

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0497-MWD-E **TCEQ ID:** RN102075769, RN101514271, RN101227478,
 RN102186822 **CASE NO.:** 39414
RESPONDENT NAME: Rita Laura Redow Karbalai

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:</p> <p>Carby Street MHP Plant, approximately 900 feet north and 1,900 feet east of the intersection of Airline Drive and Carby Street, Harris County ("Facility 1")</p> <p>Sundown MHP, 12117 Aldine-Westfield Road, 4,000 feet south of the intersection of Aldine-Westfield Road and Aldine Mail Road; 3.5 miles east of the intersection of Interstate Highway 45 and Farm-to-Market Road 149, Harris County ("Facility 2")</p> <p>Lake Houston Storage, 9110 Mount Houston Road immediately southeast of the intersection of East Mount Houston Road and East Houston Road, Harris County ("Facility 3")</p> <p>Westmont MHP, approximately 0.25 mile southeast of the intersection of State Highway ("S.H.") 105 and Old S.H. 105, approximately 0.25 mile west of the intersection of S.H. 105 and East Beach Road, Montgomery County ("Facility 4")</p> <p>TYPE OF OPERATION: Wastewater treatment facilities</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are no additional pending enforcement actions regarding Facilities 1, 2 and 4; however, Facility 3 has one additional pending enforcement action, Docket No. 2010-1959-PWS-E.</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 December 27, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Evette Alvarado, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2573; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Rita Laura Redow Karbalai, Owner, P.O. Box 55528, Houston, Texas 77255 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: January 14, 2010 and February 2, 2010</p> <p>Date of NOV/NOE Relating to this Case: March 5, 2010 and March 29, 2010 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>WATER</p> <p>Facility 1</p> <p>1) Failed to submit monitoring results at the intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods of May, October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the annual sludge report ("ASR") for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014217001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions].</p> <p>2) Failed to maintain compliance with permitted effluent limitations. Specifically, a grab sample collected during the investigation showed a chlorine residual of 0.11 milligrams per liter ("mg/L"). The permitted minimum chlorine residual is 1.0 mg/L [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements No. 2].</p>	<p>Total Assessed: \$89,531</p> <p>Total Deferred: \$17,905 <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: \$2,866 (remaining \$68,760 due in 24 monthly payments of \$2,865 each)</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:</p> <p>a. By February 4, 2010, removed and properly disposed of sludge from the chlorine contact basin and the receiving stream at Facility 1;</p> <p>b. By February 18, 2010, calibrated the flow meter at Facility 2;</p> <p>c. By February 19, 2010, employed or contracted with a licensed operator at Facilities 1, 2, and 3;</p> <p>d. By April 1, 2010, returned to compliance with the permitted effluent limits of TPDES Permit No. WQ0014217001 at Facility 1;</p> <p>e. By April 13, 2010, installed a back-up blower at Facility 2;</p> <p>f. By April 26, 2010, relocated the staff gauge used to measure flow at Facility 1;</p> <p>g. By May 13, 2010, installed a dual feed chlorination system with automatic change over capability at Facility 2;</p> <p>h. By June 3, 2010, repaired the hole in the lift station wall at Facility 4; and</p> <p>i. By July 13, 2010, submitted the DMRs for the monitoring periods of May, October, November, and December 2009, for Facility 4.</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. Submit the ASR for Facilities 1 through 4 for the monitoring period ending July 31, 2009, the DMR for the monitoring period ending February 28,</p>

<p>3) Failed to employ or contract with a licensed operator. Specifically, the permit requires that the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license [30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0014217001, Other Requirements No. 1].</p> <p>4) Failed to measure flow in an accurate and representative manner. Specifically, the staff gauge used to measure flow was mounted on the weir blade [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements No. 2 and Operational Requirements No. 5].</p> <p>5) Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, four and a half feet of settled solids were in the chlorine contact basin [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014217001, Operational Requirements No. 1].</p> <p>6) Failed to prevent a discharge of solids into the receiving stream (Harris County Flood Control District ditch P118-23-00). Specifically, six to twelve inches of settled sludge was observed extending for approximately 400 feet down gradient of the point of discharge into ditch P118-23-00 and approximately 50 feet up gradient of the point of discharge [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d.].</p> <p>7) Failed to submit a noncompliance notification to the TCEQ. Specifically, neither a 24-hour noncompliance notification nor a five day written notification for the discharge of sludge into the receiving stream was submitted as required [30 TEX. ADMIN. CODE § 305.125(1) and (9), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements No. 7].</p> <p>8) Failed to prevent a discharge of raw</p>		<p>2009, for Facility 3, the DMR for the monitoring period ending May 31, 2009, for Facility 1, and the DMRs for the monitoring periods ending October 31, November 30, and December 31, 2009, for Facilities 1 through 3.</p> <p>ii. Update operational guidance and conduct employee training at all of the Facilities to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly DMRs and ASRs;</p> <p>iii. Submit a written report of noncompliance for the unauthorized discharges at Facilities 1 and 3;</p> <p>iv. Update operational guidance and conduct employee training at Facilities 1 and 3 to ensure that noncompliance notifications are submitted as required;</p> <p>v. Remove and properly dispose of the excess sludge from the chlorine contact basin and clarifier at Facilities 2 and 3 and clear the return activated sludge line and scum return line at Facility 3;</p> <p>vi. Calibrate the flow meter at Facility 3;</p> <p>vii. Install an additional pump at the on-site lift station at Facility 3;</p> <p>viii. Remove and properly dispose of any remaining sewage from the ditch at Facility 1, any remaining settled sludge from the receiving stream at Facility 3, and any remaining foam from the ground next to the aeration basin at Facility 3;</p> <p>ix. Install a dual feed chlorination system with automatic switch over capabilities at Facility 4; and</p> <p>x. Implement a recordkeeping system at all Facilities to insure that calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records are maintained as required.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.i through a.x.</p> <p>c. Within 90 days after the effective date of this Agreed Order, submit</p>
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<p>sewage into or adjacent to water in the state. Specifically, evidence of a discharge of raw sewage was noted from a main line running through the mobile home park. The clean out cap was missing and raw sewage was observed in the ditch that discharges into the Harris County Flood Control District ditch [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014217001, Permit Conditions No. 2.g.].</p> <p>9) Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(a) and (c), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements Nos. 3.b. and 3.c., and Operational Requirements No. 1].</p> <p>Facility 2</p> <p>1) Failed to submit monitoring results at the intervals specified in the permit. Specifically, the DMRs for the monitoring periods of October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the ASR for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.7(d) and TPDES Permit No. WQ0012399001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions].</p> <p>2) Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0012399001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1].</p> <p>3) Failed to employ or contract with a licensed operator. Specifically, the permit requires that the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license [30 TEX. ADMIN. CODE §§ 305.125(1), 30.350(d)</p>		<p>written certification of compliance with the permitted effluent limitations of TPDES Permit Nos. WQ0012692001 and WQ0012761001, including specific corrective actions that were implemented at Facilities 3 and 4 to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision d.</p> <p>d. The certification required by Ordering Provision b. and c. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>
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<p>and TPDES Permit No. WQ0012399001, Other Requirements No. 1].</p> <p>4) Failed to install a dual-feed chlorination system. Specifically, only one chlorine cylinder was observed in the chlorine room during the investigation [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012399001, Other Requirements No. 8].</p> <p>5) Failed to ensure the accuracy of flow measuring devices. Specifically, an accuracy check conducted during the investigation showed a margin of error of 71% between the recorded and the calculated flow rates [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0012399001, Monitoring and Reporting Requirements No. 5].</p> <p>6) Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorine contact basin contained 3.75 feet of sludge in a total water depth of four feet, the clarifier contained 13 feet of sludge in a total water depth of 15 feet, and the thirty minute settleable solids test performed on the mixed liquor in the aeration basin was 98%. Additionally, there was no back-up blower installed [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.4(g)(4)(A), and TPDES Permit No. WQ0012399001, Operational Requirements No. 1].</p> <p>Facility 3</p> <p>1) Failed to submit monitoring results at the intervals specified in the permit. Specifically, the DMRs for the monitoring periods of February, October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the ASR for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.7(d) and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions].</p> <p>2) Failed to maintain compliance with</p>		
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<p>permitted effluent limitations. Specifically, grab samples collected during the investigation showed a chlorine residual of 0.0 mg/L, dissolved oxygen ("DO") levels of 0.97 mg/L, total suspended solids ("TSS") of 61 mg/L, and a carbonaceous biochemical oxygen demand ("CBOD") concentration of 53 mg/L. The permitted minimum chlorine residual is 1.0 mg/L and the permitted minimum DO is 4.0 mg/L, and the permitted single grab limits for TSS and CBOD are 60 mg/L and 35 mg/L, respectively [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012692001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].</p> <p>3) Failed to employ or contract with a licensed operator. Specifically, the permit requires that the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license [30 TEX. ADMIN. CODE §§ 305.125(1), 30.350(d) and TPDES Permit No. WQ0012692001, Other Requirements No. 1].</p> <p>4) Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the DO levels in the aeration basin during the investigation were at 8.35 mg/L, above the 2.0 mg/L required for proper operation. In addition, the return activated sludge line and the scum return line were plugged, the sludge blanket depth in the clarifier was 50% of the total water depth, and the chlorine contact basin contained two feet of settled sludge [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.4(g)(4)(A), and TPDES Permit No. WQ0012692001, Operational Requirements No. 1].</p> <p>5) Failed to ensure the accuracy of flow measuring devices. Specifically, an accuracy check conducted during the investigation showed a margin of error of 92% between the recorded and the calculated flow rates [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 5].</p> <p>6) Failed to equip the lift station with a</p>		
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standby pump. Specifically, only one operational pump was present at the on-site lift station [30 TEX. ADMIN. CODE § 317.3(b)(1)].

7) Failed to prevent a discharge of solids into the receiving stream. Specifically, settled sludge was observed in the receiving stream extending approximately 150 feet down gradient and 50 feet up gradient from the outfall [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012692001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d.].

8) Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1].

9) Failed to submit a noncompliance notification to the TCEQ. Specifically, neither a 24-hour noncompliance notification nor a five day written notification for the discharges of sludge into the receiving stream and foam from the aeration basin were submitted as required [30 TEX. ADMIN. CODE § 305.125(1) and (9), and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 7].

10) Failed to prevent a discharge of municipal waste into or adjacent to water in the state. Specifically, there was evidence that foam had discharged over the side of the aeration basin [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012692001, Permit Conditions No. 2.g.].

Facility 4

1) Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the DMRs for the monitoring periods of May, October, November, and December 2009, were not submitted by the 20th day of the following month as required [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.7(d) and TPDES Permit No.

<p>WQ0012761001, Monitoring and Reporting Requirements No. 1].</p> <p>2) Failed to maintain compliance with permitted effluent limitations. Specifically, a grab sample collected during the investigation showed a chlorine residual of 0.23 mg/L. The permitted minimum chlorine residual is 1.0 mg/L [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012761001, Effluent Limitations and Monitoring Requirements No. 2].</p> <p>3) Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the investigator observed a hole approximately three feet in diameter along the wall of the lift station [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012761001, Operational Requirements No. 1].</p> <p>4) Failed to install a dual-feed chlorination system capable of automatically switching from one cylinder to another. Specifically, an automatic switch over system was not in place [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012761001, Other Requirements No. 5].</p> <p>5) Failed to submit the ASR. Specifically, the ASR for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0012761001, Sludge Provisions].</p> <p>6) Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0012761001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1].</p>		
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Additional ID No(s): WQ001421700 1, WQ0012399001, WQ0012692001, WQ0012761001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	29-Mar-2010	Screening	29-Mar-2010	EPA Due	
	PCW	26-Jul-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Rita Laura Redow Karbalai (Facility 1)
Reg. Ent. Ref. No.	RN102075769
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39414	No. of Violations	9
Docket No.	2010-0497-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,000
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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.	
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Compliance History	17.0% Enhancement	Subtotals 2, 3, & 7	\$3,060
Notes	Enhancement for two months of self-reported effluent violations, one notice of violation ("NOV") with same/similar violations, and one NOV with dissimilar violations.		

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,275
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$1,859	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$55,643		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,785
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OTHER FACTORS AS JUSTICE MAY REQUIRE	8.8%	Adjustment	\$1,732
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes	Enhancement for the recovery of avoided cost of compliance associated with violation nos. 3 and 7.		
	Final Penalty Amount	\$21,517	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,517
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DEFERRAL	20.0% Reduction	Adjustment	-\$4,303
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$17,214
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Screening Date 29-Mar-2010

Docket No 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102075769

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

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)	3	15%
	Other written NOVs	1	2%
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%
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) 17%

>> 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 two months of self-reported effluent violations, one notice of violation ("NOV") with same/similar violations, and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 17%

Screening Date 29-Mar-2010 **Docket No.** 2010-0497-MWD-E **PCW**
Respondent Rita Laura Redow Karbalal (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No. 39414 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102075769
Media [Statute] Water Quality
Enf. Coordinator Evette Alvarado
Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17), 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014217001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions
Violation Description Failed to submit monitoring results at the intervals specified in the permit, as documented during an investigation conducted on February 2, 2010. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods of May, October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the annual sludge report for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009.

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 permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events: 5 269 Number of violation days

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

Violation Base Penalty \$5,000

Five single-events are recommended, one for each missing report.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$6,362

This violation Final Assessed Penalty (adjusted for limits) \$6,362

Economic Benefit Worksheet

Respondent Rita Laura Redow Karbalai (Facility 1)

Case ID No. 39414

Reg. Ent. Reference No. RN102075769

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

Item Description No commas or \$

Delayed Costs

Item Description	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				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Mar-2010	1-Feb-2011	0.87	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	20-Mar-2010	1-Feb-2011	0.87	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure DMRs and annual sludge reports are submitted as required (\$250). Estimated cost to submit DMRs and annual sludge report (\$25 per DMR, \$100 per sludge report). Date required is the date the first DMR was due. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	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

\$450

TOTAL

\$20

Screening Date: 29-Mar-2010 **Docket No.:** 2010-0497-MWD-E **PCW**
Respondent: Rita Laura Redow Karbalai (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No.: 39414 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102075769
Media [Statute]: Water Quality
Enf. Coordinator: Evelte Alvarado
Violation Number: 2
Rule Cite(s): Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 905.125(1), and TPDES Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements No. 2
Violation Description: Failed to maintain compliance with permitted effluent limitations, as documented during an investigation conducted on February 2, 2010. Specifically, a grab sample collected during the investigation showed a chlorine residual of 0.11 milligrams per liter ("mg/L"). The permitted minimum chlorine residual is 1.0 mg/L.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed protective levels as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

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

Notes: The Respondent returned to compliance by April 1, 2010.

Violation Subtotal

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 Rita Laura Redow Karbalai (Facility 1)
Case ID No. 39414
Reg. Ent. Reference No. RN102075769
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	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				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)	\$2,000	2-Feb-2010	1-Apr-2010	0.16	\$16	n/a	\$16

Notes for DELAYED costs

Estimated cost to determine the cause of non-compliance and make the necessary adjustments to the Facility.
Date required is the investigation date. Final date is the compliance date.

Avoided Costs

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

Item Description	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

\$2,000

TOTAL

\$16

Screening Date: 29-Mar-2010 **Docket No.:** 2010-0497-MWD-E **PCW**
Respondent: Rita Laura Redow Karbalai (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No.: 39414 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102075769
Media [Statute]: Water Quality
Enf. Coordinator: Evette Alvarado
Violation Number: 3
Rule Cite(s): 30 Tex. Admin. Code §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0014217001, Other Requirements No. 1
Violation Description: Failed to employ or contract with a licensed operator, as documented during an investigation conducted on February 2, 2010. Specifically, the permit requires that the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license.
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: Operating the Facility without an operator with the appropriate license may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address needs of the Facility. As a result, human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 17 Number of violation days

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

Violation Base Penalty: \$1,000

One quarterly event is recommended from the investigation date (February 2, 2010) to the compliance date (February 19, 2010).

Good Faith Efforts to Comply 25.0% Reduction \$250

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

Notes: The Respondent returned to compliance by February 19, 2010.

Violation Subtotal: \$750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount: \$1,712 Violation Final Penalty Total: \$1,001

This violation Final Assessed Penalty (adjusted for limits): \$1,001

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 1)
Case ID No.: 39414
Reg. Ent. Reference No.: RN102075769
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
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	\$35,000	2-Feb-2010	19-Feb-2010	0.05	\$82	\$1,630	\$1,712
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

Estimated cost avoided by failing to have a licensed operator at the Facility (at \$35,000/year, pro-rated over 17 days). Date required is the date of the investigation. Final date is the date compliance was achieved.

Approx. Cost of Compliance

\$35,000

TOTAL

\$1,712

Screening Date 29-Mar-2010 **Docket No.** 2010-0497-MWD-E **PCW**
Respondent Rita Laura Redow Karbalal (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No. 39414 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102075769
Media [Statute] Water Quality
Enf. Coordinator Evette Alvarado
Violation Number 4
Rule Cite(s) 30 Tex. Admin Code §§ 305.125(1), 319.11(d), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements No. 2 and Operational Requirements No. 5
Violation Description Failed to measure flow in an accurate and representative manner, as documented during an investigation conducted on February 2, 2010. Specifically, the staff gauge used to measure flow was mounted on the weir blade
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix
OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed protective levels as a result of this violation.
Adjustment \$9,500

Violation Events
 Number of Violation Events: 1 Number of violation days: 83

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

 One single event is recommended.
Violation Base Penalty \$500

Good Faith Efforts to Comply 10.0% Reduction \$50

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

Notes The Respondent returned to compliance by April 26, 2010.
Violation Subtotal \$450

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$0 **Violation Final Penalty Total** \$582
This violation Final Assessed Penalty (adjusted for limits) \$582

Economic Benefit Worksheet

Respondent Rita Laura Redow Karbalai (Facility 1)
Case ID No. 39414
Reg. Ent. Reference No. RN102075769
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

Item Description	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				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)	\$43	2-Feb-2010	26-Apr-2010	0.23	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost (provided by Respondent) to relocate staff gauge to the correct location to accurately measure flow. Date required is the investigation date. Final date is the date compliance was achieved.

Avoided Costs

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

Item Description	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

\$43

TOTAL

\$0

Screening Date: 29-Mar-2010 **Docket No.:** 2010-0497-MWD-E **PCW**
Respondent: Rita Laura Redow Karbalai (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No.: 39414 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102075769
Media [Statute]: Water Quality
Enf. Coordinator: Evette Alvarado
Violation Number: 5
Rule Cite(s): 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0014217001, 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, as documented during an investigation conducted on February 2, 2010. Specifically, four and a half feet of settled solids were in the chlorine contact basin.
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 will or could be exposed to significant amounts of pollutants that would not exceed protective levels as a result of this violation.

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 2 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 investigation date (February 2, 2010) to the compliance date (February 4, 2010).

Good Faith Efforts to Comply

25.0% Reduction \$250

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

Notes: The Respondent returned to compliance by February 4, 2010.

Violation Subtotal: \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$4

Violation Final Penalty Total: \$1,001

This violation Final Assessed Penalty (adjusted for limits): \$1,001

Economic Benefit Worksheet

Respondent Rita Laura Redow Karbalai (Facility 1)
Case ID No. 39414
Req. Ent. Reference No. RN102075769
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	\$16,380	2-Feb-2010	4-Feb-2010	0.01	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost (provided by Respondent) to remove and dispose of settled solids in chlorine contact basin and sludge in the receiving stream (violation no. 6). Date required is the investigation date. Final date is the date compliance was achieved.

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

\$16,380

TOTAL

\$4

Screening Date 29-Mar-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102075769

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 6

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d

Violation Description

Failed to prevent a discharge of solids into the receiving stream (Harris County Flood Control District ditch P118-23-00), as documented during an investigation conducted on February 2, 2010. Specifically, six to twelve inches of settled sludge was observed extending for approximately 400 feet down gradient of the point of discharge into ditch P118-23-00 and approximately 50 feet up gradient of the point of discharge.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One monthly event is recommended from the date of the investigation (February 2, 2010) to the date of compliance (February 4, 2010).

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent returned to compliance by February 4, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,501

This violation Final Assessed Penalty (adjusted for limits) \$2,501

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 1)
Case ID No.: 39414
Reg. Ent. Reference No.: RN102075789
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				0.00	\$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

Economic benefit is included with 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 29-Mar-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalal (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102075769

Media [Statute] Water Quality

Enf. Coordinator Eveite Alvarado

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements No. 7

Violation Description

Failed to submit a noncompliance notification the TCEQ, as documented during an investigation conducted on February 2, 2010. Specifically, neither a 24-hour noncompliance notification nor a five day written notification for the discharge of sludge into the receiving stream was submitted as required.

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 permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

1

68 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 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$1,272

This violation Final Assessed Penalty (adjusted for limits) \$1,272

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalat (Facility 1)
Case ID No.: 39414
Reg. Ent. Reference No.: RN102075769
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				0.00	\$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	\$200	2-Feb-2010	1-Feb-2011	1.00	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	2-Feb-2010	1-Feb-2011	1.00	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit a written report of noncompliance to the TCEQ (\$50) and to conduct employee training to ensure that noncompliance notifications are submitted as required (\$200). Date required is the investigation date. 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]	\$20	2-Feb-2010	3-Feb-2010	0.00	\$0	\$20	\$20
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost avoided for failing to submit a noncompliance notification to the TCEQ by fax or phone within 24 hours of becoming aware of the noncompliance. Date required is the investigation date. Final date is the day after the investigation date.

Approx. Cost of Compliance

\$270

TOTAL

\$32

Screening Date 29-Mar-2010

Docket No 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102075769

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 8

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014217001, Permit Conditions No. 2.g

Violation Description

Failed to prevent a discharge of raw sewage into or adjacent to water in the state, as documented during an investigation conducted on February 2, 2010. Specifically, evidence of a discharge of raw sewage was noted from a main line running through the mobile home park. The clean out cap was missing and raw sewage was observed in the ditch that discharges into the Harris County Flood Control District ditch.

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 as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

2

58 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two monthly events are recommended from the investigation date (February 2, 2010) to the screening date (March 29, 2010).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to ED-PRP/Settlement Offer

x	(mark with x)

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$6,362

This violation Final Assessed Penalty (adjusted for limits) \$6,362

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalal (Facility 1)
Case ID No.: 39414
Reg. Ent. Reference No.: RN102075769
Media: Water Quality
Violation No.: 8

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	\$1,000	2-Feb-2010	1-Feb-2011	1.00	\$50	n/a	\$50
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 and dispose of any remaining sewage in the ditch. Date required is the investigation date. Final date is the expected compliance date.

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

\$1,000

TOTAL

\$50

Screening Date: 29-Mar-2010 **Docket No.:** 2010-0497-MWD-E **PCW**
Respondent: Rita Laura Redow Karbalai (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No.: 39414 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102075769
Media [Statute]: Water Quality
Enf. Coordinator: Evette Alvarado
Violation Number: 9
Rule Cite(s): 30 Tex. Admin. Code §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1
Violation Description: Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records, as documented during an investigation conducted on February 2, 2010.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual	Potential	Potential	
				0%

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	Actual	Potential	Potential	
	x			10%
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"/>
	weekly	<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: \$1,000

One single event is recommended.

Good Faith Efforts to Comply **0.0% Reduction** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
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: Violation Final Penalty Total:
 This violation Final Assessed Penalty (adjusted for limits):

Economic Benefit Worksheet

Respondent Rita Laura Redow Karbalai (Facility 1)
Case ID No. 39414
Reg. Ent. Reference No. RN102075769
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
No commas or \$							

Delayed Costs

Item Description	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	\$500	2-Feb-2010	1-Feb-2011	1.00	\$25	n/a	\$25
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 implement a recordkeeping system to insure that all records are maintained as required. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	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

\$500

TOTAL

\$25

Facility 1 Compliance History Report

Customer/Respondent/Owner-Operator: CN601121031 Rita Laura Redow Karbalai Classification: AVERAGE Rating: 0.54
 Regulated Entity: RN102075769 CARBY STREET MHP PLANT Classification: AVERAGE Site Rating: 0.19
 ID Number(s): WASTEWATER PERMIT WQ0014217001
 WASTEWATER EPA ID TX0123579
 Location: LOCATED APPROX 900 FT N AND 1900 FT E OF INTX OF AIRLINE DR AND CARBY ST IN HARRIS COUNTY
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: July 13, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 13, 2005 to July 13, 2010
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Evelte Alvarado Phone: (512) 239 - 2573

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? NA
4. If Yes, who was/were the prior owner(s)/operator(s)? NA
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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 07/20/2005 (493359)
 - 2 09/01/2005 (493361)
 - 3 09/20/2005 (493363)
 - 4 10/19/2005 (493365)
 - 5 11/17/2005 (493367)
 - 6 12/20/2005 (493369)
 - 7 01/20/2006 (493371)
 - 8 02/21/2006 (493350)
 - 9 03/20/2006 (493352)
 - 10 04/20/2006 (506729)
 - 11 05/24/2006 (506730)
 - 12 06/20/2006 (506731)
 - 13 07/28/2006 (528871)
 - 14 10/24/2006 (509884)
 - 15 01/03/2007 (534515)
 - 16 01/22/2007 (632710)
 - 17 01/22/2007 (632712)

18 01/22/2007 (632714)
 19 01/22/2007 (632718)
 20 01/22/2007 (632718)
 21 03/07/2007 (536695)
 22 03/22/2007 (632704)
 23 03/22/2007 (632719)
 24 05/25/2007 (632705)
 25 05/25/2007 (632706)
 26 05/25/2007 (632707)
 27 08/20/2007 (632708)
 28 08/20/2007 (632709)
 29 09/18/2007 (632711)
 30 11/19/2007 (632713)
 31 11/19/2007 (632715)
 32 11/19/2007 (632717)
 33 01/20/2008 (756479)
 34 01/28/2008 (677604)
 35 01/28/2008 (677605)
 36 03/20/2008 (696379)
 37 06/06/2008 (696380)
 38 12/17/2008 (756475)
 39 12/17/2008 (756476)
 40 12/17/2008 (756477)
 41 01/20/2009 (756478)
 42 02/25/2009 (756474)
 43 02/25/2009 (756480)
 44 04/24/2009 (820470)
 45 06/01/2009 (820471)
 46 06/29/2009 (820472)
 47 09/28/2009 (764592)
 48 11/06/2009 (820473)
 49 11/06/2009 (820474)
 50 11/06/2009 (820475)
 51 11/06/2009 (820476)
 52 03/08/2010 (836435)
 53 03/29/2010 (791256)
 54 04/15/2010 (836436)
 55 05/14/2010 (836437)

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

Date: 12/31/2005 (493371) CN601121031
 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: 10/24/2006 (509884) CN601121031
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to provide the appropriate documentation for sample preservation. The samples collected on June 23 and 24, 2006 by the "client" were not received by the lab until June 27, 2006. The temperature of the samples, when received by the laboratory, was not documented on the chain of custody.

Self Report? NO Classification: Moderate
 Citation: Monitoring & Reporting, pg 4, no. 1 PERMIT
 Description: Failure to accurately calculate and report the loading for carbonaceous biochemical oxygen demand, total suspended solids, and ammoni-nitrogen. The Discharge Monitoring Reports were incorrect for July 2005 through June 2006. This violation was noted in the last inspection conducted on April 28, 2004.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to accurately calculate and report the daily average flow on the Discharge Monitoring Report for July 2005 through September 2005 and March 2006. The instantaneous flow measurements are recorded five days per week. The average was being calculated based on flow measurements being acquired seven days a week.

Date: 07/31/2007 (632711) CN601121031
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: 09/28/2009 (764592) CN601121031
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to maintain the clarifier skimmer.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(d)(3)
Description: Failure to maintain an intruder-resistant fence around the wastewater treatment plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to prevent the unauthorized discharge of sludge from the wastewater treatment plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Description: Failure to provide accurate flow measurements.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
EL&MR, P. 2, No. 2 PERMIT
Description: Failure to maintain compliance with the permit limits for total chlorine residual.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to maintain the chlorine contact basin free of sludge.

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





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	5-Apr-2010	Screening	19-Apr-2010	EPA Due	
	PCW	26-Jul-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Rita Laura Redow Karbalal (Facility 2)
Reg. Ent. Ref. No.	RN101514271
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39414	No. of Violations	6
Docket No.	2010-0497-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$8,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	85.0% Enhancement	Subtotals 2, 3, & 7	\$7,225
Notes	Enhancement for 11 months of self-reported effluent violations, two notices of violation ("NOVs") with same/similar violations, and one agreed order with denial of liability.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$475
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$2,253	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$49,825		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$15,250
OTHER FACTORS AS JUSTICE MAY REQUIRE	11.2%	Adjustment	\$1,712
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes	Enhancement for the recovery of avoided cost of compliance associated with violation no. 3.		
		Final Penalty Amount	\$16,962
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$16,962
DEFERRAL	20.0% Reduction	Adjustment	-\$3,392
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$13,570

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PGW

Respondent Rita Laura Redow Karbalai (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101514271

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

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)	13	65%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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) 85%

>> 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 11 months of self-reported effluent violations, two notices of violation ("NOVs") with same/similar violations, and one agreed order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 85%

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101514271

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17), 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012399001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions

Violation Description

Failed to submit monitoring results at the intervals specified in the permit, as documented during an investigation conducted on February 2, 2010. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods of October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the annual sludge report for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009.

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 permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

258 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$4,000

Four single events are recommended, one for each missing report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$8,231

This violation Final Assessed Penalty (adjusted for limits) \$8,231

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 2)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101514271
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
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	\$250	1-Sep-2009	1-Feb-2011	1.42	\$18	n/a	\$18
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs			0.00	\$0	n/a	\$0	
Other (as needed)	\$200	1-Sep-2009	1-Feb-2011	1.42	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure DMRs and annual sludge reports are submitted as required (\$250). Estimated cost to submit DMRs and annual sludge report (\$25 per DMR, \$100 per sludge report). Date required is the date the first report was due. 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

\$450

TOTAL

\$32

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101514271

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0012399001; Monitoring and Reporting Requirements Nos. 3.b and 3.c; and Operational Requirements No. 1

Violation Description Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records, as documented during an investigation conducted on February 2, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			10%

Matrix Notes 100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 76

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 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$2,058

This violation Final Assessed Penalty (adjusted for limits) \$2,058

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalat (Facility 2)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101514271
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$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	\$500	2-Feb-2010	1-Feb-2011	1.00	\$25	n/a	\$25
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 implement a recordkeeping system to insure that all records are maintained as required. Date required is the investigation date. 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

\$500

TOTAL

\$25

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101514271

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 30.350(d) and TPDES Permit No. WQ0012399001, Other Requirements No. 1

Violation Description

Failed to employ or contract with a licensed operator, as documented during an investigation conducted on February 2, 2010. Specifically, the permit requires that the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license.

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

Operating the Facility without an operator with the appropriate license may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address needs of the Facility. As a result, human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

Number of violation days 17

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (February 2, 2010) to the compliance date (February 19, 2010).

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes: The Respondent returned to compliance on February 19, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,712

Violation Final Penalty Total \$1,780

This violation Final Assessed Penalty (adjusted for limits) \$1,780

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 2)

Case ID No.: 39414

Reg. Ent. Reference No.: RN101514271

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
<small>No commas or \$</small>							

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	\$35,000	2-Feb-2010	19-Feb-2010	0.05	\$82	\$1,830	\$1,712
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

Estimated cost avoided by failing to have a licensed operator at the Facility (at \$35,000/year, pro-rated over 17 days). Date required is the date of the investigation. Final date is the date compliance was achieved.

Approx. Cost of Compliance

\$35,000

TOTAL

\$1,712

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101514271

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0012399001, Other Requirements No. 8

Violation Description

Failed to install a dual-feed chlorination system, as documented during an investigation conducted on February 2, 2010. Specifically, only one chlorine cylinder was observed in the chlorine room during the investigation.

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 will or could be exposed to significant amounts of pollutants that would not exceed protective levels as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

76 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (February 2, 2010) to the screening date (April 19, 2010).

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes

The Respondent returned to compliance by May 13, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$1,946

This violation Final Assessed Penalty (adjusted for limits) \$1,946

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 2)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101514271
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,885	2-Feb-2010	13-May-2010	0.27	\$3	\$53	\$56
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

Actual cost (provided by Respondent) to purchase and install a dual feed chlorination system with auto change over capability. Date required is the investigation date. Final date is the compliance date.

Avoided Costs

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

Item Description	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

\$2,885

TOTAL

\$55

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbaiai (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101514271

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0012399001, Monitoring and Reporting Requirements No. 5

Violation Description Failed to ensure the accuracy of flow measuring devices, as documented during an investigation conducted on February 2, 2010. Specifically, an accuracy check conducted during the investigation showed a margin of error of 71% between the recorded and the calculated flow rates.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed protective levels as a result of this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 16

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

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$125

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

Notes The Respondent returned to compliance by February 18, 2010.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$890

This violation Final Assessed Penalty (adjusted for limits) \$890

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 2)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101614271
Media: Water Quality
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$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)	\$850	2-Feb-2010	18-Feb-2010	0.04	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to calibrate the flow meter. Date required is the investigation date. Final date is the compliance date.

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

\$850

TOTAL

\$2

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101514271

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5), 317.4(g)(4)(A), and TPDES Permit No. WQ0012399001, 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, as documented during an investigation conducted on February 2, 2010. Specifically, the chlorine contact basin contained 3.75 feet of sludge in a total water depth of four feet, the clarifier contained 13 feet of sludge in a total water depth of 15 feet, and the thirty minute settleable solids test performed on the mixed liquor in the aeration basin was 98%. Additionally, there was no back-up blower installed.

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 will or could be exposed to significant amounts of pollutants that would not exceed protective levels as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

76 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (February 2, 2010) to the screening date (April 19, 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$428

Violation Final Penalty Total \$2,058

This violation Final Assessed Penalty (adjusted for limits) \$2,058

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 2)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101514271
Media: Water Quality
Violation No.: 6

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

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,140	2-Feb-2010	13-Apr-2010	0.19	\$1	\$27
Buildings				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0
Engineering/construction				0.00	\$0	\$0
Land				0.00	\$0	n/a
Record Keeping System				0.00	\$0	n/a
Training/Sampling				0.00	\$0	n/a
Remediation/Disposal	\$8,000	2-Feb-2010	1-Feb-2011	1.00	\$399	n/a
Permit Costs				0.00	\$0	n/a
Other (as needed)				0.00	\$0	n/a

Notes for DELAYED costs

Estimated cost to remove and properly dispose of sludge in the chlorine contact basin and clarifier (\$8,000) and actual cost as provided by Respondent to purchase and install a back-up blower (\$2,140). Date required is the investigation date. Final date is the date the blower was installed (April 13, 2010) and the expected date of compliance (Feb. 1, 2011).

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,140

TOTAL

\$428

Facility 2 Compliance History Report

Customer/Respondent/Owner-Operator: CN601121031 Rita Laura Redow Karbalai Classification: AVERAGE Rating: 0.67
 Regulated Entity: RN101514271 SUNDOWN MHP Classification: AVERAGE Site Rating: 1.05
 ID Number(s): WASTEWATER PERMIT WQ0012399001
 WASTEWATER LICENSING LICENSE WQ0012399001
 Location: 12117 Aldine-Westfield Rd, 4,000 feet south
 of the inter. of Aldine-Westfield Road and
 Aldine Mail Road; 3.5 miles east of the inter. of IH 45
 and FM 149, Harris County, Texas
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: July 12, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 12, 2005 to July 12, 2010
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Evette Alvarado Phone: (512) 239 - 2573

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 10/31/2009 ADMINORDER 2009-0460-MWD-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limits PERMIT
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
 Rqmt Prov: Sludge Reporting Requirements PERMIT
 Description: Failure to submit sludge monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

- B. Any criminal convictions of the state of Texas and the federal government.

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/20/2005	(445528)
2	09/01/2005	(445529)
3	09/19/2005	(445530)
4	10/19/2005	(477114)
5	11/17/2005	(477115)
6	12/20/2005	(477116)
7	01/20/2006	(477117)

8 02/21/2006 (477112)
9 03/20/2006 (477113)
10 04/20/2006 (503836)
11 05/24/2006 (503837)
12 06/20/2006 (503838)
13 07/28/2006 (526239)
14 08/01/2006 (483207)
15 01/22/2007 (624785)
16 01/22/2007 (624787)
17 01/22/2007 (624789)
18 01/22/2007 (624791)
19 01/22/2007 (624793)
20 02/07/2007 (539218)
21 03/22/2007 (624778)
22 03/22/2007 (624780)
23 03/22/2007 (624794)
24 05/25/2007 (624779)
25 05/25/2007 (624781)
26 05/25/2007 (624782)
27 07/02/2007 (565959)
28 08/20/2007 (624783)
29 08/20/2007 (624784)
30 09/18/2007 (624786)
31 11/19/2007 (624788)
32 11/19/2007 (624790)
33 11/19/2007 (624792)
34 01/28/2008 (675478)
35 01/28/2008 (675479)
36 04/04/2008 (693812)
37 04/04/2008 (693813)
38 05/16/2008 (640320)
39 07/22/2008 (693814)
40 07/22/2008 (693815)
41 07/22/2008 (693816)
42 07/22/2008 (693817)
43 12/17/2008 (730971)
44 12/17/2008 (730972)
45 12/17/2008 (730973)
46 01/20/2009 (754213)
47 01/20/2009 (754214)
48 02/25/2009 (754212)
49 02/25/2009 (754215)
50 03/13/2009 (703063)
51 04/24/2009 (834343)
52 06/01/2009 (771516)
53 06/29/2009 (814654)
54 06/29/2009 (814655)
55 11/06/2009 (814656)
56 11/06/2009 (814657)
57 11/06/2009 (814658)
58 11/06/2009 (814659)
59 03/08/2010 (834344)
60 03/29/2010 (791266)
61 05/14/2010 (834345)

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

Date: 03/31/2006 (503836)

CN601121031

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: 04/30/2006 (503837) CN601121031
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: 06/30/2006 (526239) CN601121031
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: 07/28/2006 (483207) CN601121031
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(g)(4)(B)(iii)
Description: Failure to maintain a standby blower at the waste water treatment plant (WWTP).
Failure to maintain a standby blower at the WWTP.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the permit limits for dissolved oxygen (DO).
Failure to comply with the permit limits for dissolved oxygen (DO).
Failure to comply with the permit limits for dissolved oxygen (DO).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the permitted daily average flow limit of 0.025 MGD.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the permit limits for total suspended solids (TSS) and ammonia nitrogen (NH3N).
Failure to comply with the permit limits for total suspended solids (TSS) and ammonia nitrogen (NH3N).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain copies of signed Discharge Monitoring Reports (DMRs) at the waste water treatment plant (WWTP).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)
Description: Failure to maintain the required sludge management records.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements, 5 PERMIT

Description: Failure to calibrate the flow meter annually.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements, 5 PERMIT

Description: Failure to ensure flow measurement accuracy.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3

Description: Failure to provide an alarm on the lift station at the wastewater treatment plant.

Date: 10/31/2007 (624792) CN601121031
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 (693815) CN601121031
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: 05/16/2008 (640320) CN601121031
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Req. No. 5 PERMIT

Description: Failure to calibrate the flow meter annually. The flow meter had not been calibrated during the previous twelve months. The flow meter must be accurately calibrated at least annually or as often as necessary to ensure accuracy

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)
Permit Condition 1, General 2 (d) PERMIT

Description: Failure to maintain the chlorine contact basin. At the time of the inspection, the chlorine contact basin contained eighteen inches of sludge in a six foot water depth. The sludge from the chlorine contact basin must be removed and disposed of properly to prevent accumulated sludge from rising and discharging with the final effluent.

Date: 05/31/2008 (693816) CN601121031
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 (693817) CN601121031
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 (730971) CN601121031
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 (730973) CN601121031
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: 10/31/2008 (754213) CN601121031
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: 04/30/2010 (834345) CN601121031
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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	5-Apr-2010	Screening	19-Apr-2010	EPA Due	
	PCW	26-Jul-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Rita Laura Redow Karbalai (Facility 3)		
Reg. Ent. Ref. No.	RN101227478		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	39414	No. of Violations	10
Docket No.	2010-0497-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$22,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **62.0% Enhancement** **Subtotals 2, 3, & 7** **\$13,950**

Notes Enhancement for ten months of self-reported effluent violations, two notices of violation ("NOVs") with same/similar violations, and one NOV with dissimilar violations.

Culpability **No** **0.0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$250**

Economic Benefit **0.0% Enhancement** **Subtotal 6** **\$0**

Total EB Amounts **\$9,581**
Approx. Cost of Compliance **\$156,070**
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$36,200**

OTHER FACTORS AS JUSTICE MAY REQUIRE **4.8%** **Adjustment** **\$1,732**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement for the recovery of avoided cost of compliance associated with violation nos. 3 and 9.

Final Penalty Amount **\$37,932**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$37,932**

DEFERRAL **20.0% Reduction** **Adjustment** **-\$7,586**

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 **\$30,346**

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

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)	12	60%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		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%
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) 62%

>> 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 ten months of self-reported effluent violations, two notices of violation ("NOVs") with same/similar violations, and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 62%

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Eveite Alvarado

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions

Violation Description Failed to submit monitoring results at the intervals specified in the permit, as documented during an investigation conducted on February 2, 2010. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods of February, October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the annual sludge report for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			10%
100% of the permit requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 5 Number of violation days 395

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

Violation Base Penalty \$5,000

Five single events are recommended, one for each missing report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$8,488

This violation Final Assessed Penalty (adjusted for limits) \$8,488

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalal (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
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

Item Description	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				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Mar-2009	1-Feb-2011	1.87	\$23	n/a	\$23
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	20-Mar-2009	1-Feb-2011	1.87	\$19	n/a	\$19

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure DMRs and annual sludge reports are submitted as required (\$250). Estimated cost to submit DMRs and annual sludge report (\$25 per DMR, \$100 per sludge report). Date required is the date the first report was due. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	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

\$450

TOTAL

\$42

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalal (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number

2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012692001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6

Violation Description

Failed to maintain compliance with permitted effluent limitations, as documented during an investigation conducted on February 2, 2010. Specifically, grab samples collected during the investigation showed a chlorine residual of 0.0 milligrams per liter ("mg/L"), dissolved oxygen ("DO") levels of 0.97 mg/L, total suspended solids ("TSS") of 61 mg/L, and a carbonaceous biochemical oxygen demand ("CBOD") concentration of 53 mg/L. The permitted minimum chlorine residual is 1.0 mg/L, the permitted minimum DO is 4.0 mg/L, and the permitted single grab limits for TSS and CBOD are 60 mg/L and 35 mg/L, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

GR

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 that do not exceed protective levels as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$2,500

One single event is 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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$4,244

This violation Final Assessed Penalty (adjusted for limits) \$4,244

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalal (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	16

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)	\$2,000	2-Feb-2010	1-Feb-2011	1.00	\$100	n/a	\$100

Notes for DELAYED costs

Estimated cost to determine the cause of non-compliance and make the necessary repairs to the Facility. Date required is the investigation date. 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

\$2,000

TOTAL

\$100

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalal (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 30.350(d) and TPDES Permit No. WQ0012692001, Other Requirements No. 1

Violation Description

Failed to employ or contract with a licensed operator, as documented during an investigation conducted on February 2, 2010. Specifically, the permit requires the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license.

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

Operating the Facility without an operator with the appropriate license may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address needs of the Facility. As a result, human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

17 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (February 2, 2010) to the compliance date (February 19, 2010).

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent returned to compliance by February 19, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,712

Violation Final Penalty Total \$1,436

This violation Final Assessed Penalty (adjusted for limits) \$1,436

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
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
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	\$35,000	2-Feb-2010	19-Feb-2010	0.05	\$82	\$1,630	\$1,712
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

Estimated cost avoided by failing to have a licensed operator at the Facility (at \$35,000/year, pro-rated over 17 days). Date required is the date of the investigation. Final date is the date compliance was achieved.

Approx. Cost of Compliance

\$35,000

TOTAL

\$1,712

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (5), 317.4(g)(4)(A), and TPDES Permit No. WQ0012692001, 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, as documented during an investigation conducted on February 2, 2010. Specifically, the DO levels in the aeration basin during the investigation were at 8.35 mg/L, above the 2.0 mg/L required for proper operation. In addition, the return activated sludge line and the scum return line were plugged, the sludge blanket depth in the clarifier was 50% of the total water depth, and the chlorine contact basin contained two feet of settled sludge.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

75 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 investigation date (February 2, 2010) to the screening date (April 19, 2010).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$399

Violation Final Penalty Total \$1,698

This violation Final Assessed Penalty (adjusted for limits) \$1,698

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
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

Item Description	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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$8,000	2-Feb-2010	1-Feb-2011	1.00	\$399	n/a	\$399
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 sludge from clarifier and clear lines. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	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	\$8,000	TOTAL	\$399
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Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 3)

Policy Revision 2 (September 2007)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 319.11(d), and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 5

Violation Description

Failed to ensure the accuracy of flow measuring devices, as documented during an investigation conducted on February 2, 2010. Specifically, an accuracy check conducted during the investigation showed a margin of error of 92% between the recorded and the calculated flow rates.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed protective levels as a result of this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

76 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$500

One single event is 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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$849

This violation Final Assessed Penalty (adjusted for limits) \$849

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
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
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No commas or \$

Delayed Costs

Item Description	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				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)	\$850	2-Feb-2010	1-Feb-2011	1.00	\$42	n/a	\$42

Notes for DELAYED costs

Estimated cost to calibrate the flow meter. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	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

\$850

TOTAL

\$42

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalal (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 317.3(b)(1)

Violation Description Failed to equip the lift station with a standby pump, as documented during an investigation conducted on February 2, 2010. Specifically, only one operational pump was present at the on-site lift station.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 76

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 investigation date (February 2, 2010) to the screening date (April 19, 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,330

Violation Final Penalty Total \$1,698

This violation Final Assessed Penalty (adjusted for limits) \$1,698

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
Media: Water Quality
Violation No.: 6

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$105,000	2-Feb-2010	1-Feb-2011	1.00	\$349	\$6,981	\$7,330
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 purchase and install a standby pump for the lift station. Date required is the date of the investigation. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	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

\$105,000

TOTAL

\$7,330

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 7

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012692001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d

Violation Description

Failed to prevent a discharge of solids into the receiving stream, as documented during an investigation conducted on February 2, 2010. Specifically, settled sludge was observed in the receiving stream extending approximately 150 feet down gradient and 50 feet up gradient from the outfall.

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 as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

3

76 Number of violation days

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 investigation date (February 2, 2010) to the screening date (April 19, 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 \$199

Violation Final Penalty Total \$12,731

This violation Final Assessed Penalty (adjusted for limits) \$12,731

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
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				0.00	\$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	\$4,000	2-Feb-2010	1-Feb-2011	1.00	\$199	n/a	\$199
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 and dispose of sludge from the receiving stream and any remaining foam from the ground next to the aeration basin. Date required is the date of the investigation. 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

\$199

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbaiai (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision: October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0012892001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1.

Violation Description Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records, as documented during an investigation conducted on February 2, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			10%
100% of the permit requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

	1	76	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
Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	
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

Estimated EB Amount \$25

Statutory Limit Test

Violation Final Penalty Total \$1,698

This violation Final Assessed Penalty (adjusted for limits) \$1,698

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalal (Facility 3)

Case ID No.: 39414

Reg. Ent. Reference No.: RN101227478

Media: Water Quality

Violation No.: 8

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

Item Description	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	\$500	2-Feb-2010	1-Feb-2011	1.00	\$25	n/a	\$25
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 implement a recordkeeping system to insure that all records are maintained as required. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	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

\$500

TOTAL

\$25

Screening Date 19-Apr-2010

Docket No: 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalal (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9), and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 7.

Violation Description

Failed to submit a noncompliance notification to the TCEQ, as documented during an investigation conducted on February 2, 2010. Specifically, neither a 24-hour noncompliance notification nor a five day written notification for the discharges of sludge into the receiving stream and foam from the aeration basin were submitted as required.

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 permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

76 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,000

Two 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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$3,395

This violation Final Assessed Penalty (adjusted for limits) \$3,395

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
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
No commas or \$							

Delayed Costs

Item Description	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				0.00	\$0	n/a	\$0
Training/Sampling	\$200	2-Feb-2010	1-Feb-2011	1.00	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	2-Feb-2010	1-Feb-2011	1.00	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit a written report of noncompliance to the TCEQ (\$50) and to conduct employee training to ensure that noncompliance notifications are submitted as required (\$200). Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	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]	\$20	2-Feb-2010	3-Feb-2010	0.00	\$0	\$20	\$20
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost avoided for failing to submit a noncompliance notification to the TCEQ by fax or phone within 24 hours of becoming aware of the noncompliance. Date required is the investigation date. Final date is the day after the investigation date.

Approx. Cost of Compliance

\$270

TOTAL

\$32

Screening Date 19-Apr-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 3)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227478

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 10

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012692001, Permit Conditions No. 2.g.

Violation Description

Failed to prevent a discharge of municipal waste into or adjacent to water in the state, as documented during an investigation conducted on February 2, 2010. Specifically, there was evidence that foam had discharged over the side of the aeration basin.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health of the environment has been exposed to insignificant 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 76

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 investigation date (February 2, 2010) to the screening date (April 19, 2010).

Good Faith Efforts to Comply

	0.0% Reduction	
	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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,698

This violation Final Assessed Penalty (adjusted for limits) \$1,698

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbajal (Facility 3)
Case ID No.: 39414
Reg. Ent. Reference No.: RN101227478
Media: Water Quality
Violation No.: 10

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included with violation no. 7.

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

Facility 3 Compliance History Report

Customer/Respondent/Owner-Operator: CN601121031 Rita Laura Redow Karbalai Classification: AVERAGE Rating: 0.67
 Regulated Entity: RN101227478 LAKE HOUSTON STORAGE Classification: AVERAGE Site Rating: 0.55

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010737
 WASTEWATER PERMIT WQ0012692001
 WASTEWATER EPA ID TX0092711
 WATER LICENSING LICENSE 1010737
 WASTEWATER LICENSING LICENSE WQ0012692001

Location: 9110 Mount Houston Rd. immed. SE of the
 inter. of E. Mount Houston Rd. and E. Houston Rd.
 Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 12, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 12, 2005 to July 12, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Evette Alvarado Phone: (512) 239 - 2573

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

6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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	07/20/2005	(445878)
2	09/01/2005	(445879)
3	09/20/2005	(445880)
4	10/19/2005	(477865)
5	11/14/2005	(437054)
6	11/17/2005	(477866)
7	12/20/2005	(477867)
8	01/20/2006	(477868)
9	02/21/2006	(477863)
10	03/20/2006	(477864)
11	04/20/2006	(504293)
12	05/24/2006	(504294)
13	06/20/2006	(504295)
14	07/28/2006	(526639)
15	01/22/2007	(626087)

16 01/22/2007 (626090)
 17 01/22/2007 (626092)
 18 01/22/2007 (626094)
 19 01/22/2007 (626096)
 20 03/22/2007 (626097)
 21 05/03/2007 (553948)
 22 05/25/2007 (560896)
 23 05/25/2007 (626081)
 24 05/25/2007 (626082)
 25 05/25/2007 (626083)
 26 05/25/2007 (626084)
 27 08/20/2007 (626085)
 28 08/20/2007 (626086)
 29 08/20/2007 (626088)
 30 09/18/2007 (626089)
 31 11/19/2007 (626091)
 32 11/19/2007 (626093)
 33 11/19/2007 (626095)
 34 01/20/2008 (754599)
 35 01/20/2008 (754600)
 36 01/28/2008 (675830)
 37 01/28/2008 (675831)
 38 04/04/2008 (675829)
 39 04/04/2008 (694202)
 40 05/08/2008 (641177)
 41 07/22/2008 (694203)
 42 07/22/2008 (694204)
 43 07/22/2008 (694205)
 44 07/22/2008 (694206)
 45 12/17/2008 (731299)
 46 12/17/2008 (731300)
 47 12/17/2008 (731301)
 48 02/25/2009 (754598)
 49 02/25/2009 (754601)
 50 05/26/2009 (771858)
 51 06/29/2009 (815576)
 52 06/29/2009 (815577)
 53 09/28/2009 (764603)
 54 11/06/2009 (815578)
 55 11/06/2009 (815579)
 56 11/06/2009 (815580)
 57 11/06/2009 (815581)
 58 03/08/2010 (834675)
 59 03/29/2010 (791242)
 60 04/15/2010 (834676)
 61 05/14/2010 (834677)

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

Date: 08/31/2005 (445880) CN601121031
 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: 12/31/2005 (477868) CN601121031
 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: 02/28/2006 (477864) CN601121031
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 (504293) CN601121031
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: 04/30/2006 (504294) CN601121031
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: 05/02/2007 (553948) CN601121031
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
General Permit 13033-001 PERMIT
Description: Failure to maintain compliance with the permit limits for daily average flow.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to accurately fill out the Discharge Monitoring Reports (DMRs).
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.

Date: 06/30/2007 (626086) CN601121031
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: 05/08/2008 (641177) CN601121031
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
Description: Failure to provide well completion data.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to repair or replace rusted and pitting pressure tank.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
Description: Operating Practices for Public Water Systems
Failure to properly maintain the regulated entities by not:

Date: 01/31/2009 (754598) CN601121031
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: 03/31/2009 (771858) CN601121031
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: 09/28/2009 (764603) CN601121031

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 M&RR, P. 5, No. 5 PERMIT

Description: Failure to ensure flow measurement accuracy.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to properly maintain the dissolved oxygen (D.O.) level in the aeration basin.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 EL&MR, P. 2, Nos. 1, 2, & 6 PERMIT

Description: Failure to maintain compliance with the permitted effluent limitations for D.O., Cl2, CBOD and TSS.

Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 Permit Conditions, P. 7, No. 2g PERMIT

Description: Failure to prevent the unauthorized discharge of sludge from the wastewater treatment plant.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements, P. 9, No. 1 PERMIT

Description: Failure to maintain the structural integrity of the wastewater treatment plant.

Date: 02/28/2010 (834675) CN601121031

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: 03/31/2010 (834676) CN601121031

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	7-Jul-2010	Screening	7-Jul-2010	EPA Due	
	PCW	26-Jul-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Rita Laura Redow Karbalai (Facility 4)		
Reg. Ent. Ref. No.	RN102186822		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	39414	No. of Violations	6	
Docket No.	2010-0497-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Evette Alvarado	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000
		EC's Team	Enforcement Team 1	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,400
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	80.0% Enhancement	Subtotals 2, 3, & 7 \$5,920
Notes	Enhancement for 15 months of self-reported effluent violations and one notice of violation with same/similar violations.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5 \$200
Economic Benefit	0.0% Enhancement* <small>*Capped at the Total EB \$ Amount</small>	Subtotal 6 \$0
Total EB Amounts	\$260	
Approx. Cost of Compliance	\$4,360	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,120
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the Indicated percentage.</small>		
Notes		
	Final Penalty Amount	\$13,120
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$13,120
DEFERRAL	20.0% Reduction Adjustment	-\$2,624
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$10,496

Screening Date: 7-Jul-2010

Docket No: 2010-0497-MWD-E

PCW

Respondent: Rita Laura Redow Karbalai (Facility 4)

Policy Revision 2 (September 2002)

Case ID No: 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN102186822

Media [Statute]: Water Quality

Enf. Coordinator: Evette Alvarado

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)	16	80%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 80%

>> 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 months of self-reported effluent violations and one notice of violation with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 80%

Screening Date 7-Jul-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 4)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186822

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17), 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012761001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit monitoring results at the intervals specified in the permit, as documented during an investigation conducted on January 14, 2010. Specifically, the discharge monitoring reports for the monitoring periods of May, October, November, and December 2009, were not submitted by the 20th day of the following month as required.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4

423 Number of violation days

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

Violation Base Penalty \$400

Four single events are recommended, one for each late report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$720

This violation Final Assessed Penalty (adjusted for limits) \$720

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 4)
Case ID No.: 39414
Reg. Ent. Reference No.: RN102186822
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

Item Description	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				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	20-Jun-2009	13-Jul-2010	1.06	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to submit DMRs (\$25 per DMR). Date required is the date the first DMR was due (June 20, 2009). Final date is the date the DMRs were submitted. Additional economic benefit for updating operational guidance and conducting employee training is included with violation no. 5.

Avoided Costs

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

Item Description	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

\$100

TOTAL

\$5

Screening Date 7-Jul-2010 **Docket No.** 2010-0497-MWD-E **PCW**
Respondent Rita Laura Redow Karbalal (Facility 4) *Policy Revision 2 (September 2002)*
Case ID No. 39414 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102186822
Media [Statute] Water Quality
Enf. Coordinator Evette Alvarado
Violation Number 2
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012761001, Effluent Limitations and Monitoring Requirements No. 2
Violation Description Failed to maintain compliance with permitted effluent limitations, as documented during an investigation conducted on January 14, 2010. Specifically, a grab sample collected during the investigation showed a chlorine residual of 0.23 milligrams per liter ("mg/L"). The permitted minimum chlorine residual is 1.0 mg/L.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed protective levels as a result of this violation.

Adjustment \$9,000 **\$1,000**

Violation Events

Number of Violation Events: 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 \$147 **Violation Final Penalty Total** \$1,800
This violation Final Assessed Penalty (adjusted for limits) \$1,800

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbatal (Facility 4)
Case ID No.: 39414
Reg. Ent. Reference No.: RN102186822
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	14-Jan-2010	1-Feb-2011	1.05	\$7	\$140	\$147
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 determine the cause of non-compliance and make the necessary repairs to the Facility. Data required is the investigation date. 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

\$2,000

TOTAL

\$147

Screening Date: 7-Jul-2010

Docket No. 2010-0497-MWD-E

PGW

Respondent: Rita Laura Redow Karbalai (Facility 4)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186822

Media [Statute] Water Quality

Enf. Coordinator: Evette Alvarado

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0012761001, 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, as documented during an investigation conducted on January 14, 2010. Specifically, the investigator observed a hole approximately three feet in diameter along the wall of the lift station.

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 will or could be exposed to significant amounts of pollutants that would not exceed protective levels as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

140 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended from the investigation date (January 14, 2010) to the date compliance was achieved (June 3, 2010).

Good Faith Efforts to Comply

10.0% Reduction

\$200

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

Notes The Respondent returned to compliance by June 3, 2010.

Violation Subtotal \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$3,400

This violation Final Assessed Penalty (adjusted for limits) \$3,400

Economic Benefit Worksheet

Respondent Rita Laura Redow Karbalal (Facility 4)
Case ID No. 39414
Reg. Ent. Reference No. RN102186822
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
No commas or \$							

Delayed Costs

Item Description	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	\$1,000	14-Jan-2010	3-Jun-2010	0.38	\$1	\$26	\$27
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 repair the lift station. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

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

Item Description	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

\$1,000

TOTAL

\$27

Screening Date 7-Jul-2010

Bucket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 4)

Policy Revision 2 (September 2002)

Case ID No. 39414

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186822

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0012781001, Other Requirements No. 5

Violation Description Failed to install a dual-feed chlorination system capable of automatically switching from one cylinder to another, as documented during an investigation conducted on January 14, 2010. Specifically, an automatic switch over system was not in place.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

174 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended from the investigation date (January 14, 2010) to the screening date (July 7, 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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 4)

Case ID No.: 39414

Reg. Ent. Reference No.: RN102186822

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	\$400	14-Jan-2010	1-Feb-2011	1.05	\$1	\$28	\$29
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 of a dual feed chlorination pump (source: Internetwatersupplies.com). Date required is the investigation date. 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

\$400

TOTAL

\$29

Screening Date: 7-Jul-2010 **Docket No.:** 2010-0497-MWD-E **PCW**
Respondent: Rita Laura Redow Karbalai (Facility 4) *Policy Revision 2 (September 2002)*
Case ID No.: 39414 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102186822
Media [Statute]: Water Quality
Enf. Coordinator: Evette Alvarado
Violation Number: 5
Rule Cite(s): 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0012761001, Sludge Provisions
Violation Description: Failed to submit the annual sludge report ("ASR"), as documented during an investigation conducted on January 14, 2010. Specifically, the ASR for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix
OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			X		

100% of the permit requirement was not met.

Adjustment: \$9,000

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalal (Facility 4)
Case ID No.: 39414
Reg. Ent. Reference No.: RN102186822
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	\$250	1-Sep-2009	1-Feb-2011	1.42	\$18	n/a	\$18
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2009	1-Feb-2011	1.42	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure DMRs and ASRs are submitted as required (\$250). Estimated cost to submit the ASR (\$100). Date required is the date the ASR was due. 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

\$350

TOTAL

\$25

Screening Date 7-Jul-2010

Docket No. 2010-0497-MWD-E

PCW

Respondent Rita Laura Redow Karbalai (Facility 4)

Policy Revision 2 (September 2002)

Case ID No. 39414

POW Revision October 30, 2008

Reg. Ent. Reference No. RN102186822

Media: [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 306.125(1) and (11)(B), 349.7(a) and (c), and TPDES Permit No. WQ0012761001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1

Violation Description Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records, as documented during an investigation conducted on January 14, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 174

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

\$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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$1,800

This violation Final Assessed Penalty (adjusted for limits) \$1,800

Economic Benefit Worksheet

Respondent: Rita Laura Redow Karbalai (Facility 4)
Case ID No.: 39414
Reg. Ent. Reference No.: RN102186822
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				0.00	\$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	\$500	14-Jan-2010	1-Feb-2011	1.05	\$26	n/a	\$26
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 implement a recordkeeping system to insure that all records are maintained as required. Date required is the investigation date. 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

\$500

TOTAL

\$26

Facility 4 Compliance History Report

Customer/Respondent/Owner-Operator: CN601121031 Rita Laura Redow Karbalai Classification: AVERAGE Rating: 0.54
 Regulated Entity: RN102186822 WESTMONT MHP Classification: AVERAGE Site Rating: 0.90

ID Number(s): WASTEWATER PERMIT WQ0012761001
 WASTEWATER EPA ID TX0093505

Location: Approx. 0.25 mile SE of the inter. of S.H. 105 and Old S.H. 105, approx. 0.25 mile west of the inter. of S.H. 105 and East Beach Rd., Montgomery Co., Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 13, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 13, 2005 to July 13, 2010

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

Name: Evette Alvarado Phone: (512) 239 - 2573

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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Rita Laura Redow Karbalai
4. If Yes, who was/were the prior owner(s)/operator(s)? Malek Vashmeh
5. When did the change(s) in owner or operator occur?

05/01/2006	Malek Vashmeh
06/27/2008	Rita Laura Redow Karbalai
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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	07/20/2005	(445945)
2	09/06/2005	(445946)
3	09/20/2005	(445947)
4	11/17/2005	(477979)
5	01/20/2006	(477980)
6	03/20/2006	(477978)
7	05/24/2006	(504382)
8	06/20/2006	(504383)
9	07/28/2006	(526708)
10	12/06/2006	(626310)
11	12/06/2006	(626319)
12	12/19/2006	(531919)
13	01/22/2007	(626315)

14 01/22/2007 (626317)
 15 01/22/2007 (626320)
 16 01/22/2007 (626322)
 17 01/22/2007 (626324)
 18 02/20/2007 (540131)
 19 03/22/2007 (626308)
 20 03/22/2007 (626325)
 21 05/25/2007 (626309)
 22 05/25/2007 (626311)
 23 05/25/2007 (626312)
 24 08/20/2007 (626313)
 25 08/20/2007 (626314)
 26 09/18/2007 (626316)
 27 11/19/2007 (626318)
 28 11/19/2007 (626321)
 29 11/19/2007 (626323)
 30 11/30/2007 (675888)
 31 01/28/2008 (675889)
 32 04/04/2008 (694267)
 33 04/04/2008 (694268)
 34 07/22/2008 (694269)
 35 07/22/2008 (694270)
 36 07/22/2008 (694271)
 37 07/22/2008 (694272)
 38 12/17/2008 (731350)
 39 12/17/2008 (731351)
 40 01/20/2009 (754668)
 41 01/20/2009 (754669)
 42 02/25/2009 (754666)
 43 02/25/2009 (754670)
 44 04/06/2009 (754667)
 45 04/24/2009 (771901)
 46 06/01/2009 (771902)
 47 06/29/2009 (815715)
 48 11/06/2009 (815716)
 49 11/06/2009 (815717)
 50 11/06/2009 (815718)
 51 11/06/2009 (815719)
 52 03/05/2010 (793612)
 53 03/08/2010 (834715)
 54 04/15/2010 (834716)
 55 05/14/2010 (834717)

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

Date: 07/31/2005 (445946) CN601121031
 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: 08/31/2005 (445947) CN601121031
 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: 09/30/2005 (626319) CN601121031
 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: 10/31/2005 (477979) CN601121031
 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: 12/31/2005 (477980) CN601121031
 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 (626310) CN601121031
 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: 04/30/2006 (504382) CN601121031
 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: 05/31/2006 (504383) CN601121031
 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: 06/30/2006 (526708) CN601121031
 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: 07/31/2006 (626315) CN601121031
 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: 08/31/2006 (626317) CN601121031
 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: 09/30/2006 (626320) CN601121031
 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: 10/31/2006 (626322) CN601121031
 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: 12/19/2006 (531919) CN601121031
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Final Effl Lim & Mon Req No. 1 & No. 6 PERMIT
Description: Failure to maintain compliance with the permitted effluent limits for dissolved oxygen (DO) and ammonia-nitrogen (NH3-N).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring & Rep Req No. 7c PERMIT
Description: Failure to provide a noncompliance notification letter for a violation of a permitted effluent limit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements #1 PERMIT
Description: Failure to properly maintain the chlorine contact basin.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring & Reporting Req No. 1 PERMIT
Description: Failure to properly calculate the daily average pounds per day loading results for the permit parameters.

Date: 12/31/2007 (675889) CN601121031
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 (694267) CN601121031
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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
RITA LAURA REDOW KARBALAI	§	
RN102075769, RN101514271,	§	ENVIRONMENTAL QUALITY
RN101227478, RN102186822	§	

AGREED ORDER
DOCKET NO. 2010-0497-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 Rita Laura Redow Karbalai ("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 wastewater treatment facilities at the following locations:
 - a. Approximately 900 feet north and 1,900 feet east of the intersection of Airline Drive and Carby Street in Harris County, Texas ("Facility 1");
 - b. At 12117 Aldine-Westfield Road, 4,000 feet south of the intersection of Aldine-Westfield Road and Aldine Mail Road; 3.5 miles east of the intersection of Interstate Highway 45 and Farm-to-Market Road 149 in Harris County, Texas ("Facility 2");
 - c. At 9110 Mount Houston Road immediately southeast of the intersection of East Mount Houston Road and East Houston Road in Harris County, Texas ("Facility 3"); and
 - d. Approximately 0.25 mile southeast of the intersection of State Highway ("S.H.") 105 and Old S.H. 105, approximately 0.25 mile west of the intersection of S.H. 105 and East Beach Road in Montgomery County, Texas ("Facility 4").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 10 and 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 Eighty-Nine Thousand Five Hundred Thirty-One Dollars (\$89,531) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Eight Hundred Sixty-Six Dollars (\$2,866) of the administrative penalty and Seventeen Thousand Nine Hundred Five Dollars (\$17,905) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Sixty-Eight Thousand Seven Hundred Sixty Dollars (\$68,760) of the administrative penalty shall be payable in 24 monthly payments of Two Thousand Eight Hundred Sixty-Five Dollars (\$2,865) 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 has implemented the following corrective measures at the Facilities:
 - a. By February 4, 2010, removed and properly disposed of sludge from the chlorine contact basin and the receiving stream at Facility 1;

- b. By February 18, 2010, calibrated the flow meter at Facility 2;
 - c. By February 19, 2010, employed or contracted with a licensed operator at Facilities 1, 2, and 3;
 - d. By April 1, 2010, returned to compliance with the permitted effluent limits of TPDES Permit No. WQ0014217001 at Facility 1;
 - e. By April 13, 2010, installed a back-up blower at Facility 2;
 - f. By April 26, 2010, relocated the staff gauge used to measure flow at Facility 1;
 - g. By May 13, 2010, installed a dual feed chlorination system with automatic change over capability at Facility 2;
 - h. By June 3, 2010, repaired the hole in the lift station wall at Facility 4; and
 - i. By July 13, 2010, submitted the discharge monitoring reports ("DMRs") for the monitoring periods of May, October, November, and December 2009, for Facility 4.
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

1. As owner and operator of Facility 1, the Respondent is alleged to have:
 - a. Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.7(d), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions, as documented during an investigation conducted on February 2, 2010. Specifically, the DMRs for the monitoring periods of May, October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the annual sludge report for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009;
 - b. Failed to maintain compliance with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements

No. 2, as documented during an investigation conducted on February 2, 2010. Specifically, a grab sample collected during the investigation showed a chlorine residual of 0.11 milligrams per liter ("mg/L"). The permitted minimum chlorine residual is 1.0 mg/L;

- c. Failed to employ or contract with a licensed operator, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0014217001, Other Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, the permit requires that the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license;
- d. Failed to measure flow in an accurate and representative manner, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements No. 2 and Operational Requirements No. 5, as documented during an investigation conducted on February 2, 2010. Specifically, the staff gauge used to measure flow was mounted on the weir blade;
- e. 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 TPDES Permit No. WQ0014217001, Operational Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, four and a half feet of settled solids were in the chlorine contact basin;
- f. Failed to prevent a discharge of solids into the receiving stream (Harris County Flood Control District ditch P118-23-00), in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d, as documented during an investigation conducted on February 2, 2010. Specifically, six to twelve inches of settled sludge was observed extending for approximately 400 feet down gradient of the point of discharge into ditch P118-23-00 and approximately 50 feet up gradient of the point of discharge;
- g. Failed to submit a noncompliance notification to the TCEQ, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9), and TPDES Permit No. WQ0014217001; Monitoring and Reporting Requirements No. 7, as documented during an investigation conducted on February 2, 2010. Specifically, neither a 24-hour noncompliance notification nor a five day written notification for the discharge of sludge into the receiving stream was submitted as required;
- h. Failed to prevent a discharge of raw sewage into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014217001, Permit Conditions No. 2.g, as documented during an investigation conducted on February 2, 2010. Specifically, evidence of a discharge of raw sewage was noted from a main line running through the mobile home park. The clean out cap was missing and raw

sewage was observed in the ditch that discharges into the Harris County Flood Control District ditch; and

- i. Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(a) and (c), and TPDES Permit No. WQ0014217001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1, as documented during an investigation conducted on February 2, 2010;
2. As owner and operator of Facility 2, the Respondent is alleged to have:
 - a. Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.7(d) and TPDES Permit No. WQ0012399001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions, as documented during an investigation conducted on February 2, 2010. Specifically, the DMRs for the monitoring periods of October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the annual sludge report for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009;
 - b. Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0012399001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1, as documented during an investigation conducted on February 2, 2010;
 - c. Failed to employ or contract with a licensed operator, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 30.350(d) and TPDES Permit No. WQ0012399001, Other Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, the permit requires that the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license;
 - d. Failed to install a dual-feed chlorination system, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012399001, Other Requirements No. 8, as documented during an investigation conducted on February 2, 2010. Specifically, only one chlorine cylinder was observed in the chlorine room during the investigation;
 - e. Failed to ensure the accuracy of flow measuring devices, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0012399001, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on February 2, 2010. Specifically, an accuracy check conducted during the investigation showed a margin of error of 71% between the recorded and the calculated flow rates; and
 - f. 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), 317.4(g)(4)(A), and TPDES Permit No. WQ0012399001, Operational Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, the chlorine contact basin contained 3.75 feet of sludge in a total water depth of four feet, the clarifier contained 13 feet of sludge in a total water depth of 15 feet, and the thirty minute settleable solids test performed on the mixed liquor in the aeration basin was 98%. Additionally, there was no back-up blower installed.

3. As owner and operator of Facility 3, the Respondent is alleged to have:
 - a. Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), 319.7(d) and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions, as documented during an investigation conducted on February 2, 2010. Specifically, the DMRs for the monitoring periods of February, October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the annual sludge report for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009;
 - b. Failed to maintain compliance with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012692001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6, as documented during an investigation conducted on February 2, 2010. Specifically, grab samples collected during the investigation showed a chlorine residual of 0.0 mg/L, dissolved oxygen ("DO") levels of 0.97 mg/L, total suspended solids ("TSS") of 61 mg/L, and a carbonaceous biochemical oxygen demand ("CBOD") concentration of 53 mg/L. The permitted minimum chlorine residual is 1.0 mg/L and the permitted minimum DO is 4.0 mg/L, and the permitted single grab limits for TSS and CBOD are 60 mg/L and 35 mg/L, respectively;
 - c. Failed to employ or contract with a licensed operator, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 30.350(d) and TPDES Permit No. WQ0012692001, Other Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, the permit requires that the Facility have an operator holding a Category C license or higher, and at the time of the investigation, the operator held an expired Category D license;
 - d. 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), 317.4(g)(4)(A), and TPDES Permit No. WQ0012692001, Operational Requirements No. 1, as documented during an investigation conducted on February 2, 2010. Specifically, the DO levels in the aeration basin during the investigation were at 8.35 mg/L, above the 2.0 mg/L required for proper operation. In addition, the return activated sludge line and the scum return line were plugged, the sludge blanket depth in the clarifier was 50% of the total water depth, and the chlorine contact basin contained two feet of settled sludge;

- e. Failed to ensure the accuracy of flow measuring devices, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on February 2, 2010. Specifically, an accuracy check conducted during the investigation showed a margin of error of 92% between the recorded and the calculated flow rates;
 - f. Failed to equip the lift station with a standby pump, in violation of 30 TEX. ADMIN. CODE § 317.3(b)(1), as documented during an investigation conducted on February 2, 2010. Specifically, only one operational pump was present at the on-site lift station;
 - g. Failed to prevent a discharge of solids into the receiving stream, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012692001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d, as documented during an investigation conducted on February 2, 2010. Specifically, settled sludge was observed in the receiving stream extending approximately 150 feet down gradient and 50 feet up gradient from the outfall;
 - h. Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1, as documented during an investigation conducted on February 2, 2010;
 - i. Failed to submit a noncompliance notification to the TCEQ, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9), and TPDES Permit No. WQ0012692001, Monitoring and Reporting Requirements No. 7, as documented during an investigation conducted on February 2, 2010. Specifically, neither a 24-hour noncompliance notification nor a five day written notification for the discharges of sludge into the receiving stream and foam from the aeration basin were submitted as required; and
 - j. Failed to prevent a discharge of municipal waste into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012692001, Permit Conditions No. 2.g, as documented during an investigation conducted on February 2, 2010. Specifically, there was evidence that foam had discharged over the side of the aeration basin.
4. As owner and operator of Facility 4, the Respondent is alleged to have:
- a. 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), 319.7(d) and TPDES Permit No. WQ0012761001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on January 14, 2010. Specifically, the DMRs for the monitoring periods of May, October, November,

and December 2009, were not submitted by the 20th day of the following month as required;

- b. Failed to maintain compliance with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012761001, Effluent Limitations and Monitoring Requirements No. 2, as documented during an investigation conducted on January 14, 2010. Specifically, a grab sample collected during the investigation showed a chlorine residual of 0.23 mg/L. The permitted minimum chlorine residual is 1.0 mg/L;
- c. 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 TPDES Permit No. WQ0012761001, Operational Requirements No. 1, as documented during an investigation conducted on January 14, 2010. Specifically, the investigator observed a hole approximately three feet in diameter along the wall of the lift station;
- d. Failed to install a dual-feed chlorination system capable of automatically switching from one cylinder to another, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012761001, Other Requirements No. 5, as documented during an investigation conducted on January 14, 2010. Specifically, an automatic switch over system was not in place;
- e. Failed to submit the annual sludge report ("ASR"), in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0012761001, Sludge Provisions, as documented during an investigation conducted on January 14, 2010. Specifically, the ASR for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009; and
- f. Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B), 319.7(a) and (c), and TPDES Permit No. WQ0012761001, Monitoring and Reporting Requirements Nos. 3.b and 3.c, and Operational Requirements No. 1, as documented during an investigation conducted on January 14, 2010.

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: Rita Laura Redow Karbalai, Docket No. 2010-0497-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. Submit the annual sludge reports for Facilities 1 through 4 for the monitoring period ending July 31, 2009, the DMR for the monitoring period ending February 28, 2009, for Facility 3, the DMR for the monitoring period ending May 31, 2009, for Facility 1, and the DMRs for the monitoring periods ending October 31, November 30, and December 31, 2009, for Facilities 1 through 3 to the following address;

Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. Update operational guidance and conduct employee training at all of the Facilities to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly DMRs and annual sludge reports;
- iii. Submit a written report of noncompliance for the unauthorized discharges at Facilities 1 and 3 in accordance with the requirements of TPDES Permit Nos. WQ0014217001 and WQ0012692001;
- iv. Update operational guidance and conduct employee training at Facilities 1 and 3 to ensure that noncompliance notifications are submitted as required;

- v. Remove and properly dispose of the excess sludge from the chlorine contact basin and clarifier at Facilities 2 and 3 and clear the return activated sludge line and scum return line at Facility 3;
 - vi. Calibrate the flow meter at Facility 3;
 - vii. Install an additional pump at the on-site lift station at Facility 3;
 - viii. Remove and properly dispose of any remaining sewage from the ditch at Facility 1, any remaining settled sludge from the receiving stream at Facility 3, and any remaining foam from the ground next to the aeration basin at Facility 3;
 - ix. Install a dual feed chlorination system with automatic switch over capabilities at Facility 4; and
 - x. Implement a recordkeeping system at all Facilities to insure that calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records are maintained as required.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i through 2.a.x. The certification shall be in accordance with Ordering Provision No. 2.d below.
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit Nos. WQ0012692001 and WQ0012761001, including specific corrective actions that were implemented at Facilities 3 and 4 to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.d below.
 - d. The certification required by Ordering Provision Nos. 2.b and 2.c shall include detailed supporting documentation including 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 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 Facilities 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 page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature

affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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 Szolter
For the Executive Director

12/27/2010
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.

Mrs Rita Laura Redow Karbalai
Signature

10/28/10
Date

L R Karbalai
Name (Printed or typed)
Authorized Representative of
Rita Laura Redow Karbalai

owner
Title

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

