

**Executive Summary – Enforcement Matter – Case No. 46201  
Vaithi Development, Inc.  
RN101521730  
Docket No. 2013-0314-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Grand Finale, 14718 Kuykendahl Road between Farm-to-Market Road 1960 and IH-45,  
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:** February 20, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$44,973

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$41,373

**Total Paid to General Revenue:** \$100

**Total Due to General Revenue:** \$3,500

Payment Plan: 35 payments of \$100 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

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**Vaithi Development, Inc.**  
**RN101521730**  
**Docket No. 2013-0314-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** November 16, 2012 through January 17, 2013 and January 23, 2013

**Date(s) of NOE(s):** January 30, 2013 and March 20, 2013

***Violation Information***

1. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0012527001, Sludge Provisions].
2. Failed to timely submit discharge monitoring reports (“DMRs”) by the 20th day of the following month for the monthly monitoring periods ending June 30, 2012 through October 31, 2012 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), and TPDES Permit No. WQ0012527001, Monitoring and Reporting Requirements No. 1].
3. Failed to employ at least one licensed operator who holds a Category "C" license or higher [30 TEX. ADMIN. CODE §§ 30.331(b), 30.350(d), 305.125(1), and TPDES Permit No. WQ0012527001, Other Requirements No. 1].
4. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the offsite lift station high level alarm was not functional, there was not a locked fence surrounding the lift station in an intruder-resistant manner, and the chlorine contact chamber, clarifier, and aeration basin contained a large amount of duckweed [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1].
5. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the V-notch weir was corroded and the flow measurement device was not properly installed [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 319.11(d) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1].
6. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Facility did not have a means to disinfect the effluent prior to discharge, and a backflow prevention device was not installed between the public drinking water supply system and the Facility [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1].

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7. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the two pumps at the offsite lift station were not operational and the blowers at the Facility were not operational [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1].

8. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the clarifier drive arm was broken, and the wall between the aeration basin and the digester was split and bowed towards the digester [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By February 12, 2013:
  - i. Submitted the DMRs for the monitoring periods ending June 30, 2012 through October 31, 2012; and
  - ii. Submitted the annual sludge report for the monitoring period ending July 31, 2012.
- b. By April 19, 2013:
  - i. Removed vegetative growth within the chlorine contact chamber, clarifier, and aeration basin;
  - ii. Repaired one blower and one pump for the lift station; and
  - iii. Repaired the clarifier drive arm by resetting the drive arm chain on the rotating gear.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of DMRs and the annual sludge report;

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- ii. Ensure that the Facility is operated a minimum of five days per week, representative of the Facility's time of operation and discharge, by a licensed chief operator or operator holding the required level of license or higher;
  - iii. Repair or replace the high level alarm and the remaining pump and blower for the lift station;
  - iv. Repair or replace the damaged wall located between the digester and aeration basin, and the corroded V-notch weir;
  - v. Implement a method of disinfection prior to effluent discharge;
  - vi. Properly install the treatment system flow measurement device;
  - vii. Install a backflow prevention device between the public water supply and wastewater treatment system;
  - viii. Secure the lift station with an intruder-resistant fence and locking mechanism; and
  - ix. Update the Facility's operational guidance and conduct employee training to ensure that the chlorine contact chamber, clarifier, aeration basin, and V-notch weir are properly maintained.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.

***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:** Larry Butler, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-2543; Melissa Cordell, Enforcement Division,  
MC 219, (512) 239-2483  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Raj Natarajan, President, Vaithi Development, Inc., 14451 Cornerstone  
Village Drive, No. 100, Houston, Texas 77014  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	25-Mar-2013	<b>Screening</b>	2-Apr-2013	<b>EPA Due</b>	
	<b>PCW</b>	22-Apr-2013				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Vaithi Development, Inc.
<b>Reg. Ent. Ref. No.</b>	RN101521730
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	6
<b>Enf./Case ID No.</b>	46201	<b>Order Type</b>	1660
<b>Docket No.</b>	2013-0314-MWD-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Remington Burklund
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$48,250**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **-10.0%** Enhancement **Subtotals 2, 3, & 7** **-\$4,825**

Notes: Reduction for high performer classification.

**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 **\$4,189**  
 Approx. Cost of Compliance **\$68,556**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$43,425**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.5%** **Adjustment** **\$198**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with violation No. 1.

**Final Penalty Amount** **\$43,623**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$43,623**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$8,724**

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** **\$34,899**

Screening Date 2-Apr-2013

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PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burkland

### 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> )	0	0%
	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)**

#### >> Repeat Violator (Subtotal 3)

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

#### >> Compliance History Summary

Compliance History Notes

Reduction for high performer classification.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%**

Screening Date 2-Apr-2013

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PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.331(b), and 30.350(d), and 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012527001, Other Requirements No. 1

Violation Description Failed to employ at least one licensed operator who holds a Category "C" license or higher, as documented during investigations conducted on November 16, 2012 through January 17, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would 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

75 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$11,250

Three monthly events are recommended from the conclusion of the investigation on January 17, 2013 to the April 2, 2013 screening date.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$198

Violation Final Penalty Total \$10,171

This violation Final Assessed Penalty (adjusted for limits) \$10,171

# Economic Benefit Worksheet

**Respondent** Vaithi Development, Inc.

**Case ID No.** 46201

**Reg. Ent. Reference No.** RN101521730

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				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)	\$186	16-Nov-2012	2-Apr-2013	1.29	\$12	\$186	\$198

Notes for AVOIDED costs

Estimated avoided cost to license an employee as an operator who holds a Category "C" license or higher. The date required is the investigation date and the final date is the screening date.

Approx. Cost of Compliance

\$186

**TOTAL**

\$198

Screening Date 2-Apr-2013

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PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1

Violation Description Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the offsite lift station high level alarm was not functional, there was not a locked fence surrounding the liftstation in an intruder-resistant manner, and the chlorine contact chamber, clarifier, and aeration basin contained a large amount of duckweed.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				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 \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 75

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended from the conclusion of the investigation on January 17, 2013 to the April 2, 2013 screening date.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,379

Violation Final Penalty Total \$1,130

This violation Final Assessed Penalty (adjusted for limits) \$1,130

## Economic Benefit Worksheet

**Respondent** Vaithi Development, Inc.  
**Case ID No.** 46201  
**Reg. Ent. Reference No.** RN101521730  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$20,100	16-Nov-2012	1-Nov-2013	0.96	\$64	\$1,285	\$1,349
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$750	16-Nov-2012	1-Sep-2013	0.79	\$30	n/a	\$30
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the high level alarm on the collection system lift station, install an intruder-resistant fence, remove excess vegetation from the chlorine contact chamber, clarifier, and aeration basin, and update the Facility's operational guidance and conduct employee training to ensure that the chlorine contact chamber, clarifier, and aeration basin are properly maintained. The date required is the investigation date and the 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

\$20,850

**TOTAL**

\$1,379

Screening Date 2-Apr-2013

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PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 319.11(d) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1

Violation Description

Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the V-notch weir was corroded and the flow measurement device was not properly installed.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 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 the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

75 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$750

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$161

Violation Final Penalty Total \$678

This violation Final Assessed Penalty (adjusted for limits) \$678

## Economic Benefit Worksheet

**Respondent** Vaithi Development, Inc.

**Case ID No.** 46201

**Reg. Ent. Reference No.** RN101521730

**Media** Water Quality

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$3,050	16-Nov-2012	1-Aug-2013	0.71	\$7	\$144	\$151
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	16-Nov-2012	1-Sep-2013	0.79	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to repair the V-notch weir and properly install the flow measurement device and update the Facility's operational guidance and conduct employee training to ensure that the V-notch weir is properly maintained. The date required is the investigation date and the 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**

\$3,300

**TOTAL**

\$161

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PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burkland

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1

Violation Description

Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during the investigation conducted on November 16, 2012 through January 17, 2013. Specifically, the Facility did not have a means to disinfect the effluent prior to discharge, and a backflow prevention device was not installed between the public drinking water supply system and the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would 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 6

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six monthly events are recommended (three events per issue) from the conclusion of the investigation on January 17, 2013 to the April 2, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$294

Violation Final Penalty Total \$20,342

This violation Final Assessed Penalty (adjusted for limits) \$20,342

## Economic Benefit Worksheet

**Respondent** Vaithi Development, Inc.

**Case ID No.** 46201

**Reg. Ent. Reference No.** RN101521730

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,300	16-Nov-2012	1-Sep-2013	0.79	\$14	\$280	\$294
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 implement a means of effluent disinfection prior to discharge and to install a backflow prevention device between the public water supply and the wastewater treatment facility. The date required is the investigation date and the 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**

\$5,300

**TOTAL**

\$294

Screening Date 2-Apr-2013

Docket No. 2013-0314-MWD-E

PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burkland

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1

Violation Description

Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the two pumps at the offsite lift station were not operational and the blowers at the Facility were not operational.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would 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

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three monthly events are recommended from the conclusion of the investigation on January 17, 2013 to the April 2, 2013 screening date.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$550

Violation Final Penalty Total \$10,171

This violation Final Assessed Penalty (adjusted for limits) \$10,171

## Economic Benefit Worksheet

**Respondent** Vaithi Development, Inc.  
**Case ID No.** 46201  
**Reg. Ent. Reference No.** RN101521730  
**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	\$9,920	16-Nov-2012	1-Sep-2013	0.79	\$26	\$524	\$550
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the lift station pumps and non-operational blowers. The date required is the investigation date and the 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

\$9,920

**TOTAL**

\$550

Screening Date 2-Apr-2013

Docket No. 2013-0314-MWD-E

PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1

Violation Description

Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the clarifier drive arm was broken, and the wall between the aeration basin and the digester was split and bowed towards the digester.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 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 \$23,750

\$1,250

Violation Events

Number of Violation Events 1

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the conclusion of the investigation on January 17, 2013 to the April 2, 2013 screening date.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,607

Violation Final Penalty Total \$1,130

This violation Final Assessed Penalty (adjusted for limits) \$1,130

## Economic Benefit Worksheet

**Respondent** Vaithi Development, Inc.

**Case ID No.** 46201

**Reg. Ent. Reference No.** RN101521730

**Media** Water Quality

**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$29,000	16-Nov-2012	1-Sep-2013	0.79	\$77	\$1,531	\$1,607
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the broken clarifier drive arm and damaged wall between the digester and aeration basin. The date required is the investigation date and the 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

\$29,000

**TOTAL**

\$1,607



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

ICEQ

<b>DATES</b>	<b>Assigned</b>	4-Feb-2013	<b>Screening</b>	7-Feb-2013	<b>EPA Due</b>	
	<b>PCW</b>	14-Feb-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Vaithi Development, Inc.				
<b>Reg. Ent. Ref. No.</b>	RN101521730				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	46201	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-0314-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Remington Burklund
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **-10.0%** Enhancement **Subtotals 2, 3, & 7** **-\$150**

Notes: Reduction for high performer classification.

**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: \$37  
 Approx. Cost of Compliance: \$425  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$1,350**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$1,350**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$1,350**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$270**

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** **\$1,080**

**Screening Date** 7-Feb-2013

**Docket No.** 2013-0314-MWD-E

**PCW**

**Respondent** Vaithi Development, Inc.

Policy Revision 3 (September 2011)

**Case ID No.** 46201

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101521730

**Media [Statute]** Water Quality

**Enf. Coordinator** Remington Burklund

**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> )	0	0%
	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)** 0%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

>> **Compliance History Summary**

**Compliance History Notes**

Reduction for high performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** -10%

Screening Date 7-Feb-2013

Docket No. 2013-0314-MWD-E

PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012527001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012, as documented during a record review conducted on January 23, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			X	1.0%

Matrix Notes Less than 30% of the permit requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 159

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$250

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 \$34

Violation Final Penalty Total \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

## Economic Benefit Worksheet

**Respondent** Vaithi Development, Inc.  
**Case ID No.** 46201  
**Reg. Ent. Reference No.** RN101521730  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	1-Sep-2012	12-Feb-2013	0.45	\$1	n/a	\$1
Training/Sampling	\$250	23-Jan-2013	1-Sep-2015	2.61	\$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

The estimated cost to submit the annual sludge report and update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished. Dates required are the date the annual sludge report was due and the record review date. Final dates are the date the report was submitted and the expected date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

**TOTAL**

\$34

Screening Date 7-Feb-2013

Docket No. 2013-0314-MWD-E

PCW

Respondent Vaithi Development, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46201

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101521730

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d), and TPDES Permit No. WQ0012527001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit discharge monitoring reports ("DMRs") by the 20th day of the following month for the monthly monitoring periods ending June 30, 2012 through October 31, 2012, as documented during the investigation conducted on January 23, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 5

201 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

Five single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

## Economic Benefit Worksheet

**Respondent** Vaithi Development, Inc.  
**Case ID No.** 46201  
**Reg. Ent. Reference No.** RN101521730  
**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)	\$125	20-Jul-2012	12-Feb-2013	0.57	\$4	n/a	\$4

#### Notes for DELAYED costs

Estimated cost to prepare and submit DMRs (\$25 per report). Date required is the date the first DMR was due. The final date is the date the DMRs were submitted. Delayed costs to update the Facility's operational guidance and conduct employee training are assessed in the economic benefit for Violation No. 1.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

**TOTAL**

\$4

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.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN601548373, RN101521730, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN601548373, Vaithi Development, Inc. **Classification:** HIGH **Rating:** 0.00

**Regulated Entity:** RN101521730, Grand Finale **Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 5 **Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 14718 Kuykendahl Rd between Farm-to-Market Rd 1960 and Interstate Highway 45 in Harris County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER PERMIT** WQ0012527001

**WASTEWATER EPA ID** TX0090069

**WASTEWATER LICENSING LICENSE** WQ0012527001

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** March 26, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 26, 2008 to March 26, 2013

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

**Name:** Remington Burklund

**Phone:** (512) 239-2611

**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:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 04, 2008	(693987)
Item 2	June 06, 2008	(693988)
Item 3	July 22, 2008	(693990)
Item 4	January 20, 2009	(731126)
Item 5	January 26, 2009	(731125)
Item 6	January 27, 2009	(815099)
Item 7	February 25, 2009	(754411)

Item 6	January 27, 2009	(815099)
Item 7	February 25, 2009	(754411)
Item 8	July 01, 2009	(815093)
Item 9	October 23, 2009	(815097)
Item 10	April 15, 2010	(815092)
Item 11	May 24, 2010	(834491)
Item 12	June 14, 2010	(834492)
Item 13	July 31, 2010	(875155)
Item 14	August 31, 2010	(875154)
Item 15	November 10, 2010	(889173)
Item 16	November 12, 2010	(889172)
Item 17	December 31, 2010	(903441)
Item 18	January 10, 2011	(903440)
Item 19	March 04, 2011	(917570)
Item 20	April 20, 2011	(928690)
Item 21	May 27, 2011	(939280)
Item 22	July 14, 2011	(953943)
Item 23	August 22, 2011	(960536)
Item 24	February 07, 2012	(999231)
Item 25	March 22, 2012	(1004740)
Item 26	May 14, 2012	(1017684)
Item 27	July 06, 2012	(1025471)

**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.

N/A

**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  
VAITHI DEVELOPMENT, INC.  
RN101521730**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2013-0314-MWD-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Vaithi Development, Inc. ("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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 14718 Kuykendahl Road between Farm-to-Market Road 1960 and Interstate Highway 45 in Harris County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Executive Director 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 February 4, 2013, and March 25, 2013.
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 Forty-Four Thousand Nine Hundred Seventy-Three Dollars (\$44,973) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Revenue Operations Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Forty-One Thousand Three Hundred Seventy-Three Dollars (\$41,373) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Dollars (\$100) of the undeferred administrative penalty. The remaining amount of Three Thousand Five Hundred Dollars (\$3,500) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By February 12, 2013:
    - i. Submitted the discharge monitoring reports ("DMRs") for the monitoring periods ending June 30, 2012 through October 31, 2012; and
    - ii. Submitted the annual sludge report for the monitoring period ending July 31, 2012.
  - b. By April 19, 2013:
    - i. Removed vegetative growth within the chlorine contact chamber, clarifier, and aeration basin;
    - ii. Repaired one blower and one pump for the lift station; and

- iii. Repaired the clarifier drive arm by resetting the drive arm chain on the rotating gear.
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 timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012527001, Sludge Provisions, as documented during a record review conducted on January 23, 2013.
2. Failed to timely submit DMRs by the 20th day of the following month for the monthly monitoring periods ending June 30, 2012 through October 31, 2012, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), and TPDES Permit No. WQ0012527001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on January 23, 2013.
3. Failed to employ at least one licensed operator who holds a Category "C" license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.331(b), 30.350(d), and 305.125(1), and TPDES Permit No. WQ0012527001, Other Requirements No. 1, as documented during investigations conducted on November 16, 2012 through January 17, 2013.
4. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the offsite lift station high level alarm was not functional, there was not a locked fence surrounding the lift station in an intruder-resistant manner, and the chlorine contact chamber, clarifier, and aeration basin contained a large amount of duckweed.
5. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 319.11(d) and TPDES Permit

- No. WQ0012527001, Operational Requirements No. 1, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the V-notch weir was corroded and the flow measurement device was not properly installed.
6. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the Facility did not have a means to disinfect the effluent prior to discharge, and a backflow prevention device was not installed between the public drinking water supply system and the Facility.
  7. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the two pumps at the offsite lift station were not operational and the blowers at the Facility were not operational.
  8. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012527001, Operational Requirements No. 1, as documented during investigations conducted on November 16, 2012 through January 17, 2013. Specifically, the clarifier drive arm was broken, and the wall between the aeration basin and the digester was split and bowed towards the digester.

### 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: Vaithi Development, Inc., Docket No. 2013-0314-MWD-E" to:

Financial Administration Division, Revenue Operations 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 365 days after the effective date of this Agreed Order:
  - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of DMRs and the annual sludge report, in accordance with TPDES Permit No. WQ0012527001;
  - ii. Ensure that the Facility is operated a minimum of five days per week, representative of the Facility's time of operation and discharge, by a licensed chief operator or operator holding the required level of license or higher, in accordance with 30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d), and TPDES Permit No. WQ0012527001, Other Requirements No. 1;
  - iii. Repair or replace the high level alarm and the remaining pump and blower for the lift station;
  - iv. Repair or replace the damaged wall located between the digester and aeration basin, and the corroded V-notch weir;
  - v. Implement a method of disinfection prior to effluent discharge;
  - vi. Properly install the treatment system flow measurement device;
  - vii. Install a backflow prevention device between the public water supply and wastewater treatment system;
  - viii. Secure the lift station with an intruder-resistant fence and locking mechanism; and
  - ix. Update the Facility's operational guidance and conduct employee training to ensure that the chlorine contact chamber, clarifier, aeration basin, and V-notch weir are properly maintained.
- b. Within 395 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i through 2.a.ix. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Ramona Garcia  
For the Executive Director

2/18/16  
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.

Raj Natarajan  
Signature

7/20/2015  
Date

RAJ NATARAJAN  
Name (Printed or typed)  
Authorized Representative of  
Vaithi Development, Inc.

PRESIDENT  
Title

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