

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-1495-PWS-E **TCEQ ID:** RN101250926 **CASE NO.:** 26654
RESPONDENT NAME: Mike Oda dba Riverbend RV Park and Resort

ORDER TYPE:

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Riverbend RV Park and Resort, 1055 Agnes Road, Fort Bend County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: Yes 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 March 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Section II, MC 219, (512) 239-1165; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Central Office Investigator: Ms. Sally Paramo, Water Supply Division, Public Drinking Water Section, MC 155, (512) 239-6675

Respondent: Mr. Mike Oda, Owner/Registered Agent, Mike Oda dba Riverbend RV Park and Resort, 1055 Agnes Road, Richmond, Texas 77469

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 1, 2005</p> <p>Dates of NOEs/NOVs Relating to this Case: January 2, February 2, and March 8, 2005 (NOVs), May 2, 2005 (NOE)</p> <p>Background Facts: This was a routine record review. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to collect and submit routine monthly bacteriological samples at the required frequency. Specifically, samples were not submitted November 2004 through January 2005 [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2) Failed to post a public notice indicating the failure to collect and submit the monthly required samples [30 TEX. ADMIN. CODE § 290.122(c)(2)(B)].</p>	<p>Total Assessed: \$788</p> <p>Total Deferred: \$0 <input 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: \$128 (remaining \$660 due in 6 monthly payments of \$110 each)</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <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>Findings Order Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violations.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that starting in February 2005, Mr. Oda began collecting and submitting bacteriological samples in accordance with 30 TEX. ADMIN. CODE § 290.109(c)(2).</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	25-Jul-2005			
	PCW	26-Aug-2005	Screening	26-Aug-2005	EPA Due 01-Sep-2005

RESPONDENT/FACILITY INFORMATION					
Respondent	Mike Oda dba Riverbend RV Park and Resort				
Reg. Ent. Ref. No.	RN101250926				
Facility/Site Region	12-Houston	<	Major/Minor Source	Minor Source	<

CASE INFORMATION					
Enf./Case ID No.	26654		No. of Violations	1	
Docket No.	2005-1495-PWS-E		Order Type	Findings	<
Media Program(s)	Public Water Supply	<	Enf. Coordinator	Edward R. Moderow	
Multi-Media			EC's Team	Enforcement Team 7	<
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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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% Enhancement	Subtotal 2, 3, & 7	\$113
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Notes: Enhancement is recommended based on three NOV's with same or similar violations.

Culpability	No	<	0% Enhancement	Subtotal 4	\$0
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Notes: Does not meet the culpability criteria.

Good Faith Effort to Comply	10% Reduction	Subtotal 5	-\$75
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with a small x)

Notes: The Respondent returned to compliance February 2005.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$40	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$150	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$788
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$788
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$788
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered with a Findings Order.

PAYABLE PENALTY	\$788
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Screening Date	26-Aug-2005	Docket No.	2005-1495-PWS-E	PCW
Respondent	Mike Oda dba Riverbend RV Park and Resort			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	26654			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN101250926			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Edward R. Moderow			

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 <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 judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events (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 <i>(number of audits for which notices were disclosed)</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	<i>Please Enter Yes or No</i>		
	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)**

N/A	Adjustment Percentage (Subtotal 3) 0%
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>> **Compliance History Person Classification (Subtotal 7)**

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> **Compliance History Summary**

Compliance History Notes	Enhancement is recommended based on three NOVs with same or similar violations.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date	26-Aug-2005	Docket No.	2005-1495-PWS-E	PCW
Respondent	Mike Oda dba Riverbend RV Park and Resort	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	26654	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101250926			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Edward R. Moderow			

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B)
Secondary Rule Cite(s)	Tex. Health and Safety Code § 341.033(d)
Violation Description	Failed to collect and submit routine monthly bacteriological samples at the required frequency. Specifically, samples were not submitted November 2004 through January 2005. The Respondent also failed to post a public notice indicating the failure to collect and submit the samples, as documented during a record review investigation conducted on February 1, 2005.

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

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: Mike Oda dba Riverbend RV Park and Resort
 Case ID No: 26654
 Reg. Ent. Reference No: RN101250926
 Media [Statute]: Public Water Supply
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$150	01-Nov-2004	01-Feb-2005	0.3	\$2	\$38	\$40
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
 Estimated cost to collect and submit routine monthly bacteriological samples and post a public notice.

Approx. Cost of Compliance \$150

TOTAL \$40

Compliance History

Customer/Respondent/Owner-Operator: CN600686034 ODA, MIKE Classification: AVERAGE Rating: 3.010
Regulated Entity: RN101250926 RIVERBEND RV PARK AND Classification: N/A Site Rating: 0.00
RESORT
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0790414
Location: 1055 AGNES RD, FORT BEND COUNTY Rating Date: 9/1/05 Repeat Violator: N/A
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: September 28, 2005
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 26, 2000 to September 26, 2005
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Edward R. Moderow Phone: (512) 239-2680

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
6. Comments:

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 11/30/2004 (340076)
- 2 07/21/2005 (400108)
- 3 03/03/2005 (397231)
- 4 12/28/2004 (379697)
- 5 01/28/2005 (397226)

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

Date: 03/03/2005 (397231)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 01/2005.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 01/2005

Date: 01/28/2005 (397226)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: FAILURE TO COLLECT ANY OF THE 5 DISTRIBUTION SAMPLES IN 12/2004 FOLLOWING A COLIFORM FOUND MONTH.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY OF THE 5 DISTRIBUTION SAMPLES IN 12/2004 FOLLOWING A COLIFORM FOUND MONTH.

Date: 12/28/2004 (379697)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: FAILURE TO COLLECT ANY REPEAT SAMPLES IN 11/2004 FOLLOWING A COLIFORM FOUND RESULT.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY REPEAT SAMPLES IN 11/2004 FOLLOWING A COLIFORM FOUND RESULT.

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 MIKE ODA DBA RIVERBEND RV PARK AND RESORT RN101250926	§ § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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**AGREED ORDER
DOCKET NO. 2005-1495-PWS-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mike Oda dba Riverbend RV Park and Resort ("Mr. Oda") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Oda presented this agreement to the Commission.

Mr. Oda understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Oda agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Oda.

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

I. FINDINGS OF FACT

1. Mr. Oda owns and operates a public water supply at 1055 Agnes Road, Fort Bend County, Texas (the "Facility") that has approximately 67 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review on February 1, 2005, TCEQ staff documented that Mr. Oda failed to collect and submit routine monthly bacteriological samples for the months of November 2004 through January 2005.

3. During a record review on February 1, 2005, TCEQ staff documented that Mr. Oda failed to post a public notice indicating the failure to collect and submit the monthly bacteriological samples.
4. Mr. Oda received notice of the violations on January 2, February 2, March 8 and May 7, 2005.
5. The Executive Director recognizes that starting in February 2005, Mr. Oda began collecting and submitting bacteriological samples in accordance with 30 TEX. ADMIN. CODE § 290.109(c)(2).

II. CONCLUSIONS OF LAW

1. Mr. Oda is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Mr. Oda failed to collect and submit routine monthly bacteriological samples at the required frequency. Specifically, samples were not submitted November 2004 through January 2005, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 3, Mr. Oda failed to post a public notice indicating the failure to collect and submit the monthly required samples, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(B).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Oda for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Seven Hundred Eighty-Eight Dollars (\$788) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Mr. Oda has paid One Hundred Twenty-Eight Dollars (\$128) of the administrative penalty. The remaining amount of Six Hundred Sixty Dollars (\$660) of the administrative penalty shall be payable in six (6) monthly payments of One Hundred Ten Dollars (\$110) 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 Mr. Oda 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 Mr. Oda to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Oda to timely and satisfactorily comply with all the terms of this Agreed Order.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document discusses the challenges and limitations of data collection and analysis. It notes that while technology has advanced significantly, there are still many obstacles to overcome, such as data privacy and security concerns.

4. The fourth part of the document provides a detailed overview of the data analysis process. It explains how to identify trends, patterns, and anomalies in the data, and how to use this information to make informed decisions.

5. The fifth part of the document discusses the importance of data visualization. It explains how charts, graphs, and other visual tools can help to present complex data in a clear and concise manner, making it easier for stakeholders to understand and act upon.

6. The sixth part of the document discusses the role of data in decision-making. It explains how data can be used to identify opportunities, assess risks, and make strategic decisions that drive the success of an organization.

7. The seventh part of the document discusses the importance of data governance. It explains how to establish policies and procedures to ensure the quality, integrity, and security of data throughout its lifecycle.

8. The eighth part of the document discusses the future of data. It explores emerging technologies and trends that will shape the way we collect, analyze, and use data in the years ahead.

9. The ninth part of the document discusses the importance of data literacy. It explains how to ensure that all employees have the skills and knowledge needed to effectively work with data.

10. The tenth part of the document discusses the importance of data ethics. It explains how to ensure that data is collected and used in a responsible and ethical manner, respecting the privacy and rights of individuals.

11. The eleventh part of the document discusses the importance of data security. It explains how to protect data from unauthorized access, theft, and loss, and how to respond to data breaches.

12. The twelfth part of the document discusses the importance of data integration. It explains how to ensure that data from different systems and sources is properly combined and analyzed to provide a comprehensive view of the organization's performance.

III. ORDERING PROVISIONS

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

1. Mr. Oda is assessed an administrative penalty in the amount of Seven Hundred Eighty-Eight Dollars (\$788), as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The imposition of this administrative penalty and Mr. Oda's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Mike Oda dba Riverbend RV Park and Resort, Docket No. 2005-1495-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. The provisions of this Agreed Order shall apply to and be binding upon Mr. Oda. Mr. Oda is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Oda if the Executive Director determines that Mr. Oda has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Oda 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. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

MEMORANDUM FOR THE RECORD

Subject: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]


[Illegible text]

Mike Oda dba Riverbend RV Park and Resort
DOCKET NO. 2005-1495-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/19/07

Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of Mike Oda dba Riverbend RV Park and Resort. I am authorized to agree to the attached Agreed Order on behalf of Mike Oda dba Riverbend RV Park and Resort, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Mike Oda dba Riverbend RV Park and Resort waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.



Signature

03-12-07

Date

MIKE ODA

Name (printed or typed)
Authorized Representative
Mike Oda dba Riverbend RV Park and Resort

Self

Title

1/2/14

1/2/14

The first part of the document is a list of names and addresses. The names are written in a cursive hand and are somewhat difficult to read. The addresses are also written in cursive and are scattered across the page.

The second part of the document is a list of names and addresses. The names are written in a cursive hand and are somewhat difficult to read. The addresses are also written in cursive and are scattered across the page.

The third part of the document is a list of names and addresses. The names are written in a cursive hand and are somewhat difficult to read. The addresses are also written in cursive and are scattered across the page.

The fourth part of the document is a list of names and addresses. The names are written in a cursive hand and are somewhat difficult to read. The addresses are also written in cursive and are scattered across the page.

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The fifth part of the document is a list of names and addresses. The names are written in a cursive hand and are somewhat difficult to read. The addresses are also written in cursive and are scattered across the page.

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