

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1131-PWS-E **TCEQ ID:** RN101194041 **CASE NO.:** 36198
RESPONDENT NAME: James Lewis Allen dba Holiday Springs Mobile Home Park

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Holiday Springs Mobile Home Park, 8285 U.S. Highway 59 South, Harrison County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0770-MWD-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 24, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. James L. Allen, Owner, Holiday Springs Mobile Home Park, 8285 U.S. Highway 59 South, Marshall, Texas 75672 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

DOCKET NO.: 2008-1131-PWS-E

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(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 16, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 30, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to provide a pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(E)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(a)].</p> <p>2) Failure to maintain public water system operating records in an organized manner, with copies kept on file or stored electronically and made accessible for review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(iii), (vi) and (B)(iii)].</p> <p>3) Failure to install all water system electrical wiring in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>4) Failure to compile and maintain a plant operations manual [30 TEX. ADMIN. CODE § 290.42(1)].</p> | <p>Total Assessed: \$356</p> <p>Total Deferred: \$71 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$285</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin compiling and maintaining water system operating records, including, but not limited to, a record of water system complaints, weekly disinfectant residual monitoring logs and water system maintenance records;</p> <p>ii. Install all water system electrical wiring in compliance with a local or national electrical code; and</p> <p>iii. Provide a complete plant operations manual.</p> <p>b. 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 Provision a.</p> <p>c. Within 90 days after the effective date of this Agreed Order, provide a minimum pressure tank capacity of 1,750 gallons.</p> <p>d. Within 105 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 Provision c.</p> |

Additional ID No(s): PWS ID 1020028



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

| | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|
| DATES | Assigned | 1-Jul-2008 | | | |
| | PCW | 11-Jul-2008 | Screening | 10-Jul-2008 | EPA Due |

| | |
|--|--|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | James Lewis Allen dba Holiday Springs Mobile Home Park |
| Reg. Ent. Ref. No. | RN101194041 |
| Facility/Site Region | 5-Tyler |
| Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 36198 | No. of Violations | 4 |
| Docket No. | 2008-1131-PWS-E | Order Type | 1660 |
| Media Program(s) | Public Water Supply | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Stephen Thompson |
| | | 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 | \$310 |
|---|-------------------|-------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|------|
| Compliance History | 15.0% Enhancement | Subtotals 2, 3, & 7 | \$46 |
|---------------------------|-------------------|--------------------------------|------|

Notes: Penalty enhancement is due to one Notice of Violation ("NOV") that contains violations that are the same or similar to those in the current enforcement action and five dissimilar NOV's.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts \$449
 Approx. Cost of Compliance \$2,400
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|-------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$356 |
|-----------------------------|-----------------------|-------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$356

| | | |
|-----------------------------------|-------------------------------|-------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$356 |
|-----------------------------------|-------------------------------|-------|

| | | | |
|-----------------|-----------------|-------------------|-------|
| DEFERRAL | 20.0% Reduction | Adjustment | -\$71 |
|-----------------|-----------------|-------------------|-------|

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

Notes:

Deferral offered for expedited settlement.

| | |
|------------------------|-------|
| PAYABLE PENALTY | \$285 |
|------------------------|-------|

| | | |
|--|---|------------|
| Screening Date 10-Jul-2008 | Docket No. 2008-1131-PWS-E | PCW |
| Respondent James Lewis Allen dba Holiday Springs Mobile Home Pa | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. 36198 | <i>PCW Revision June 12, 2008</i> | |
| Reg. Ent. Reference No. RN101194041 | | |
| Media [Statute] Public Water Supply | | |
| Enf. Coordinator Stephen Thompson | | |

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

| Component | Number of... | <i>Enter Number Here</i> | Adjust. |
|-------------------------------|--|--------------------------|----------------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 1 | 5% |
| | Other written NOVs | 5 | 10% |
| 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 (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |

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) 15%

>> **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

Penalty enhancement is due to one Notice of Violation ("NOV") that contains violations that are the same or similar to those in the current enforcement action and five dissimilar NOVs.

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

| | | | |
|---|---|-------------------------------------|-------------------------------|
| Screening Date 10-Jul-2008 | Docket No. 2008-1131-PWS-E | PCW | |
| Respondent James Lewis Allen dba Holiday Springs Mobile Home Park | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 36198 | <i>PCW Revision June 12, 2008</i> | | |
| Reg. Ent. Reference No. RN101194041 | | | |
| Media [Statute] Public Water Supply | | | |
| Enf. Coordinator Stephen Thompson | | | |
| Violation Number | 1 | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.45(b)(1)(E)(ii) and Tex. Health & Safety Code § 341.0315(a) | | |
| Violation Description | Failed to provide a pressure tank capacity of 50 gallons per connection. Specifically, at the time of the record review, it was documented that the facility had a total of 35 connections and pressure tank with a capacity of 1,500 gallons, which is 14% less than the required 1,750 gallons. | | |
| Base Penalty | | \$1,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Harm | | |
| | Major | Moderate | Minor |
| Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Potential | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Percent | | 10% | |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major | Moderate | Minor | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Percent | | 0% | |
| Matrix Notes | Failure to provide adequate pressure tank capacity could compromise the system's ability to provide a safe and adequate water supply which could expose consumers to a significant amount of contaminants which would not exceeds levels protective of human health. | | |
| Adjustment | | \$900 | |
| | | \$100 | |
| Violation Events | | | |
| Number of Violation Events | 1 | Number of violation days | 55 |
| <i>mark only one with an x</i> | daily | <input type="checkbox"/> | Violation Base Penalty |
| | monthly | <input type="checkbox"/> | |
| | quarterly | <input checked="" type="checkbox"/> | |
| | semiannual | <input type="checkbox"/> | |
| | annual | <input type="checkbox"/> | |
| | single event | <input type="checkbox"/> | |
| Violation Base Penalty | | \$100 | |
| One quarterly event is recommended, calculated from the date of the record review, May 16, 2008, to the date of screening, July 10, 2008. | | | |
| Good Faith Efforts to Comply | | | |
| 0.0% Reduction | | \$0 | |
| Before NOV | | NOV to EDFRP/Settlement Offer | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | Violation Subtotal |
| Ordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| N/A | <input checked="" type="checkbox"/> | (mark with x) | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | |
| Violation Subtotal | | \$100 | |
| Economic Benefit (EB) for this violation | | | |
| Statutory Limit Test | | | |
| Estimated EB Amount | \$391 | Violation Final Penalty Total | \$115 |
| This violation Final Assessed Penalty (adjusted for limits) | | \$115 | |

Economic Benefit Worksheet

Respondent James Lewis Allen dba Holiday Springs Mobile Home Park
Case ID No. 36198
Reg. Ent. Reference No. RN101194041
Media Public Water Supply
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> | | | | | | | |

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Equipment | \$2,000 | 16-Jun-2006 | 1-Apr-2009 | 2.79 | \$19 | \$373 | \$391 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the amount necessary to purchase and install a pressure tank, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$391

| | | | | | |
|--|--|--------------------------------------|--------------------------------------|---|--------------------------------|
| Screening Date 10-Jul-2008 | Docket No. 2008-1131-PWS-E | PCW | | | |
| Respondent James Lewis Allen dba Holiday Springs Mobile Home Park | <i>Policy Revision 2 (September 2002)</i> | | | | |
| Case ID No. 36198 | <i>PCW Revision June 12, 2008</i> | | | | |
| Reg. Ent. Reference No. RN101194041 | | | | | |
| Media [Statute] Public Water Supply | | | | | |
| Enf. Coordinator Stephen Thompson | | | | | |
| Violation Number <input type="text" value="2"/> | | | | | |
| Rule Cite(s) | <input type="text" value="30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(A)(iii), (vi) and (B)(iii)"/> | | | | |
| Violation Description | <input type="text" value="Failed to maintain public water system operating records in an organized manner, with copies kept on file or stored electronically and made accessible for review during inspections. Specifically, at the time of the record review, it was documented that the facility had not made available for review a record of water system complaints, water system maintenance records and weekly disinfectant residual monitoring logs."/> | | | | |
| Base Penalty | | <input type="text" value="\$1,000"/> | | | |
| >> Environmental, Property and Human Health Matrix | | | | | |
| OR | Harm | | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | | | | Percent <input type="text" value="0%"/> | |
| >> Programmatic Matrix | | | | | |
| | | Falsification | Major | Moderate | Minor |
| | | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="x"/> |
| | | | | Percent <input type="text" value="1%"/> | |
| Matrix Notes | <input type="text" value="Less than 30% of the rule requirement was not met."/> | | | | |
| Adjustment | | | | <input type="text" value="\$990"/> | |
| | | | | <input type="text" value="--\$10"/> | |
| Violation Events | | | | | |
| Number of Violation Events | | <input type="text" value="1"/> | Number of violation days | | |
| | | <input type="text" value="55"/> | | | |
| <i>mark only one with an x</i> | daily | <input type="text"/> | | | |
| | monthly | <input type="text"/> | | | |
| | quarterly | <input type="text"/> | | | |
| | semiannual | <input type="text"/> | | | |
| | annual | <input type="text"/> | | | |
| | single event | <input type="text" value="x"/> | | | |
| | | | | Violation Base Penalty <input type="text" value="\$10"/> | |
| <input type="text" value="One single event is recommended."/> | | | | | |
| Good Faith Efforts to Comply | | <input type="text" value="0.0%"/> | Reduction | | |
| | | <input type="text" value="0.0%"/> | <input type="text" value="\$0"/> | | |
| | | Before NOV | NOV to EDRP/ Settlement Offer | | |
| Extraordinary | <input type="text"/> | <input type="text"/> | | | |
| Ordinary | <input type="text"/> | <input type="text"/> | | | |
| N/A | <input type="text" value="x"/> | (mark with x) | | | |
| Notes | <input type="text" value="The Respondent does not meet the good faith criteria for this violation."/> | | | | |
| Violation Subtotal | | | | <input type="text" value="\$10"/> | |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test | | |
| Estimated EB Amount | | <input type="text" value="\$26"/> | Violation Final Penalty Total | | |
| | | | <input type="text" value="\$12"/> | | |
| This violation Final Assessed Penalty (adjusted for limits) | | | <input type="text" value="\$12"/> | | |

Economic Benefit Worksheet

Respondent James Lewis Allen dba Holiday Springs Mobile Home Park
Case ID No. 36198
Reg. Ent. Reference No. RN101194041
Media Public Water Supply
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$200 | 16-Jun-2006 | 1-Feb-2009 | 2.63 | \$26 | n/a | \$26 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs: The delayed costs include the amount necessary to compile and maintain a record of water system complaints, weekly chlorine residual readings and maintenance records, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

| | | | |
|----------------------------|-------|--------------|------|
| Approx. Cost of Compliance | \$200 | TOTAL | \$26 |
|----------------------------|-------|--------------|------|

| | | | | |
|---|--|--|--------------------------------------|--|
| Screening Date 10-Jul-2008 | Docket No. 2008-1131-PWS-E | PCW | | |
| Respondent James Lewis Allen dba Holiday Springs Mobile Home Park | | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 36198 | | <i>PCW Revision June 12, 2008</i> | | |
| Reg. Ent. Reference No. RN101194041 | | | | |
| Media [Statute] Public Water Supply | | | | |
| Enf. Coordinator Stephen Thompson | | | | |
| Violation Number | 3 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.46(v) | | | |
| Violation Description | Failed to install all water system electrical wiring in compliance with a local or national electrical code. Specifically, at the time of the record review, it was documented that the facility had not adequately sealed the electrical conduit at the well. | | | |
| Base Penalty | | \$1,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Potential | <input type="checkbox"/> | X | <input type="checkbox"/> |
| | | | | Percent <input type="text" value="10%"/> |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | Percent <input type="text" value="0%"/> |
| Matrix Notes | Failure to install water system wiring in compliance with a local or national electrical code could result in a loss of power to the well pump motor and could prevent the water system from providing a safe and adequate water supply which could expose the consumers to a significant amount of contaminants which would not exceed levels protective of human health. | | | |
| Adjustment | | | | \$900 |
| | | | | \$100 |
| Violation Events | | | | |
| Number of Violation Events | | <input type="text" value="1"/> | Number of violation days | |
| | | <input type="text" value="55"/> | | |
| <i>mark only one with an x</i> | daily | <input type="checkbox"/> | | |
| | monthly | <input type="checkbox"/> | | |
| | quarterly | X | | |
| | semiannual | <input type="checkbox"/> | | |
| | annual | <input type="checkbox"/> | | |
| | single event | <input type="checkbox"/> | | |
| | | | | Violation Base Penalty <input type="text" value="\$100"/> |
| One quarterly event is recommended, calculated from the date of the record review, May 16, 2008, to the date of screening, July 10, 2008. | | | | |
| Good Faith Efforts to Comply | | <input type="text" value="0.0%"/> | Reduction | |
| | | <input type="text" value="0.0%"/> | | |
| | | <input type="text" value="0.0%"/> | | |
| | | <input type="text" value="0.0%"/> | | |
| | | <input type="text" value="0.0%"/> | | |
| | | <input type="text" value="0.0%"/> | | |
| | | <input type="text" value="0.0%"/> | | |
| | | <input type="text" value="0.0%"/> | | |
| Notes | | The Respondent does not meet the good faith criteria for this violation. | | |
| Violation Subtotal | | | | \$100 |
| Economic Benefit (EB) for this violation | | | | |
| Statutory Limit Test | | | | |
| Estimated EB Amount | | <input type="text" value="\$18"/> | Violation Final Penalty Total | |
| | | <input type="text" value="\$18"/> | <input type="text" value="\$115"/> | |
| This violation Final Assessed Penalty (adjusted for limits) | | | | <input type="text" value="\$115"/> |

Economic Benefit Worksheet

Respondent James Lewis Allen dba Holiday Springs Mobile Home Park
Case ID No. 36198
Reg. Ent. Reference No. RN101194041
Media Public Water Supply
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | \$100 | 16-Jun-2006 | 1-Feb-2009 | 2.63 | \$1 | \$18 | \$18 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the amount necessary to properly seal the electrical conduit at the well, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$18

| | | | | | |
|--|---|---|---|--|----------------------|
| Screening Date 10-Jul-2008 | Docket No. 2008-1131-PWS-E | PCW | | | |
| Respondent James Lewis Allen dba Holiday Springs Mobile Home Park | | <i>Policy Revision 2 (September 2002)</i> | | | |
| Case ID No. 36198 | | <i>PCW Revision June 12, 2008</i> | | | |
| Reg. Ent. Reference No. RN101194041 | | | | | |
| Media [Statute] Public Water Supply | | | | | |
| Enf. Coordinator Stephen Thompson | | | | | |
| Violation Number | <input type="text" value="4"/> | | | | |
| Rule Cite(s) | <input type="text" value="30 Tex. Admin. Code § 290.42(l)"/> | | | | |
| Violation Description | <input type="text" value="Failed to compile and maintain a plant operations manual."/> | | | | |
| Base Penalty | | <input type="text" value="\$1,000"/> | | | |
| >> Environmental, Property and Human Health Matrix | | | | | |
| OR | Harm | | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | | | | Percent <input type="text" value="0%"/> | |
| >> Programmatic Matrix | | | | | |
| | | Falsification | Major | Moderate | Minor |
| | | <input type="text"/> | x | <input type="text"/> | <input type="text"/> |
| | | | | Percent <input type="text" value="10%"/> | |
| Matrix Notes | <input type="text" value="100% of the rule requirement was not met."/> | | | | |
| Adjustment | | | | <input type="text" value="\$900"/> | |
| | | | | <input type="text" value="\$100"/> | |
| Violation Events | | | | | |
| Number of Violation Events | | <input type="text" value="1"/> | Number of violation days | | |
| | | <input type="text" value="55"/> | | | |
| <i>mark only one with an x</i> | daily | <input type="text"/> | | | |
| | monthly | <input type="text"/> | | | |
| | quarterly | <input type="text"/> | | | |
| | semiannual | <input type="text"/> | | | |
| | annual | <input type="text"/> | | | |
| | single event | <input checked="" type="checkbox"/> | | | |
| | | | | Violation Base Penalty <input type="text" value="\$100"/> | |
| <input type="text" value="One single event is recommended."/> | | | | | |
| Good Faith Efforts to Comply | | <input type="text" value="0.0%"/> | Reduction | | |
| | | <input type="text" value="0.0%"/> | <input type="text" value="\$0"/> | | |
| | | Before NOV | NOV to EDRP/Settlement Offer | | |
| Extraordinary | <input type="text"/> | <input type="text"/> | | | |
| Ordinary | <input type="text"/> | <input type="text"/> | | | |
| N/A | x | (mark with x) | | | |
| Notes | <input type="text" value="The Respondent does not meet the good faith criteria for this violation."/> | | | | |
| Violation Subtotal | | | | <input type="text" value="\$100"/> | |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test | | |
| Estimated EB Amount | | <input type="text" value="\$13"/> | Violation Final Penalty Total <input type="text" value="\$115"/> | | |
| | | | This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$115"/> | | |

Economic Benefit Worksheet

Respondent James Lewis Allen dba Holiday Springs Mobile Home Park
Case ID No. 36198
Reg. Ent. Reference No. RN101194041
Media Public Water Supply
Violation No. 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> | | | | | | | |

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$100 | 16-Jun-2006 | 1-Feb-2009 | 2.63 | \$13 | n/a | \$13 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the amount necessary to compile and maintain a plant operations manual, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

| | | | |
|-----------------------------------|-------|--------------|------|
| Approx. Cost of Compliance | \$100 | TOTAL | \$13 |
|-----------------------------------|-------|--------------|------|

Compliance History

| | | | |
|---|--|------------------------------------|--------------------------------------|
| Customer/Respondent/Owner-Operator: | CN602848665 ALLEN, JAMES LEWIS | Classification: AVERAGE | Rating: 3.01 |
| Regulated Entity: | RN101194041 HOLIDAY SPRINGS MOBILE HOME PARK | Classification: AVERAGE BY DEFAULT | Site Rating: 3.01 |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY WASTEWATER WASTEWATER | REGISTRATION PERMIT EPA ID | 1020028 WQ0014746001 TX0129127 |
| Location: | 8285 US HIGHWAY 59 S, HARRISON COUNTY, TX | Rating Date: 9/1/2007 | Repeat Violator: NO |
| TCEQ Region: | REGION 05 - TYLER | | |
| Date Compliance History Prepared: | July 02, 2008 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | July 02, 2003 to July 02, 2008 | | |

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

Name: Stephen Thompson Phone: (512) 239-2558

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 | 06/10/2005 | (395473) |
| 2 | 08/03/2006 | (488162) |
| 3 | 11/19/2007 | (634371) |
| 4 | 12/17/2007 | (634372) |
| 5 | 01/17/2008 | (678111) |
| 6 | 02/21/2008 | (678108) |
| 7 | 04/07/2008 | (678109) |
| 8 | 04/07/2008 | (678110) |
| 9 | 05/01/2008 | (641846) |
| 10 | 06/25/2008 | (682637) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|--------------------------|
| Date: | 06/16/2006 | (488162) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(ii) 5A THSC Chapter 341, SubChapter A 341.0315(a) | | |
| Description: | Failure to meet the pressure tank capacity of 50 gallons per connection with a maximum of 2,500 gallons required. §290.45(b)(1)(E)(ii). | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(2) | | |
| Description: | Failure to maintain the public water system's operating records organized, and copies kept on file or stored electronically. | | |
| Self Report? | NO | | Classification: Minor |

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.
 Date: 09/30/2007 (678110)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2007 (634371)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2007 (634372)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2007 (678111)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2008 (678108)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JAMES LEWIS ALLEN DBA
HOLIDAY SPRINGS MOBILE HOME
PARK
RN101194041**

§
§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-1131-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 James Lewis Allen dba Holiday Springs Mobile Home Park ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 8285 U.S. Highway 59 South in Harrison County, Texas (the "Facility") that has approximately 35 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 5, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Hundred Fifty-Six Dollars (\$356) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Eighty-Five Dollars (\$285) of the administrative penalty and Seventy-One Dollars (\$71) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent 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 the Respondent 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, the Respondent is alleged to have:

1. Failed to provide a pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(E)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(a), as documented during a record review conducted on May 16, 2008.
2. Failed to maintain public water system operating records in an organized manner, with copies kept on file or stored electronically and made accessible for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(iii), (vi) and (B)(iii), as documented during a record review conducted on May 16, 2008.
3. Failed to install all water system electrical wiring in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v) as documented during a record review conducted on May 16, 2008.
4. Failed to compile and maintain a plant operations manual, in violation of 30 TEX. ADMIN. CODE § 290.42(I), as documented during a record review conducted on May 16, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent'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: James Lewis Allen dba Holiday Springs Mobile Home Park, Docket No. 2008-1131-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 the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin compiling and maintaining water system operating records, including, but not limited to, a record of water system complaints, weekly disinfectant residual monitoring logs and water system maintenance records, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Install all water system electrical wiring in compliance with a local or national electrical code, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Provide a complete plant operations manual, as required by 30 TEX. ADMIN. CODE § 290.42.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 90 days after the effective date of this Agreed Order, provide a minimum pressure tank capacity of 1,750 gallons, as required by 30 TEX. ADMIN. CODE § 290.45.
 - d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

John Sadler
For the Executive Director

Date 11/3/2008

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

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

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

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

JL Allen
Signature

August 21, 2008
Date

James L. Allen
Name (Printed or typed)
Authorized Representative of
James Lewis Allen dba Holiday Springs Mobile Home Park

owner
Title

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.

