

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0731-WQ-E **TCEQ ID:** RN101228005 **CASE NO.:** 33421

RESPONDENT NAME: Julie Ann Thames dba Primrose Mobile Home Park

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Primrose Mobile Home Park, 4712 Primrose Road, Johnson County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received March 28, 2007, alleging wastewater seeping from the OSSF drain field and discharging into a nearby unnamed creek. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 24, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2576; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Ms. Julie Ann Thames, Owner, Primrose Mobile Home Park, 10401 Farm-to-Market Road 1902, Crowley, Texas 76036 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: March 28, 2007</p> <p>Date of Investigation Relating to this Case: March 30, 2007</p> <p>Date of NOE Relating to this Case: April 25, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation. One violation was documented.</p> <p>WATER</p> <p>Failure to prevent the unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, wastewater seeping from the drainfield of the on-site sewage facility which receives more than 5,000 gallons per day from 29 mobile homes, is continuously flowing into an unnamed creek. A wastewater sample collected three feet from where it enters the unnamed creek, contained 14,000 colonies of E. Coli per 100 milliliters [TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$6,500</p> <p>Total Deferred: \$1,300 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$160 (the remaining \$5,040 to be paid in 35 monthly payments of \$144 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent entered into a contract for construction of a new wastewater treatment facility on July 5, 2006 and submitted a TPDES permit application to the TCEQ on October 25, 2006 that was filed for public notice by the Chief Clerk's office on March 15, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease discharging wastewater from the Facility into and adjacent to any water in the state and limit the amount of wastewater that is processed on-site to less than 5,000 gallons/day until the TPDES permit is issued and the new treatment facility is operational; and</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification including detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

DATES	Assigned PCW	30-Apr-2007	Screening	4-May-2007	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	Julie Ann Thames dba Primrose Mobile Home Park
Reg. Ent. Ref. No.	RN101228005
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33421	No. of Violations	1
Docket No.	2007-0731-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Jecha
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

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

Notes

Approx. Cost of Compliance **Subtotal 6**

Total EB Amounts	<input type="text" value="\$8,454"/>	0% Enhancement*
Approx. Cost of Compliance	<input type="text" value="\$152,000"/>	*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 4-May-2007

Docket No. 2007-0731-WQ-E.

PCW

Respondent Julie Ann Thames dba Primrose Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 33421

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228005

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same or similar violations and one order with a denial of liability issued to this site within the past five years.

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

Screening Date 4-May-2007

Docket No. 2007-0731-WQ-E

PCW

Respondent Julie Ann Thames dba Primrose Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 33421

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228005

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)

Violation Description Failed to prevent the unauthorized discharge of sewage into or adjacent to any water in the state, as documented during an investigation conducted on March 30, 2007. Specifically, wastewater seeping from the drainfield of the on-site sewage facility which receives more than 5,000 gallons per day from 29 mobile homes, is continuously flowing into an unnamed creek. A wastewater sample collected three feet from where it enters the unnamed creek, contained 14,000 colonies of E. Coli per 100 milliliters.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment have been exposed to a significant amount of pollutants as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 35

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two monthly events are recommended from the March 30, 2007 investigation date until the May 4, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,454

Violation Final Penalty Total \$6,500

This violation Final Assessed Penalty (adjusted for limits) \$6,500

Economic Benefit Worksheet

Respondent: Julie Ann Thames dba Primrose Mobile Home Park
Case ID No.: 33421
Reg. Ent. Reference No.: RN101228005
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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$152,000	30-Mar-2007	14-Jan-2008	0.8	\$403	\$8,051	\$8,454
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Cost to install the new wastewater treatment facility. The Date Required is the investigation date and the Final Date is the expected date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$152,000

TOTAL

\$8,454

Compliance History

Customer/Respondent/Owner-Operator:	CN601960743	THAMES, JULIE ANN	Classification: Average by Default	Rating: 3.01
Regulated Entity:	RN101228005	PRIMROSE MOBILE HOME PARK	Classification: Average by Default	Site Rating: 3.01
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1260108
	WATER LICENSING	LICENSE		1260108
Location:	4712 PRIMROSE ROAD, JOHNSON COUNTY			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Pre	May 02, 2007			
Agency Decision Requiring Compliance	Enforcement			
Compliance Period:	May 02, 2002 to May 02, 2007			

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

Name	<u>Thomas Jecha</u>	Phone:	<u>512-239-2576</u>
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Site Compliance History Components

- | | |
|---|-------------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | <u>Julie Ann Thames</u> |
| 4. If Yes, who was/were the prior owner(s)? | Maxine McMurry |
| 5. When did the change(s) in ownership occur? | 12/31/2006 |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

- | | | |
|--|----------------------------|----------------------------|
| N/A | Effective Date: 07/14/2006 | ADMINORDER 2006-0049-PWS-E |
| Classification: Minor | | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)[G] | | |
| Description: Failed to maintain water works operation and maintenance records. | | |
| Classification: Minor | | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.42(l) | | |
| Description: Failed to compile and maintain a facility operations manual for operator review and reference. | | |
| Classification: Minor | | |
| Citation: 30 TAC Chapter 290, SubChapter F 290.121(a) | | |
| Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan for the distribution system. | | |
| Classification: Minor | | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1) | | |
| Description: Failed to ensure the three 315-gallon pressure tanks are inspected annually by water system personnel or a contracted inspection service. | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)
5A THC Chapter 341, SubChapter A 341.0315(c) | | |
| Description: Failed to provide a minimum well production capacity of at least 1.5 gallons per minute ("gpm") per connection. Specifically, the water system has 29 connections which should provide a minimum well production of 43.5 gpm, but is only providing 24 gpm, which is approximately 45% deficient. | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)
5A THC Chapter 341, SubChapter A 341.0315(c) | | |
| Description: Failed to provide a pressure tank capacity of at least 50 gallons per connection. Specifically, the water | | |

system has 29 connections which should provide a minimum pressure tank capacity of 1,450 gallons, but is only providing 945 gallons, which is approximately 35% deficient.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

N/A

1	12/16/2005	(435620)
2	03/09/2007	(543275)
3	04/20/2007	(557210)

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

Date 01/19/2007 (535809)

Self Report? NO Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121[G]

Description: Failure to prevent an unauthorized discharge of wastewater from the treatment system.

Self Report? NO Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121[G]

Description: Failure to obtain a discharge permit to operate the facility.

Date 04/25/2007 (557210)

Self Report? NO Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121[G]

Description: Failure to prevent the unauthorized discharge of wastewater from the treatment system.

F. Environmental auc

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
JULIE ANN THAMES DBA
PRIMROSE MOBILE HOME PARK
RN101228005**

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§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0731-WQ-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Julie Ann Thames dba Primrose Mobile Home Park ("Ms. Thames") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Ms. Thames appear before the Commission and together stipulate that:

1. Ms. Thames owns and operates a domestic wastewater treatment system that treats a combined flow of greater than 5,000 gallons per day at 4712 Primrose Road in Johnson County, Texas (the "Facility").
2. Ms. Thames has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Ms. Thames agree that the Commission has jurisdiction to enter this Agreed Order, and that Ms. Thames is subject to the Commission's jurisdiction.
4. Ms. Thames received notice of the violations alleged in Section II ("Allegations") on or about April 30, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ms. Thames of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Six Thousand Five Hundred Dollars (\$6,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ms. Thames has paid One Hundred Sixty Dollars (\$160) of the administrative penalty and One Thousand Three Hundred Dollars (\$1,300) is deferred contingent upon Ms. Thames' 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 Ms. Thames fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Ms. Thames to pay all or part of the deferred penalty.

The remaining amount of Five Thousand Forty Dollars (\$5,040) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Forty-Four Dollars (\$144) 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 until paid in full. If Ms. Thames 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 Ms. Thames to meet the payment schedule of this Agreed Order constitutes the failure by Ms. Thames 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 of the TCEQ and Ms. Thames have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Ms. Thames entered into a contract for construction of a new wastewater treatment facility on July 5, 2006 and submitted a TPDES permit application to the TCEQ on October 25, 2006 that was filed for public notice by the Chief Clerk's office on March 15, 2007.
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 Ms. Thames 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, Ms. Thames is alleged to have failed to prevent the unauthorized discharge of sewage into or adjacent to any water in the state, in violation of TEX. WATER

CODE § 26.121(a), as documented during an investigation conducted on March 30, 2007. Specifically, wastewater seeping from the drainfield of the on-site sewage facility which receives more than 5,000 gallons per day from 29 mobile homes, is continuously flowing into an unnamed creek. A wastewater sample collected three feet from where it enters the unnamed creek contained 14,000 colonies of *Escherichia coli* per 100 milliliters.

III. DENIALS

Ms. Thames generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ms. Thames pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ms. Thames' 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: Julie Ann Thames dba Primrose Mobile Home Park, Docket No. 2007-0731-WQ-E" to:

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

2. It is further ordered that Ms. Thames shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease discharging wastewater from the Facility into and adjacent to any water in the state and limit the amount of wastewater that is processed on-site to less than 5,000 gallons/day until the TPDES permit is issued and the new treatment facility is operational; and
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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 fine 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Ms. Thames. Ms. Thames 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 Ms. Thames 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, Ms. Thames' failure to comply is not a violation of this Agreed Order. Ms. Thames shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ms. Thames shall notify the Executive Director within seven days after Ms. Thames 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 Ms. Thames shall be made in writing to the Executive Director. Extensions are not effective until Ms. Thames 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 Ms. Thames 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Ms. Thames, or three days after the date on which the Commission mails notice of the Order to Ms. Thames, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/7/07
Date

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

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

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

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


Signature

11-30-07
Date

Julie Thames

Owner
Title

Name (Printed or typed)
Authorized Representative of
Julie Ann Thames dba Primrose Mobile Home Park

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

