

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1904-PWS-E **TCEQ ID:** RN101275378 **CASE NO.:** 38712

RESPONDENT NAME: Five Nine Seven Limited Partnership dba Ramblewood 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"/> IMMEDIATE 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 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: Ramblewood Mobile Home Park, 2011 Rockwood Drive, Bryan, Brazos County</p> <p>TYPE OF OPERATION: 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 May 17, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Chris Price, Treasurer of General Partner/Registered Agent, Five Nine Seven Limited Partnership, 2591 East Pioneer Drive, Irving, Texas 75061 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 7, 2009</p> <p>Date of NOV/NOE Relating to this Case: October 30, 2009 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>1) Failure to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to provide a minimum ground storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to equip the Facility's pressure tank with a device to readily determine air-water-volume [30 TEX. ADMIN. CODE § 290.43(d)(3)].</p> <p>4) Failure to provide the ground storage tanks with overflows that are designed in strict accordance with current American Water Works Association ("AWWA") design standards [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>5) Failure to insure that Well No. 2 is greater than 500 feet from a sewage treatment plant [30 TEX. ADMIN. CODE § 290.41(c)(1)(B)].</p>	<p>Total Assessed: \$2,099</p> <p>Total Deferred: \$419 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,680</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Provide a properly functioning and readily readable air-water-volume indicator on the pressure tank; and</p> <p>ii. Install an overflow designed in strict accordance with AWWA standards for the Facility's two ground storage tanks.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide a total storage capacity of at least 200 gallons per connection;</p> <p>ii. Provide a purchase water contract that authorizes a maximum daily purchase rate or a uniform purchase in the absence of a specified daily purchase of at least 0.6 gpm per connection; and</p> <p>iii. Abandon and plug Well No. 2 with cement according to 16 TEX. ADMIN. CODE ch. 76 (relating to Water Well Drillers and Water Pump Installers).</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c</p>

Additional ID No(s): 210006



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	2-Nov-2009		
	PCW	30-Nov-2009	Screening	9-Nov-2009
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park		
Reg. Ent. Ref. No.	RN101275378		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	38712	No. of Violations	5
Docket No.	2009-1904-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Henry
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to violations in the current enforcement action, three NOVs containing dissimilar violations, and three prior agreed final enforcement orders containing a denial of liability.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Screening Date 9-Nov-2009

Docket No. 2009-1904-PWS-E

PCW

Respondent Five Nine Seven Limited Partnership dba Ramblewood N

Policy Revision 2 (September 2002)

Case ID No. 38712

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101275378

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

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)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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 judgments 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) 71%

>> 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

Enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to violations in the current enforcement action, three NOVs containing dissimilar violations, and three prior agreed final enforcement orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 71%

Screening Date 9-Nov-2009

Docket No. 2009-1904-PWS-E

PCW

Respondent Five Nine Seven Limited Partnership dba Rambiewood Mobile Home

Policy Revision 2 (September 2002)

Case ID No. 38712

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101275378

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(I) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the record review, it was documented that the two wells being utilized at the Facility produced a total well capacity of 55 gpm instead of the required 72 gpm for the 120 connections served. The Facility is 24% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to provide adequate storage capacity could result in water shortage outages and expose consumers to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 34

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the record review, October 7, 2009, to the date of screening, November 9, 2009.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDPRP/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 \$2,678

Violation Final Penalty Total \$221

This violation Final Assessed Penalty (adjusted for limits) \$221

Economic Benefit Worksheet

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park
Case ID No. 38712
Reg. Ent. Reference No. RN101275378
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description No commas or \$

Delayed Costs

Equipment	\$15,000	14-May-2008	1-Dec-2010	2.55	\$128	\$2,551	\$2,678
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to submit plans and specifications to operate as a purchased water system and estimated amount for construction costs to interconnect and enter into a purchase water contract with the City of Bryan. The date required is the date the violation was initially documented. The final date is the anticipated 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	\$15,000	TOTAL	\$2,678
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Screening Date 9-Nov-2009

Docket No. 2009-1904-PWS-E

PCW

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home

Policy Revision 2 (September 2002)

Case ID No. 38712

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101275378

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a minimum ground storage capacity of 200 gallons per connection. Specifically, at the time of the record review, the combined capacity of the Facility's two ground storage tanks was 23,200 gallons instead of the required 24,000 gallons for the 120 connections served. The Facility is 3% deficient in ground storage capacity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential			x		

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes

Failed to provide adequate storage capacity may expose customers to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 34

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,619

Violation Final Penalty Total \$111

This violation Final Assessed Penalty (adjusted for limits) \$111

Economic Benefit Worksheet

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park
Case ID No. 38712
Reg. Ent. Reference No. RN101275378
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description:	No commas or \$.						

Delayed Costs

Equipment	\$49,880	14-May-2008	1-Nov-2010	2.47	\$410	\$8,209	\$8,619
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide adequate ground storage tank capacity, calculated from the date of the initial investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$49,880

TOTAL

\$8,619

Screening Date 9-Nov-2009

Docket No. 2009-1904-PWS-E

PCW

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home

Policy Revision 2 (September 2002)

Case ID No. 38712

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101275378

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.43(d)(3)

Violation Description

Failed to equip the Facility's pressure tank with a device to readily determine air-water-volume. Specifically, at the time of the record review, it was documented that the pressure tank did not have an adequate device to readily determine the air to water volume.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to equip the pressure tank with a sanitary means to determine air-water-volume could lead to incorrect water calculations, resulting in the tank becoming water-logged due to insufficient air-water volume. This could expose customers of the Facility to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

34 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the record review, October 7, 2009, to the date of screening, November 9, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/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 \$14

Violation Final Penalty Total \$221

This violation Final Assessed Penalty (adjusted for limits) \$221

Economic Benefit Worksheet

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park
Case ID No. 38712
Reg. Ent. Reference No. RN101275378
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$100	14-May-2008	7-Jun-2010	2.07	\$1	\$14	\$14
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to equip the pressure tank with a device to determine the air-water-volume, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$14

Screening Date 9-Nov-2009

Docket No. 2009-1904-PWS-E

PCW

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home

Policy Revision 2 (September 2002)

Case ID No. 38712

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101275378

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Violation Description Failed to provide the Facility's two ground storage tanks with overflows that are designed in strict accordance with current American Water Works Association ("AWWA") design standards.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Failure to have overflows installed on the ground storage tanks could affect the structural integrity of the ground storage tank and could result in customers of the Facility becoming exposed to significant contamination which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 34 Number of violation days

Table with frequency options: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$200

Two quarterly events (one event per tank) are recommended, calculated from the date of the record review, October 7, 2009, to the date of screening, November 9, 2009.

Good Faith Efforts to Comply

Table with columns: Reduction (0.0%), Before NOV, NOV to EDRP/Settlement Offer. Includes 'Extraordinary' and 'Ordinary' rows.

\$0

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$111

Violation Final Penalty Total \$442

This violation Final Assessed Penalty (adjusted for limits) \$442

Economic Benefit Worksheet

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park
Case ID No. 38712
Reg. Ent. Reference No. RN101275378
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	14-May-2008	15-Dec-2009	1.59	\$5	\$106	\$111
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated costs to install two overflows on the ground storage tanks. The date required is the date the violation was originally documented. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$111

Screening Date 9-Nov-2009

Docket No. 2009-1904-PWS-E

PCW

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home

Policy Revision 2 (September 2002)

Case ID No. 38712

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101275378

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(B)

Violation Description

Failed to insure that Well No. 2 is greater than 500 feet from a sewage treatment plant. Specifically, at the time of the record review, it was documented that Well No. 2 is approximately 205 feet from the Ramblewood Mobile Home Park sewage treatment plant.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	X			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Failure to locate the well at least 500 feet from a sewage treatment plant could result in contamination of the source water which would expose customers to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 34 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the record review, October 7, 2009, to the date of screening, November 9, 2009.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,698

Violation Final Penalty Total \$1,105

This violation Final Assessed Penalty (adjusted for limits) \$1,105

Economic Benefit Worksheet

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park
Case ID No. 38712
Reg. Ent. Reference No. RN101275378
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)	\$25,000	14-May-2008	15-Aug-2011	3.25	\$271	\$5,425
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to abandon and plug Well No. 2, calculated from the date when the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$5,696

Compliance History Report

Customer/Respondent/Owner-Operator: CN600801880 Five Nine Seven Limited Partnership Classification: AVERAGE Rating: 4.86
Regulated Entity: RN101275378 RAMBLEWOOD MOBILE HOME PARK Classification: AVERAGE Site Rating: 4.86

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0210006
	WASTEWATER	PERMIT	WQ0011038001
	WASTEWATER	PERMIT	TPDES0033197
	WASTEWATER	PERMIT	TX0033197

Location: 2011 ROCKWOOD DR, BRYAN, BRAZOS COUNTY, TX, 77807

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: November 25, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 25, 2004 to November 25, 2009

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

Name: Amanda Henry Phone: 713-767-3672

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
N/A
6. Rating Date: 9/1/2009 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.

Effective Date: 12/30/2005 ADMINORDER 2005-0960-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Moderate

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

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failed to submit an annual sludge report for the monitoring period of August 1, 2003 through July 31, 2004.

Effective Date: 04/14/2006 ADMINORDER 2005-1675-MWD-E

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal

are properly operated and maintained. Specifically, an abundance of solids were noted passing over the saw tooth weir and excessive solids and turbidity were noted in the clarifier.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Effluent Limits & Monitoring Reqs. N4,P2 PERMIT

Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failed to prevent the discharge and accumulation of sludge in the receiving stream.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the receiving stream was not readily accessible for examination due to large amounts of debris and vegetation.

Effective Date: 02/18/2008

ADMINORDER 2007-0891-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Permit Conditions; No. 2(d) Pg. 7 PERMIT

Description: Failed to prevent the unauthorized discharge and accumulation of sludge in the receiving stream.

Classification: Minor

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

Rqmt Prov: Operational Requirements No. 1, Pg. 7 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. This violation includes violation tracking number 273264

Classification: Moderate

Citation: 30 TAC Chapter 317 317.7(e)

Rqmt Prov: Operational Requirements PERMIT

Description: Failure by the permittee to secure the facility, area or site when required.

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	12/13/2004	(383829)
2	01/24/2005	(383830)
3	02/10/2005	(383827)
4	04/18/2005	(421763)
5	05/10/2005	(377245)
6	05/16/2005	(421764)
7	06/13/2005	(421765)
8	07/08/2005	(421766)
9	08/09/2005	(442668)
10	08/30/2005	(350483)
11	10/05/2005	(471942)
12	10/24/2005	(471943)
13	11/10/2005	(471944)

14 12/14/2005 (471945)
15 01/23/2006 (471946)
16 02/24/2006 (471940)
17 03/13/2006 (471941)
18 04/10/2006 (500398)
19 05/02/2006 (500399)
20 06/26/2006 (500400)
21 07/17/2006 (522504)
22 08/14/2006 (522505)
23 09/22/2006 (522506)
24 10/26/2006 (522507)
25 11/29/2006 (547212)
26 12/13/2006 (547213)
27 01/24/2007 (547214)
28 02/28/2007 (579760)
29 04/05/2007 (579761)
30 05/04/2007 (579762)
31 05/04/2007 (579763)
32 05/25/2007 (542871)
33 06/27/2007 (579764)
34 08/01/2007 (579765)
35 08/09/2007 (579766)
36 10/03/2007 (602932)
37 06/02/2008 (640349)
38 07/07/2008 (691558)
39 07/07/2008 (691559)
40 07/07/2008 (691560)
41 07/07/2008 (691561)
42 07/07/2008 (691562)
43 07/07/2008 (691563)
44 07/07/2008 (691564)
45 07/07/2008 (691565)
46 07/07/2008 (691566)
47 08/08/2008 (681885)
48 10/02/2008 (703908)
49 03/19/2009 (723788)
50 05/15/2009 (743897)
51 05/27/2009 (769649)
52 05/27/2009 (769650)
53 05/27/2009 (769651)
54 05/27/2009 (769652)
55 05/27/2009 (769653)
56 05/27/2009 (769654)
57 05/27/2009 (769655)
58 05/27/2009 (769656)
59 05/27/2009 (769657)
60 05/27/2009 (769658)
61 05/27/2009 (769659)
62 06/12/2009 (745696)
63 07/29/2009 (762462)
64 09/15/2009 (768054)
65 10/29/2009 (778140)

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

Date: 02/28/2007 (579761)

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: 09/30/2007 (691562)

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: 03/27/2009 (723788)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

Description: Failure to provide adequate well capacity.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

Description: Failure to provide adequate ground storage capacity.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)

Description: Failure to equip the pressure tank with some sanitary means of determining the air-to-water ratio.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)

Description: Failure to provide the ground storage tanks with overflows.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(B)

Description: Failure to insure that a public water supply well (Well 2) is greater than 500 feet from a sewage treatment plant.

Date: 06/17/2009 (745696)

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)

Description: Failure to notify the Commission prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
FIVE NINE SEVEN LIMITED	§	TEXAS COMMISSION ON
PARTNERSHIP DBA RAMBLEWOOD	§	
MOBILE HOME PARK	§	
RN101275378	§	ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2009-1904-PWS-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a mobile home park with a public water supply at 2011 Rockwood Drive in Bryan, Brazos County, Texas (the "Facility") that has approximately 120 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 4, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Ninety-Nine Dollars (\$2,099) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Eighty Dollars (\$1,680) of the

- administrative penalty and Four Hundred Nineteen Dollars (\$419) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on October 7, 2009.
2. Failed to provide a minimum ground storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on October 7, 2009.
3. Failed to equip the Facility's pressure tank with a device to readily determine air-water-volume, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3), as documented during a record review conducted on October 7, 2009.
4. Failed to provide the ground storage tanks with overflows that are designed in strict accordance with current American Water Works Association ("AWWA") design standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during a record review conducted on October 7, 2009.
5. Failed to insure that Well No. 2 is greater than 500 feet from a sewage treatment plant, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(B), as documented during a record review conducted on October 7, 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 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park, Docket No. 2009-1904-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Provide a properly functioning and readily readable air-water-volume indicator on the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Install an overflow designed in strict accordance with AWWA standards for the Facility's two ground storage tanks, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a.
 - c. Within 180 days after the effective date of this Agreed Order:
 - i. Provide a total storage capacity of at least 200 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a purchase water contract that authorizes a maximum daily purchase rate or a uniform purchase in the absence of a specified daily purchase of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and

- iii. Abandon and plug Well No. 2 with cement according to 16 TEX. ADMIN. CODE ch. 76 (relating to Water Well Drillers and Water Pump Installers), in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sullivan

For the Executive Director

5/2/2010

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.

Chris Price

Signature

2/26/2010

Date

Chris Price

Name (Printed or typed)
Authorized Representative of
Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park

Treasurer of General Partner

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.