EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2100-MWD-E **TCEQ ID:** RN103015418 **CASE NO.:** 31885

RESPONDENT NAME: Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Hartwick Green Mobile Home Park, approximately 1600 feet northwest of the intersection of Aldine-Westfield Road and Hartwick Road and approximately 2300 feet south of Halls Bayou, Harris County

TYPE OF OPERATION: Domestic wastewater system

SMALL BUSINESS: X **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 April 30, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Section II, MC 219, (512) 239-5363; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Ms. Xiu Hui McCulloch, Owner, Hartwick Green Mobile Home Park, 2299 Lonestar, Apartment Suite 29, Sugerland, Texas 77093

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date of Complaints Relating to this Case:** None **Date of Record Review Relating to this Case:** November 13, 2006 **Date of NOE Relating to this Case:** November 27, 2006(NOE) **Background Facts:** This was a routine scheduled record review. **WATER** 1) Failed to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 13084001, Effluent Limitations and Monitoring Requirements No.1, and TEX. WATER CODE § 26.121(a)]. 2) Failed to submit the discharge monitoring reports (DMR) at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13084001, Monitoring and Reporting Requirements].	**Total Assessed:** $3,810 **Total Deferred:** $762 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $148 (the remaining $2,900 shall be paid in 29 monthly payments of $100 each) **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a) Within 30 days after the effective date of this Agreed Order, submit the completed DMR for the monitoring period ending March 31, 2006; and b) Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 13084001 and Ordering Provision a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision November 17, 2006*

TCEQ

DATES					
Assigned	5-Dec-2006				
PCW	8-Dec-2006	Screening	6-Dec-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park		
Reg. Ent. Ref. No.	RN103015418		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31885	No. of Violations	2
Docket No.	2006-2100-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Samuel Short
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $3,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 27% Enhancement — *Subtotals 2, 3, & 7* $810

Notes: A 27% enhancement is recommended for having five NOVs for self-reported effluent data and one NOV for non-similar violations within the last five years.

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 x)

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

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$134
Approx. Cost of Compliance	$2,100

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $3,810

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 $3,810

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $3,810

DEFERRAL — 20% Reduction — *Adjustment* -$762

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 $3,048

Screening Date 6-Dec-2006 **Docket No.** 2006-2100-MWD-E **PCW**

Respondent Xiu Hui Li McCulloch dba Hartwick Green Mobile Home F

Policy Revision 2 (September 2002)

Case ID No. 31885

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN103015418

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

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*)	5	25%
	Other written NOVs	1	2%
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 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%
		Please Enter Yes or No	
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) 27%

>> 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

A 27% enhancement is recommended for having five NOVs for self-reported effluent data and one NOV for non-similar violations within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 6-Dec-2006 **Docket No.** 2006-2100-MWD-E **PCW**

Respondent Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park *Policy Revision 2 (September 2002)*

Case ID No. 31885 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN103015418

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 13084001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on November 13, 2006. See attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: A simplified model was used to evaluate ammonia nitrogen ("NH3-H") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily average flow and carbonaceous biochemical oxygen demand ("CBOD") values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 2 | 93 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $127

Statutory Limit Test

Violation Final Penalty Total $2,540

This violation Final Assessed Penalty (adjusted for limits) $2,540

Economic Benefit Worksheet

Respondent Xiu Hui Li McCulloch,dba Hartwick Green Mobile Home Park
Case ID No. 31885
Reg. Ent. Reference No. RN103015418
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	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)	$2,000	31-May-2006	8-Sep-2007	1.3	$127	n/a	$127

Notes for DELAYED costs: The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

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: $2,000

TOTAL: $127

Screening Date	6-Dec-2006	**Docket No.** 2006-2100-MWD-E	**PCW**
Respondent	Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park		*Policy Revision 2 (September 2002)*
Case ID No.	31885		*PCW Revision November 17, 2006*
Reg. Ent. Reference No.	RN103015418		
Media [Statute]	Water Quality		
Enf. Coordinator	Samuel Short		
Violation Number	2		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 13084001, Monitoring and Reporting Requirements		
Violation Description	Failed to submit the discharge monitoring reports ("DMR") at the intervals specified in the permit. Specifically, the DMR for outfall 001A was not submitted for the reporting period ending March 31, 2006.		

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 1

230 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $7

Statutory Limit Test

Violation Final Penalty Total $1,270

This violation Final Assessed Penalty (adjusted for limits) $1,270

Economic Benefit Worksheet

Respondent Xiu Hui LI McCulloch dba Hartwick Green Mobile Home Park
Case ID No. 31885
Reg. Ent. Reference No. RN103015418
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$100	20-Apr-2006	8-Sep-2007	1.4	$7	n/a	$7
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	The estimated cost associated with submitting the DMR in a timely manner. Date required is the date the DMR was due. Final date is the expected compliance date.						
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 $100

TOTAL $7

Effluent Violation Table

Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park
TPDES Permit No. 13084001 (Outfall 001A)
Docket No. 2006-2100-MWD-E

Permitted Effluent Limits	Monitoring Period End Date		
	05/31/2006	07/31/06	08/31/06
NH_3-H Daily Avg. 3 mg/L	11.5	8.93	6.82
NH_3-H Daily Max 15 mg/L	18.2	34.4	32.8

Avg. = average	mg/L = milligrams per liter
NH_3-N= ammonia nitrogen	Max = maximum

Compliance History

Customer/Respondent/Owner-Operator:	CN602295727	McCulloch Xiu Hui Li	Classification: AVERAGE	Rating: 0.28
Regulated Entity:	RN103015418	HARTWICK GREEN MOBILE HOME PARK	Classification: AVERAGE	Site Rating: 0.28
ID Number(s):	WASTEWATER	PERMIT		WQ0013084001
	WASTEWATER	PERMIT		TPDES0097527
	WASTEWATER LICENSING	LICENSE		WQ0013084001
Location:	approximately 1600 feet northwest of the intersection of Aldine-Westfield Road and Hartwick Road and approximately 2300 feet south of Halls Bayou in Harris County, Texas		Rating Date: 9/1/2006	Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 05, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 05, 2001 to December 05, 2006

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

Name: Samuel Short Phone: (512) 239-5363

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	06/18/2003	(320542)
2	06/18/2003	(320543)
3	06/18/2003	(320544)
4	06/18/2003	(320545)
5	12/12/2003	(320546)
6	04/22/2002	(320547)
7	12/12/2003	(320548)
8	04/22/2002	(320549)
9	12/12/2003	(320550)
10	09/23/2004	(362991)
11	09/23/2004	(362992)
12	04/22/2002	(320551)
13	09/23/2004	(362993)
14	12/12/2003	(320552)
15	09/23/2004	(362994)
16	04/22/2002	(320553)
17	09/23/2004	(362995)
18	12/12/2003	(320554)
19	09/23/2004	(362996)
20	04/22/2002	(320555)
21	09/23/2004	(362997)
22	12/12/2003	(320556)
23	09/23/2004	(362998)
24	04/22/2002	(320557)
25	12/01/2006	(519526)
26	06/13/2005	(430530)
27	06/13/2005	(430531)
28	06/13/2005	(430532)
29	06/13/2005	(430533)
30	06/13/2005	(430534)
31	06/13/2005	(430535)
32	06/13/2005	(430536)
33	06/13/2005	(430537)
34	06/13/2005	(430538)
35	06/13/2005	(430539)

36 06/03/2002 (217822)
37 11/01/2004 (334848)
38 04/10/2003 (217823)
39 05/24/2006 (504642)
40 06/15/2006 (504643)
41 06/03/2002 (217825)
42 01/19/2005 (346712)
43 06/03/2002 (217827)
44 04/10/2003 (217844)
45 04/10/2003 (217829)
46 04/10/2003 (217842)
47 04/10/2003 (217831)
48 04/10/2003 (217840)
49 04/10/2003 (217833)
50 04/10/2003 (217838)
51 04/10/2003 (217836)
52 07/17/2006 (526952)
53 08/24/2006 (526953)
54 09/13/2006 (526954)
55 03/24/2006 (478450)
56 03/24/2006 (478451)
57 03/24/2006 (478452)
58 03/24/2006 (478453)
59 03/24/2006 (478454)
60 03/24/2006 (478455)
61 03/24/2006 (478456)
62 03/24/2006 (478457)
63 03/24/2006 (478458)

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

Date: 08/31/2003 (320550)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (362998)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/29/2004 (334848)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.1[G]
Description: Failure to provide a backup blower.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Description: Failure to check the flow and chlorine at the frequency required by the permit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.7(f)
Description: Failure to provide hazard signs as required by 30 TAC 317.7(f).

Self Report? NO Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
Description: Failure to prevent sludge from the RAS line from splashing onto the side of the plant.

Date: 05/31/2006 (504643)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (526953)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (526954)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING XIU HUI LI MCCULLOCH DBA HARTWICK GREEN MOBILE HOME PARK RN103015418	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-2100-MWD-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 Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park ("Ms. McCulloch") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Ms. McCulloch appear before the Commission and together stipulate that:

1. Ms. McCulloch owns and operates a domestic wastewater system at approximately 1600 feet northwest of the intersection of Aldine-Westfield Road and Hartwick Road and approximately 2300 feet south of Halls Bayou in Harris County, Texas (the "Facility").

2. Ms. McCulloch has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and Ms. McCulloch agree that the Commission has jurisdiction to enter this Agreed Order, and that Ms. McCulloch is subject to the Commission's jurisdiction.

4. Ms. McCulloch received notice of the violations alleged in Section II ("Allegations") on or about December 5, 2006.

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

6. An administrative penalty in the amount of Three Thousand Eight Hundred Ten Dollars ($3,810) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ms. McCulloch has paid One Hundred Forty-Eight Dollars ($148) of the administrative penalty and Seven Hundred Sixty-Two Dollars ($762) is deferred contingent upon Ms. McCulloch's timely and satisfactory compliance with all the terms of this Agreed Order. If Ms. McCulloch fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Ms. McCulloch to pay all or part of the deferred penalty.

   The remaining amount of Two Thousand Nine Hundred Dollars ($2,900) of the administrative penalty shall be payable in 29 monthly payments of One Hundred Dollars ($100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Ms. McCulloch 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. McCulloch to meet the payment schedule of this Agreed Order constitutes the failure by Ms. McCulloch 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. McCulloch have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. 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. McCulloch has not complied with one or more of the terms or conditions in this Agreed Order.

10. 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.

11. 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. McCulloch is alleged to have:

1. Failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13084001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on November 13, 2006. See table below.

Effluent Violation Table Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park TPDES Permit No. 13084001 (Outfall 001A)			
Permitted Effluent Limits	Monitoring Period End Date		
	05/31/2006	07/31/06	08/31/06
NH_3-H Daily Avg. 3 mg/L	11.5	8.93	6.82
NH_3-H Daily Max 15 mg/L	18.2	34.4	32.8

Avg. = average	mg/L = milligrams per liter
NH_3-N = ammonia nitrogen	Max = maximum

2. Failed to submit the discharge monitoring reports ("DMR") at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13084001, Monitoring and Reporting Requirements, as documented during a record review conducted on November 13, 2006. Specifically, the DMR for outfall 001A was not submitted for the reporting period ending March 31, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ms. McCulloch pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ms. McCulloch'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: Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park, Docket No. 2006-2100-MWD-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. McCulloch shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, submit the completed DMR for the monitoring period ending March 31, 2006; and

   b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 13084001 and Ordering Provision 2.a. The certification shall include detailed supporting documentation including

receipts, and/or other records to demonstrate compliance, 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:

Water Quality Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Ms. McCulloch. Ms. McCulloch 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. McCulloch 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. McCulloch's failure to comply is not a violation of this Agreed Order. Ms. McCulloch shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ms. McCulloch shall notify the Executive Director within seven days after Ms. McCulloch 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. McCulloch shall be made in writing to the Executive Director. Extensions are not effective until Ms. McCulloch 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. McCulloch 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. McCulloch, or three days after the date on which the Commission mails notice of the Order to Ms. McCulloch, 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

_____ 5/21/07
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.

Xiu Hui Li McCulloch Feb 5, 2007
Signature Date

XiuHui McCulloch / Owner Owner
Name (Printed or typed) Title
Authorized Representative of
Xiu Hui Li McCulloch dba Hartwick Green 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.