

**Executive Summary – Enforcement Matter – Case No. 59243
Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
RN101611549
Docket No. 2020-0595-MWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Rolling Ridge Mobile Home Park, 115 Ridgewood Street, College Station, Brazos 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 19, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$41,689

Amount Deferred for Expedited Settlement: \$8,337

Total Paid to General Revenue: \$33,352

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 23, 2020

Date(s) of NOE(s): March 6, 2020

Violation Information

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1. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondents were using a color wheel instead of the Hach Pocket Colorimeter II testing kit and were using expired reagents. Also, manganese corrections were not being conducted on chlorine results [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012015001, Monitoring and Reporting Requirements, 2.a].
2. Failed to provide atmospheric vacuum breakers on all potable water washdown hoses [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.7(i) and TPDES Permit No. WQ0012015001, Operational Requirements No. 1].
3. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the onsite and offsite lift stations had large amounts of debris and floating grease covering the vast majority of the water's surface, the offsite lift station had a solid layer of biosolids [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012015001, Operational Requirements No. 1].
4. Failed to comply with permitted effluent limitations for chlorine residual and *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0012015001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
5. Failed to make a self-contained breathing apparatus available for use by facility personnel and located at a safe distance from the chlorine facilities to ensure accessibility [30 TEX. ADMIN. CODE § 317.6(b)(1)(D)].
6. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher. Specifically, process control activities were conducted at the Facility at the time of the investigation, by persons not holding a valid Class C license or higher [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0012015001, Other Requirements No. 1].
7. Failed to submit accurate information on discharge monitoring reports. Specifically, the *Escherichia coli* single grab samples for January and November 2019 did not match the lab results [30 TEX. ADMIN. CODE § 305.125(1) and (19), and TPDES Permit No. WQ0012015001, Permit Conditions No. 1.a].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondents implemented the following corrective measures:

- a. Hired an operator with a valid Class C license to operate the Facility by February 21, 2020.
- b. Submitted the corrected discharge monitoring reports with the actual sample results for *Escherichia coli* single grab concentration for January and November 2019, by February 28, 2020.
- c. Purchased a self-contained breathing apparatus and made it available for Facility personnel by April 23, 2020.
- d. Developed and implemented procedures, conducted employee training, and began conducting chlorine sampling analysis with unexpired reagents and manganese corrections at the Facility using the Hach Pocket Colorimeter II testing kit by April 30, 2020.
- e. Installed an atmospheric vacuum breaker on the potable water washdown hose, by May 1, 2020; and
- f. Removed the debris, grease, and biosolids from the onsite and offsite lift stations using a vacuum truck by May 4, 2020.

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012015001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division,
Enforcement Team 3, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Donald Wayne Jones, Manager of the General Partner, Manitou Ltd.,
Incorporated and 1980 Rolling Ridge Ltd., 310 University Drive East, College Station,
Texas 77842

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	9-Mar-2020	Screening	1-Apr-2020	EPA Due	
	PCW	28-Oct-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.		
Reg. Ent. Ref. No.	RN101611549		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	59243	No. of Violations	8
Docket No.	2020-0595-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		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	\$39,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	15.0%	Adjustment	Subtotals 2, 3, & 7	\$5,887
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Notes	Enhancement for three months of self-reported effluent violations.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondents do not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,687
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,221	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$58,586	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$41,450
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.6%	Adjustment	\$239
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 7.
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Final Penalty Amount	\$41,689
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$41,689
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DEFERRAL	20.0%	Reduction	Adjustment	-\$8,337
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$33,352
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Screening Date 1-Apr-2020

Docket No. 2020-0595-MWD-E

PCW

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.

Policy Revision 4 (April 2014)

Case ID No. 59243

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611549

Media Water Quality

Enf. Coordinator Harley Hobson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	3	15%
	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 judgments 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%
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) 15%

>> 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 three months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date 1-Apr-2020

Docket No. 2020-0595-MWD-E

PCW

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.

Policy Revision 4 (April 2014)

Case ID No. 59243

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611549

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012015001, Monitoring and Reporting Requirements, 2.a.

Violation Description Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondents were using a color wheel instead of the Hach Pocket Colorimeter II testing kit, and were using expired reagents. Also, manganese corrections were not being conducted on chlorine results.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Human health or the environment will or could be exposed to significant amounts of pollutants that 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 2 69 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended (one event per issue) from the January 23, 2020 investigation date to the April 1, 2020 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes The Respondent returned to compliance on April 30, 2020.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$2,640

This violation Final Assessed Penalty (adjusted for limits) \$2,640

Economic Benefit Worksheet

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
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	Costs Saved	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	\$250	23-Jan-2020	30-Apr-2020	0.27	\$3	n/a	\$3
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 procedures and conduct employee training to utilize the Hach Pocket Colorimeter II testing kit to perform chlorine analysis with unexpired reagents and to perform manganese corrections on the chlorine results. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$3

Screening Date 1-Apr-2020 **Docket No.** 2020-0595-MWD-E
Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
Media Water Quality
Enf. Coordinator Harley Hobson

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

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

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 NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>
Ordinary	<input type="text" value="X"/>
N/A	<input type="text"/>

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 Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
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	Costs Saved	EB Amount
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Delayed Costs

Equipment	\$5	23-Jan-2020	1-May-2020	0.27	\$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

Actual Equipment cost to install a atmospheric vacuum breaker on one potable water washdown hose. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5

TOTAL \$0

Screening Date 1-Apr-2020 **Docket No.** 2020-0595-MWD-E
Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
Media Water Quality
Enf. Coordinator Harley Hobson

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0012015001, Operational Requirements No. 1

Violation Description

Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the onsite and offsite lift stations had large amounts of debris and floating grease covering the vast majority of the water's surface, the offsite lift station had a solid layer of biosolids.

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 that 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 69 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended, from the January 23, 2020 investigation date to the April 1, 2020 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$125

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	

Notes

The Respondent returned to compliance on May 4, 2020.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$69

Violation Final Penalty Total \$1,320

This violation Final Assessed Penalty (adjusted for limits) \$1,320

Economic Benefit Worksheet

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
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	Costs Saved	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	\$4,917	23-Jan-2020	4-May-2020	0.28	\$69	n/a	\$69
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual remediation/Disposal cost to remove the debris, grease, and biosolids from the onsite and offsite lift stations using a vacuum truck. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,917

TOTAL

\$69

Screening Date 1-Apr-2020

Docket No. 2020-0595-MWD-E

PCW

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.

Policy Revision 4 (April 2014)

Case ID No. 59243

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611549

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0012015001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

61 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended for the months of January and November 2019.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,712

Violation Final Penalty Total \$8,675

This violation Final Assessed Penalty (adjusted for limits) \$8,675

Economic Benefit Worksheet

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
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	Costs Saved	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)	\$15,000	31-Jan-2019	13-May-2021	2.28	\$1,712	n/a	\$1,712

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance and to make necessary repairs/adjustments to the Facility and to return to compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$1,712

Screening Date 1-Apr-2020

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PCW

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.

Policy Revision 4 (April 2014)

Case ID No. 59243

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611549

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0012015001, Effluent Limitations and Monitoring Requirements No. 2

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR Release Major Moderate Minor Actual Potential Percent 5.0%

>> Programmatic Matrix

Falsification Major Moderate Minor Percent 0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do 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 1

daily weekly monthly quarterly semiannual annual single event X

Violation Base Penalty \$1,250

One single event is recommended for the grab sample taken on January 23, 2020.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary Ordinary N/A X

Notes The Respondents do 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 \$0

Violation Final Penalty Total \$1,446

This violation Final Assessed Penalty (adjusted for limits) \$1,446

Economic Benefit Worksheet

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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. 4.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 1-Apr-2020

Docket No. 2020-0595-MWD-E

PCW

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.

Policy Revision 4 (April 2014)

Case ID No. 59243

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611549

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 317.6(b)(1)(D)

Violation Description Failed to make a self-contained breathing apparatus ("SCBA") available for use by facility personnel and located at a safe distance from the chlorine facilities to ensure accessibility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that 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 69 Number of violation days

daily		Violation Base Penalty \$11,250
weekly		
monthly	X	
quarterly		
semiannual		
annual		
single event		

Three monthly events are recommended, from the January 23, 2020 investigation date to the April 1, 2020 screening date.

Good Faith Efforts to Comply

10.0% Reduction \$1,125

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		

Notes The Respondent returned to compliance on April 23, 2020.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56 Violation Final Penalty Total \$11,881

This violation Final Assessed Penalty (adjusted for limits) \$11,881

Economic Benefit Worksheet

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$3,178	23-Jan-2020	23-Apr-2020	0.25	\$3	\$53	\$56
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual Equipment cost to purchase a SCBA and make available for Facility personnel. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,178

TOTAL

\$56

Screening Date 1-Apr-2020

Docket No. 2020-0595-MWD-E

PCW

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.

Policy Revision 4 (April 2014)

Case ID No. 59243

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611549

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0012015001, Other Requirements No. 1

Violation Description Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher. Specifically, process control activities were conducted at the Facility at the time of the investigation, by persons not holding a valid Class C license or higher.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment will or could be exposed to pollutants that 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 1 Number of violation days 29

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event).

Violation Base Penalty \$3,750

One monthly event is recommended from the investigation date (January 23, 2020) to the compliance date (February 21, 2020)

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Table with columns: Extraordinary, Ordinary, N/A.

Notes The Respondent returned to compliance on February 21, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$378

Violation Final Penalty Total \$3,395

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

Economic Benefit Worksheet

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$35,000	23-Jan-2020	21-Feb-2020	0.08	\$139	n/a	\$139

Notes for DELAYED costs

Estimated delayed cost to hire an operator with a valid Class C license to operate the Facility. The date required is the investigation date and the final date is the compliance date.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$186	1-Jan-2015	21-Feb-2020	5.14	\$53	\$186	\$239
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to ensure that an individual employed as a Facility operator completes training and a wastewater licensing exam to obtain a valid Class C license or higher to operate the Facility. The date required is the initial date documented that a licensed operator was not at the Facility and the final date is the date that an individual holding a valid Class C license began employment at the Facility.

Approx. Cost of Compliance

\$35,186

TOTAL

\$378

Screening Date 1-Apr-2020

Docket No. 2020-0595-MWD-E

PCW

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.

Policy Revision 4 (April 2014)

Case ID No. 59243

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101611549

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (19) and TPDES Permit No. WQ0012015001, Permit Conditions No. 1.a

Violation Description Failed to submit accurate information on discharge monitoring reports ("DMRs"). Specifically, the Escherichia coli ("E. coli") single grab samples for January and November 2019 did not match the lab results.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Greater than 70 percent of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2 373 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

Two single events are recommended for January and November 2019.

Good Faith Efforts to Comply

25.0% Reduction \$125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent returned to compliance on February 28, 2020.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3 Violation Final Penalty Total \$453

This violation Final Assessed Penalty (adjusted for limits) \$453

Economic Benefit Worksheet

Respondent Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Case ID No. 59243
Reg. Ent. Reference No. RN101611549
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	20-Feb-2019	28-Feb-2020	1.02	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to submit updated DMRs to reflect the actual sample results for E. coli Single Grab concentration for the months of January and November 2019 (\$25 per DMR). The date required is the date the first DMR was due and the final date is the compliance date.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$3

Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd.
Docket No. 2020-0595-MWD-E
TPDES Permit No. WQ0012015001
Case No. 59243

Effluent Violation Table

	<i>Escherichia coli</i> Single Grab Concentration	Chlorine Residual Single Grab Concentration
Monitoring Period	Limit = 399 CFU/100 mL	Limit = 4 milligrams per liter
January 2019	2,419.6	c
November 2019	2,419.6	c
January 2020	c	5.94*

CFU/100 mL = colony forming units per 100 milliliters c = compliant

* = sample taken by the TCEQ investigator on January 23, 2020

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Compliance History Report

Compliance History Report for CN605600865, RN101611549, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605600865, 1980 Rolling Ridge Ltd. **Classification:** SATISFACTORY **Rating:** 0.80
Regulated Entity: RN101611549, ROLLING RIDGE MHP **Classification:** SATISFACTORY **Rating:** 0.80
Complexity Points: 4 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 115 Ridgewood Street, in Brazos County, Texas
TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0012015001 **WASTEWATER EPA ID** TX0077526
WASTEWATER LICENSING LICENSE WQ0012015001

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: October 19, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 19, 2015 to October 19, 2020

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

Name: Harley Hobson **Phone:** (512) 239-1337

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

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	December 01, 2015	(1302944)	Item 19	July 31, 2017	(1440865)
Item 2	December 03, 2015	(1309931)	Item 20	September 21, 2017	(1451142)
Item 3	January 08, 2016	(1316688)	Item 21	November 04, 2017	(1457013)
Item 4	February 06, 2016	(1326056)	Item 22	December 21, 2017	(1468862)
Item 5	March 07, 2016	(1332815)	Item 23	January 09, 2018	(1475567)
Item 6	April 17, 2016	(1339950)	Item 24	February 22, 2018	(1487757)
Item 7	June 13, 2016	(1353197)	Item 25	March 03, 2018	(1491440)
Item 8	July 14, 2016	(1360163)	Item 26	April 13, 2018	(1494690)
Item 9	September 16, 2016	(1373289)	Item 27	May 08, 2018	(1501640)
Item 10	September 25, 2016	(1366607)	Item 28	August 09, 2018	(1521111)
Item 11	October 14, 2016	(1373288)	Item 29	September 08, 2018	(1528295)
Item 12	November 30, 2016	(1385427)	Item 30	October 06, 2018	(1534635)
Item 13	January 12, 2017	(1398182)	Item 31	November 07, 2018	(1542469)
Item 14	February 07, 2017	(1405075)	Item 32	December 09, 2018	(1546233)
Item 15	March 22, 2017	(1412157)	Item 33	March 15, 2019	(1562771)
Item 16	April 24, 2017	(1418658)	Item 34	April 08, 2019	(1572847)
Item 17	May 07, 2017	(1426320)	Item 35	May 12, 2019	(1585303)
Item 18	June 08, 2017	(1432303)	Item 36	June 09, 2019	(1585304)

Item 37	July 04, 2019	(1594214)	Item 43	March 07, 2020	(1648188)
Item 38	September 09, 2019	(1607409)	Item 44	April 05, 2020	(1654536)
Item 39	September 27, 2019	(1600506)	Item 45	May 07, 2020	(1661106)
Item 40	October 05, 2019	(1614288)	Item 46	June 04, 2020	(1667636)
Item 41	November 16, 2019	(1620080)	Item 47	July 07, 2020	(1674584)
Item 42	January 12, 2020	(1635060)			

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: 11/30/2019 (1627427)
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: 01/31/2020 (1641675)
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: 07/31/2020 (1681356)
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

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Compliance History Report

Compliance History Report for CN602516536, RN101611549, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN602516536, Manitou Ltd., Incorporated **Classification:** SATISFACTORY **Rating:** 0.62

Regulated Entity: RN101611549, ROLLING RIDGE MHP **Classification:** SATISFACTORY **Rating:** 0.62

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 115 Ridgewood Street, in Brazos County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0012015001

WASTEWATER EPA ID TX0077526

WASTEWATER LICENSING LICENSE WQ0012015001

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: October 19, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 19, 2015 to October 19, 2020

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

Name: Harley Hobson

Phone: (512) 239-1337

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

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	December 01, 2015	(1302944)	Item 19	July 31, 2017	(1440865)
Item 2	December 03, 2015	(1309931)	Item 20	September 21, 2017	(1451142)
Item 3	January 08, 2016	(1316688)	Item 21	November 04, 2017	(1457013)
Item 4	February 06, 2016	(1326056)	Item 22	December 21, 2017	(1468862)
Item 5	March 07, 2016	(1332815)	Item 23	January 09, 2018	(1475567)
Item 6	April 17, 2016	(1339950)	Item 24	February 22, 2018	(1487757)
Item 7	June 13, 2016	(1353197)	Item 25	March 03, 2018	(1491440)
Item 8	July 14, 2016	(1360163)	Item 26	April 13, 2018	(1494690)
Item 9	September 16, 2016	(1373289)	Item 27	May 08, 2018	(1501640)
Item 10	September 25, 2016	(1366607)	Item 28	August 09, 2018	(1521111)
Item 11	October 14, 2016	(1373288)	Item 29	September 08, 2018	(1528295)
Item 12	November 30, 2016	(1385427)	Item 30	October 06, 2018	(1534635)
Item 13	January 12, 2017	(1398182)	Item 31	November 07, 2018	(1542469)
Item 14	February 07, 2017	(1405075)	Item 32	December 09, 2018	(1546233)
Item 15	March 22, 2017	(1412157)	Item 33	March 15, 2019	(1562771)
Item 16	April 24, 2017	(1418658)	Item 34	April 08, 2019	(1572847)
Item 17	May 07, 2017	(1426320)	Item 35	May 12, 2019	(1585303)
Item 18	June 08, 2017	(1432303)	Item 36	June 09, 2019	(1585304)

Item 37	July 04, 2019	(1594214)	Item 43	March 07, 2020	(1648188)
Item 38	September 09, 2019	(1607409)	Item 44	April 05, 2020	(1654536)
Item 39	September 27, 2019	(1600506)	Item 45	May 07, 2020	(1661106)
Item 40	October 05, 2019	(1614288)	Item 46	June 04, 2020	(1667636)
Item 41	November 16, 2019	(1620080)	Item 47	July 07, 2020	(1674584)
Item 42	January 12, 2020	(1635060)			

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: 11/30/2019 (1627427)
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: 01/31/2020 (1641675)
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: 07/31/2020 (1681356)
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
MANITOU LTD.,
INCORPORATED AND 1980
ROLLING RIDGE LTD.
RN101611549**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-0595-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 Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd. (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a wastewater treatment facility located at 115 Ridgewood Street, Brazos County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondents agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondents are subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$41,689 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$33,352 of the penalty and \$8,337 is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondents fail to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondents 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). 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.

6. 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 Respondents have not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. 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.
9. The Executive Director recognizes that the Respondents implemented the following corrective measures at the Facility:
 - a. Hired an operator with a valid Class C license to operate the Facility by February 21, 2020.
 - b. Submitted the corrected discharge monitoring reports ("DMRs") with the actual sample results for *Escherichia coli* ("*E. coli*") single grab concentration for January and November 2019, by February 28, 2020.
 - c. Purchased a self-contained breathing apparatus ("SCBA") and made it available for Facility personnel by April 23, 2020.
 - d. Developed and implemented procedures, conducted employee training, and began conducting chlorine sampling analysis with unexpired reagents and manganese corrections at the Facility using the Hach Pocket Colorimeter II testing kit by April 30, 2020.
 - e. Installed an atmospheric vacuum breaker on the potable water washdown hose, by May 1, 2020.
 - f. Removed the debris, grease, and biosolids from the onsite and offsite lift stations using a vacuum truck by May 4, 2020.

II. ALLEGATIONS

During an investigation conducted on January 23, 2020, an investigator documented that the Respondents:

1. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012015001, Monitoring and Reporting Requirements, 2.a. Specifically, the Respondents were using a color wheel

instead of the Hach Pocket Colorimeter II testing kit, and were using expired reagents. Also, manganese corrections were not being conducted on chlorine results

2. Failed to provide atmospheric vacuum breakers on all potable water washdown hoses, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.7(i) and TPDES Permit No. WQ0012015001, Operational Requirements No. 1.
3. Failed to ensure 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. WQ0012015001, Operational Requirements No. 1. Specifically, the onsite and offsite lift stations had large amounts of debris and floating grease covering the vast majority of the water's surface, the offsite lift station had a solid layer of biosolids.
4. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0012015001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as shown in the effluent violation table below:

	<i>E. coli</i> Single Grab Concentration	Chlorine Residual Single Grab Concentration
Monitoring Period	Limit = 399 CFU/100 mL	Limit = 4 milligrams per liter
January 2019	2,419.6	c
November 2019	2,419.6	c
January 2020	c	5.94*

CFU/100 mL = colony forming units per 100 milliliters c = compliant

* = sample taken by the TCEQ investigator on January 23, 2020

5. Failed to make a SCBA available for use by facility personnel and located at a safe distance from the chlorine facilities to ensure accessibility, in violation of 30 TEX. ADMIN. CODE § 317.6(b)(1)(D).
6. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0012015001, Other Requirements No. 1. Specifically, process control activities were conducted at the Facility at the time of the investigation, by persons not holding a valid Class C license or higher.
7. Failed to submit accurate information on DMRs, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (19), and TPDES Permit No. WQ0012015001, Permit Conditions No. 1.a. Specifically, the *E. coli* single grab samples for January and November 2019 did not match the lab results.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd., Docket No. 2020-0595-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. The Respondents are jointly and severally liable for the violations documented in this Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
3. The Respondents shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012015001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondents 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 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondents. The Respondents are 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 the Respondents fail 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, the Respondents' failure to comply is not a violation of this Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become 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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

10. 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

Date

12/01/2021

For the Executive Director

Date

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

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

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

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

Signature

Date

9-20-2021

Name (Printed or typed)

Title

PRESIDENT

Authorized Representative of
Manitou Ltd., Incorporated


If mailing address has changed, please check this box and provide the new address below:

Please make sure you have our correct zip code which is: 77842

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

12/1/21

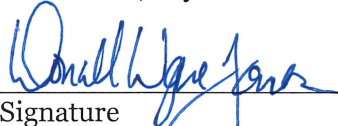
Date

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- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

9-20-2021

Date

DONALD WAYNE JONES

Name (Printed or typed)

Authorized Representative of
1980 Rolling Ridge Ltd.

MANAGER OF THE GENERAL PARTNER

Title

If mailing address has changed, please check this box and provide the new address below:

Please make sure you have our correct zip code which is: 77842