EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1592-PWS-E **TCEQ ID:** RN100928282 **CASE NO.:** 31106

RESPONDENT NAME: Ocean Mobile Home Park, LLC

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	__AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	X PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Ocean Mobile Home Park, 7030 Tri City Beach Road, Chambers County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on December 27, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Amy Martin, Enforcement Division, Enforcement Section I, MC 169, (512) 239-2540; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Mr. Clifford Sheffield, Houston Regional Office, MC R-12, (713) 767-3656
Respondent: Mr. Bruce Soape, Owner/Registered Agent, Ocean Mobile Home Park, LLC, 7030 Tri City Beach Road, Baytown, Texas 77520
Respondent's Attorney: Not represented by counsel on this enforcement matter

Attachment: Site Compliance History

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** June 21, 2006 **Date of NOE Relating to this Case:** August 28, 2006 (NOE) **Background Facts:** This was a routine investigation. Four violations were documented. **WATER** 1) Failed to notify the Executive Director, in writing, of a significant change in storage and pressure maintenance capacities [30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.0351]. 2) Failed to attest that the completed work was substantially in accordance with the plan and change orders on file with the Commission [30 TEX. ADMIN. CODE § 290.39(h)(3) and TEX. HEALTH & SAFETY CODE § 341.0351]. 3) Failed to maintain the system's facilities and equipment in good working order and general appearance. Specifically, failed to repair holes in the west ground storage tank and to turn the tap on the service pump discharge header in a downward direction [30 TEX. ADMIN. CODE § 290.46(m)]. 4) Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the system [30 TEX. ADMIN. CODE § 290.121(a)].	**Total Assessed:** $315 **Total Deferred:** $63 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $252 **Site Compliance History Classification:** __ High __ Avg. __ Poor **Person Compliance History Classification:** __ High __ Avg. __ Poor **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 10 days after the effective date of this Agreed Order: i. Submit to the Executive Director for approval, the as-built plans and specifications of the changes to storage and maintenance facilities; and ii. Attest in writing that the completed work is substantially in accordance with those plans submitted. b. Within 30 days after the effective date of this Agreed Order: i. Repair all holes in the west ground storage tank and reposition the tap on the service pump discharge so as to prevent the drawing of contaminants into the system; and ii. Compile and begin maintaining an up-to-date chemical and microbiological monitoring plan. c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through b.

Attachment: Site Compliance History

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	07-Sep-2006				
PCW	08-Sep-2006	Screening	08-Sep-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Ocean Mobile Home Park, LLC		
Reg. Ent. Ref. No.	RN100928282		
Facility/Site Region	12-Houston	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31106	No. of Violations	3
Docket No.	2006-1592-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Amy Martin
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $300

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5% Enhancement *Subtotals 2, 3, & 7* $15

Notes: The respondent was issued an NOV on March 2, 2004 for the same type violation.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

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

Notes: The respondent does not meet the good faith criteria.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$38
Approx. Cost of Compliance	$800

SUM OF SUBTOTALS 1-7 Final Subtotal $315

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

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

Notes:

Final Penalty Amount $315

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $315

DEFERRAL 20% Reduction Adjustment -$63

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $252

Screening Date	08-Sep-2006	**Docket No.** 2006-1592-PWS-E	**PCW**
Respondent	Ocean Mobile Home Park, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31106		*PCW Revision May 19, 2005*
Reg. Ent. Reference No.	RN100928282		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Amy Martin		

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)*	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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*	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%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	N/A	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N/A	0%
	Participation in a voluntary pollution reduction program	N/A	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N/A	0%

Adjustment Percentage (Subtotal 2) **5%**

>> Repeat Violator (Subtotal 3)

No

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

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

N/A

Adjustment Percentage (Subtotal 7) **0%**

>> Compliance History Summary

Compliance History Notes The respondent was issued an NOV on March 2, 2004 for the same type violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **5%**

PCW

Policy Revision 2 (September 2002)
PCW Revision May 19, 2005

Screening Date	08-Sep-2006
Docket No.	2006-1592-PWS-E
Respondent	Ocean Mobile Home Park, LLC
Case ID No.	31106
Reg. Ent. Reference No.	RN100928282
Media [Statute]	Public Water Supply
Enf. Coordinator	Amy Martin
Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.39(j) and (h)(3)
Secondary Rule Cite(s)	Tex. Health and Safety Code § 341.0351
Violation Description	The respondent failed to notify the Executive Director, in writing, of a significant change in storage and pressure maintenance capacities and failed to attest that the completed work was substantially in accordance with the plan and change orders on file with the Commission.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: Failed to comply with 100% of the rule requirement.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $105

This violation Final Assessed Penalty (adjusted for limits) $105

Economic Benefit Worksheet

Respondent: Ocean Mobile Home Park, LLC
Case ID No.: 31106
Reg. Ent. Reference No.: RN100928282
Media [Statute]: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
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)	$150	21-Jun-2006	10-Mar-2007	0.7	$5	n/a	$5

Notes for DELAYED costs: Estimated cost to submit notification to the Executive Director of plans for changes to the existing system and to attest that completed work is in accordance with the plans and changes on file. The Date Required was the date of the investigation. 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: $150

TOTAL: $5

PCW

Policy Revision 2 (September 2002)
PCW Revision May 19, 2005

Screening Date	08-Sep-2006
Docket No.	2006-1592-PWS-E
Respondent	Ocean Mobile Home Park, LLC
Case ID No.	31106
Reg. Ent. Reference No.	RN100928282
Media [Statute]	Public Water Supply
Enf. Coordinator	Amy Martin
Violation Number	2
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)
Secondary Rule Cite(s)	
Violation Description	The respondent failed to maintain the system's facilities and equipment in good working order and general appearance. Specifically, failed to repair holes in the west ground storage tank and to turn the tap on the service pump discharge header in a downward direction.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to maintain the tank in good repair and to have the tap turned down, could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended from the date of the investigation on June 21, 2006 to the date of screening September 7, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $27

Statutory Limit Test

Violation Final Penalty Total $105

This violation Final Assessed Penalty (adjusted for limits) $105

Economic Benefit Worksheet

Respondent: Ocean Mobile Home Park, LLC
Case ID No.: 31106
Reg. Ent. Reference No.: RN100928282
Media [Statute]: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$500	21-Jun-2006	30-Mar-2007	0.8	$1	$26	$27
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
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	Estimated cost to properly maintain the equipment. The Date Required was the date of the investigation. 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: $500

TOTAL: $27

PCW

Policy Revision 2 (September 2002)
PCW Revision May 19, 2005

Screening Date	08-Sep-2006
Docket No.	2006-1592-PWS-E
Respondent	Ocean Mobile Home Park, LLC
Case ID No.	31106
Reg. Ent. Reference No.	RN100928282
Media [Statute]	Public Water Supply
Enf. Coordinator	Amy Martin
Violation Number	3
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.121(a)
Secondary Rule Cite(s)	
Violation Description	Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the system.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: Failed to comply with 100% of the rule requirement.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $105

This violation Final Assessed Penalty (adjusted for limits) $105

Economic Benefit Worksheet

Respondent	Ocean Mobile Home Park, LLC
Case ID No.	31106
Reg. Ent. Reference No.	RN100928282
Media [Statute]	Public Water Supply
Violation No.	3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
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)	$150	21-Jun-2006	30-Mar-2007	0.8	$6	n/a	$6
Notes for DELAYED costs	The estimated cost to develop and implement a monitoring plan. The Date Required was the date of the investigation. 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	$150	TOTAL	$6

Compliance History

Customer/Respondent/Owner-Operator:	CN600600357	Ocean Mobile Home Park, LLC	Classification:	Rating:
Regulated Entity:	RN100928282	OCEAN MOBILE HOME PARK	Classification:	Site Rating:

ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0185R
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0360023
	WATER LICENSING	LICENSE	0360023

Location: 7030 TRI CITY BEACH RD, CHAMBERS COUNTY Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 07, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 07, 2001 to September 07, 2006

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

Name: Amy Martin Phone: 512-239-2540

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	No
3. If Yes, who is the current owner?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 08/28/2006 (483616)
2 03/03/2004 (263362)

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

Date: 03/02/2004 (263362)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)[G]
Description: Failure to notify the executive director in writing of significant changes in storage and pressure maintenance capacities.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(3)
Description: Failure to attest to the executive director that the completed work was substantially in accordance with plans and change orders.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to provide an emergency information sign.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
Description: Failure to provide the pressure tank with a pressure gauge.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the system's facilities and equipment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the system's facilities and equipment, specifically, to repair the holes in the west ground storage tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the system's facilities and equipment, specifically, to turn in a downward direction the tap on the service pump discharge header.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the system's facilities and equipment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the system's facilities and equipment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the system's facilities and equipment.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
OCEAN MOBILE HOME PARK, LLC	§	
RN100928282	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1592-PWS-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 Ocean Mobile Home Park, LLC ("Ocean MHP") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Ocean MHP appear before the Commission and together stipulate that:

1. Ocean MHP owns and operates a public water supply at 7030 Tri City Beach Road in Chambers County, Texas (the "Facility") that has approximately 95 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Commission and Ocean MHP agree that the Commission has jurisdiction to enter this Agreed Order, and that Ocean MHP is subject to the Commission's jurisdiction.

3. Ocean MHP received notice of the violations alleged in Section II ("Allegations") on or about September 2, 2006.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ocean MHP of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Three Hundred Fifteen Dollars ($315) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ocean MHP has paid Two Hundred Fifty-Two Dollars ($252) of the administrative penalty and Sixty-Three Dollars ($63) is deferred contingent upon Ocean MHP's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Ocean MHP fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Ocean MHP to pay all or part of the deferred penalty.

6. 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.

7. The Executive Director of the TCEQ and Ocean MHP have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. 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 Ocean MHP has not complied with one or more of the terms or conditions in this Agreed Order.

9. 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.

10. 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, Ocean MHP is alleged to have:

1. Failed to notify the Executive Director, in writing, of a significant change in storage and pressure maintenance capacities, in violation of 30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.0351, as documented during an investigation conducted on June 21, 2006.

2. Failed to attest that the completed work was substantially in accordance with the plan and change orders on file with the Commission, in violation of 30 TEX. ADMIN. CODE § 290.39(h)(3) and TEX. HEALTH & SAFETY CODE § 341.0351, as documented during an investigation conducted on June 21, 2006.

3. Failed to maintain the system's facilities and equipment in good working order and general appearance. Specifically, failed to repair holes in the west ground storage tank and to turn the tap on the service pump discharge header in a downward direction, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on June 21, 2006.

4. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the system, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on June 21, 2006.

III. DENIALS

Ocean MHP generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ocean MHP pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Ocean MHP's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ocean Mobile Home Park, LLC, Docket No. 2006-1592-PWS-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 Ocean MHP shall undertake the following technical requirements:

   a. Within ten days after the effective date of this Agreed Order:

      i. Submit to the Executive Director for approval, the as-built plans and specifications of the changes to storage and maintenance facilities, as required by 30 TEX. ADMIN. CODE § 290.39; and

      ii. Attest in writing that the completed work is substantially in accordance with those plans submitted, as required by 30 TEX. ADMIN. CODE § 290.39.

   b. Within 30 days after the effective date of this Agreed Order:

      i. Repair all holes in the west ground storage tank and reposition the tap on the service pump discharge so as to prevent the drawing of contaminants into the system, as required by 30 TEX. ADMIN. CODE § 290.46; and

      ii. Compile and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121.

   c. Within 45 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 nos. 2.a. through 2.b.

      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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified

personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Manager, Water Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 770233-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Ocean MHP. Ocean MHP 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. 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 Ocean MHP shall be made in writing to the Executive Director. Extensions are not effective until Ocean MHP receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Ocean MHP 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.

6. 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.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Ocean MHP, or three days after the date on which the Commission mails notice of the Order to Oean MHP, 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

_____ 2/13/07
For the Executive Director 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, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Bruce Soape 10-16-06
Signature Date

BRuce SoAPe OWNeR
Name (Printed or typed) Title
Authorized Representative of
Ocean Mobile Home Park, LLC

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.