008 (694350) CN601445471
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 07/31/2008 (731423) CN601445471
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 08/31/2008 (731424) CN601445471
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 09/30/2008 (731425) CN601445471
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 10/27/2008 (688198) CN601445471
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
ELMR, No. 1 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS) and ammonia-nitrogen (NH3-N).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
MRR, No. 7c PERMIT

Description: Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limit by more than 40%.
Date 10/31/2008 (754747) CN601445471
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 01/31/2009 (754745) CN601445471
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 02/28/2009 (771963) CN601445471
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
KOBRA MIRHAJ
RN102852621

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0561-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 Kobra Mirhaj ("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 system at 6341 East Mount Houston Road, approximately 600 feet north of East Mount Houston Road and approximately 1.3 miles west of the intersection of Farm-to-Market Road 527 and East Mount Houston Road in 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 April 3, 2010.
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 Sixty Thousand Eighty-Three Dollars (\$60,083) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Three Hundred Forty-Two Dollars (\$1,342) of the administrative penalty and Twelve Thousand Sixteen Dollars (\$12,016) 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.

The remaining amount of Forty-Six Thousand Seven Hundred Twenty-Five Dollars (\$46,725) of the administrative penalty shall be payable in thirty-five (35) monthly payments of One Thousand Three Hundred Thirty-Five Dollars (\$1,335) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and 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 hired a Class C licensed operator by February 8, 2010.
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 employ a certified operator with the proper level of license to operate the Facility, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013955001, Other Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, the Respondent employed an operator with an expired Category D license but the Facility is required to be operated by a Category C or higher operator.
2. Failed to provide an audio visual alarm system for all lift stations, atmospheric vacuum breakers for all potable water washdown hoses, and backup systems necessary to achieve compliance with permit conditions, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.3(e)(5) and 317.7(i), and TPDES Permit No. WQ0013955001, Operational Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, an audio-visual alarm system was not installed on the Facility lift station, a backflow prevention device was not installed on the washdown hose bibb on top of the wastewater treatment plant, and the aeration basin does not have a backup blower.
3. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.6(b)(1)(E), and TPDES Permit No. WQ0013955001, Operational Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, the aeration basin activated sludge and scum return lines were plugged, the clarifier contained four feet of sludge which is 44% of total water depth, the chlorine contact basin contained three feet of settled sludge and had floating grease and sludge, the bar screen was observed to be clogged causing influent with trash to spill over the sides of the bar screen into the aeration basin, and the ventilation fan in the chlorine room was not operational.
4. Failed to prevent unauthorized discharges of sludge, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), and TPDES Permit No. WQ0013955001, Permit Conditions No. 2.d. and Operational Requirements No. 1., as documented during an investigation conducted on February 2, 2010. Specifically, sludge discharged to the receiving stream from outfall 001 was approximately one foot thick and was observed approximately 378 feet downstream and 30 feet upstream from the discharge pipe.
5. Failed to report an unauthorized discharge orally or by facsimile transmission within 24 hours and in writing within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 7.a., as documented during an investigation conducted on February 2, 2010. Specifically, sludge discharged from the Facility to the receiving stream was not reported.
6. Failed to prevent unauthorized discharges of wastewater, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), and TPDES Permit No. WQ0013955001, Permit Conditions No. 2.g. and Operational Requirements No. 1., as documented during an investigation conducted on February 2, 2010. Specifically, wastewater was observed to be leaking onto the ground through holes cut in a trash can used to contain debris collected from the bar screen and the aeration basin was leaking near the bottom on the side facing the on-site lift-station.

7. Failed to accurately calibrate the flow meter, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on February 2, 2010. Specifically, a flow meter accuracy check conducted during the investigation indicated a 28% difference between the recorded and calculated flow rates.
8. Failed to have all required monitoring and reporting records available for review upon request, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(a) and (c), and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements Nos. 3.b. and 3.c., as documented during an investigation conducted on February 2, 2010. Specifically, records from January through December 2009 were not available for the following: discharge monitoring, sludge disposal, sampling and laboratory data, calibration and maintenance, quality assurance/quality control, process control, and operation and maintenance. Also, test certificates for the flow meter and backflow prevention device were not available for review.
9. Failed to submit an annual sludge report ("ASR") to the TCEQ by September 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 312.123 and TPDES Permit No. WQ0013955001, Sludge Provisions, as documented during an investigation conducted on February 2, 2010. Specifically, the Respondent did not submit an ASR for the 2009 reporting period.
10. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, the February 2009 discharge monitoring report ("DMR") was submitted on April 4, 2009, the March 2009 DMR was submitted on June 1, 2009, the April 2009 DMR was submitted on June 29, 2009, and the DMRs for June, July, and August 2009 were submitted on November 6, 2009.
11. Failed to submit noncompliance notification reports for effluent limit violations which deviate from the permitted effluent limitation by more than 40%, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (9) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on February 2, 2010. Specifically, the Regional Office and the Enforcement Division were not notified in writing that the recorded values of total suspended solids for January and February, 2009 and ammonia nitrogen for May, 2009, exceeded the permitted limits by more than 40%.

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: Kobra Mirhaj, Docket No. 2010-0561-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Calibrate the flow meter for accuracy and continue to calibrate it as often as necessary to ensure accuracy, but not less than annually, in accordance with TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 5;
 - ii. Perform routine maintenance on the bar screen to ensure it remains unclogged and that trash does not spill over the sides of the bar screen into the aeration basin, in accordance with 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013955001, Operational Requirements No. 1;
 - iii. Repair or replace the ventilation fan in the chlorine room and ensure that it remains operational, in accordance with 30 TEX. ADMIN. CODE § 317.6(b)(1)(E);
 - iv. Replace the leaking trash can used to contain bar screenings with a covered leak proof container and clean the affected area around the old trash can, in accordance with 30 TEX. ADMIN. CODE § 305.125(4) and (5) and TPDES Permit No. WQ0013955001, Operational Requirements No. 1;
 - v. Update operational guidance and conduct employee training to ensure that all notifications, reports, and monitoring data are submitted timely, in accordance with 30 TEX. ADMIN. CODE § 305.125(9) and (17) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements Nos. 1 and 7.a;
 - vi. Develop and implement a system to maintain records that are readily available for review, in accordance with 30 TEX. ADMIN. CODE § 319.7(a) and (c), and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 3.b. and 3.c.;

- vii. Complete and submit the ASR that was due September 1, 2009, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(17) and 312.123 and TPDES Permit No. WQ0013955001, Other Requirements No. 8;
 - viii. Submit the noncompliance notification reports for effluent limit violations which deviated from the permitted effluent limitation by more than 40% for January, February, and May, 2009, in accordance with 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0013955001, Monitoring and Reporting Requirements No. 7.c.; and
 - ix. Clear the activated sludge and scum return lines to the aeration basin and ensure they remain unplugged, in accordance with 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013955001, Operational Requirements No. 1.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.f.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Install a backflow prevention device on the washdown hose bibb on top of the wastewater treatment plant, in accordance with 30 TEX. ADMIN. CODE § 317.7(i) and TPDES Permit No. WQ0013955001, Operational Requirements No. 1;
 - ii. Install an audio-visual alarm on the Facility lift station, in accordance with 30 TEX. ADMIN. CODE § 317.3(e)(5) and TPDES Permit No. WQ0013955001, Operational Requirements No. 1; and
 - iii. Repair the leak at the base of the aeration basin and clean the area affected by the leak, in accordance with 30 TEX. ADMIN. CODE § 305.125(4) and (5) and TPDES Permit No. WQ0013955001, Permit Conditions No. 2.d. and Operational Requirements No. 1.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c., as described in Ordering Provision No. 2.f.
- e. Within 90 days after the effective date of this Agreed Order:
- i. Provide a backup blower for the aeration basin, in accordance with 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013955001, Operational Requirements No. 1;
 - ii. Remove excess sludge from the clarifier and chlorine contact basin and have it transported by a licensed hauler and disposed of properly, in accordance with 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013955001, Operational Requirements No. 1 and Other Requirements No. 8; and

- iii. Remove sewage sludge from the receiving stream and have it transported by a licensed hauler and disposed of properly, in accordance with TPDES Permit No. WQ0013955001, Other Requirements No. 8.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. 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.
4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be

made in writing to the Executive Director. Extensions are not effective until the Respondent 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 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.
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 under this Agreed Order.
8. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szellin
For the Executive Director

8/20/2010
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.

Mr. Redou Karbala
Signature

07/11/10
Date

L R Karbala
Name (Printed or typed)
Authorized Representative of
Kobra Mirhaj

Agent
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.

