

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO. 2009-0667-MWD-E TCEQ ID RN102080397 CASE NO. 37588**  
**RESPONDENT NAME: STAFFORD MOBILE HOME PARK, INC.**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

**SITE WHERE VIOLATION(S) OCCURRED:** on Stafford Run Creek, approximately 3,800 feet northeast of the intersection of Farm-to-Market Road 1092 and 5<sup>th</sup> Street, Stafford, Fort Bend County

**TYPE OF OPERATION:** wastewater treatment facility

**SMALL BUSINESS:**  Yes  No  N/A

**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 January 4, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**TCEQ Enforcement Coordinator:** Ms. Lanae Foard, Water Enforcement Section, MC 169, (512) 239-2554

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

**Respondent:** Mr. Niranjn Patel, President, Stafford Mobile Home Park, Inc., 7039 Greatwood Trails Court, Sugar Land, Texas 77479

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

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 20, 2009</p> <p><b>Date of NOE Relating to this Case:</b> May 1, 2009</p> <p><b>Background Facts:</b> The EDPRP was filed on September 14, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on September 21, 2009. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b> The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p><b>MWD:</b></p> <ol style="list-style-type: none"> <li>Failed to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a); 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014064001, Interim Effluent Limitations and Monitoring Requirements No. 1].</li> <li>Failed to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending May 31, 2008, and November 30, 2008 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014064001, Monitoring and Reporting Requirements No. 1].</li> <li>Failed to submit the annual sludge report for the monitoring period ending July 31, 2008 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014064001, Sludge Provisions].</li> </ol>	<p><b>Total Assessed:</b> \$7,500</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$7,500</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall implement the following corrective measures:</p> <ol style="list-style-type: none"> <li>Within 30 days:             <ol style="list-style-type: none"> <li>Submit the DMRs for the monitoring periods ending May 31, 2008, and November 30, 2008; and</li> <li>Submit the 2008 annual sludge report for the Facility.</li> </ol> </li> <li>Within 45 days, submit written certification demonstrating compliance with Ordering Provisions 1.a. and b. above.</li> <li>Within 90 days, submit written certification demonstrating compliance with the effluent limits of TCEQ Permit No. WQ0014064001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current monthly monitoring records, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>TCEQ</b>	<b>DATES</b>	<b>Assigned</b>	4-May-2009	<b>Screening</b>	7-May-2009	<b>EPA Due</b>	
		<b>PCW</b>	11-Aug-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Stafford Mobile Home Park, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102080397
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37588	<b>No. of Violations</b>	3
<b>Docket No.</b>	2009-0667-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Lanae Foard
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$5,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 50.0% Enhancement **Subtotals 2, 3, & 7** \$2,500

**Notes** An enhancement is recommended due to eight self-reported effluent violations and two NOV's with violations same or similar to those cited in this action.

**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 \$350  
 Approx. Cost of Compliance \$5,150  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$7,500

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$7,500

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$7,500

**DEFERRAL** 0.0% Reduction **Adjustment** \$0

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

**Notes**

Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$7,500**

Screening Date 7-May-2009

Docket No. 2009-0667-MWD-E

PCW

Respondent Stafford Mobile Home Park, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37588

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080397

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

### 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)	10	50%
	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) 50%

>> 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 due to eight self-reported effluent violations and two NOV's with violations same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

<b>Screening Date</b> 7-May-2009	<b>Docket No.</b> 2009-0667-MWD-E	<b>PCW</b>
<b>Respondent</b> Stafford Mobile Home Park, Inc.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37588	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN102080397		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Lanae Foard		
<b>Violation Number</b> 1		
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014064001, Interim Effluent Limitations and Monitoring Requirements No. 1	
<b>Violation Description</b>	Failed to comply with the permitted effluent limitations, as documented during a record review on March 20, 2009 and as shown in the attached violation table.	
<b>Base Penalty</b>		\$10,000

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		x
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="10%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	A simplified model was used to evaluate total ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.				
<b>Adjustment</b>				\$9,000	
				\$1,000	

<b>Violation Events</b>																	
	<b>Number of Violation Events</b> <input type="text" value="2"/>	<input type="text" value="62"/>	<b>Number of violation days</b>														
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">weekly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		
daily	<input type="text"/>																
weekly	<input type="text"/>																
monthly	<input type="text"/>																
quarterly	x																
semiannual	<input type="text"/>																
annual	<input type="text"/>																
single event	<input type="text"/>																
			<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>														
Two quarterly events are recommended.																	

<b>Good Faith Efforts to Comply</b>		0.0% Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$2,000

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$340"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$3,000"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$3,000"/>	

EFFLUENT VIOLATION TABLE		
Permitted Effluent Limits	Monitoring Period End Date	
	7/31/08	12/31/08
NH3-N daily avg. loading	c	2.8
limit = 1.3 lbs/day		
NH3-N daily avg. conc.	4.6	11.7
limit = 3 mg/L		
NH3-N single grab conc.	18.1	44.8
limit = 15 mg/L		
TSS daily avg. conc	c	19.7
limit = 15 mg/L		

TSS = Total Suspended Solids

NH3-N = Total Ammonia Nitrogen

conc. = concentration

avg. = average

lbs/day = pounds per day

mg/L = milligrams per liter

c = compliant

## Economic Benefit Worksheet

**Respondent:** Stafford Mobile Home Park, Inc.  
**Case ID No.:** 37588  
**Reg. Ent. Reference No.:** RN102080397  
**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	\$5,000	31-Jul-2008	10-Dec-2009	1.36	\$340	n/a	\$340
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected date on 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

\$5,000

**TOTAL**

\$340

<b>Screening Date</b> 7-May-2009	<b>Docket No.</b> 2009-0667-MWD-E	<b>PCW</b>		
<b>Respondent</b> Stafford Mobile Home Park, Inc.	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37588	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102080397				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> Lanae Foard				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin Code § 305.125(17) and TPDES Permit No. WQ0014064001, Monitoring and Reporting Requirements No. 1			
<b>Violation Description</b>	Failed to submit the discharge monitoring reports (DMRs) for the monitoring periods ending May 31, 2008, and November 30, 2008, as documented during a record review conducted on March 20, 2009.			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="10%"/>
<b>Matrix Notes</b>	100% of the permit requirement was not met			
				<b>Adjustment</b> <input type="text" value="\$9,000"/>
				<input type="text" value="\$1,000"/>
<b>Violation Events</b>				
<b>Number of Violation Events</b> <input type="text" value="2"/>		<input type="text" value="321"/> <b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<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"/>		
				<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>
Two single events are recommended (one event per DMR).				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/> <b>Reduction</b>	<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 checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
				<b>Violation Subtotal</b> <input type="text" value="\$2,000"/>
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b> <input type="text" value="\$4"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$3,000"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$3,000"/>

## Economic Benefit Worksheet

**Respondent** Stafford Mobile Home Park, Inc.

**Case ID No.** 37588

**Reg. Ent. Reference No.** RN102080397

**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

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	\$50	20-Jun-2008	10-Dec-2009	1.47	\$4	n/a	\$4
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

Estimated amount required to submit the DMRs for the monitoring periods ending May 31, 2008 and November 30, 2008 to the TCEQ. Date Required is the date the first report was due. Final Date is the expected 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

\$50

TOTAL

\$4

<b>Screening Date</b> 7-May-2009	<b>Docket No.</b> 2009-0667-MWD-E	<b>PCW</b>
<b>Respondent</b> Stafford Mobile Home Park, Inc.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37588	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN102080397		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Lanae Foard		
<b>Violation Number</b> 3		
<b>Rule Cite(s)</b>	30 Tex. Admin Code § 305.125(17) and TPDES Permit No. WQ0014064001, Sludge Provisions	
<b>Violation Description</b>	Failed to submit the annual sludge report for the monitoring period ending July 31, 2008, as documented during a record review conducted on March 20, 2009.	

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	<b>Actual</b>	<input type="text"/>	<input type="text"/>		<input type="text"/>
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="10%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	<b>Extraordinary</b>	<input type="text"/>	<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>
	<b>Ordinary</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	N/A	x	(mark with x)	

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**  **Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent:** Stafford Mobile Home Park, Inc.

**Case ID No.:** 37588

**Reg. Ent. Reference No.:** RN102080397

**Media:** Water Quality

**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				0.00	\$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	1-Sep-2008	10-Dec-2009	1.27	\$6	n/a	\$6
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

Estimated amount required to submit the annual sludge report to the TCEQ. Date Required is the date the report was due. Final Date is the expected 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

\$6

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN603001728    Stafford Mobile Home Park, Inc.	Classification: AVERAGE	Rating: 2.59
Regulated Entity:	RN102080397    STAFFORD MHP	Classification: AVERAGE	Site Rating: 2.59
	WASTEWATER	PERMIT	WQ0014064001
	WASTEWATER	PERMIT	TPDES0117358
	WASTEWATER	PERMIT	TX0117358
Location:	ON STAFFORD RUN CREEK, APPROXIMATELY 3800 FEET NORTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 1092 AND 5TH STREET IN FORT BEND COUNTY, TEXAS		

TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: May 07, 2009  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: May 07, 2004 to May 07, 2009  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Lanae Foard Phone: 512-239 - 2554

### 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/19/2005	(447294)
2	10/28/2005	(491828)
3	12/19/2005	(491829)
4	12/22/2005	(436111)
5	01/05/2006	(491830)
6	02/21/2006	(491827)
7	06/19/2006	(505952)
8	06/19/2006	(505953)
9	07/07/2006	(630653)
10	08/16/2006	(528197)
11	09/26/2006	(630655)
12	10/19/2006	(630656)
13	01/26/2007	(630658)
14	02/13/2007	(535377)
15	06/05/2007	(630652)
16	07/13/2007	(630654)
17	08/31/2007	(566401)
18	12/03/2007	(630657)
19	01/24/2008	(677077)
20	01/24/2008	(677078)
21	01/24/2008	(677079)
22	01/24/2008	(677080)
23	01/24/2008	(677081)
24	01/24/2008	(677082)
25	01/24/2008	(677083)
26	02/07/2008	(677084)
27	04/10/2008	(717264)
28	04/10/2008	(717265)
29	04/10/2008	(717268)
30	05/12/2008	(695722)
31	06/16/2008	(670888)
32	06/25/2008	(717266)
33	07/31/2008	(732659)
34	08/13/2008	(717267)
35	08/31/2008	(732661)
36	09/30/2008	(732663)
37	10/24/2008	(732660)
38	10/27/2008	(732662)
39	10/27/2008	(732664)
40	05/01/2009	(739451)

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

1	Date:	09/30/2005	(491828)	CN603001728	
	Self Report?	YES		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			

		TWC Chapter 26 26.121(a)		
2	Date:	12/22/2005	(436111)	CN603001728
	Description:	Failure to meet the limit for one or more permit parameter		
	Self Report?	NO		Classification: Major
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(4)		
	Description:	TWC Chapter 26 26.121 TWC Chapter 26 26.121(a)(1) TWC Chapter 26 26.121(a)(2)		
	Description:	Failure to prevent the unauthorized discharge of untreated or partially treated wastewater from the wastewater treatment plant		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
		30 TAC Chapter 317 317.4(d)		
	Description:	Failure to properly operate and maintain the clarifier.		
	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 operate and maintain a back up blower.		
	Self Report?	NO		Classification: Major
	Citation:	30 TAC Chapter 317 317.4(a)(8)		
		30 TAC Chapter 317 317.7(i)		
	Description:	Failure to provide a back flow prevention device on the potable water line into the wastewater treatment plant.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
		30 TAC Chapter 317 317.3		
	Description:	Failure to completely secure the onsite and offsite lift stations.		
	Self Report?	NO		Classification: Major
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
		30 TAC Chapter 317 317.6(b)(3)		
	Description:	Failure to properly operate and maintain the chlorine contact basin.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to maintain compliance with the permitted limit for chlorine residual.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to provide accurate flow measurement.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to maintain compliance with the permitted limits for dissolved oxygen (DO) and ammonia as nitrogen (NH3-N).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
	Description:	Failure to provide all of the required Discharge Monitoring Reports (DMRs) and the current Toxicity Characteristic Leaching Procedure (TCLP) results.		
	Self Report?	NO		Classification: Major
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to prevent the discharge of wastewater related debris into the receiving stream.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
	Description:	Failure to accurately complete the Discharge Monitoring Reports (DMRs) for the months of January 2004 to December 2005 and February 2005.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
		30 TAC Chapter 317 317.5(b)		
	Description:	Failure to properly operate and maintain the digester.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.5(b)		
	Description:	Failure to collect effluent samples at the frequency specified in the permit.		
3	Date:	12/31/2006	(630658)	CN603001728
	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		
4	Date:	05/31/2007	(630654)	CN603001728
	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		
5	Date:	06/30/2007	(677080)	CN603001728
	Self Report?	YES		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		

6	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	08/30/2007	(566401)	CN603001728
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to provide accurate flow measurement.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
	Description:	Failure to provide all of the required Discharge Monitoring Reports (DMRs) and the current Toxicity Characteristic Leaching Procedure (TCLP) results.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:	Failure to provide a copy of an annual test report form for the back flow prevention device.			
Self Report?	NO		Classification: Moderate	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(g)			
Description:	Failure to properly operate the wastewater treatment plant.			
Self Report?	NO		Classification: Moderate	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)			
Description:	Failure to properly operate and maintain the clarifier.			
Self Report?	NO		Classification: Moderate	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3)			
Description:	Failure to properly operate and maintain the chlorine contact basin.			
Self Report?	NO		Classification: Minor	
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)			
Description:	Failure to submit self-monitoring data on approved Discharge Monitoring Reports.			
7	Date:	08/31/2007	(677082)	CN603001728
	Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
8	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	09/30/2007	(677083)	CN603001728
Self Report?	YES		Classification: Moderate	
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
9	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	07/31/2008	(732660)	CN603001728
Self Report?	YES		Classification: Moderate	
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
10	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	12/31/2008	(732660)	CN603001728
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  
STAFFORD MOBILE HOME  
PARK, INC.;  
RN102080397**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER DOCKET NO. 2009-0667-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Stafford Mobile Home Park, Inc. ("Stafford").

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

### **FINDINGS OF FACT**

1. Stafford owns a wastewater treatment facility located on Stafford Run Creek, approximately 3,800 feet northeast of the intersection of Farm-to-Market Road 1092 and 5<sup>th</sup> Street, Stafford, Fort Bend County, Texas (the "Facility").
2. The Facility has discharged municipal waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
3. During a record review conducted on March 20, 2009, a TCEQ Central Office investigator documented that Stafford:
  - a. Failed to comply with the permitted effluent limitations as shown in the following violation table:

EFFLUENT VIOLATION TABLE		
Permitted Effluent Limits	Monitoring Period: End Date	
	7/31/08	12/31/08
NH3-N daily avg. loading	c	2.8
limit = 1.3 lbs/day		
NH3-N daily avg. conc.	4.6	11.7
limit = 3 mg/L		
NH3-N single grab conc.	18.1	44.8
limit = 15 mg/L		
TSS daily avg. conc	c	19.7
limit = 15 mg/L		

TSS = Total Suspended Solids

NH3-N = Total Ammonia Nitrogen

conc. = concentration

avg. = average

lbs/day = pounds per day

mg/L = milligrams per liter

c = compliant

- b. Failed to submit the discharge monitoring reports (“DMRs”) for the monitoring periods ending May 31, 2008, and November 30, 2008; and
  - c. Failed to submit the annual sludge report for the monitoring period ending July 31, 2008.
4. Stafford received notice of the violations on or about May 6, 2009.
  5. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Stafford Mobile Home Park, Inc.” (the “EDPRP”) in the TCEQ Chief Clerk’s office on September 14, 2009.

6. By letter dated September 14, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Stafford with notice of the EDPRP. According to the return receipt "green card," Stafford received notice of the EDPRP on September 21, 2009, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Stafford received notice of the EDPRP, provided by the Executive Director. Stafford failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Stafford is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs.7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Stafford failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a); 30 TEX. ADMIN. CODE § 305.125(1); and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014064001, Interim Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Finding of Fact No. 3.b., Stafford failed to submit the DMRs for the monitoring periods ending May 31, 2008, and November 30, 2008, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014064001, Monitoring and Reporting Requirements No. 1.
4. As evidenced by Finding of Fact No. 3.c., Stafford failed to submit the annual sludge report for the monitoring period ending July 31, 2008, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014064001, Sludge Provisions.
5. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Stafford with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
6. As evidenced by Finding of Fact No. 7, Stafford failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Stafford and assess the penalty recommended by the Executive Director.

7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Stafford for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of seven thousand five hundred dollars (\$7,500.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Stafford is assessed an administrative penalty in the amount of seven thousand five hundred dollars (\$7,500.00) for violations of state statutes and the rules of the TCEQ. The payment of this administrative penalty and Stafford's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Stafford Mobile Home Park, Inc.; Docket No. 2009-0667-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. Stafford shall implement the following corrective measures:
  - a. Within 30 days after the effective date of this Order, Stafford shall:

- i. Submit the DMRs for the monitoring periods ending May 31, 2008, and November 30, 2008, in accordance with the requirements of 30 TEX. ADMIN. CODE § 305.125(17) and TCEQ Permit No. WQ0014064001, Monitoring and Reporting Requirements No. 1; and
- ii. Submit the 2008 annual sludge report for the Facility, in accordance with the requirements of 30 TEX. ADMIN. CODE § 305.125(17) and TCEQ Permit No. WQ0014064001, Sludge Provisions. These reports shall be submitted to:

Compliance Monitoring Team (MC 224)  
Enforcement Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, Stafford shall submit written certification of compliance with Ordering Provisions Nos. 2.a.i. through 2.a.ii. in accordance with Ordering Provisions No. 2.d. below.
- c. Within 90 days after the effective date of this Order, Stafford shall submit written certification of compliance with the effluent limits of TCEQ Permit No. WQ0014064001, in accordance with Ordering Provisions No. 2.d. below, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current monthly monitoring records, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.
- d. The certifications required by Ordering Provisions Nos. 2.b. and 2.c. shall contain detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provisions Nos. 2.a. through 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.”

Stafford shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provisions Nos. 2.a. through 2.c. 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:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Stafford. Stafford is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If Stafford fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Stafford's failure to comply is not a violation of this Order. Stafford shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Stafford shall notify the Executive Director within seven days after Stafford becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Stafford shall be made in writing to the Executive Director. Extensions are not effective until Stafford receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Stafford if the Executive Director determines that Stafford has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Stephen South, Executive Director

Texas Commission on Human Resources

Houston Region, 16710 Katy Road, Suite 100

Spring, Texas 77380-3500, Telephone: 281-438-6600, Fax: 281-438-6601

Website: www.tchr.state.tx.us, Email: south@tchr.state.tx.us

10/20/09

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

---

For the Commission

**AFFIDAVIT OF REBECCA M. COMBS**

STATE OF TEXAS            §  
  §  
COUNTY OF TRAVIS       §

“My name is Rebecca M. Combs. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Stafford Mobile Home Park, Inc.’ (the ‘EDPRP’) was filed with the Office of the Chief Clerk on September 14, 2009.

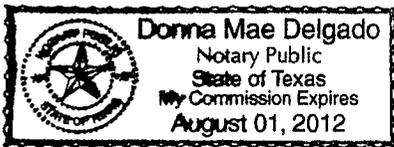
The EDPRP was mailed to Stafford at its last known address on September 14, 2009, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt ‘green card,’ Stafford received notice of the EDPRP on September 21, 2009, as evidenced by the signature on the card.

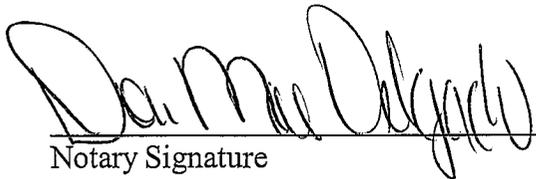
More than 20 days have elapsed since Stafford received notice of the EDPRP. Stafford failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”

  
\_\_\_\_\_  
Rebecca M. Combs, Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Rebecca M. Combs, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 18<sup>th</sup> day of November, 2009.



  
\_\_\_\_\_  
Notary Signature