

Executive Summary – Enforcement Matter – Case No. 41457
JATRA INTERNATIONAL, INC.
RN101516037
Docket No. 2011-0558-MWD-E

Order Type:

Default Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

approximately 1,000 feet southeast of the intersection of Interstate Highway 45 and State Highway 179, Freestone County

Type of Operation:

wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: \$4,851.77 (Docket No. 2006-1720-MWD-E; returned as uncollectible)

Past-Due Fees: \$5,383.58 (Account No. 23006056; referred for collection on March 4, 2011)

Other: None

Interested Third-Parties: None

Texas Register Publication Date: November 18, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$17,680

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$17,680

Compliance History Classifications:

Person/CN – Average

Site/RN – Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**JATRA INTERNATIONAL, INC.
RN101516037
Docket No. 2011-0558-MWD-E**

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: March 21, 2011
Date(s) of NOV(s): May 30, 2006; April 28, 2010
Date(s) of NOE(s): March 30, 2011

Violation Information

1. Failed to submit monitoring results at the intervals specified in the permit (discharge monitoring reports (“DMRs”) for 2010) [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014770001, Monitoring and Reporting Requirements No. 1].
2. Failed to submit monitoring results at the intervals specified in the permit (annual sludge report) [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014770001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days:
 - a. Submit all missing DMRs (January 2010 through December 2010) and the annual sludge report for the monitoring period ending July 31, 2010; and
 - b. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DMRs and annual sludge reports.
2. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: September 8, 2011
Date(s) Green Card(s) Signed: September 14, 2011
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Contact Information

TCEQ Attorneys: Kari L. Gilbreth, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Cheryl Thompson, Water Enforcement Section, (817) 588-5886
TCEQ Regional Contact: Frank Burlison, Waco Regional Office, (254) 761-3001
Respondent: Hafiz Ali, President, JATRA INTERNATIONAL, INC., 2706 N. Main, Liberty, Texas 77575
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	4-Apr-2011	Screening	8-Apr-2011	EPA Due	
	PCW	1-Sep-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	JATRA INTERNATIONAL, INC.
Reg. Ent. Ref. No.	RN101516037
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	41457	No. of Violations	2
Docket No.	2011-0558-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,000
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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.

Compliance History	36.0% Enhancement	Subtotals 2, 3, & 7	\$4,680
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Notes: Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, one month of self-reported effluent violations, and one Agreed Order with denial.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$41
 Approx. Cost of Compliance: \$600
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,680
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$17,680**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,680
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only: e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$17,680
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Screening Date 8-Apr-2011

Docket No. 2011-0558-MWD-E

PCW

Respondent JATRA INTERNATIONAL, INC.

Policy Revision 2 (September 2002)

Case ID No. 41457

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101516037

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 36%

>> 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 NOVs with same/similar violations, two NOVs with dissimilar violations, one month of self-reported effluent violations, and one Agreed Order with denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 36%

Screening Date 8-Apr-2011

Docket No. 2011-0558-MWD-E

PCW

Respondent JATRA INTERNATIONAL, INC.

Policy Revision 2 (September 2002)

Case ID No. 41457

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101516037

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014770001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit discharge monitoring reports ("DMRs") for the months of January 2010 through December 2010 by the 20th day of the following month.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 12

12 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$12,000

Twelve single events are recommended (one event for each missing report).

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$12,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$16,320

This violation Final Assessed Penalty (adjusted for limits) \$16,320

Economic Benefit Worksheet

Respondent JATRA INTERNATIONAL, INC.
Case ID No. 41457
Req. Ent. Reference No. RN101516037
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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	21-Mar-2011	31-Dec-2011	0.78	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	20-Feb-2010	31-Dec-2011	1.86	\$28	n/a	\$28

Notes for DELAYED costs

Estimated cost to prepare and submit the missing DMRs (\$25 per DMR), and to update the Facility's operational guidance and to conduct employee training (\$250). Dates required are the date the first missing DMR was due and the date of the record review. Final date is the projected date of compliance.

Avoided Costs

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

Disposal				0.00	\$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 \$550

TOTAL \$38

Screening Date 8-Apr-2011
Respondent JATRA INTERNATIONAL, INC.
Case ID No. 41457
Reg. Ent. Reference No. RN101516037
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson

Docket No. 2011-0558-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0014770001, Sludge Provisions

Violation Description
 Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2010.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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	<input type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes: The Respondents do not meet the good faith criteria for this violation.

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 JATRA INTERNATIONAL, INC.
Case ID No. 41457
Req. Ent. Reference No. RN101516037
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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)	\$50	1-Sep-2010	31-Dec-2011	1.33	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report for the monitoring period ending July 31, 2010. Date required is the date the report was due. Final date is the projected date of compliance. The cost of training is included in the economic benefit for violation no. 1.

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

	\$50
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TOTAL

	\$3
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Compliance History

Customer/Respondent/Owner-Operator:	CN600791990	Jatra International, Inc.	Classification: AVERAGE	Rating: 4.95
Regulated Entity:	RN101516037	JET ERA	Classification: AVERAGE	Site Rating: 4.95
ID Number(s):	WASTEWATER	EPA ID		TX0054054
	WASTEWATER	PERMIT		WQ0014770001
	WASTEWATER LICENSING	LICENSE		WQ0011578001

Location: located approx. 1000 feet southeast of the intersection of Interstate Highway 45 and State Highway 179 in Freestone County, Texas

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared:

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 11, 2006 to April 11, 2011

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

Name: Cheryl Thompson Phone: (817) 588-5886

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: 9/1/2010 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: 06/29/2007

ADMINORDER 2006-1720-MWD-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter D 305.65
 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Permit Condition No. 4.c. PERMIT

Description: Failure to maintain a permit for the discharge of wastewater. Specifically, Jatra did not renew TPDES Permit No. 11578001, which expired on July 1, 2006, and is continuing to discharge wastewater without authorization.

- 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	5/31/2006	(456018)
2	8/23/2006	(497178)
3	1/16/2007	(516289)
4	1/31/2007	(621816)
5	2/28/2007	(621817)
6	3/31/2007	(621818)
7	7/31/2006	(621819)
8	8/31/2006	(621820)
9	9/30/2006	(621821)
10	10/31/2006	(621822)
11	11/30/2006	(621823)
12	12/31/2006	(621824)
13	2/29/2008	(636118)
14	7/30/2008	(684501)
15	11/6/2008	(713044)
16	11/6/2008	(713045)
17	11/6/2008	(713046)
18	11/6/2008	(713047)
19	11/6/2008	(713048)
20	11/6/2008	(713049)
21	11/6/2008	(713050)
22	11/6/2008	(713051)
23	11/6/2008	(713052)
24	3/31/2009	(740466)
25	7/16/2009	(759855)
26	4/28/2010	(827848)
27	5/20/2010	(832682)
28	5/20/2010	(832683)
29	5/20/2010	(832684)
30	5/20/2010	(832685)
31	5/20/2010	(832686)

32 5/20/2010 (832687)
 33 5/20/2010 (832688)
 34 5/20/2010 (832689)
 35 5/20/2010 (832690)
 36 3/31/2011 (906720)

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

Date: 05/30/2006 (456018) CN600791990

Self Report? NO Classification: Minor
 Citation: WQ0011578-001 PERMIT
 Description: Failure by the permittee to submit accurate information on the Discharge Monitoring Reports (DMR).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.11(a)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to perform manganese interference correction for residual chlorine analysis.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to maintain a chlorine residual between 1.0 and 4.0 mg/l.
 Self Report? NO Classification: Minor
 Citation: WQ0011578-001 PERMIT
 Description: Failure by the permittee to keep management records for all sludge removed from any wastewater treatment process.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to provide atmospheric vacuum breakers where required.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to maintain 2 aeration blowers
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to remove excessive sludge from the clarifier and chlorine contact chamber.
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to prevent the discharge of sludge in the receiving waters.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.11(d)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to provide an accurate measuring device.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to remove the excessive grease from the lift station.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to maintain an audiovisual alarm at the lift station.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to maintain a dissolved oxygen level of 3.0 mg/l.
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 WQ0011578-001 PERMIT
 Description: Failure by the permittee to seal the discharge pipe from the chlorine contact chamber.
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 WQ0011578-001 PERMIT

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(4)
WQ0011578-001 PERMIT

Description: Failure by the permittee to provide a covered receptacle for screenings.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
WQ0011578-001 PERMIT

Description: Failure by the permittee to maintain the Biochemical Oxygen Demand (BOD) within permit limitations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
WQ0011578-001 PERMIT

Description: Failure by the permittee to maintain the Total Suspended Solids within the permit limitations.

Self Report? NO Classification: Minor

Citation: WQ0011578-001 PERMIT

Description: Failure by the permittee to retain sludge records for a period of five years.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
WQ0011578-001 PERMIT

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Date: 04/30/2008 (713047) CN600791990

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: 03/27/2009 (740466) CN600791990

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements; No. 4, Pg. 10 PERMIT

Description: Failure to install and subsequently maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Date: 02/01/2010 (786619) CN600791990

Self Report? NO Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
Permit Conditions PERMIT

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Date: 04/28/2010 (827848) CN600791990

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
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Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JATRA INTERNATIONAL, INC.;
RN101516037**

**§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-0558-MWD-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is JATRA INTERNATIONAL, INC. ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment facility located approximately 1,000 feet southeast of the intersection of Interstate Highway 45 and State Highway 179 in Freestone County, Texas (the "Facility"). Respondent has discharged waste from the Facility into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
2. During a record review conducted on March 21, 2011, a TCEQ Austin Regional Office investigator documented that Respondent:
 - a. Failed to submit monitoring results at the intervals specified in the permit. Specifically, Respondent failed to submit discharge monitoring reports ("DMRs") for the months of January 2010 through December 2010 by the 20th day of the following month; and
 - b. Failed to submit monitoring results at the intervals specified in the permit. Specifically, Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2010.
3. Respondent received notice of the violations on or about April 4, 2011.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of JATRA INTERNATIONAL, INC." (the "EDPRP") in the TCEQ Chief Clerk's office on September 8, 2011.

5. By letter dated September 8, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on September 14, 2011, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014770001, Monitoring and Reporting Requirements No. 1.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014770001, Sludge Provisions.
4. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of seventeen thousand six hundred eighty dollars (\$17,680.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of seventeen thousand six hundred eighty dollars (\$17,680.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: JATRA INTERNATIONAL, INC.; Docket No. 2011-0558-MWD-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondent shall submit all missing DMRs (January 2010 through December 2010) and the annual sludge report for the monitoring period ending July 31, 2010, in accordance with the requirements of TPDES Permit No. WQ0014770001 to:

Compliance Monitoring Team (MC 224)
Enforcement division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - b. Within 30 days after the effective date of this Order, Respondent shall update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0014770001.
 - c. Within 45 days after the effective date of this Order, Respondent shall submit written certification and detailed supporting documentation, in accordance with Ordering Provision No. 3.d., below, to demonstrate compliance with Ordering Provisions Nos. 3.a. and 3.b.

- d. The certification required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Frank Burleson, Water Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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

8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF KARI L. GILBRETH

STATE OF TEXAS

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COUNTY OF TRAVIS

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"My name is Kari L. Gilbreth. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of JATRA INTERNATIONAL, INC." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on September 8, 2011.

The EDPRP was mailed to Respondent's last known address on September 8, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on September 14, 2011, as evidenced by the signature on the card.

Kari L. Gilbreth

Kari L. Gilbreth, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Kari L. Gilbreth, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 27th day of October, A.D. 2011.

Margaret Jackson
Notary Signature

