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**Executive Summary – Enforcement Matter – Case No. 41000**  
**WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park**  
**RN101527018**  
**Docket No. 2011-0113-MWD-E**

**Order Type:**  
Default Order

**Findings Order Justification:**  
N/A

**Media:**  
MWD

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
520 Gulf Bank Road, approx. 1,300 feet east of Airline Drive, Houston, Harris County

**Type of Operation:**  
residential wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** June 24, 2011

**Comments Received:** None

***Penalty Information***

<b>Total Penalty Assessed:</b>	\$4,800
<b>Amount Deferred for Expedited Settlement:</b>	N/A
<b>Amount Deferred for Financial Inability to Pay:</b>	N/A
<b>Total Paid to General Revenue:</b>	\$0
<b>Total Due to General Revenue:</b>	\$4,800

**Compliance History Classifications:**  
Person/CN – Average  
Site/RN – Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

Docket No. 2011-0113-MWD-E

***Investigation Information***

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** November 29, 2010  
**Date(s) of NOV(s):** See Compliance History – 12 NOVs  
**Date(s) of NOE(s):** January 3, 2011

***Violation Information***

Failed to comply with permitted effluent limits [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012555001, Interim Effluent Limitations and Monitoring Requirement No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Smoke tested the collection system and repaired the manholes to control infiltration; returned to compliance with the permitted effluent limits by October 31, 2010.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** May 4, 2011  
**Date(s) Green Card(s) Signed:** May 6, 2011  
**Date(s) Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A

***Contact Information***

**TCEQ Attorneys:** Marshall Coover, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400

**TCEQ Enforcement Coordinator:** Harvey Wilson, Air Enforcement Section, (512) 239- 0321

**TCEQ Regional Contact:** Stephen Smith, Houston Regional Office, (713) 767- 3581

**Respondent:** John Bovone, General Manager, WESTFIELD MOBILE HOME COMMUNITY, LTD.,  
P.O. Box 7231, San Jose, CA 95150

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	10-Jan-2011	<b>Screening</b>	12-Jan-2011	<b>EPA Due</b>	
	<b>PCW</b>	13-Apr-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park
<b>Reg. Ent. Ref. No.</b>	RN101527018
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	41000	<b>No. of Violations</b>	1
<b>Docket No.</b>	2011-0113-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Harvey Wilson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,000
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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.

<b>Compliance History</b>	60.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,800
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<b>Notes</b>	Enhancement for 11 months of self-reported months of effluent violations and one NOV for same/similar violation.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$461	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$7,900	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,800
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$4,800
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,800
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral offered on non expedited settlement.
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<b>PAYABLE PENALTY</b>	\$4,800
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**Screening Date** 12-Jan-2011

**Docket No.** 2011-0113-MWD-E

**PCW**

**Respondent** WESTFIELD MOBILE HOME COMMUNITY, LTD. d/k

Policy Revision 2 (September 2002)

**Case ID No.** 41000

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101527018

**Media [Statute]** Water Quality

**Enf. Coordinator** Harvey Wilson

### 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 ( <i>number of NOVs meeting criteria</i> )	12	60%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 60%

#### >> 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 11 months of self-reported months of effluent violations and one NOV for same/similar violation.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 60%

Screening Date 12-Jan-2011

Docket No. 2011-0113-MWD-E

PCW

Respondent WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield

Policy Revision 2 (September 2002)

Case ID No. 41000

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101527018

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012555001 Interm Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on November 29, 2010, and as depicted in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	10%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

As a result of this violation human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 181

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events are 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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$461

Violation Final Penalty Total \$4,800

This violation Final Assessed Penalty (adjusted for limits) \$4,800

## Economic Benefit Worksheet

**Respondent** WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park  
**Case ID No.** 41000  
**Req. Ent. Reference No.** RN101527018  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$7,900	31-Dec-2009	31-Oct-2010	0.83	\$22	\$439	\$461
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 actual cost of smoke testing the system and repairing the manholes to control infiltration. Date Required is the first date the non-compliance was documented. 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

\$7,900

**TOTAL**

\$461

# Compliance History

Customer/Respondent/Owner-Operator:	CN600800593 WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park	Classification: AVERAGE Rating: 0.65
Regulated Entity:	RN101527018 WESTFIELD MOBILE HOME PARK	Classification: AVERAGE Site Rating: 0.65
ID Number(s):	WASTEWATER PERMIT WASTEWATER EPA ID WASTEWATER LICENSING LICENSE	WQ0012555001 TX0090492 WQ0012555001
Location:	520 GULF BANK ROAD, APPROXIMATELY 1,300 FEET EAST OF AIRLINE DRIVE IN HARRIS COUNTY, TEXAS	
TCEQ Region:	REGION 12 - HOUSTON	
Date Compliance History Prepared:	January 11, 2011	
Agency Decision Requiring Compliance History:	Enforcement	
Compliance Period:	January 11, 2006 to January 11, 2011	
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History		
Name:	Harvey Wilson	Phone: 239 - 0321

## 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.  
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	02/02/2006	(452459)
2	03/01/2006	(477544)
3	03/24/2006	(477545)
4	02/01/2006	(477550)
5	05/02/2006	(504093)
6	07/01/2006	(504094)
7	07/03/2006	(526469)
8	07/25/2006	(526470)
9	08/30/2006	(526471)
10	02/26/2007	(625516)
11	04/25/2007	(625517)
12	05/19/2007	(625518)
13	06/20/2007	(625519)

14	07/26/2007	(625520)
15	08/27/2007	(625521)
16	10/02/2006	(625522)
17	09/28/2007	(625523)
18	10/25/2006	(625524)
19	11/02/2007	(625525)
20	11/27/2006	(625526)
21	11/29/2007	(625527)
22	01/05/2007	(625528)
23	12/27/2007	(625529)
24	01/15/2007	(625530)
25	06/03/2008	(641578)
26	03/24/2008	(675682)
27	01/31/2008	(675683)
28	02/27/2008	(694017)
29	01/23/2008	(694018)
30	05/29/2008	(694019)
31	11/14/2008	(707693)
32	06/25/2008	(715348)
33	07/23/2008	(715349)
34	08/27/2008	(715350)
35	09/25/2008	(715351)
36	07/31/2008	(731149)
37	10/23/2008	(731150)
38	12/01/2008	(731151)
39	12/22/2008	(731152)
40	05/11/2009	(744769)
41	02/24/2009	(754428)
42	01/26/2009	(754429)
43	03/23/2009	(771690)
44	04/22/2009	(771691)
45	05/21/2009	(771692)
46	04/15/2010	(789777)
47	02/24/2010	(815152)
48	06/25/2009	(815153)
49	07/22/2009	(815154)
50	08/21/2009	(815155)
51	09/23/2009	(815156)
52	10/26/2009	(815157)
53	11/23/2009	(815158)
54	01/04/2010	(815159)
55	01/29/2010	(815160)
56	04/01/2010	(834508)
57	04/23/2010	(834509)
58	05/24/2010	(845298)
59	06/24/2010	(847386)

60	08/23/2010	(868248)
61	07/23/2010	(875162)
62	09/20/2010	(875163)
63	01/05/2011	(879364)
64	10/21/2010	(882774)
65	11/19/2010	(889178)

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

<b>Date:</b>	05/31/2007 (625519)	CN600800593
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	
<b>Date:</b>	01/31/2008 (694017)	CN600800593
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	
<b>Date:</b>	06/03/2008 (641578)	CN600800593
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(b)(4)	
Description:	Failure to dispose of screenings/scum properly.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3)	
Description:	Failure to properly operate and maintain the chlorine contact basin.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)	
Description:	Failure to maintain the plant site.	
Self Report?	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 Report?	NO	Classification: Major
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 Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 317 317.7(e)	
Description:	Failure to post safety signs on the plant gate and fence.	
<b>Date:</b>	09/30/2008 (731150)	CN600800593
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	
<b>Date:</b>	10/31/2008 (731151)	CN600800593
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	
<b>Date:</b>	08/31/2009 (815156)	CN600800593
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:** 12/31/2009 (815160) CN600800593  
 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:** 02/28/2010 (834508) CN600800593  
 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:** 03/31/2010 (834509) CN600800593  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
**Date:** 05/31/2010 (847386) CN600800593  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
**Date:** 06/30/2010 (875162) CN600800593  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
**Date:** 09/30/2010 (882774) CN600800593  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
WESTFIELD MOBILE HOME  
COMMUNITY, LTD. D/B/A  
WESTFIELD MOBILE HOME  
PARK;  
RN101527018**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## DEFAULT ORDER

**DOCKET NO. 2011-0113-MWD-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park (“Respondent”).

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

### FINDINGS OF FACT

1. Respondent owns and operates a residential wastewater treatment facility located at 520 Gulf Bank Road, approximately 1,300 feet east of Airline Drive in Houston, Harris County, Texas (the “Facility”). Respondent has caused, suffered, allowed, or permitted the discharge of any waste or the performance of any other activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
2. During a record review conducted on November 29, 2010, a TCEQ Central Office investigator documented that Respondent failed to comply with permitted effluent limits, as illustrated in the following table:

Date	Total Suspended Solids, Daily Average Concentration, 15 mg/L	Total Suspended Solids, Daily Average Loading, 12 lbs/day
December 31, 2009	16.6	C
February 28, 2010	17.4	C
March 31, 2010	19	27.5
May 31, 2010	16.6	C
June 30, 2010	25.4	C

mg/L = milligrams per Liter      lbs/day = pounds per day      C = Compliant

3. Respondent received notice of the violation on or about January 8, 2011.

4. The Executive Director recognizes that Respondent smoke tested the collection system and repaired the manholes to control infiltration and returned to compliance with the permitted effluent limits by October 31, 2010.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on May 4, 2011.
6. By letter dated May 4, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on May 6, 2011, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Respondent received notice of the EDPRP provided by the Executive Director. Respondent failed to file an answer and failed to request a hearing.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012555001, Interim Effluent Limitations and Monitoring Requirement No. 1.
3. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of four thousand eight hundred dollars (\$4,800.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of four thousand eight hundred dollars (\$4,800.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park; Docket No. 2011-0113-MWD-E" to:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF MARSHALL COOVER**

**STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

§

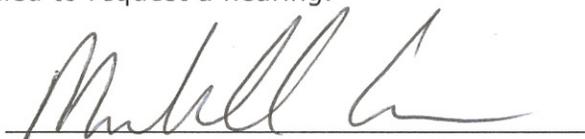
§

"My name is Marshall Coover. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 4, 2011.

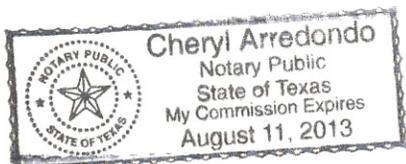
The EDPRP was mailed to Respondent's last known address on May 4, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on May 6, 2011, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

  
\_\_\_\_\_  
Marshall Coover, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 31<sup>st</sup> day of May, A.D. 2011.



  
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Notary Signature