

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1777-PWS-E TCEQ ID: RN101236685 CASE NO.: 31301

RESPONDENT NAME: FATIMA FAMILY VILLAGE, INC. DBA FATIMA FAMILY VILLAGE 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

SITE WHERE VIOLATION(S) OCCURRED: 1003 Gulf Bank Road, Houston, Harris County

TYPE OF OPERATION: Mobile home park with a public water supply system

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 expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 6, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012

TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581

Respondent: Mr. Tran Huong, Director, Fatima Family Village, Inc., 1003 Gulf Bank Road, No. 3, Houston, Texas 77037

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:</p> <p><input type="checkbox"/> Complaint <input checked="" 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>Dates of Investigation Relating to this Case: July 20, 2006, and September 6, 2006</p> <p>Date of NOE Relating to this Case: August 29, 2006</p> <p>Background Facts: The EDPRP was filed September 11, 2007. The EDFARP was filed October 10, 2008. Settlement was achieved and a signed Agreed Order was received January 24, 2009.</p> <p>Current Compliance Status: The Respondent has not yet submitted compliance certification.</p> <p>PWS:</p> <ol style="list-style-type: none"> Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)]. Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)]. Failed to maintain all distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)]. Failed to provide a minimum well capacity of 1.0 gallon per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(E)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. Failed to pay all Consolidated Water Quality and Public Health Service annual and late fees for fiscal years 2003 through 2006 [30 TEX. ADMIN. CODE §§ 21.4 and 290.51 and TEX. WATER CODE § 5.702]. 	<p>Total Assessed: \$417</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$417</p> <p>The Respondent paid the administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the following corrective measures have been taken:</p> <ol style="list-style-type: none"> Installed a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface; Repaired the leaking valve at the well site so that all distribution system lines and related appurtenances are now maintained in a watertight condition; and Installed a new pump that provides a well capacity of 37 gpm and exceeds the minimum required well capacity of 1.0 gpm per connection for the Facility's 37 connections. <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days: <ol style="list-style-type: none"> Obtain a sanitary control easement; and Pay all outstanding fees for Financial Administration Account Nos. 23004447 and 91010746. Within 60 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

DATES	Assigned	05-Sep-2006	Screening	27-Sep-2006	EPA Due	
	PCW	29-Dec-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Fatima Family Village, Inc.
Reg. Ent. Ref. No.	RN101236685
Facility/Site Region	12-Houston <input type="button" value="<"/>
Major/Minor Source	Minor Source <input type="button" value="<"/>

CASE INFORMATION				
Enf./Case ID No.	31301	No. of Violations	5	
Docket No.	2006-1777-PWS-E	Order Type	1660 <input type="button" value="<"/>	
Media Program(s)	Public Water Supply <input type="button" value="<"/>	Enf. Coordinator	Rebecca Clausewitz	
Multi-Media		EC's Team	Enforcement Team 2 <input type="button" value="<"/>	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit **Subtotal 6**

Total EB Amounts	\$464	0% Enhancement*
Approx. Cost of Compliance	\$5,900	<i>*Capped at the Total EB \$ Amount</i>

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 27-Sep-2006
Respondent Fatima Family Village, Inc.
Case ID No. 31301
Reg. Ent. Reference No. RN101236685
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Docket No. 2006-1777-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

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>)	1	5%
	Other written NOVs	7	14%
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</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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

The enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement case and seven prior NOVs containing violations that are dissimilar to the violations in the current enforcement action.

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

Screening Date 27-Sep-2006

Docket No. 2006-1777-PWS-E

PCW

Respondent Fatima Family Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)

Secondary Rule Cite(s)

Violation Description Failure to obtain a sanitary control easement or an exception to the easement requirement that covers the land within 150 feet of the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Without a sanitary control easement that limits activity in the area around the well, contaminants could enter the well and customers of the water supply could be exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent Fatima Family Village, Inc.
Case ID No. 31301
Reg. Ent. Reference No. RN101236685
Media [Statute] 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
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	20-Jul-2006	01-Apr-2007	0.7	\$0	\$9	\$10
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 The delayed costs include the amount to obtain a sanitary control easement or exception to the easement requirement for the land within 150 feet of the well, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$200

TOTAL \$10

Screening Date 27-Sep-2006

Docket No. 2006-1777-PWS-E

PCW

Respondent Fatima Family Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(B)

Secondary Rule Cite(s)

Violation Description Failure to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Without a adequate protection of the wellhead, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, July 20, 2006, to the date of screening, September 27, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$119

This violation Final Assessed Penalty (adjusted for limits) \$119

Economic Benefit Worksheet

Respondent Fatima Family Village, Inc.
Case ID No. 31301
Reg. Ent. Reference No. RN101236685
Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	20-Jul-2006	01-Apr-2007	0.7	\$1	\$23	\$24
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 The delayed costs include the amount to install a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$500 **TOTAL** \$24

Screening Date 27-Sep-2006

Docket No. 2006-1777-PWS-E

PCW

Respondent Fatima Family Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Secondary Rule Cite(s)

Violation Description Failure to maintain all distribution system lines and related appurtenances in a watertight condition. Specifically, there was a leaking valve at the well site.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual				Percent	10%
	Potential		X			

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor		
						Percent	
Matrix Notes	If the well site is not maintained in a water-tight condition, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.						

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, July 20, 2006, to the date of screening, September 27, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$119

This violation Final Assessed Penalty (adjusted for limits) \$119

Economic Benefit Worksheet

Respondent Fatima Family Village, Inc.
Case ID No. 31301
Reg. Ent. Reference No. RN101236685
Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	20-Jul-2006	01-Apr-2007	0.7	\$0	\$9	\$10
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 The delayed cost includes the amount to repair the leaking valve at the well site, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$200

TOTAL \$10

Screening Date 27-Sep-2006

Docket No. 2006-1777-PWS-E

PCW

Respondent Fatima Family Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(E)(i)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failure to provide a minimum well capacity of 1.0 gallon per minute ("gpm") per connection. Specifically, with 37 connections, the water system should provide a minimum well capacity of 37 gpm; however the well capacity is currently 20 gpm, which is approximately 46% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Without sufficient capacity, customers of the water system could experience shortages and the system's ability to provide a safe and adequate water supply for the customers could be impaired.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, July 20, 2006, to the date of screening, September 27, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$420

Violation Final Penalty Total \$119

This violation Final Assessed Penalty (adjusted for limits) \$119

Economic Benefit Worksheet

Respondent Fatima Family Village, Inc.
Case ID No. 31301
Reg. Ent. Reference No. RN101236685
Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	20-Jul-2006	01-Oct-2007	1.2	\$20	\$400	\$420
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

The delayed costs includes the amount to increase the well capacity to a minimum of 1.0 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$5,000

TOTAL \$420

Screening Date 27-Sep-2006

Docket No. 2006-1777-PWS-E

PCW

Respondent Fatima Family Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 21.4 and 290.51

Secondary Rule Cite(s) Tex. Water Code § 5.702

Violation Description Failure to pay all Consolidated Water Quality ("CWQ") and Public Health Service ("PHS") annual and late fees for fiscal years 2003 through 2006 in a timely manner for Financial Administration Account Nos. 23004447 and 91010746.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent.

Matrix Notes

Adjustment -\$1,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

Table for frequency: daily, monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$0

All penalties and interest will be assessed by the Financial Administration Division at the next billing cycle.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Fatima Family Village, Inc.
Case ID No. 31301
Reg. Ent. Reference No. RN101236685
Media [Statute] Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				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 N/A

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 N/A

Approx. Cost of Compliance \$0

TOTAL \$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600748297 Fatima Family Village, Inc. Classification: AVERAGE Rating: 0.30

Regulated Entity: RN101236685 FATIMA FAMILY VILLAGE MHP Classification: AVERAGE Site Rating: 0.30

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010746
 WASTEWATER PERMIT TX0095656000
 WASTEWATER PERMIT WQ0013767001
 WASTEWATER PERMIT TPDES0095656
 WASTEWATER PERMIT TX0095656
 WASTEWATER PERMIT WQ0013767001

Location: 1003 GULF BANK RD, HOUSTON, TX, 77037

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 4, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 04, 2006 to October 04, 2001

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

Name: Rebecca Clausewitz Phone: (210) 403-4012

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. Rating Date: 9/1/2006 Repeat Violator: NO | |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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.	07/21/2006	(480785)
2.	03/21/2005	(387871)
3.	11/16/2004	(387872)
4.	06/20/2005	(425522)
5.	11/29/2005	(387873)
6.	07/21/2005	(425523)
7.	12/20/2004	(387874)
8.	02/19/2002	(216698)
9.	02/26/2003	(216699)
10.	03/21/2002	(216700)
11.	08/27/2003	(152162)
12.	04/19/2002	(216703)

13. 04/24/2003 (216704)
 14. 02/17/2004 (320101)
 15. 05/20/2002 (216706)
 16. 03/17/2004 (320102)
 17. 04/16/2004 (320103)
 18. 06/21/2002 (216708)
 19. 05/30/2003 (320104)
 20. 04/04/2006 (504514)
 21. 06/26/2003 (320105)
 22. 04/24/2006 (504515)
 23. 07/21/2003 (320106)
 24. 09/11/2002 (216711)
 25. 05/23/2006 (504516)
 26. 08/20/2003 (320107)
 27. 06/21/2006 (504517)
 28. 09/18/2003 (320108)
 29. 10/09/2001 (216713)
 30. 10/20/2003 (320109)
 31. 11/17/2003 (320110)
 32. 11/08/2001 (216715)
 33. 01/20/2004 (320111)
 34. 10/24/2002 (216716)
 35. 11/19/2001 (216719)
 36. 11/19/2002 (216720)
 37. 08/05/2004 (284832)
 38. 01/04/2002 (216723)
 39. 12/19/2002 (216724)
 40. 02/21/2006 (478252)
 41. 10/28/2005 (478253)
 42. 01/16/2002 (216727)
 43. 11/18/2005 (478254)
 44. 03/24/2003 (216728)
 45. 12/19/2005 (478255)
 46. 01/17/2006 (478256)
 47. 05/24/2004 (362724)
 48. 07/21/2004 (362725)
 49. 02/17/2004 (261336)
 50. 11/05/2004 (339631)
 51. 10/29/2004 (362726)
 52. 06/21/2004 (362727)
 53. 08/19/2005 (446078)
 54. 08/29/2006 (487532)

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

Date: 06/30/2005 (425523)
Self Report? Yes **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter.
Date: 02/17/2004 (261336)
Self Report? No **Classification:** Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to obtain a sanitary control easement or exception to the easement requirement that covers the land within 150 feet of the well.
Self Report? No **Classification:** Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
Description: Failure to provide a well casing that extends a minimum of 18 inches above the elevation of the fished floor of the pump room or natural ground surface.
Self Report? No **Classification:** Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain all distribution system lines and related appurtenances in a watertight condition.
Self Report? No **Classification:** Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)
 5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to provide a well capacity of 1.0 gallons per minute per connection.
Date: 08/27/2003 (152162)
Self Report? No **Classification:** Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to provide documentation that the potable water backflow prevention device has been tested and certified as operational within the last year.

Date: 08/05/2004 (425523)
Self Report? No Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to provide documentation that the potable water backflow prevention device has been tested and certified as operational within the last year.

Date: 07/21/2006 (480785)
Self Report? No Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3

Description: Failure to provide a backup lift station pump.
Self Report? No Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)(4)(B)

Description: Failure to provide a backup blower.

Date: 11/30/2001 (216723)
Self Report? Yes Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter.

Date: 11/30/2005 (478255)
Self Report? Yes Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter.

Date: 06/30/2004 (362725)
Self Report? Yes Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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
FATIMA FAMILY VILLAGE, INC.
DBA FATIMA FAMILY VILLAGE
MOBILE HOME PARK,
RN101236685

§
§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1777-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Fatima Family Village, Inc. dba Fatima Family Village Mobile Home Park ("Fatima") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX WATER CODE ch. 5. The Executive Director of the TCEQ, represented by the Litigation Division, and Fatima appear before the Commission and together stipulate that:

1. Fatima owns and operates a mobile home park with a public water supply system located at 1003 Gulf Bank Road, Houston, Harris County, Texas (the "Facility") that has 37 service connections and serves at least 25 people per day for at least 60 days per year.
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and TCEQ rules.
3. The Commission and Fatima agree that the Commission has jurisdiction to enter this Agreed Order, and that Fatima is subject to the Commission's jurisdiction.
4. Fatima received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Fatima of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of four hundred seventeen dollars (\$417.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Fatima has paid four hundred seventeen dollars (\$417.00) of the administrative penalty.
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 Fatima have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on December 10, 2007, Fatima implemented the following corrective measures at the Facility:
 - a. Installed a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface;
 - b. Repaired the leaking valve at the well site so that all distribution system lines and related appurtenances are now maintained in a watertight condition; and
 - c. Installed a new pump that provides a well capacity of 37 gallons per minute ("gpm") and exceeds the minimum required well capacity of 1.0 gpm per connection for the Facility's 37 connections.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines Fatima has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Fatima, as owner and operator of the Facility, is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) by failing to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well as documented on July 20, 2006.
2. 30 TEX. ADMIN. CODE § 290.41(c)(3)(B) by failing to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface as documented on July 20, 2006.
3. 30 TEX. ADMIN. CODE § 290.46(m)(4) by failing to maintain all distribution system lines and related appurtenances in a watertight condition. Specifically, there was a leaking valve at the well site as documented on July 20, 2006.
4. 30 TEX. ADMIN. CODE § 290.45(b)(1)(E)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by failing to provide a minimum well capacity of 1.0 gallon per minute (“gpm”) per connection as documented on July 20, 2006. Specifically, with 37 connections, the water system should provide a minimum well capacity of 37 gpm; however the well capacity was 20 gpm, which is approximately 46% deficient.
5. 30 TEX. ADMIN. CODE §§ 21.4 and 290.51 and TEX. WATER CODE § 5.702 by failing pay all Consolidated Water Quality (“CWQ”) and Public Health Service (“PHS”) annual and late fees for fiscal years 2003 through 2006 in a timely manner for Financial Administration Account Nos. 23004447 and 91010746 as documented on September 6, 2006.

III. DENIALS

Fatima generally denies each allegation in Section II (“Allegations”).

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Fatima pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Fatima’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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to “Texas Commission on

Environmental Quality" and shall be sent with the notation "Re: Fatima Family Village, Inc. dba Fatima Family Village Mobile Home Park, Docket No. 2006-1777-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. Fatima shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order Fatima shall:
 - i. Obtain a sanitary control easement or an exception to the easement requirement that covers the land within 150 feet of the well, in accordance with 30 TEX. ADMIN. CODE § 290.41 and;
 - ii. Pay all outstanding fees, including any associated penalties and interest and with the notation "Fatima Family Village; Financial Administration Account Nos. 23004447 and 91010746" 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

- b. Within 60 days after the effective date of this Agreed Order, Fatima shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

including the possibility of fine and imprisonment for knowing violations.”

Fatima shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. to:

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

and

Stephen Smith, Water Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk Ave., Ste. H
Houston, Texas 77023-1452

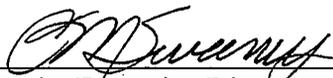
3. The provisions of this Agreed Order shall apply to and be binding upon Fatima. Fatima is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline 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 Fatima shall be made in writing to the Executive Director. Extensions are not effective until Fatima 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 Fatima 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Fatima, or three days after the date on which the Commission mails notice of the Order to Fatima, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/16/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 Fatima's compliance history;
- Greater scrutiny of any permit applications submitted by Fatima;
- 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 Fatima;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Fatima; and
- TCEQ seeking other relief as authorized by law.
-

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

THASH HI DOAN
Signature

1/24/09
Date

THASH HI DOAN
Name (Printed or typed)
Authorized representative of
Fatima Family Village, Inc. dba Fatima Family Village Mobile Home Park

managing member
Title