

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0024-MWD-E **TCEQ ID:** RN102182920 **CASE NO.:** 36980

RESPONDENT NAME: Eli Gravriel Sasson dba West Houston 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 type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input checked="" 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: West Houston MHP, 14115 Farm-to-Market Road 529 approximately 1.5 miles southeast of the intersection of State Highway 6 and Farm-to-Market Road 529, northwest of Houston, Harris County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment facility associated with a mobile home park</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</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 June 8, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5806; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Eli Gravriel Sasson, Owner, West Houston Mobile Home Park, 4402 Woodvalley Drive, Suite B, Houston, Texas 77096 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

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: October 29, 2008</p> <p>Date of NOV/NOE Relating to this Case: December 30, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with permitted effluent limits for ammonia-nitrogen [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014830001, Interim Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to timely submit monthly discharge monitoring reports ("DMRs") at the intervals specified in the permit. Specifically, the DMR for the month of September 2007 (due by October 20, 2007) was submitted on January 14, 2009 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014830001, Monitoring and Reporting Requirements No. 1].</p> | <p>Total Assessed: \$4,892</p> <p>Total Deferred: \$978 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$134 (remaining \$3,780 due in 35 monthly payments of \$108 each)</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 Respondent:</p> <p>a. Submitted the September 2007 DMR on January 14, 2009;</p> <p>b. Replaced the pump and floats for the lift station on July 15, 2008; and</p> <p>c. Became compliant with permitted effluent limits as of July 31, 2008.</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, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.</p> |

Additional ID No(s): TPDES Permit No. 14830001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

| | | | | | |
|--------------|----------|------------|-----------|------------|---------|
| DATES | Assigned | 5-Jan-2009 | | | |
| | PCW | 7-Jan-2009 | Screening | 6-Jan-2009 | EPA Due |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Eli Gravriel Sasson dba West Houston Mobile Home Park |
| Reg. Ent. Ref. No. | RN102182920 |
| Facility/Site Region | 12-Houston |
| Major/Minor Source | Minor |

| | | | |
|-------------------------|-------------------|-----------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 36980 | No. of Violations | 2 |
| Docket No. | 2009-0024-MWD-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | J. Craig Fleming |
| Admin. Penalty \$ | Limit Minimum \$0 | EC's Team | Enforcement Team 3 |
| | Maximum | | \$10,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | <i>Subtotal 1</i> | \$3,100 |
|---|-------------------|---------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|---------|
| Compliance History | 85.0% Enhancement | <i>Subtotals 2, 3, & 7</i> | \$2,635 |
|---------------------------|-------------------|--------------------------------|---------|

Notes: An enhancement is recommended for having 15 NOVs for self-reported effluent violations, and two NOVs with same/similar violations that were not self-reported.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | <i>Subtotal 4</i> | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-------|
| Good Faith Effort to Comply Total Adjustments | <i>Subtotal 5</i> | \$750 |
|--|-------------------|-------|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | <i>Subtotal 6</i> | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts \$123
 Approx. Cost of Compliance \$3,600
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | <i>Final Subtotal</i> | \$4,985 |
|-----------------------------|-----------------------|---------|

| | | | |
|---|-------|-------------------|-------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | -1.9% | <i>Adjustment</i> | -\$93 |
|---|-------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction in penalty amount to prevent the double counting of self-reported violations.

| | |
|-----------------------------|---------|
| <i>Final Penalty Amount</i> | \$4,892 |
|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | <i>Final Assessed Penalty</i> | \$4,892 |
|-----------------------------------|-------------------------------|---------|

| | | | |
|-----------------|-----------------|-------------------|--------|
| DEFERRAL | 20.0% Reduction | <i>Adjustment</i> | -\$978 |
|-----------------|-----------------|-------------------|--------|

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 | \$3,914 |
|------------------------|---------|

Screening Date 6-Jan-2009

Docket No. 2009-0024-MWD-E

PCW

Respondent Eli Gravriel Sasson dba West Houston Mobile Home Par

Policy Revision 2 (September 2002)

Case ID No. 36980

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102182920

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 17 | 85% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 0 | 0% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 85%

>> 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

An enhancement is recommended for having 15 NOVs for self-reported effluent violations, and two NOVs with same/similar violations that were not self-reported.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 85%

| | | | |
|---|---|---|--|
| Screening Date 6-Jan-2009 | Docket No. 2009-0024-MWD-E | PCW | |
| Respondent Eli Gravriel Sasson dba West Houston Mobile Home Park | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 36980 | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No. RN102182920 | | | |
| Media [Statute] Water Quality | | | |
| Enf. Coordinator J. Craig Fleming | | | |
| Violation Number <input type="text" value="1"/> | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014830001, Interim Effluent Limitations and Monitoring Requirements No. 1 | | |
| Violation Description | Failed to comply with permitted effluent limits, as documented in a record review conducted on October 29, 2008. See attached table. | | |
| Base Penalty | | <input type="text" value="\$10,000"/> | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Harm | | |
| | Major | Moderate | Minor |
| | Actual <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |
| | Potential <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | | | Percent <input type="text" value="10%"/> |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major Moderate Minor | | | |
| <input type="text"/> <input type="text"/> <input type="text"/> | | | Percent <input type="text" value="0%"/> |
| Matrix Notes | A simplified model was utilized to evaluate the values for NH3-N, CBOD, and flow to determine whether the discharged amount of the pollutant NH3-N exceeded the levels protective of human health or environmental receptors. The amounts discharged at the time of the violations were insignificant and did not exceed levels that are protective of human health or environmental receptors. | | |
| | | | Adjustment <input type="text" value="\$9,000"/> |
| | | | <input type="text" value="\$1,000"/> |
| Violation Events | | | |
| Number of Violation Events <input type="text" value="3"/> | | <input type="text" value="151"/> Number of violation days | |
| <i>mark only one with an x</i> | daily | <input type="text"/> | Violation Base Penalty <input type="text" value="\$3,000"/> |
| | weekly | <input type="text"/> | |
| | monthly | <input type="text"/> | |
| | quarterly | <input checked="" type="checkbox"/> | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | <input type="text"/> | |
| Three quarterly events are recommended. | | | |
| Good Faith Efforts to Comply | | <input type="text" value="25.0%"/> Reduction | <input type="text" value="\$750"/> |
| | | Before NOV NOV to EDPRP/Settlement Offer | |
| Extraordinary | <input type="text"/> | <input type="text"/> | |
| Ordinary | <input checked="" type="checkbox"/> | <input type="text"/> | |
| N/A | (mark with x) | | |
| Notes | The Respondent came into compliance by July 31, 2008. | | |
| | | | Violation Subtotal <input type="text" value="\$2,250"/> |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | |
| Estimated EB Amount <input type="text" value="\$117"/> | | Violation Final Penalty Total <input type="text" value="\$4,710"/> | |
| This violation Final Assessed Penalty (adjusted for limits) | | | <input type="text" value="\$4,710"/> |

Economic Benefit Worksheet

Respondent: Eli Gravriel Sasson dba West Houston Mobile Home Park
Case ID No.: 36980
Reg. Ent. Reference No.: RN102182920
Media: Water Quality
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 | | | | 0.00 | \$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 | | | | 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) | \$3,500 | 1-Dec-2007 | 31-Jul-2008 | 0.67 | \$117 | n/a | \$117 |

Notes for DELAYED costs

The estimated cost for replacement of the pump and floats in the lift station. The Date Required was the first day of the exceedances. The Final Date is the 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

N/A

Approx. Cost of Compliance

\$3,500

TOTAL

\$117

Screening Date 6-Jan-2009 **Docket No.** 2009-0024-MWD-E **PCW**

Respondent Eli Gravriel Sasson dba West Houston Mobile Home Park *Policy Revision 2 (September 2002)*

Case ID No. 36980 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102182920

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d), and TPDES Permit No. WQ0014830001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit monthly discharge monitoring reports ("DMR") at the intervals specified in the permit. Specifically, the DMR for the month of September 2007 (due by October 20, 2007) was submitted on January 14, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 0% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Harm | | | Percent |
|---------------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| | | | x | 1% |

Matrix Notes Greater than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 30

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

| | Before NOV | NOV to EDRP/Settlement Offer |
|----------|---------------|------------------------------|
| | Extraordinary | |
| Ordinary | | |
| N/A | x | (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 \$6 Violation Final Penalty Total \$182

This violation Final Assessed Penalty (adjusted for limits) \$182

Economic Benefit Worksheet

Respondent Eli Gravriel Sasson dba West Houston Mobile Home Park
Case ID No. 36980
Reg. Ent. Reference No. RN102182920
Media Water Quality
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

| 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 | | | | 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) | \$100 | 20-Oct-2007 | 14-Jan-2009 | 1.24 | \$6 | n/a | \$6 |

Notes for DELAYED costs

The estimated cost of submitting (\$100) the monthly DMR. The Date Required was the date requiring the September DMR to be submitted. The Final Date is the 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

N/A

Approx. Cost of Compliance

\$100

TOTAL

\$6

Eli Gravriel Sasson dba West Houston Mobile Home Park
Docket No. 2009-0024-MWD-E
TPDES Permit No. WQ0014830001

| Effluent Violation Table | |
|----------------------------|---|
| Permitted Effluent Limits | Effluent Monitored |
| | Daily Average Ammonia-Nitrogen Limit 2.0 mg/L |
| December 2007 | 4.9 mg/L |
| February 2008 | 2.6 mg/L |
| March 2008 | 3.3 mg/L |
| April 2008 | 2.784 mg/L |
| June 2008 | 3.075 mg/L |
| mg/L= milligrams per Liter | |

Compliance History Report

| | | | | |
|---|--|----------------------|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600691240 | SASSON, ELI GRAVRIEL | Classification: AVERAGE | Rating: 0.96 |
| Regulated Entity: | RN102182920 | WEST HOUSTON MHP | Classification: AVERAGE | Site Rating: 1.02 |
| ID Number(s): | WASTEWATER | | EPA ID | TX0104795 |
| | WASTEWATER | | PERMIT | WQ0014830001 |
| | WASTEWATER | | PERMIT | TX0104795 |
| | WASTEWATER LICENSING | | LICENSE | WQ0011414001 |
| Location: | 14115 Farm-to-Market Rd 529 approximately 1.5 miles southeast of the intersection of State Highway 6 and Farm-to-Market Rd 529, northwest of the City of Houston in Harris County, Texas | | | |
| TCEQ Region: | REGION 12 - HOUSTON | | | |
| Date Compliance History Prepared: | January 06, 2009 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | January 06, 2004 to January 06, 2009 | | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | | |
| Name: | J. Craig Fleming | | Phone: | 239 - 5806 |

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: 9/1/2008 Repeat Violator: NO | |

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. | |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) | |
| | 1 01/20/2004 (322788) | |
| | 2 02/17/2004 (322777) | |
| | 3 03/17/2004 (322778) | |
| | 4 04/16/2004 (322779) | |
| | 5 05/24/2004 (364317) | |
| | 6 06/21/2004 (364318) | |
| | 7 06/21/2004 (364323) | |
| | 8 07/21/2004 (364319) | |
| | 9 08/24/2004 (364320) | |
| | 10 09/28/2004 (364321) | |
| | 11 10/29/2004 (364322) | |
| | 12 11/05/2004 (335747) | |
| | 13 11/29/2004 (388688) | |
| | 14 12/20/2004 (388689) | |
| | 15 01/21/2005 (388690) | |
| | 16 02/16/2005 (426251) | |
| | 17 03/03/2005 (372461) | |
| | 18 04/07/2005 (426252) | |

| | | |
|----|------------|----------|
| 19 | 04/18/2005 | (426253) |
| 20 | 05/19/2005 | (426254) |
| 21 | 06/20/2005 | (426255) |
| 22 | 07/21/2005 | (426256) |
| 23 | 08/19/2005 | (446613) |
| 24 | 09/12/2005 | (446614) |
| 25 | 10/28/2005 | (479403) |
| 26 | 11/18/2005 | (479404) |
| 27 | 12/19/2005 | (479405) |
| 28 | 01/17/2006 | (479406) |
| 29 | 06/02/2006 | (505148) |
| 30 | 06/02/2006 | (505149) |
| 31 | 06/02/2006 | (527449) |
| 32 | 06/02/2006 | (527450) |
| 33 | 06/21/2006 | (505150) |
| 34 | 07/06/2006 | (483509) |
| 35 | 07/13/2006 | (486642) |
| 36 | 07/13/2006 | (486652) |
| 37 | 07/24/2006 | (488098) |
| 38 | 08/03/2006 | (527451) |
| 39 | 08/21/2006 | (527452) |
| 40 | 10/16/2006 | (551182) |
| 41 | 11/15/2006 | (551181) |
| 42 | 11/15/2006 | (551183) |
| 43 | 01/04/2007 | (518645) |
| 44 | 01/04/2007 | (551184) |
| 45 | 01/22/2007 | (628679) |
| 46 | 02/22/2007 | (628670) |
| 47 | 03/19/2007 | (628671) |
| 48 | 04/23/2007 | (628672) |
| 49 | 05/22/2007 | (628673) |
| 50 | 06/14/2007 | (628674) |
| 51 | 07/23/2007 | (628675) |
| 52 | 09/24/2007 | (628676) |
| 53 | 09/24/2007 | (628677) |
| 54 | 10/16/2007 | (597282) |
| 55 | 11/26/2007 | (628678) |
| 56 | 12/06/2007 | (610436) |
| 57 | 01/17/2008 | (676491) |
| 58 | 01/21/2008 | (676492) |
| 59 | 03/10/2008 | (694959) |
| 60 | 04/23/2008 | (694960) |
| 61 | 06/19/2008 | (716458) |
| 62 | 06/19/2008 | (716459) |
| 63 | 06/30/2008 | (716460) |
| 64 | 07/21/2008 | (716461) |
| 65 | 08/25/2008 | (716462) |
| 66 | 12/30/2008 | (706802) |

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

Date: 01/31/2004 (322777)

Self YES

Classific 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: 03/31/2004 (322779)

| | | | | |
|--------------|---|-----|-----------------|----------|
| | 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: | 05/31/2004 (364318) | | | |
| 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: | 07/31/2004 (364320) | | | |
| 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: | 10/31/2004 (388688) | | | |
| 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: | 11/03/2004 (335747) | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) | | | |
| Description: | Failure to maintain compliance with the permit limits for total suspended solids (TSS). The TSS loading for 01/04 was 8.152 lbs/d and for 03/04 was 7.544lbs/d. The TSS permit limit is 7.5 lbs/d. | | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 319, SubChapter A 319.5(b) | | | |
| Description: | Failure to monitor flow and chlorine five days a week as required. Samples were not collected five days a week for total chlorine residual and flow in 12/03, 01/04, 04/04, 05/04, 06/04 and 07/04. In addition, samples were not collected once a week for CBOD, TSS NH3N, pH, and/or D.O. in 12/03, 01/04, 04/04, and 05/04 | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 319, SubChapter A 319.11(b) | | | |
| Description: | Failure to properly document and maintain preservation and storage of effluent samples collected by someone other than the contract | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c) | | | |
| Description: | Failure to document and maintain calibration information for pH and D.O. Calibration information was not documented and the records were not maintained for pH and D.O. meters when samples were analyzed by someone other than the contract laboratory. | | | |
| Date: | 01/31/2005 (426251) | | | |
| 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: | 02/28/2005 (426252) | | | |
| 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: | 03/31/2005 (426253) | | | |
| 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: | 06/30/2005 (426256) | | | |

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
ELI GRAVRIEL SASSON DBA WEST
HOUSTON MOBILE HOME PARK
RN102182920

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0024-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eli Gravriel Sasson dba West Houston Mobile Home Park ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. 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 a domestic wastewater treatment facility associated with a mobile home park at 14115 Farm-to-Market Road 529 approximately 1.5 miles southeast of the intersection of State Highway 6 and Farm-to-Market Road 529, northwest of Houston in Harris County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. 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.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 4, 2009.
5. 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.

6. An administrative penalty in the amount of Four Thousand Eight Hundred Ninety-Two Dollars (\$4,892) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Thirty-Four Dollars (\$134) of the administrative penalty and Nine Hundred Seventy-Eight Dollars (\$978) is deferred contingent upon the Respondent's timely and satisfactory compliance with all 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.

The remaining amount of Three Thousand Seven Hundred Eighty Dollars (\$3,780) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Eight Dollars (\$108) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent 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 the Respondent:
 - a. Submitted the September 2007 Discharge Monitoring Report ("DMR") on January 14, 2009;
 - b. Replaced the pump and floats for the lift station on July 15, 2008; and
 - c. Became compliant with permitted effluent limits as of July 31, 2008.
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 that the Respondent 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

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014830001, Interim Effluent Limitations and Monitoring Requirements No. 1, as documented in a record review conducted on October 29, 2008 and as shown below:

| Effluent Violation Table | |
|---------------------------|---|
| Permitted Effluent Limits | Effluent Monitored |
| | Daily Average Ammonia-Nitrogen Limit 2.0 mg/L |
| December 2007 | 4.9 mg/L |
| February 2008 | 2.6 mg/L |
| March 2008 | 3.3 mg/L |
| April 2008 | 2.784 mg/L |
| June 2008 | 3.075 mg/L |

mg/L= milligrams per Liter

2. Failed to timely submit monthly DMRs at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), and TPDES Permit No. WQ0014830001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 29, 2008. Specifically, the DMR for the month of September 2007 (due by October 20, 2007) was submitted on January 14, 2009.

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 6 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: Eli Gravriel Sasson dba West Houston Mobile Home Park, Docket No. 2009-0024-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs, in accordance with TPDES Permit No. WQ0014830001, Monitoring and Reporting Requirements No. 1; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation 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."

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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-4329

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. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The

Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
6. 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.
7. 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 under this Agreed Order.
8. 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



For the Executive Director

5/6/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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.



Signature

4/10/09

Date

Eli Sasson

Name (Printed or typed)
Authorized Representative of
Eli Gravriel Sasson dba West Houston 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.