

MANKI LLC
RN103759106
Docket No. 2012-1001-MWD-E

Order Type:

Default Order

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

11978 U.S. Highway 59 North, Seven Oaks, Polk County

Type of Operation:

waste water treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: April 26, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: \$113,305

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$113,305

Compliance History Classifications:

Person/CN – Satisfactory
 Site/RN – Satisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011 (PCW 1); September 2002 (PCW 2)

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: February 14, 2012; October 25, 2012

Date(s) of NOV(s): See Compliance History – 6 related NOVs

Date(s) of NOE(s): April 13, 2012; November 8, 2012

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Violation Information

1. Failed to monitor effluent at the monitoring frequency specified in the permit (flow and chlorine residual – January 2012) [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), and 319.5(b); and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014960001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Monitoring and Reporting Requirements No.1].
2. Failed to maintain records and make them readily available for review upon request by TCEQ representatives [30 TEX. ADMIN. CODE §§ 305.125(1), and 319.7(c); and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 3.b.].
3. Failed to report in writing to the Regional Office and the Enforcement Division any effluent violation which deviates from the permitted limitation by more than 40% within five working days of becoming aware of the non-compliance in January 2012 [30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 7.c.].
4. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained (accumulation of solids in septic tank not being monitored) [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5); and TPDES Permit No. WQ0014960001, Operational Requirements No. 1 and Other Requirements No. 6].
5. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained (lift station not operating properly and not intruder resistant, flow measuring device unreadable) [TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), 217.33, and 217.59; and TPDES Permit No. WQ0014960001, Operational Requirements No. 1].
6. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained (potable water inlet supply line did not have a reduced-pressure principle backflow prevention assembly) [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 217.330(a); and TPDES Permit No. WQ0014960001, Operational Requirements No.1].
7. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained (access to the treatment system is by ladder and is not acceptable for frequent access [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 217.325(c); and TPDES Permit No. WQ0014960001, Operational Requirements No. 1].
8. Failed to employ or contract one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1); and TPDES Permit No. WQ0014960001, Other Requirements No. 1].
9. Failed to report true and accurate data to the TCEQ [30 TEX. ADMIN. CODE §§ 305.125(1) and 305.125(20)(c); and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 1].
10. Failed to report in writing to the Regional Office and the Enforcement Division any effluent violation which deviates from the permitted limitation by more than 40% within five working days of becoming aware of the non-compliance in November 2010, December 2010, and January 2011 [30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 7.c.].
11. Failed to monitor effluent at the monitoring frequency specified in the permit (flow and chlorine residual – August 2011) [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), and 319.5(b); and TPDES Permit No. WQ0014960001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Monitoring Requirements No. 1].
12. Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1); 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014960001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3].

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13. Failed to submit monitoring results at the intervals specified in the permit (Discharge Monitoring Report (“DMR”) for January 2012) [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17), and 319.7(d); and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Ensure a properly certified wastewater treatment facility operator holding a valid license or registration operates the Facility at least five days a week;
 - b. Submit the quarterly DMR for the monitoring period ending January 31, 2012;
 - c. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the submittal of accurate and complete DMRs and non-compliance notifications;
 - d. Implement a record keeping system to ensure all required records are maintained and made available for review upon request;
 - e. Begin monitoring effluent (specifically, flow and chlorine residual) at the frequency specified in the permit;
 - f. Begin monitoring the accumulation of solids in the septic tank once every six months;
 - g. Install a stairway as an adequate means of access to the treatment system;
 - h. Make necessary repairs to and begin maintaining the lift station to ensure proper operation; and
 - i. Install a reduced-pressure principle backflow prevention assembly on the potable water inlet supply line.
2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1.a. through 1.i.
3. Within 90 days, certify compliance with the effluent limits of the permit, including specific corrective actions that were implemented to achieve compliance and copies of the most current DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limits.

Litigation Information

Date Petition(s) Filed: February 14, 2013; March 11, 2013
Date Green Card(s) Signed: Unclaimed; March 13, 2013
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Tammy L. Mitchell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: JR Cao, Enforcement Division, (512) 239-2543

TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 898-3838

Respondent: Dilipkumar Patel, Managing Member, MANKI LLC, 12018 US Highway 59 North, Livingston, Texas 77351

Respondent’s Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	16-Apr-2012		
	PCW	8-Feb-2013	Screening	2-May-2012
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	MANKI LLC		
Reg. Ent. Ref. No.	RN103759106		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44142	No. of Violations	11
Docket No.	2012-1001-MWD-E	Order Type	Findings
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	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$58,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 75.0% Enhancement **Subtotals 2, 3, & 7** \$43,500

Notes

Enhancement for one order with denial of liability, one order without denial of liability, and six 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** \$0

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

Total EB Amounts \$8,454
Approx. Cost of Compliance #NAME?

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$101,500

OTHER FACTORS AS JUSTICE MAY REQUIRE 4.6% **Adjustment** \$4,673

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided cost associated with Violation Nos. 2, 4, 5, and 10.

Final Penalty Amount \$106,173

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$106,173

DEFERRAL 0.0% Reduction **Adjustment** \$0

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$106,173**

Screening Date 2-May-2012
Respondent MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2012-1001-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

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>)	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 75%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one order with denial of liability, one order without denial of liability, and six months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 75%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 75%

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	44142			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

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. WQ0014960001 Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3

Violation Description Failed to comply with permitted effluent limitations, as documented during an investigation conducted on February 14, 2012, a record review conducted on October 25, 2012, and shown in the attached violation table.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

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 as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three quarterly events are 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	x	(mark with x)

Notes The Respondent does 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)

Effluent Violation Table
Docket No. 2012-1001-MWD-E

MANKI LLC PCW 1, Violation 1	pH Min.	Chlorine Grab Min. Conc.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	Sample
Month/Date	6 SU	1 mg/L	20 mg/L	65 mg.L	Permitted Limit
September 2011	5.3	c	c	c	
January 2012	c	c	47.16	92	
February 2012	c	c	39.2	c	
*February 14, 2012 (grab sample)	5.5	0.23	c	108	
March 2012	c	c	43.22	104	

*Grab sample collected during investigation

Min. = Minimum

SU = Standard Units

Conc. = Concentration

mg/L = milligrams per liter

TSS = Total Suspended Solids

Avg. = Average

c = compliant

Economic Benefit Worksheet

Respondent MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Violation No. Water Quality
 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)	\$10,000	30-Sep-2011	31-Oct-2013	2.09	\$70	\$1,392	\$1,461
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 the non-compliance and to implement corrective actions. Date required is the first date of 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,461

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Screening Date 2-May-2012 Respondent MANKI LLC Case ID No. 44142 Reg. Ent. Reference No. RN103759106 Media [Statute] Water Quality Enf. Coordinator JR Cao	Docket No. 2012-1001-MWD-E	PCW <i>Policy Revision 3 (September 2011)</i> <i>PCW Revision August 3, 2011</i>
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Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(A), 319.5(b), and TPDES Permit No. WQ0014960001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Monitoring and Reporting Requirements No. 1

Violation Description Failed to monitor effluent at the monitoring frequency specified in the permit, as documented during an investigation conducted on February 14, 2012. Specifically, the investigator noticed that flow and chlorine residual are not being monitored at the minimum frequency according to a laboratory analysis report for the monitoring period ending January 31, 2012.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
	Potential	<input type="text"/>	x	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended for the month of January 2012.

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	x	(mark with x)

Notes The Respondent does 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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Violation No. Water Quality
 2

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	\$50	14-Feb-2012	31-Jul-2013	1.46	\$4	n/a	\$4
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 begin monitoring effluent at the frequency specified in the permit (\$5 a sample; pH and chlorine, five times a week. Date required is the investigation date. 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]	\$50	1-Jan-2012	31-Jan-2012	1.00	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 Estimated cost to monitor effluent at the frequency specified in the permit. Date required is the start of the monitoring period and the final date is the end of the monitoring period.

Approx. Cost of Compliance \$100

TOTAL \$56

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	44142	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1), 319.7(c), and TPDES Permit No. WQ0014960001 Monitoring and Reporting Requirements No. 3.b			
Violation Description	Failed to maintain records and make them readily available for review upon request by TCEQ representatives. Specifically, the chain of custody records for Escherichia coli ("E. coli") were not available for review.			
Base Penalty	\$25,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	At least 70% of the rule requirement was met.				
Adjustment	\$24,750				

Violation Events

Number of Violation Events	1	78	Number of violation days	
<i>mark only one with an x</i>	daily		Violation Base Penalty	\$250
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
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	\$250		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$18	Violation Final Penalty Total \$458
This violation Final Assessed Penalty (adjusted for limits) \$458	

Economic Benefit Worksheet

Respondent MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$250	14-Feb-2012	31-Jul-2013	1.46	\$18	n/a	\$18
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to develop and implement a record keeping system and begin maintaining records and make them readily available for review upon request by TCEQ representatives. Date required is the investigation date and 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$250	TOTAL	\$18
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Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC	Policy Revision 3 (September 2011)		
Case ID No.	44142	PCW Revision August 3, 2011		
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="0.0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="5.0%"/>
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See economic benefit for Violation No. 1 on accompanying PCW.

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-2012	31-Jan-2012	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to submit the non-compliance notification. The date required and final date is the end of the monitoring period in which the effluent violation occurred.

Approx. Cost of Compliance

\$25

TOTAL

\$25

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	44142	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0014960001 Operational Requirements No. 1 and Other Requirements No. 6

Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on February 14, 2012. Specifically, the accumulation of solids in the septic tank was not being monitored once every six months.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="3.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

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

Adjustment

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	<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 Respondent does 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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See economic benefit for Violation No. 1 on accompanying PCW.

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)	\$100	14-Aug-2011	14-Feb-2012	1.42	\$7	\$100	\$107

Notes for AVOIDED costs

Estimated cost to monitor the accumulation of solids. Date required is six months prior to the investigation date. Final date is the investigation date.

Approx. Cost of Compliance

\$100

TOTAL

\$107

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	44142			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (5), 217.33, 217.59, and TPDES Permit No. WQ0014960001 Operational Requirements No. 1

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on February 14, 2012. Specifically, the lift station was not operating correctly. The water level in the wet well was approximately two feet from the top of the lift station. The high level float, visual alarm, and pumps were not properly functioning. In addition, the lift station was not intruder-resistant and the primary flow measuring device was unreadable.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

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

Adjustment

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 checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the investigation date (February 14, 2012) to the screening date (May 2, 2012).

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 checked="" type="text" value="x"/>	(mark with x)

Notes: The Respondent does 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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
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

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)	\$6,000	14-Feb-2012	31-Jul-2013	1.46	\$438	n/a	\$438

Notes for DELAYED costs
 Estimated cost to perform repairs and/or maintenance on the lift station. Date required is the date of the investigation. 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	44142			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

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

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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	14-Feb-2012	31-Jul-2013	1.46	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to install a reduced-pressure principle backflow prevention device. Date required is the investigation date. 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	44142			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment

Violation Events

	<input type="text" value="1"/>	<input type="text" value="78"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$750"/>
	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"/>			

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

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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
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
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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)	\$1,500	14-Feb-2012	31-Jul-2013	1.46	\$110	n/a	\$110

Notes for DELAYED costs

Estimated cost to install a stairway as an adequate means of access to the treatment plant. Date required is the investigation date. 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$110

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	44142			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

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" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

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

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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$20,000	2-May-2012	31-Jul-2013	1.25	\$83	\$1,662	\$1,745
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 salary of a licensed wastewater operator. Date required is the screening date. 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	\$20,000	14-Feb-2012	2-May-2012	0.21	\$214	\$4,274	\$4,488
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 to hire a licensed wastewater operator. Date required is the investigation date. Final date is the screening date.

Approx. Cost of Compliance

\$40,000

TOTAL

\$6,233

Screening Date 2-May-2012 **Docket No.** 2012-1001-MWD-E **PCW**
Respondent MANKI LLC *Policy Revision 3 (September 2011)*
Case ID No. 44142 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN103759106
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (2)(c), and TPDES Permit No. WQ0014960001 Monitoring and Reporting Requirements No. 1

Violation Description

Failed to report true and accurate data to the TCEQ, as documented during an investigation conducted on February 14, 2012. Specifically, the chain of custody reports provided by Eastex Environmental indicated that chlorine residual was not being measured. The Respondent stated that the Facility does not measure chlorine, and is randomly writing down a result for chlorine residual values on the DMRs.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
x				100.0%

Matrix Notes

Falsification of monitoring results.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 78 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$25,000

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 \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$45,764

This violation Final Assessed Penalty (adjusted for limits) \$45,764

Economic Benefit Worksheet

Respondent MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See economic benefit for Violation No. 1 on accompanying PCW.

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

TOTAL

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	44142	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s)
30 Tex. Admin. Code §§ 305.125(1) and (17), 319.7(d), and TPDES Permit No. WQ0014960001 Monitoring and Reporting Requirements No. 1

Violation Description
Failed to submit monitoring results at the intervals specified in the permit, as documented during a record review conducted on October 25, 2012. Specifically, the quarterly discharge monitoring report ("DMR") for E. coli for the monitoring period ending January 31, 2012 was not submitted by the 20th day of the following month as required.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

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 checked="" 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 checked="" type="text" value="x"/>	(mark with x)

Notes
The Respondent does 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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Water Quality
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Feb-2012	31-Jul-2013	1.44	\$2	n/a	\$2

Notes for DELAYED costs Estimated cost to submit the DMR. Date required is the date the DMR was due. 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Apr-2012		
	PCW	1-Oct-2012	Screening	2-May-2012
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	MANKI LLC		
Reg. Ent. Ref. No.	RN103759106		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44142	No. of Violations	2
Docket No.	2012-1001-MWD-E	Order Type	Findings
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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Enhancement for one order with denial of liability, one order without denial of liability, and six months of self-reported effluent violations.

Culpability Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided costs associated to the violations.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 2-May-2012

Docket No. 2012-1001-MWD-E

PCW

Respondent MANKI LLC

Policy Revision 2 (September 2002)

Case ID No. 44142

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103759106

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>)	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 75%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial of liability, one order without denial of liability, and six months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 75%

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	44142	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014960001 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. Specifically, the Respondent failed to report the effluent violations with deviations of 40% or greater for the following months: November 2010, December 2010, and January 2011.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

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 checked="" type="text" value="x"/>

Violation Base Penalty

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

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 checked="" type="text" value="x"/>	(mark with x)

Notes: The Respondent does 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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
Media Violation No. Water Quality
 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	30-Nov-2010	31-Jul-2013	2.67	\$33	n/a	\$33
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 the permit requirements are met. 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]	\$75	30-Nov-2010	31-Jan-2011	1.09	\$4	\$75	\$79
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs Estimated cost to submit the non-compliance notifications. Date required is the monitoring period end date of the first month in which an effluent violation occurred. Final date is the monitoring period end date of the last month in which an effluent violation occurred.

Approx. Cost of Compliance \$325

TOTAL \$112

Screening Date	2-May-2012	Docket No.	2012-1001-MWD-E	PCW
Respondent	MANKI LLC			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	44142			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN103759106			
Media [Statute]	Water Quality			
Enf. Coordinator	JR Cao			

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 305.125(1) and (11)(A), 319.5(b), and TPDES Permit No. WQ0014960001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Monitoring and Reporting Requirements No. 1

Violation Description
 Failed to monitor effluent at the monitoring frequency specified in the permit, as documented during an investigation conducted on February 14, 2012. Specifically, the investigator noticed that flow and chlorine residual are not being monitored at the minimum frequency according to a laboratory analysis report for the monitoring period ending August 31, 2011.

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

>> **Programmatic Matrix**

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended for the month of August 2011.

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 Respondent does 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 MANKI LLC
Case ID No. 44142
Reg. Ent. Reference No. RN103759106
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 2 on accompanying PCW.

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]	\$50	1-Aug-2011	31-Aug-2011	1.00	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to monitor effluent at the frequency specified in the permit. Date required is the start of the monitoring period and the final date is the end of the monitoring period.

Approx. Cost of Compliance \$50

TOTAL \$53

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN603605171, RN103759106, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603605171, MANKI LLC **Classification:** SATISFACTORY **Rating:** 32.60
Regulated Entity: RN103759106, SEVEN OAKS WWTP **Classification:** SATISFACTORY **Rating:** 32.60
Complexity Points: 4 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 11978 UNITED STATES HIGHWAY 59 NORTH, SEVEN OAKS, POLK COUNTY
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
WASTEWATER EPA ID TX0094293 **WASTEWATER PERMIT WQ0014960001**
WASTEWATER EPA ID TX0132420

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 9/1/2012

Date Compliance History Report Prepared:

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 11, 2007 to December 11, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

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

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 **Effective Date:** 02/27/2010 **ADMINORDER 2009-0720-MWD-E (Findings Order-Default)**
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter C 305.42(a)
Description: Failure to obtain authorization from the Commission prior to discharging sewage to waters of the State.
- 2 **Effective Date:** 08/27/2011 **ADMINORDER 2011-0154-MWD-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limitations & Monitoring Req. 1 PERMIT
Description: Failure to comply with permitted effluent limitations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 18, 2011	(940282)
Item 2	June 16, 2011	(947646)
Item 3	July 18, 2011	(954913)
Item 4	September 19, 2011	(992927)
Item 5	November 14, 2011	(979693)
Item 6	December 16, 2011	(986548)
Item 7	January 17, 2012	(992928)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 **Date:** (1018734) **CN603605171**
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
- 2 **Date:** (1005783) **CN603605171**
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

3	Date:	(1012373)	CN603605171	
	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		
4	Date:	(1018735)	CN603605171	
	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		
5	Date:	(1026468)	CN603605171	
	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		
6	Date:	(1033800)	CN603605171	
	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
MANKI LLC;
RN103759106**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2012-1001-MWD-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended 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 MANKI LLC ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment plant located at 11978 U.S. Highway 59 North in Seven Oaks, Polk County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on February 14, 2012, a TCEQ Beaumont Regional Office investigator documented that Respondent:
 - a. Failed to monitor effluent at the monitoring frequency specified in the permit. Specifically, the flow and chlorine residual were not being monitored at the minimum frequency required by the permit for the monitoring period ending January 31, 2012;
 - b. Failed to maintain records and make them readily available for review upon request by TCEQ representatives. Specifically, the chain of custody records for *Escherichia coli* ("*E. coli*") were not available for review;
 - c. Failed to report in writing to the Regional Office and the Enforcement Division any effluent violation which deviates from the permitted limitation by more than 40% within five working days of becoming aware of a non-compliance for January 2012;
 - d. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the accumulation of solids in the septic tank was not being monitored once every six months;
 - e. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the lift station was not operating correctly: the water level in the wet well was approximately two feet from the top of the lift station; the high level float, visual alarm, and pumps were not properly functioning; the lift station was not intruder-resistant; and the primary flow measuring device was unreadable;

- f. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the potable water inlet supply line did not have a reduced-pressure principle backflow prevention assembly;
 - g. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, access to the treatment system is by ladder and is not acceptable for frequent access;
 - h. Failed to employ or contract one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration;
 - i. Failed to report true and accurate data to the TCEQ. Specifically, the chain of custody reports provided by Eastex Environmental indicated that chlorine residual was not being measured. Respondent stated that the Facility does not measure chlorine and is randomly writing down a result for chlorine residual values on the discharge monitoring reports ("DMRs");
 - j. 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, Respondent failed to report the effluent violations with deviations of 40% or greater for November 2010, December 2010, and January 2011; and
 - k. Failed to monitor effluent at the monitoring frequency specified in the permit. Specifically, flow and chlorine residual were not being monitored at the minimum frequency according to a laboratory analysis report for the monitoring period ending August 31, 2011.
3. During a record review conducted on October 25, 2012, a TCEQ Central Office investigator documented that Respondent:
- a. Failed to comply with permitted effluent limitations for: pH minimum in September 2011 and on February 14, 2012; for Chlorine Grab Minimum concentration on February 14, 2012; for Total Suspended Solids ("TSS") Daily Average concentration in January 2012, February 2012, and March 2012; and for TSS Single Grab concentration in January 2012, on February 14, 2012, and in March 2012; and
 - b. Failed to submit monitoring results at the intervals specified in the permit. Specifically, the quarterly DMR for E. coli for the monitoring period ending January 31, 2012, was not submitted by the 20th day of the following month.
4. Respondent received notice of the violations in Findings of Fact Nos. 2.a. through 2.k. on or about April 18, 2012. Respondent received notice of the violations in Findings of Fact Nos. 3.a. and 3.b. on or about November 13, 2012.
5. 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 MANKI LLC" (the "EDPRP") in the TCEQ Chief Clerk's office on February 14, 2013.

6. The EDPRP was mailed to Respondent's last known address on February 14, 2013, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
7. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on March 11, 2013.
8. By letter dated March 11, 2013, 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 March 13, 2013, as evidenced by the signature on the card.
9. 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 monitor effluent at the monitoring frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), and 319.5(b); and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014960001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Monitoring and Reporting Requirements No. 1.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain records and make them readily available for review upon request by TCEQ representatives, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c); and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 3.b.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to report in writing to the Regional Office and the Enforcement Division any effluent violation which deviates from the permitted limitation by more than 40% within five working days of becoming aware of the non-compliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 7.c.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5); and TPDES Permit No. WQ0014960001 Operational Requirements No. 1 and Other Requirements No. 6.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), 217.33, and 217.59; and TPDES Permit No. WQ0014960001, Operational Requirements No. 1.
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 217.330(a); and TPDES Permit No. WQ0014960001, Operational Requirements No. 1.

8. As evidenced by Finding of Fact No. 2.g., Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 217.325(c); and TPDES Permit No. WQ0014960001, Operational Requirements No. 1.
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to employ or contract one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1); and TPDES Permit No. WQ0014960001, Other Requirements No. 1.
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to report true and accurate data to the TCEQ, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.125(20)(c); and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 1.
11. As evidenced by Finding of Fact No. 2.j., Respondent 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 TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 7.c.
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to monitor effluent at the monitoring frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), and 319.5(b); and TPDES Permit No. WQ0014960001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Monitoring and Reporting Requirements No. 1.
13. As evidenced by Finding of Fact No. 3.a., Respondent 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. WQ0014960001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3.
14. As evidenced by Finding of Fact No. 3.b., Respondent failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17), and 319.7(d); and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 1.
15. As evidenced by Findings of Fact Nos. 5 through 8, 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(c)(2).
16. As evidenced by Finding of Fact No. 9, 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.
17. 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.

18. An administrative penalty in the amount of one hundred thirteen thousand three hundred five dollars (\$113,305.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
19. 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 one hundred thirteen thousand three hundred five dollars (\$113,305.00) 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: MANKI LLC; Docket No. 2012-1001-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:
 - i. Ensure a properly certified wastewater treatment facility operator holding a valid license or registration operates the Facility at least five days a week, in accordance with 30 TEX. ADMIN. CODE § 30.350(d) and TPDES Permit No. WQ0014960001, Other Requirements No. 1 (Conclusion of Law No. 9);
 - ii. Submit the quarterly DMR for the monitoring period ending January 31, 2012, to the TCEQ, in accordance with 30 TEX. ADMIN. CODE § 319.7(d) and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 1 (Conclusion of Law No. 14);
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the submittal of accurate and complete DMRs, and non-compliance notifications, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(20)(c) and 319.7, and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements Nos. 1 and 7.c. (Conclusions of Law Nos. 4, 10, 11, and 14);

- iv. Implement a record keeping system to ensure all required records are maintained and made available for review upon request, in accordance with 30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0014960001, Monitoring and Reporting Requirements No. 3 (Conclusion of Law No. 3);
 - v. Begin monitoring effluent (specifically, flow and chlorine residual) at the frequency specified in TPDES Permit No. WQ0014960001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 (Conclusions of Law Nos. 2 and 12);
 - vi. Begin monitoring the accumulation of solids in the septic tank once every six months, in accordance with TPDES Permit No. WQ0014960001, Operational Requirements No. 1, and Other Requirements No. 6 (Conclusion of Law No. 5);
 - vii. Install a stairway as an adequate means of access to the treatment system, in accordance with 30 TEX. ADMIN. CODE § 217.325 and TPDES Permit No. WQ0014960001, Operational Requirements No. 1 (Conclusion of Law No. 8);
 - viii. Make necessary repairs to and begin maintaining the lift station to ensure proper operation, in accordance with 30 TEX. ADMIN. CODE § 217.33 and 217.59, and TPDES Permit No. WQ0014960001, Operational Requirements No. 1 (Conclusion of Law No. 6); and
 - ix. Install a reduced-pressure principle backflow prevention assembly on the potable water inlet supply line, in accordance with 30 TEX. ADMIN. CODE § 217.330(a) and TPDES Permit No. WQ0014960001, Operational Requirements No. 1 (Conclusion of Law No. 7).
- b. Within 45 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No.3.d., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.ix.
 - c. Within 90 days after the effective date of this Order, Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014960001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, in accordance with Ordering Provision No. 3.d, below (Conclusion of Law No. 13).
 - d. The certifications 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 certifications 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:

Ronald Hebert, Water Section Manager
Texas Commission on Environmental Quality
Beaumont Regional Office
3870 Eastex Freeway
Beaumont, Texas 77703-1830

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 TAMMY L. MITCHELL

STATE OF TEXAS

§

COUNTY OF TRAVIS

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"My name is Tammy L. Mitchell. 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 MANKI LLC" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on February 14, 2013.

The EDPRP was mailed to Respondent's last known address on February 14, 2013, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on March 11, 2013.

The EDPRP was mailed to Respondent's last known address on March 11, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on March 13, 2013, as evidenced by the signature on the card.

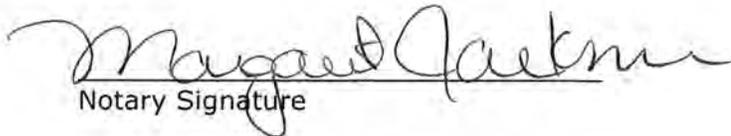
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



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

Before me, the undersigned authority, on this day personally appeared Tammy L. Mitchell, 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 4 day of April, A.D. 2013.



Notary Signature

