EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1582-PWS-E **TCEQ ID:** RN100928282 **CASE NO.:** 31106
RESPONDENT NAME: Ocean Mobile Home Park, LLC

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Ocean Mobile Home Park, 7030 Tri City Beach Road, Chambers County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 3, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. Keith J. Jannise, President, Ocean Mobile Home Park, LLC, 7030 Tri City Beach Road, Baytown, Texas 77523
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 16, 2010 **Date of NOV/NOE Relating to this Case:** September 17, 2010 (NOE) **Background Facts:** This was a routine investigation. **WATER** 1) Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity [30 TEX. ADMIN. CODE § 290.39(j)(1)(A), TEX. HEALTH & SAFETY CODE § 341.0351, and TCEQ Agreed Order Docket No. 2006-1592-PWS-E, Ordering Provision No. 2.a.i.]. 2) Failed to notify the Executive Director in writing as to its completion and attest that the completed work was substantially in accordance with the plans on file with the Commission [30 TEX. ADMIN. CODE § 290.39(h)(3) and TCEQ Agreed Order Docket No. 2006-1592-PWS-E, Ordering Provision No. 2.a.ii.].	**Total Assessed:** $240 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $240 **Compliance History Classification:** Person/CN – Average Site/RN – Average **Major Source:** __ Yes __X__ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, provide written notification to the Commission of the increase in storage capacity; b. Within 90 days after the effective date of this Agreed Order, cease using the pressure tank that has not been approved for use and install a pressure tank that meets the standards of the American Society of Mechanical Engineers and meets a pressure tank capacity of 20 gallons per connection. Submit plans and specifications of the proposed installation of the pressure tank for review and approval; Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 30 days after the date of such requests, or by any other deadline specified in writing; c. Within 105 days after the effective date of this Agreed Order, attest in writing that when the installation of the pressure tank is complete that the work is substantially in accordance with the plans that have been submitted and are on file with TCEQ; and d. Within 120 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 Provisions a, b, and c.

Additional ID No(s).: PWS Id No. 0360023

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES **Assigned** 20-Sep-2010 **PCW** 22-Sep-2010 **Screening** 22-Sep-2010 **EPA Due** 31-May-2011

RESPONDENT/FACILITY INFORMATION

Respondent	Ocean Mobile Home Park, LLC
Reg. Ent. Ref. No.	RN100928282
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31106	**No. of Violations**	2
Docket No.	2010-1582-PWS-E	**Order Type**	Findings
Media Program(s)	Public Water Supply	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Epifanio Villarreal
		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*** **$200**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **20.0%** Enhancement — ***Subtotals 2, 3, & 7*** **$40**

Notes: Enhancement for one final enforcement order with denial.

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 $1,519
Approx. Cost of Compliance $5,045
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$240**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$240**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$240**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$240**

Screening Date 22-Sep-2010 **Docket No.** 2010-1582-PWS-E **PCW**

Respondent Ocean Mobile Home Park, LLC

Policy Revision 2 (September 2002)

Case ID No. 31106

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100928282

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*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) 20%

>> 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 for one final enforcement order with denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 22-Sep-2010 **Docket No.** 2010-1582-PWS-E **PCW**

Respondent Ocean Mobile Home Park, LLC *Policy Revision 2 (September 2002)*

Case ID No. 31106 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100928282

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.39(j)(1)(A), Tex. Health & Safety Code § 341.0351, and TCEQ Agreed Order Docket No. 2006-1592-PWS-E, Ordering Provision No. 2.a.i

Violation Description Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, at the time of the investigation, it was documented that the Respondent increased the Facility's ground storage capacity by 22,000 gallons without providing notification prior to the proposed modification.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $900

$100

Violation Events

Number of Violation Events: 1 — 1258 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to 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

Estimated EB Amount $13

Statutory Limit Test

Violation Final Penalty Total $120

This violation Final Assessed Penalty (adjusted for limits) $120

Economic Benefit Worksheet

Respondent Ocean Mobile Home Park, LLC
Case ID No. 31106
Reg. Ent. Reference No. RN100928282
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
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$45	13-Apr-2007	1-May-2011	4.05	$1	$12	$13
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 includes the estimated amount to notify the Commission of the Facility's improvements, calculated from the effective date of TCEQ Agreed Order Docket No. 2006-1592-PWS-E, 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 $45

TOTAL $13

Screening Date 22-Sep-2010 **Docket No.** 2010-1582-PWS-E **PCW**

Respondent Ocean Mobile Home Park, LLC *Policy Revision 2 (September 2002)*

Case ID No. 31106 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100928282

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.39(h)(3) and TCEQ Agreed Order Docket No. 2006-1592 PWS-E, Ordering Provision No. 2.a.ii

Violation Description Failed to notify the Executive Director in writing as to its completion and attest that the completed work was substantially in accordance with the plans on file with the Commission. Specifically, the Respondent installed a 20,000 gallon pressure tank (PT) at the Facility after the Commission denied the request for the PT installation. The modifications did not correspond with the improvements orginally submitted by the Facility's engineer.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $900

$100

Violation Events

Number of Violation Events: 1 — 1258 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to 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

Estimated EB Amount $1,506

Statutory Limit Test

Violation Final Penalty Total $120

This violation Final Assessed Penalty (adjusted for limits) $120

Economic Benefit Worksheet

Respondent Ocean Mobile Home Park, LLC
Case ID No. 31106
Reg. Ent. Reference No. RN100928282
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				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$5,000	13-Apr-2007	1-Aug-2011	4.30	$72	$1,435	$1,506
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 includes the estimated amount to submit plans and specifications of the proposed installation of the pressure tank for review and approval, calculated from the effective date of TCEQ Agreed Order Docket No. 2006-1592-PWS-E, 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 $5,000

TOTAL $1,506

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600600357 Ocean Mobile Home Park, LLC	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN100928282 OCEAN MOBILE HOME PARK	Classification: AVERAGE	Site Rating: 3.01

ID Number(s):

WASTEWATER	PERMIT	WQ0014980001
WASTEWATER	EPA ID	TX0132748
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0360023
WATER LICENSING	LICENSE	0360023

Location: 7030 TRI CITY BEACH RD, CHAMBERS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 22, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 22, 2005 to September 22, 2010

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

Name: Epi Villarreal Phone: (361) 825-3425

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/13/2007 ADMINORDER 2006-1592-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
5A THC Chapter 341, SubChapter A 341.0351

Description: Failed to notify the Executive Director, in writing, of a significant change in storage and pressure maintenance capacities.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(3)
5A THC Chapter 341, SubChapter A 341.0351

Description: Failed to attest that the completed work was substantially in accordance with the plan and change orders on file with the Commission.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to maintain the system's facilities and equipment in good working order and general appearance. Specifically, failed to repair holes in the west ground storage tank and to turn the tap on the service pump discharge header in a downward direction.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the system.

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 08/28/2006 (483616)

2 08/20/2010 (849615)
3 09/15/2010 (829241)

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

N/A

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 OCEAN MOBILE HOME PARK, LLC RN100928282	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1582-PWS-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 Ocean Mobile Home Park, LLC ("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 presented this agreement to the Commission.

The Respondent understands that it 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 public water supply at 7030 Tri City Beach Road in Chambers County, Texas (the "Facility") that has approximately 95 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on June 16, 2010, TCEQ staff documented that the Respondent did not notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, at the time of the investigation, it was documented that the Respondent increased the Facility's ground storage capacity by 22.000 gallons without providing notification prior to the proposed modification.

3. During an investigation conducted on June 16, 2010, TCEQ staff documented that the Respondent did not notify the Executive Director in writing as to its completion and attest that the completed work was substantially in accordance with the plans on file with the Commission. Specifically, the Respondent installed a 20,000 gallon pressure tank ("PT") at the Facility after the Commission denied the request for the PT installation. The modifications did not correspond with the improvements originally submitted by the Facility's engineer.

4. The Respondent received notice of the violations on September 22, 2010.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 2, the Respondent failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351 and TCEQ Agreed Order Docket No. 2006-1592-PWS-E, Ordering Provision No. 2.a.i.

3. As evidenced by Findings of Fact No. 3, the Respondent failed to notify the Executive Director in writing as to its completion and attest that the completed work was substantially in accordance with the plans on file with the Commission, in violation of 30 TEX. ADMIN. CODE § 290.39(h)(3) and TCEQ Agreed Order Docket No. 2006-1592-PWS-E, Ordering Provision No. 2.a.ii.

4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, 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.

5. An administrative penalty in the amount of Two Hundred Forty Dollars ($240) is justified by the facts recited in this Agreed Order, and considered in light of the factors

set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Two Hundred Forty Dollar ($240) 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 Two Hundred Forty Dollars ($240) as set forth in Section II, Paragraph 5 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: Ocean Mobile Home Park, LLC, Docket No. 2010-1582-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. The Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, provide written notification to the Commission of the increase in storage capacity, in accordance with 30 TEX. ADMIN. CODE § 290.39. The notification shall be submitted to:

      Utility Technical Review Team
      Water Supply Division, MC 153
      Texas Commission on Environmental Quality
      P.O. Box 13087
      Austin, Texas 78711-3087

   b. Within 90 days after the effective date of this Agreed Order, cease using the pressure tank that has not been approved for use and install a pressure tank that meets the standards of the American Society of Mechanical Engineers and meets a pressure tank capacity of 20 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45. Submit plans and specifications of the proposed installation of the pressure tank for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to the address in Ordering Provision No. 2.a.

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 30 days after the date of such requests, or by any other deadline specified in writing.

c. Within 105 days after the effective date of this Agreed Order, attest in writing that when the installation of the pressure tank is complete that the work is substantially in accordance with the plans that have been submitted and are on file with TCEQ, in accordance with 30 TEX. ADMIN. CODE § 290.39.

d. Within 120 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 Nos. 2.a, 2.b, and 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 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
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. 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. 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.

6. 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.

7. 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.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing" ,and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. 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

12/6/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Ocean Mobile Home Park, LLC. I am authorized to agree to the attached Agreed Order on behalf of Ocean Mobile Home Park, LLC, 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, Ocean Mobile Home Park, LLC 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

10/29/10
Date

KEITH J. JANNISE
Name (Printed or typed)
Authorized Representative of
Ocean Mobile Home Park, LLC

PRESIDENT
Title

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