

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0773-MWD-E **TCEQ ID:** RN102852621 **CASE NO.:** 37662

RESPONDENT NAME: Kobra Mirhaj dba East Mount Houston Mobile Home Park

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: East Mount Houston Mobile Home Park, 6341 East Mount Houston Road, approximately 600 feet north of East Mount Houston Road and approximately 1.3 miles west of the intersection of Farm-to-Market Road 527 and East Mount Houston Road, Harris County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment system</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 November 16, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jeremy Escobar, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1460; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. L.R. Karbalaj, Authorized Agent, Kobra Mirhaj, P.O. Box 55528, Houston, Texas 77255 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2009-0773-MWD-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 6, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 7, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with the permit effluent limits for biochemical oxygen demand, total suspended solids, and ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013955001 Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$7,360</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,360</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>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013955001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0013955001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	11-May-2009	Screening	20-May-2009	EPA Due	
	PCW	26-May-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Kobra Mirhaj dba East Mount Houston Mobile Home Park
Reg. Ent. Ref. No.	RN102852621
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37662	No. of Violations	1
Docket No.	2009-0773-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jeremy Escobar
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	105.0% Enhancement	Subtotals 2, 3, & 7	\$4,200
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Notes
The penalty is enhanced due to 15 self-reported effluent violations, two NOVs with violations that are similar to those cited in this action, and one 1660 order with a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts \$1,041
Approx. Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-10.2%	Adjustment	-\$840
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
Recommend reduction in the penalty so that monthly self-reported violations do not overly impact the penalty amount and to prevent double-enhancement of the penalty amount for same violations that were self-reported.

Final Penalty Amount	\$7,360
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,360
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$7,360
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Screening Date 20-May-2009	Docket No. 2009-0773-MWD-E	PCW
Respondent: Kobra Mirhaj dba East Mount Houston Mobile Home Parl		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37662		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN102852621		
Media [Statute]: Water Quality		
Enf. Coordinator: Jeremy Escobar		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	17	85%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 105%

>> **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

The penalty is enhanced due to 15 self-reported effluent violations, two NOVs with violations that are similar to those cited in this action, and one 1660 order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 105%

Screening Date	20-May-2009	Docket No.	2009-0773-MWD-E	PCW
Respondent	Kobra Mirhaj dba East Mount Houston Mobile Home Park			Policy Revision 2 (September 2002)
Case ID No.	37662			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN102852621			
Media [Statute]	Water Quality			
Enf. Coordinator	Jeremy Escobar			

Violation Number	1
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013955001 Limitations and Monitoring Requirements No. 1
Violation Description	Failed to comply with the permit effluent limits, as documented in a record review conducted on March 6, 2009. See attached table.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual		X	
Potential			10%	

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				
				0%

Matrix Notes
 A simplified model was used to evaluate total ammonia nitrogen daily average ("NH3-N") and biochemical oxygen demand ("BOD") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") was also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment	\$9,000
	\$1,000

Violation Events

Number of Violation Events	4	Number of violation days	245
mark only one with an x	daily		Violation Base Penalty
	weekly		
	monthly		
	quarterly	X	
	semiannual		
	annual		
	single event		
Four quarterly events are recommended.			
Violation Base Penalty	\$4,000		

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	\$4,000	

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

Estimated EB Amount	\$1,041	Violation Final Penalty Total	\$7,360
This violation Final Assessed Penalty (adjusted for limits)		\$7,360	

Economic Benefit Worksheet

Respondent: Kobra Mirhaj dba East Mount Houston Mobile Home Park
Case ID No.: 37662
Reg. Ent. Reference No.: RN102852621
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
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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)	\$10,000	31-Jan-2008	1-Mar-2010	2.08	\$1,041	n/a	\$1,041

Notes for DELAYED costs
 Estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater system. Date required is the first date of non-compliance. The 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	\$10,000	TOTAL	\$1,041
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Effluent Violation Table

Kobra Mirhaj dba East Mount Houston Mobile Home Park
 Docket No. 2009-0773-MWD-E
 TPDES Permit No. WQ0013955001

Permitted Effluent Limits	BOD Daily Average Conc. 10 mg/l	TSS Daily Average Conc. 15 mg/l	Ammonia Nitrogen Daily Average Conc. 3.0 mg/l min.	Ammonia Nitrogen Single Grab 15.0 mg/l min.
January 2008	C	C	N/A	18.0
April 2008	C	15.5	3.95	C
May 2008	C	C	4.61	C
June 2008	C	C	10.2	C
July 2008	C	C	5.98	C
August 2008	C	C	6.58	C
September 2008	C	C	5.6	C
October 2008	10.3	C	C	C

BOD = Biochemical Oxygen Demand	C = compliant	TSS = Total Suspended Solids	Min. = Minimum	mg/l = milligrams per liter	Conc. = concentration
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN601445471	MIRHAJ, KOBRA	Classification: AVERAGE	Rating: 1.32
Regulated Entity:	RN102852521	EAST MOUNT HOUSTON MOBILE HOME PARK	Classification: AVERAGE	Site Rating: 1.32

ID Number(s):	WASTEWATER	PERMIT	WQ0013955001
	WASTEWATER	PERMIT	TPDES0094935
	WASTEWATER	PERMIT	TX0094935

Location: 6341 East Mount Houston Road, approximately 600 feet north of East Mount Houston Road and approximately 1.3 miles west of the intersection of Farm-to-Market Road 527 and East Mount Houston Road in Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: May 20, 2009
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: May 20, 2004 to May 20, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Jeremy Escobar Phone: (512) 239-1460

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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 | Effective Date: 10/25/2004 | ADMINORDER 2003-0340-IWD-E |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmnt Prov: Requirement No. 1 PERMIT | |
| | Description: Failure to comply with permitted effluent limits for Total Suspended Solids, Ammonia Nitrogen, and Daily Average Flow. | |
- 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 | 05/20/2004 | (362576) |
| 2 | 06/21/2004 | (362577) |
| 3 | 07/20/2004 | (362578) |
| 4 | 09/01/2004 | (362579) |
| 5 | 09/20/2004 | (362580) |
| 6 | 10/22/2004 | (362581) |
| 7 | 11/18/2004 | (338576) |
| 8 | 11/22/2004 | (387795) |
| 9 | 12/20/2004 | (387796) |
| 10 | 01/20/2005 | (387797) |
| 11 | 02/17/2005 | (387793) |
| 12 | 03/21/2005 | (387794) |
| 13 | 04/20/2005 | (425464) |
| 14 | 05/19/2005 | (425465) |
| 15 | 06/23/2005 | (425466) |
| 16 | 07/20/2005 | (446029) |
| 17 | 09/01/2005 | (446030) |
| 18 | 09/20/2005 | (446031) |
| 19 | 10/19/2005 | (478143) |

20	11/17/2005	(478144)
21	12/20/2005	(478145)
22	01/20/2006	(478146)
23	02/21/2006	(478141)
24	03/20/2006	(478142)
25	04/20/2006	(504472)
26	05/24/2006	(504473)
27	06/20/2006	(504474)
28	07/28/2006	(526795)
29	10/16/2006	(512220)
30	01/22/2007	(626683)
31	01/22/2007	(626685)
32	01/22/2007	(626687)
33	01/22/2007	(626689)
34	01/22/2007	(626691)
35	01/28/2007	(675969)
36	02/22/2007	(541056)
37	03/22/2007	(626677)
38	03/22/2007	(626692)
39	05/25/2007	(626678)
40	05/25/2007	(626679)
41	05/25/2007	(626680)
42	08/20/2007	(626681)
43	08/20/2007	(626682)
44	09/18/2007	(626684)
45	11/19/2007	(626686)
46	11/19/2007	(626688)
47	11/19/2007	(626690)
48	01/28/2008	(675968)
49	04/04/2008	(694346)
50	04/04/2008	(694347)
51	07/22/2008	(694348)
52	07/22/2008	(694349)
53	07/22/2008	(694350)
54	10/27/2008	(688198)
55	12/17/2008	(731423)
56	12/17/2008	(731424)
57	12/17/2008	(731425)
58	02/17/2009	(726596)
59	03/28/2009	(739275)
60	05/08/2009	(737869)

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

Date:	07/31/2004 (362579)	CN601445471	Classification:	Moderate
Self Report?	YES			
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:	09/30/2004 (362581)	CN601445471	Classification:	Moderate
Self Report?	YES			
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:	02/28/2006 (478142)	CN601445471	Classification:	Moderate
Self Report?	YES			
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:	03/31/2006 (504472)	CN601445471	Classification:	Moderate
Self Report?	YES			

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: 09/30/2006 (626687) CN601445471
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 10/16/2006 (612220) CN601445471
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(l)
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(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
Description: Failure to submit the annual sludge reports as required by the permit.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permitted effluent limits for Total suspended solids(TSS) and Ammonia Nitrogen (NH3N).
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to report the number of permit excursions on the Discharge Monitoring Reports (DMRs).

Date: 09/30/2007 (626688) CN601445471
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (626690) CN601445471
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2008 (694346) CN601445471
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (694349) CN601445471
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2008 CN601445471
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 06/30/2008 (694350) CN601445471
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 07/31/2008 (731423) CN601445471
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/31/2008 (731424) CN601445471
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 09/30/2008 (731425) CN601445471
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 10/27/2008 (688198) CN601445471
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: ELMR, No. 1 PERMIT
 Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS) and ammonia-nitrogen (NH3-N).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: MRR, No. 7c PERMIT
 Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limit by more than 40%.

Date: 10/31/2008 CN601445471
 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
KOBRA MIRHAJ DBA EAST MOUNT
HOUSTON MOBILE HOME PARK
RN102852621**

§
§
§
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§
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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0773-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kobra Mirhaj dba East Mount 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 presented this agreement to the Commission.

The Respondent understands that she has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a domestic wastewater treatment system located at 6341 East Mount Houston Road, approximately 600 feet north of East Mount Houston Road, and

approximately 1.3 miles west of the intersection of Farm-to-Market Road 527 and East Mount Houston Road 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. During a record review on March 6, 2009, TCEQ staff documented the following effluent permit exceedances from the self-reported monthly discharge monitoring reports:

Effluent Violation Table				
Permitted Effluent Limits	BOD Daily Average Conc. 10 mg/l	TSS Daily Average Conc. 15 mg/l	Ammonia Nitrogen Daily Average Conc. 3.0 mg/l min.	Ammonia Nitrogen Single Grab 15.0 mg/l min.
January 2008	C	C	N/A	18.0
April 2008	C	15.5	3.95	C
May 2008	C	C	4.61	C
June 2008	C	C	10.2	C
July 2008	C	C	5.98	C
August 2008	C	C	6.58	C
September 2008	C	C	5.6	C
October 2008	10.3	C	C	C

BOD = Biochemical Oxygen Demand	C = compliant	TSS = Total Suspended Solids	min. = Minimum	mg/l = milligrams per liter	Conc. = concentration
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4. The Respondent received notice of the violations on May 12, 2009.

II. CONCLUSIONS OF LAW

1. The Respondent 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 Findings of Fact No. 3, the Respondent failed to comply with the permit effluent limits, 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. WQ0013955001 Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety 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.
4. An administrative penalty in the amount of Seven Thousand Three Hundred Sixty Dollars (\$7,360) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Seven Thousand Three Hundred Sixty Dollar (\$7,360) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Seven Thousand Three Hundred Sixty Dollars (\$7,360) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Kobra Mirhaj dba East Mount Houston Mobile Home Park, Docket No. 2009-0773-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, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013955001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent

limitations. 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 Avenue, Suite H
Houston, Texas 77023-1486

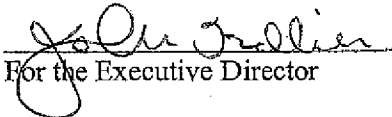
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date 11/2/2009


I, the undersigned, have read and understand the attached Agreed Order in the matter of Kobra Mirhaj dba East Mount Houston Mobile Home Park. I am authorized to agree to the attached Agreed Order on behalf of Kobra Mirhaj dba East Mount Houston Mobile Home Park, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Kobra Mirhaj dba East Mount Houston Mobile Home Park waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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:

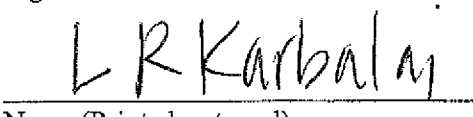
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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

Date



Name (Printed or typed)

Title

Authorized Representative of
Kobra Mirhaj dba East Mount Houston Mobile Home Park

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.