

Executive Summary – Enforcement Matter – Case No. 43122

Eli Gravriel Sasson

RN101525137

Docket No. 2011-2292-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Greens Road MHP, located north of Greens Bayou, approximately 3,150 feet west of the intersection of Greens Road and Aldine Westfield Road, 5,100 feet east of the intersection of Greens Road and Hardy Road, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 18, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,125

Amount Deferred for Expedited Settlement: \$3,225

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,900

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 43122

Eli Gravriel Sasson

RN101525137

Docket No. 2011-2292-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 28, 2011

Date(s) of NOE(s): November 22, 2011

Violation Information

1. Failed to prevent the discharge of floating solids and sludge into or adjacent to water in the state and comply with permitted effluent limitations. Specifically, settled sludge, floating solids, grease balls, and sewage debris were noted up to 25 feet downstream of the outfall [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0011414002 Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d.].

2. Failed to comply with permitted effluent limitations for ammonia nitrogen, total suspended solids, and chlorine residual. Specifically, the ammonia nitrogen daily average concentration exceeded the permit limit of 5 milligrams per liter (“mg/L”) (5.9 mg/L), ammonia nitrogen single grab exceeded the permit limit of 15 mg/L (29 mg/L), and total suspended solids daily average concentration exceeded the permit limit of 15 mg/L (17.3 mg/L) for the month of January 2011. Also, a grab sample taken at the time of the investigation exceeded the chlorine residual monthly maximum permitted limit of 4.0 milligrams per liter (mg/L) (>5.0 mg/L) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011414002 Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

3. Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance. Specifically, the Respondent failed to report the ammonia nitrogen single grab effluent violation deviation of more than 40% for the month of January 2011 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0011414002, Monitoring and Reporting Requirements No. 7.c.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By December 8, 2011, Respondent cleaned and disinfected the receiving stream.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, update operational guidance and conduct employee training to ensure that non-compliance notifications are submitted as required;

Executive Summary – Enforcement Matter – Case No. 43122

Eli Gravriel Sasson

RN101525137

Docket No. 2011-2292-MWD-E

b. Within 45 days, submit written certification of compliance with Ordering Provision a.;
and

c. Within 90 days, submit written certification demonstrating compliance with
permitted effluent limits.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: JR Cao, Enforcement Division, Enforcement
Team 1, MC 169, (512) 239-2543; Debra Barber, Enforcement Division, MC 219,
(512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Eli Gravriel Sasson, Owner, Greens Road Mobile Home Wastewater
Treatment Facility, 4402 Woodvalley Drive, Suite B, Houston, Texas 77096

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-Jan-2012	Screening	9-Jan-2012	EPA Due	
	PCW	9-Jan-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	Eli Gravriel Sasson
Reg. Ent. Ref. No.	RN101525137
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	43122	No. of Violations	2
Docket No.	2011-2292-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	JR Cao
		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	\$2,000
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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	30.0% Enhancement	Subtotals 2, 3, & 7
		\$600

Notes: Enhancement for one NOV with same/similar violations and five months of self-reported effluent violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$609	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$5,275		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1.0%	Adjustment	\$25
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost associated with Violation No. 2.

Final Penalty Amount	\$2,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,625
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DEFERRAL	20.0% Reduction	Adjustment	-\$525
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,100
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Screening Date 9-Jan-2012

Docket No. 2011-2292-MWD-E

PCW

Respondent Eli Gravriel Sasson

Policy Revision 2 (September 2002)

Case ID No. 43122

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101525137

Media [Statute] Water Quality

Enf. Coordinator JR Cao

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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) 30%

>> **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 one NOV with same/similar violations and five months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 9-Jan-2012

Docket No. 2011-2292-MWD-E

PCW

Respondent Eli Gravriel Sasson

Policy Revision 2 (September 2002)

Case ID No. 43122

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101525137

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011414002 Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in an investigation conducted on September 28, 2011. Specifically, the ammonia nitrogen daily average concentration exceeded the permit limit of 5 milligrams per liter (mg/L) (5.9 mg/L), ammonia nitrogen single grab exceeded the permit limit of 15 mg/L (29 mg/L), and total suspended solids daily average concentration exceeded the permit limit of 15 mg/L (17.3 mg/L) for the month of January 2011.

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

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of this discharge, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 31 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.

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 \$566

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent Eli Gravier Sasson
Case ID No. 43122
Req. Ent. Reference No. RN101525137
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Jan-2011	12-Sep-2012	1.62	\$27	\$539	\$566
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 evaluate the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$566

Screening Date 9-Jan-2012

Docket No. 2011-2292-MWD-E

PCW

Respondent Eli Gravier Sasson

Policy Revision 2 (September 2002)

Case ID No. 43122

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101525137

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A), and TPDES Permit No. WQ0011414002, Monitoring and Reporting Requirements No. 7.c

Violation Description

Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance, as documented during an investigation on September 28, 2011. Specifically, the Respondent failed to report the ammonia nitrogen single grab effluent violation deviation of more than 40% for the month of January 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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 \$43

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent Eli Gravierl Sasson
Case ID No. 43122
Req. Ent. Reference No. RN101525137
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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	31-Jan-2011	11-Jul-2012	1.44	\$18	n/a	\$18
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 updating procedures and training Facility personnel to ensure that non-compliance notifications are submitted as required. Date required is the first date of the non-compliance. Final date is the estimated 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]	\$25	31-Jan-2011	31-Jan-2011	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to report the effluent violations with deviations of more than 40% (\$25).

Approx. Cost of Compliance

\$275

TOTAL

\$43



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	9-Jan-2012	Screening	9-Jan-2012	EPA Due	
	PCW	9-Jan-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	Eli Gravriel Sasson
Reg. Ent. Ref. No.	RN101525137
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	43122	Order Type	1660
Docket No.	2011-2292-MWD-E	Government/Non-Profit	No
Media Program(s)	Water Quality	Enf. Coordinator	JR Cao
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$11,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **30.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,375**

Notes: Enhancement for one NOV with same/similar violations and five months of self-reported effluent 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** **\$1,125**

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

Total EB Amounts	\$82
Approx. Cost of Compliance	\$6,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$13,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$13,500**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$13,500**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,700**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$10,800**

Screening Date 9-Jan-2012

Docket No. 2011-2292-MWD-E

PCW

Respondent Eli Gravriel Sasson

Policy Revision 3 (September 2011)

Case ID No. 43122

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101525137

Media [Statute] Water Quality

Enf. Coordinator JR Cao

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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%

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) 30%

>> 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 one NOV with same/similar violations and five months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 9-Jan-2012

Docket No. 2011-2292-MWD-E

PCW

Respondent Eli Gravierl Sasson

Policy Revision 3 (September 2011)

Case ID No. 43122

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101525137

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), and Texas Pollutant Discharge Elimination System Permit No. WQ0011414002 Effluent Limitations and Monitoring Requirements Nos. 2 and 4, and Permit Conditions No. 2.d

Violation Description Failed to prevent the discharge of floating solids and sludge into or adjacent to water in the state and comply with permitted effluent limitations, as documented during an investigation conducted on September 28, 2011. Specifically, settled sludge, floating solids, grease balls, and sewage debris were noted up to 25 feet downstream of the outfall. A grab sample taken at the time of the investigation exceeded the chlorine residual monthly maximum permitted limit of 4.0 milligrams per liter (mg/L) (>5.0 mg/L).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 71

Table for event frequency: daily, weekly, monthly (marked with X), quarterly, semiannual, annual, single event.

Violation Base Penalty \$11,250

Three monthly events are recommended from the investigation date (September 28, 2011) to the date of compliance (December 8, 2011).

Good Faith Efforts to Comply

10.0% Reduction \$1,125

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with X), N/A (marked with x).

Notes The Respondent came into compliance on December 8, 2011.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$82 Violation Final Penalty Total \$13,500

This violation Final Assessed Penalty (adjusted for limits) \$13,500

Economic Benefit Worksheet

Respondent Eli Gravierl Sasson
Case ID No. 43122
Req. Ent. Reference No. RN101525137
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$6,000	28-Sep-2011	8-Dec-2011	0.19	\$4	\$78	\$82
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 remove and properly dispose of the sludge, grease balls, and sewage debris in the receiving stream, and to clean and disinfect the area. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$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	\$6,000	TOTAL	\$82
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Compliance History

Customer/Respondent/Owner-Operator: CN600691240 Sasson, Eli Gravriel Classification: AVERAGE Rating: 1.43
 Regulated Entity: RN101525137 GREENS ROAD MHP Classification: AVERAGE Site Rating: 0.39

WQ0011414002

ID Number(s): WASTEWATER PERMIT
 WASTEWATER EPA ID TX0033189

Location: North of Greens Bayou, approximately 3,150 feet west of the intersection of Greens Road and Aldine Westfield Road, 5,100 feet east of the intersection of Greens Road and Hardy Road, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 15, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 15, 2006 to December 15, 2011

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

Name: JR Cao Phone: (512) 239-2543

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: 9/1/2011 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 02/22/2007 (579753)	8 07/23/2007 (602929)
2 03/19/2007 (579754)	9 09/24/2007 (602930)
3 04/23/2007 (579755)	10 09/24/2007 (602931)
4 05/22/2007 (579756)	11 11/26/2007 (621318)
5 06/14/2007 (579757)	12 01/17/2008 (673371)
6 01/04/2007 (579758)	13 01/21/2008 (673372)
7 01/10/2007 (579759)	

14	03/10/2008	(691554)	37	01/21/2010	(808490)
15	06/10/2008	(691555)	38	04/28/2010	(832283)
16	04/23/2008	(691556)	39	05/03/2010	(832284)
17	06/19/2008	(691557)	40	05/24/2010	(832285)
18	06/30/2008	(712502)	41	10/21/2009	(845192)
19	07/21/2008	(712503)	42	05/31/2010	(861235)
20	08/25/2008	(712504)	43	09/23/2010	(867362)
21	12/01/2008	(728752)	44	08/18/2010	(867363)
22	12/08/2008	(728753)	45	09/24/2010	(874398)
23	12/08/2008	(728754)	46	10/18/2010	(881977)
24	01/08/2009	(751836)	47	01/06/2011	(885618)
25	03/26/2009	(769646)	48	11/18/2010	(888456)
26	03/26/2009	(769647)	49	12/23/2010	(896763)
27	05/15/2009	(769648)	50	03/07/2011	(916798)
28	12/15/2009	(780551)	51	03/17/2011	(916799)
29	08/10/2010	(803809)	52	04/20/2011	(926347)
30	04/30/2010	(808483)	53	04/20/2011	(926348)
31	06/29/2009	(808484)	54	05/16/2011	(938514)
32	07/22/2009	(808485)	55	06/22/2011	(945882)
33	08/28/2009	(808486)	56	07/18/2011	(953139)
34	09/23/2009	(808487)	57	08/26/2011	(959788)
35	10/21/2009	(808488)	58	09/21/2011	(965825)
36	12/28/2009	(808489)	59	11/22/2011	(968418)
			60	10/20/2011	(971866)

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

Date: 09/30/2008 (728753) CN600691240
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (769646) CN600691240
 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: 12/15/2009 (780551) CN600691240
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
 Sludge Provisions, P. 12, Sect. I & II PERMIT

Description: Failure to provide and maintain the sludge management records.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to maintain the high level alarms at the on-site lift station.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 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 319, SubChapter A 319.7(c)

Description: Failure to accurately complete the discharge monitoring reports (DMR).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements, P. 23, No. 8 PERMIT

Description: Failure to provide documentation for the Other Permit Requirements.

Date: 02/28/2010 (832283) CN600691240
 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: 01/31/2011 (916798) CN600691240
 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: 09/30/2011 (971866) CN600691240
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ELI GRAVRIEL SASSON
RN101525137**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-2292-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 Eli Gravriel Sasson ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located north of Greens Bayou, approximately 3,150 feet west of the intersection of Greens Road and Aldine Westfield Road, 5,100 feet east of the intersection of Greens Road and Hardy Road in Harris County, Texas (the "Facility").
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 November 27, 2011.
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 Sixteen Thousand One Hundred Twenty-Five Dollars (\$16,125) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Twelve Thousand Nine Hundred Dollars (\$12,900) of the administrative penalty and Three Thousand Two Hundred Twenty-Five Dollars (\$3,225) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by December 8, 2011, the Respondent cleaned and disinfected the receiving stream.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent the discharge of floating solids and sludge into or adjacent to water in the state and comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011414002 Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d, as documented during an investigation conducted on September 28, 2011. Specifically, settled sludge, floating solids, grease balls, and sewage debris were noted up to 25 feet downstream of the outfall.
2. Failed to comply 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. WQ0011414002 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented in an investigation conducted on September 28, 2011. Specifically, the ammonia nitrogen daily average concentration exceeded the permit limit of 5 milligrams

per liter ("mg/L") (5.9 mg/L), ammonia nitrogen single grab exceeded the permit limit of 15 mg/L (29 mg/L), and total suspended solids daily average concentration exceeded the permit limit of 15 mg/L (17.3 mg/L) for the month of January 2011. Also, a grab sample taken at the time of the investigation exceeded the chlorine residual monthly maximum permitted limit of 4.0 milligrams per liter (mg/L) (>5.0 mg/L).

3. Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0011414002, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation on September 28, 2011. Specifically, the Respondent failed to report the ammonia nitrogen single grab effluent violation deviation of more than 40% for the month of January 2011.

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: Eli Gravriel Sasson, Docket No. 2011-2292-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, update operational guidance and conduct employee training to ensure that non-compliance notifications are submitted as required, in accordance with TPDES Permit No. WQ0011414002, Monitoring and Reporting Requirements No. 7.c;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, 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 No. WQ0011414002, including specific corrective actions that were implemented at the Facility 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 include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations, in accordance with Ordering Provision No. 2.d below; and
- d. The certification required by Ordering Provision Nos. 2.b and 2.c shall be notarized by a State of Texas Notary public and 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single 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



For the Executive Director

7/6/12

Date

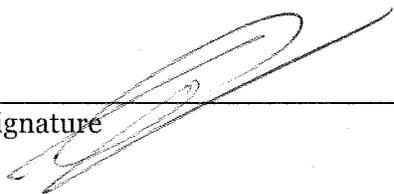
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature



Date

 3/30/2012

Name (Printed or typed)
Authorized Representative of
Eli Gravriel Sasson

Title

owner

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.