

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0683-MWD-E **TCEQ ID:** RN101527018 **CASE NO.:** 39591
RESPONDENT NAME: Westfield Mobile Home Community, Ltd.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Westfield Mobile Home Park, 520 Gulf Bank Road approximately 1,300 feet east of Airline Drive, Harris County</p> <p>TYPE OF OPERATION: 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 December 20, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Jecha, P.G., Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2676; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. John Bovone, Owner, Westfield Mobile Home Park, P.O. Box 7231, San Jose, California 95150-7231 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 28, 2010</p> <p>Date of NOV/NOE Relating to this Case: April 15, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the clarifier was not being properly maintained because uneven weirs and corroded baffles allowed scum and solids to wash into the clarifier trough. Corrosion was also noted throughout the Facility including the interior walls and baffles of the basins and the catwalk frames and railings which are separating from the frames [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012555001, Operational Requirements No. 1].</p> <p>2) Failed to prevent unauthorized discharges of wastewater. Specifically, partially treated wastewater and solids splashed over the north and east walls of the aeration basin onto the ground [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012555001, Permit Conditions No. 2.g.].</p> <p>3) Failed to prevent unauthorized discharges of sludge. Specifically, sludge discharged to the receiving stream was observed to extend approximately 600 feet downstream from the outfall [TEX. WATER CODE</p>	<p>Total Assessed: \$11,450</p> <p>Total Deferred: \$2,290 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$270 (remaining \$8,890 due in 35 monthly payments of \$254 each)</p> <p>Compliance History Classification: Person/CN – Average Site/RN – Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the area where partially treated wastewater and solids splashed over the north and east walls of the aeration basin was cleaned up on January 30, 2010.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Restore proper operation to the clarifier by leveling the weirs and repairing or replacing the corroded baffle;</p> <p>ii. Repair or replace all corroded baffles and interior walls in the basins and corroded catwalk frames and railings throughout the Facility; and</p> <p>iii. Remove sewage sludge from the receiving stream and have it transported by a licensed sludge hauler and disposed of properly.</p> <p>b. 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 a.</p>

§ 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ001255001, Permit Conditions No. 2.d.].		
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Additional ID No(s): TPDES Permit No. WQ001255001





Penalty Calculation Worksheet (PCW)

DATES	Assigned	19-Apr-2010	Screening	30-Apr-2010	EPA Due	
	PCW	3-May-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Westfield Mobile Home Community, Ltd.		
Reg. Ent. Ref. No.	RN101527018.		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39591	No. of Violations	3
Docket No.	2010-0683-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Jecha, P.G.
		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	\$9,000
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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	30.0% Enhancement	Subtotals 2, 3, & 7	\$2,700
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Notes: Enhancement for four monthly self-reported effluent violations and two NOV's with same or similar violations.

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	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$305
Approx. Cost of Compliance \$7,850
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,450
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$11,450
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,450
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,290
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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	\$9,160
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Screening Date 30-Apr-2010

Docket No. 2010-0683-MWD-E

PCW

Respondent Westfield Mobile Home Community, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 39591

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101527018

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

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)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 30%

>> 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 four monthly self-reported effluent violations and two NOVs with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date: 30-Apr-2010

Docket No.: 2010-0683-MWD-E

PCW

Respondent: Westfield Mobile Home Community, Ltd.

Policy Revision 2 (September 2002)

Case ID No.: 39591

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101527018

Media [Statute]: Water Quality

Enf. Coordinator: Thomas Jecha, P.G.

Violation Number: 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.4(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012555001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the clarifier was not being properly maintained because uneven weirs and corroded baffles allowed scum and solids to wash into the clarifier trough. Corrosion was also noted throughout the Facility including the interior walls and baffles of the basins and the catwalk frames and railings which are separating from the frames.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent: 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment: \$9,500

\$500

Violation Events

Number of Violation Events: 1

89 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty: \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement
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: \$295

Violation Final Penalty Total: \$650

This violation Final Assessed Penalty (adjusted for limits): \$650

Economic Benefit Worksheet

Respondent: Westfield Mobile Home Community, Ltd.
Case ID No.: 39591
Reg. Ent. Reference No.: RN101527018
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
6.0	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)	\$7,500	28-Jan-2010	11-Nov-2010	0.79	\$295	n/a	\$295

Notes for DELAYED costs

Estimated cost to restore proper clarifier operation by leveling the weirs and to repair corroded baffles, basin walls, and catwalk structural frames and railings throughout the Facility. The date required is the investigation date and 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

\$7,500

TOTAL

\$295

Screening Date 30-Apr-2010

Docket No. 2010-0683-MWD-E

PCW

Respondent Westfield Mobile Home Community, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 39591

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101527018

Media (Statute) Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012556001, Permit Conditions No. 2.g.

Violation Description

Failed to prevent unauthorized discharges of wastewater. Specifically, partially treated wastewater and solids splashed over the north and east walls of the aeration basin onto the ground.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 2

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended from the January 28, 2010 investigation date until cleanup was completed on January 30, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$250

	Before NOV	NOV to EDRPP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes Cleanup of the affected area was completed on January 30, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent: Westfield Mobile Home Community, Ltd.
Case ID No.: 39591
Reg. Ent. Reference No.: RN101527018
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
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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)	\$100	28-Jan-2010	30-Jan-2010	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean the affected areas. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date: 30-Apr-2010

Docket No: 2010-0683-MWD-E

PCW

Respondent: Westfield Mobile Home Community, Ltd.

Policy Revision 2 (September 2002)

Case ID No: 39591

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN101527018

Media [Statute]: Water Quality

Enf. Coordinator: Thomas Jecha, P.G.

Violation Number: 3

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.126(1), and TPDES Permit No. WQ0012565001, Permit Conditions No. 2.d.

Violation Description

Failed to prevent unauthorized discharges of sludge. Specifically, sludge discharged to the receiving stream was observed to extend approximately 600 feet downstream from the outfall.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent: 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or environmental receptors as a result of this violation.

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 3

89 Number of violation days

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

Violation Base Penalty: \$7,500

Three monthly events are recommended from the January 28, 2010 investigation date until case screening on April 30, 2010.

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: \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$10

Violation Final Penalty Total: \$9,750

This violation Final Assessed Penalty (adjusted for limits): \$9,750

Economic Benefit Worksheet

Respondent: Westfield Mobile Home Community, Ltd.

Case ID No.: 39591

Reg. Ent. Reference No.: RN101527018

Media: Water Quality

Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$250	28-Jan-2010	11-Nov-2010	0.79	\$10	n/a	\$10
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove sewage sludge from the receiving stream and dispose of it properly. The date required is the investigation date and 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

\$250

TOTAL

\$10

Compliance History Report

Customer/Respondent/Owner-Operator: CN600800593 Westfield Mobil Home Community, Ltd. Classification: AVERAGE Rating: 10.19

Regulated Entity: RN101527018 WESTFIELD MOBILE HOME PARK Classification: AVERAGE Site Rating: 10.19

ID Number(s): WASTEWATER PERMIT WQ0012555001
WASTEWATER PERMIT TPDES0090492
WASTEWATER PERMIT TX0090492
WASTEWATER LICENSING LICENSE WQ0012555001

Location: 520 GULF BANK RD APPROX 1,300 FT E OF AIRLINE
DRIVE IN HARRIS CO, TX

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 30, 2010

Agency Decision Requiring Compliance Enforcement

Compliance Period: April 30, 2005 to April 30, 2010

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

Name: Thomas Jecha Phone: 239 - 2576

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: 9/1/2009 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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/27/2005	(425103)
2	06/23/2005	(425104)
3	08/29/2005	(445724)
4	09/07/2005	(405493)
5	10/05/2005	(477546)
6	11/14/2005	(477547)
7	12/07/2005	(477548)
8	01/09/2006	(477549)
9	02/01/2006	(477550)
10	02/02/2006	(452459)
11	03/01/2006	(477544)
12	03/24/2006	(477545)
13	05/02/2006	(504093)
14	07/01/2006	(504094)
15	07/03/2006	(526469)
16	07/25/2006	(526470)
17	08/30/2006	(526471)
18	10/02/2006	(625522)
19	10/25/2006	(625524)
20	11/27/2006	(625526)
21	01/05/2007	(625528)
22	01/15/2007	(625530)
23	02/26/2007	(625516)
24	04/25/2007	(625517)

26 05/19/2007 (625518)
 26 06/20/2007 (625519)
 27 07/26/2007 (625520)
 28 08/27/2007 (625521)
 29 09/28/2007 (625523)
 30 11/02/2007 (625525)
 31 11/29/2007 (625527)
 32 12/27/2007 (625529)
 33 01/23/2008 (694018)
 34 01/31/2008 (675683)
 35 02/27/2008 (694017)
 36 03/24/2008 (675682)
 37 05/29/2008 (694019)
 38 06/03/2008 (641578)
 39 06/26/2008 (715348)
 40 07/23/2008 (715349)
 41 07/31/2008 (731149)
 42 08/27/2008 (715350)
 43 09/25/2008 (715351)
 44 10/23/2008 (731150)
 45 11/14/2008 (707693)
 46 12/01/2008 (731151)
 47 12/22/2008 (731152)
 48 01/26/2009 (764429)
 49 02/24/2009 (764428)
 50 03/23/2009 (771690)
 51 04/22/2009 (771691)
 52 05/11/2009 (744769)
 53 05/21/2009 (771692)
 54 04/15/2010 (789777)

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

Date: 08/22/2005 (405493)

Self NO Classification Moderate
 Report?

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)

Operational Requirements, No. 1 PERMIT

Permit Conditions, No. 2.d. PERMIT

Description: Failure to operate and maintain the Facility to prevent the accumulation of sludge in the receiving stream.

Self NO Classification Moderate
 Report?

Citation: 30 TAC Chapter 317 317.4(a)(8)

30 TAC Chapter 319, SubChapter A 319.7(c)

M&RR, No. 3.b. PERMIT

Description: Failure to provide the annual certification record for the backflow prevention device on the potable water supply line for the 12 months prior to the investigation.

Self NO Classification Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Ordering Provision 2. ORDER

Description: Failed to comply with ordering provisions of Commission Order Docket No. 2004-0363-MWD-E.

Date: 05/31/2007 (625519)

Self YES Classification Moderate
 Report?

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 (694017)

Self YES Classification Moderate
 Report?

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	06/03/2008	(641578)		
Self	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(6) 30 TAC Chapter 317 317.4(b)(4)			
Description:	Failure to dispose of screenings/scum properly.			
Self	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3)			
Description:	Failure to properly operate and maintain the chlorine contact basin.			
Self	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)			
Description:	Failure to maintain the plant site.			
Self	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements, No. 1. OP			
Description:	Failure to properly maintain the wastewater treatment plant.			
Self	NO		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 2D TWC Chapter 26, SubChapter A 26.121(a)(1) TWC Chapter 26 26.121			
Description:	Failure to prevent the unauthorized discharge of untreated or partially treated wastewater from the aeration basin.			
Self	NO		Classification	Minor
Citation:	30 TAC Chapter 317 317.7(e)			
Description:	Failure to post safety signs on the plant gate and fence.			
Date	09/30/2008	(731150)		
Self	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	10/31/2008	(731151)		
Self	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
WESTFIELD MOBILE HOME
COMMUNITY, LTD.
RN101527018

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0683-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Westfield Mobile Home Community, Ltd. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment system at 520 Gulf Bank Road approximately 1,300 feet east of Airline Drive in Harris County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 20, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eleven Thousand Four Hundred Fifty Dollars (\$11,450) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Two Hundred Seventy Dollars (\$270) of the administrative penalty and Two Thousand Two Hundred Ninety Dollars (\$2,290) 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.

The remaining amount of Eight Thousand Eight Hundred Ninety Dollars (\$8,890) of the administrative penalty shall be payable in Thirty-Five (35) monthly payments of Two Hundred Fifty-Four Dollars (\$254) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the area where partially treated wastewater and solids splashed over the north and east walls of the aeration basin was cleaned up on January 30, 2010.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No.

WQ0012555001, Operational Requirements No. 1, as documented during an investigation conducted on January 28, 2010. Specifically, the clarifier was not being properly maintained because uneven weirs and corroded baffles allowed scum and solids to wash into the clarifier trough. Corrosion was also noted throughout the Facility including the interior walls and baffles of the basins and the catwalk frames and railings which are separating from the frames.

2. Failed to prevent unauthorized discharges of wastewater, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012555001, Permit Conditions No. 2.g., as documented during an investigation conducted on January 28, 2010. Specifically, partially treated wastewater and solids splashed over the north and east walls of the aeration basin onto the ground.
3. Failed to prevent unauthorized discharges of sludge, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012555001, Permit Conditions No. 2.d., as documented during an investigation conducted on January 28, 2010. Specifically, sludge discharged to the receiving stream was observed to extend approximately 600 feet downstream from the outfall.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Westfield Mobile Home Community, Ltd., Docket No. 2010-0683-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order:
 - i. Restore proper operation to the clarifier by leveling the weirs and repairing or replacing the corroded baffle, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(d), and TPDES Permit No. WQ0012555001, Operational Requirements No. 1;

- ii. Repair or replace all corroded baffles and interior walls in the basins and corroded catwalk frames and railings throughout the Facility; and
 - iii. Remove sewage sludge from the receiving stream and have it transported by a licensed sludge hauler and disposed of properly, in accordance with TPDES Permit No. WQ0012555001, Operational Requirements No. 1.
- b. 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.a. The certifications 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 certifications 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

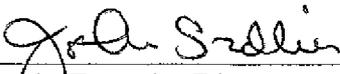
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

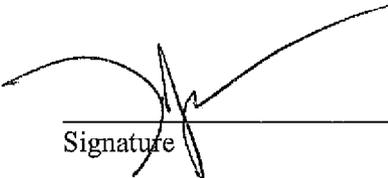
Date 12/2/2010

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Date 10-22-10

Name (Printed or typed)
Authorized Representative of
Westfield Mobile Home Community, Ltd.

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.