

Executive Summary – Enforcement Matter – Case No. 42310
STAFFORD MOBILE HOME PARK, INC.
RN102080397
Docket No. 2011-1460-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Stafford MHP, located on Stafford Run Creek, approximately 3800 feet northeast of intersection of Farm-to-Market Road 1092 and 5th Street, Fort Bend County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 3, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,425

Amount Deferred for Expedited Settlement: \$2,685

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$459

Total Due to General Revenue: \$10,281

Payment Plan: 23 payments of \$447 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Docket No. 2011-1460-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 18, 2011 and July 25, 2011

Date(s) of NOE(s): May 4, 2011

Violation Information

1. Failed to comply with permit effluent limits for chlorine residual minimum of 1.0 milligrams per liter ("mg/L") and total suspended solids ("TSS") single grab limit of 60 mg/L. Specifically, analysis of a sample collected during a February 18, 2011 investigation revealed a chlorine residual concentration of 0.03 mg/L and a TSS single grab concentration of 245 mg/L [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014064001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
2. Failed to install flow measuring equipment as prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director. Specifically, the staff gauge was not installed at the correct distance from the weir plate. The construction of and placement of the weir, with a pipe between the weir plate and staff gauge, prevented proper installation of the staff gauge for accurate flow measurements [30 TEX. ADMIN. CODE § 319.11(d)].
3. Failed to properly operate and maintain the Facility. Specifically, the 30-minute settleable solids ("SV30") in the aeration basin was 100% compared to a recommended SV30 of 20-60% and the clarifier contained caked sludge [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0014064001, Operational Requirements No. 1].
4. Failed to properly operate and maintain the Facility. Specifically, the audio/visual alarm at the on-site lift station was inoperative, the barbed wire by the entrance gate was sagging, a section of perimeter fence on the southeast side of the Facility was open, and the standby pump near the on-site lift station was heavily rusted [30 TEX. ADMIN. CODE §§ 305.125(5), 317.3(e)(5), and 317.7(e) and TPDES Permit No. WQ0014064001, Operational Requirements No. 1].
5. Failed to prevent the unauthorized discharge of sludge into the receiving stream. Specifically, at the outfall pipe, six inches of settled sludge was measured in the receiving stream, and approximately 30 yards downstream from the outfall pipe about four inches of sludge was measured in the receiving stream [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014064001, Permit Conditions 2.d.].

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6. Failed to report the unauthorized discharge of sludge into the receiving stream [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(9) and TPDES Permit No. WQ0014064001, Monitoring and Reporting Requirements, No. 7.a.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that by March 31, 2011, the Respondent had purchased and installed a new blower motor and had achieved compliance with permitted effluent limitations.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that unauthorized discharges are reported;
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.;
- c. Within 60 days, develop and begin implementing a solids management plan and schedule which includes the regular examination of wastewater solids within the Facility, process control testing, and the regular removal of solids to prevent sludge build-up in the clarifier and to achieve and maintain an SV₃₀ of 20-60 percent within the aeration basin at the Facility or as otherwise approved by TCEQ;
- d. Within 75 days, submit written certification of compliance with Ordering Provision c.;
- e. Within 90 days, provide an operational audio/visual alarm at the on-site lift station, repair or replace any open or broken sections of the perimeter fencing, and ensure that the standby pump near the on-site lift station is maintained and operational or replaced if necessary;
- f. Within 115 days, submit written certification of compliance with Ordering Provision e.;
- g. Within 120 days, install a flow measuring device as prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director, pursuant to 30 TEX. ADMIN. CODE § 319.11(d); and
- h. Within 135 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

**Executive Summary – Enforcement Matter – Case No. 42310
STAFFORD MOBILE HOME PARK, INC.
RN102080397
Docket No. 2011-1460-MWD-E**

SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Merrilee Hupp, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-4490; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Niranjan S. Patel, President, STAFFORD MOBILE HOME PARK, INC.,
7039 Greatwood Trails Court, Sugar Land, Texas 77479
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	1-Aug-2011	Screening	17-Aug-2011	EPA Due	
	PCW	17-Aug-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	STAFFORD MOBILE HOME PARK, INC.		
Reg. Ent. Ref. No.	RN102080397		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	42310	No. of Violations	6
Docket No.	2011-1460-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Merrilee Hupp
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$7,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Compliance History **95.0%** Enhancement *Subtotals 2, 3, & 7* **\$6,650**

Notes: Enhancement for seven months of self-reported effluent violations, two NOV's with same/similar violations, one default order, and repeat violator.

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* **\$250**

Economic Benefit **0.0%** Enhancement* *Subtotal 6* **\$0**

Total EB Amounts \$2,277
Approx. Cost of Compliance \$11,217
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$13,400**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.2%** *Adjustment* **\$25**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for the recovery of avoided costs.

Final Penalty Amount **\$13,425**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$13,425**

DEFERRAL **20.0%** Reduction *Adjustment* **-\$2,685**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$10,740**

Screening Date 17-Aug-2011

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PCW

Respondent STAFFORD MOBILE HOME PARK, INC.

Policy Revision 2 (September 2002)

Case ID No. 42310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080397

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

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>)	9	45%
	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	1	25%
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) 70%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven months of self-reported effluent violations, two NOVs with same/similar violations, one default order, and repeat violator.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 95%

Screening Date 17-Aug-2011

Docket No. 2011-1460-MWD-E

PCW

Respondent STAFFORD MOBILE HOME PARK, INC.

Policy Revision 2 (September 2002)

Case ID No. 42310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080397

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014064001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permit effluent limits for chlorine residual minimum of 1.0 milligrams per liter ("mg/L") and total suspended solids ("TSS") single grab limit of 60 mg/L. Specifically, analysis of a sample collected during a February 18, 2011 investigation revealed a chlorine residual concentration of 0.03 mg/L and a TSS single grab concentration of 245 mg/L.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> 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 that are 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

41 Number of violation days

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.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes

The Respondent achieved compliance by March 31, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$1,703

This violation Final Assessed Penalty (adjusted for limits) \$1,703

Economic Benefit Worksheet

Respondent STAFFORD MOBILE HOME PARK, INC.
Case ID No. 42310
Reg. Ent. Reference No. RN102080397
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
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$3,119	18-Feb-2011	31-Mar-2011	0.11	\$1	\$23	\$25
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost for a new blower motor and its installation. Date required is the date the noncompliant grab sample was collected by the TCEQ Investigator. Final date is when compliance was achieved.

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

\$3,119

TOTAL

\$25

Screening Date 17-Aug-2011

Docket No. 2011-1460-MWD-E

PCW

Respondent STAFFORD MOBILE HOME PARK, INC.

Policy Revision 2 (September 2002)

Case ID No. 42310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080397

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 319.11(d)

Violation Description

Failed to install flow measuring equipment as prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director. Specifically, the staff gauge was not installed at the correct distance from the weir plate. The construction of and placement of the weir, with a pipe between the weir plate and staff gauge, prevented proper installation of the staff gauge for accurate flow measurements.

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 will or 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

23 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 EDRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,016

Violation Final Penalty Total \$977

This violation Final Assessed Penalty (adjusted for limits) \$977

Economic Benefit Worksheet

Respondent STAFFORD MOBILE HOME PARK, INC.
Case ID No. 42310
Reg. Ent. Reference No. RN102080397
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$5,323	2-Feb-2007	30-Jun-2012	5.41	\$96	\$1,920	\$2,016
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for the installation of a flow measuring device which would be acceptable by TCEQ standards and rules. Date required is the date a new V-notch weir was improperly installed and 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

\$5,323

TOTAL

\$2,016

Screening Date 17-Aug-2011

Docket No. 2011-1460-MWD-E

PCW

Respondent STAFFORD MOBILE HOME PARK, INC.

Policy Revision 2 (September 2002)

Case ID No. 42310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080397

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0014064001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility. Specifically, the 30-minute settleable solids ("SV30") in the aeration basin was 100% compared to a recommended SV30 of 20-60% and the clarifier contained caked sludge as documented during the July 25, 2011 record review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

23 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the record review date (July 25, 2011) to the screening date (August 17, 2011).

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$1,954

This violation Final Assessed Penalty (adjusted for limits) \$1,954

Economic Benefit Worksheet

Respondent STAFFORD MOBILE HOME PARK, INC.
Case ID No. 42310
Reg. Ent. Reference No. RN102080397
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$1,000	18-Feb-2011	30-Apr-2012	1.20	\$60	n/a	\$60
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for the removal of excess solids from treatment units. Date required is the investigation date when the initial noncompliant SV30 measurement was recorded and the final date is when compliance is expected to be achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$60

Screening Date 17-Aug-2011

Docket No. 2011-1460-MWD-E

PCW

Respondent STAFFORD MOBILE HOME PARK, INC.

Policy Revision 2 (September 2002)

Case ID No. 42310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080397

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(5), 317.3(e)(5), and 317.7(e) and TPDES Permit No. WQ0014064001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility. Specifically, the audio/visual alarm at the on-site lift station was inoperative, the barbed wire by the entrance gate was sagging, a section of perimeter fence on the southeast side of the Facility was open, and the standby pump near the on-site lift station was heavily rusted, as documented during the July 25, 2011 record review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

23 Number of violation days

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 record review date (July 25, 2011) to the screening date (August 17, 2011).

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$107

Violation Final Penalty Total \$1,954

This violation Final Assessed Penalty (adjusted for limits) \$1,954

Economic Benefit Worksheet

Respondent STAFFORD MOBILE HOME PARK, INC.
Case ID No. 42310
Reg. Ent. Reference No. RN102080397
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$400	16-Dec-2009	31-May-2012	2.46	\$3	\$66	\$69
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)	\$600	18-Feb-2011	31-May-2012	1.28	\$38	n/a	\$38

Notes for DELAYED costs

Estimated cost for the repair or replacement of the alarm system at the lift station (\$400), repair or replacement of sections of perimeter fencing (\$150), and maintenance or repair of the standby pump (\$450). Date required is the date the violation was first documented and 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

\$1,000

TOTAL

\$107

Screening Date 17-Aug-2011

Docket No. 2011-1460-MWD-E

PCW

Respondent STAFFORD MOBILE HOME PARK, INC.

Policy Revision 2 (September 2002)

Case ID No. 42310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080397

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 5

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014064001, Permit Conditions 2.d.

Violation Description

Failed to prevent the unauthorized discharge of sludge into the receiving stream. Specifically, at the outfall pipe, six inches of settled sludge was measured in the receiving stream, and approximately 30 yards downstream from the outfall pipe about four inches of sludge was measured in the receiving stream.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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 that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

1

23 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One monthly event is recommended from the record review date (July 25, 2011) to the screening date (August 17, 2011).

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$4,884

This violation Final Assessed Penalty (adjusted for limits) \$4,884

Economic Benefit Worksheet

Respondent STAFFORD MOBILE HOME PARK, INC.
Case ID No. 42310
Reg. Ent. Reference No. RN102080397
Media Water Quality
Violation No. 5

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				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	\$500	18-Feb-2011	30-Apr-2012	1.20	\$30	n/a	\$30
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is covered by Violation No. 3 since poor solids management resulted in the discharge of a significant amount of sludge into the receiving stream. Date required is the date the unauthorized discharge of sludge was documented. 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 \$500

TOTAL \$30

Screening Date 17-Aug-2011

Docket No. 2011-1460-MWD-E

PCW

Respondent STAFFORD MOBILE HOME PARK, INC.

Policy Revision 2 (September 2002)

Case ID No. 42310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080397

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 6

Rule Cite(s) Tex. Admin. Code § 305.125(1) and 305.125(9) and TPDES Permit No. WQ0014064001, Monitoring and Reporting Requirements, No. 7.a

Violation Description Failed to report the unauthorized discharge of sludge into the receiving stream which was documented during the July 25, 2011 record review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			10%
100% of the rule and permit requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

		1	171	Number of violation days	
mark only one with an x	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		X		Violation Base Penalty \$1,000

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$1,954

This violation Final Assessed Penalty (adjusted for limits) \$1,954

Economic Benefit Worksheet

Respondent STAFFORD MOBILE HOME PARK, INC.
Case ID No. 42310
Reg. Ent. Reference No. RN102080397
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	27-Feb-2011	25-Apr-2012	1.16	\$14	n/a	\$14
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

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that reporting requirements are met for unauthorized discharges. Date required is when the noncompliance notification was due, and the final date is the date compliance is expected to be achieved with the completion of the training.

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]	\$25	22-Feb-2011	27-Feb-2011	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for the completion and submittal of a noncompliance notification. Date required is when the Respondent first became aware of the unauthorized discharge during an exit interview on February 22, 2011 at the Facility. The final date is the date the written report was due.

Approx. Cost of Compliance

\$275

TOTAL

\$39

9	06/16/2008	(670688)
10	01/24/2008	(677077)
11	01/24/2008	(677078)
12	01/24/2008	(677079)
13	01/24/2008	(677080)
14	01/24/2008	(677081)
15	01/24/2008	(677082)
16	01/24/2008	(677083)
17	02/07/2008	(677084)
18	05/12/2008	(695722)
19	04/10/2008	(717264)
20	04/10/2008	(717265)
21	06/25/2008	(717266)
22	08/13/2008	(717267)
23	04/10/2008	(717268)
24	07/31/2008	(732659)
25	10/24/2008	(732660)
26	08/31/2008	(732661)
27	10/27/2008	(732662)
28	09/30/2008	(732663)
29	10/27/2008	(732664)
30	05/01/2009	(739451)
31	02/23/2009	(755916)
32	01/12/2009	(755917)
33	03/09/2009	(755918)
34	04/22/2009	(772908)
35	05/13/2009	(772909)
36	02/12/2010	(790532)
37	03/12/2010	(818849)
38	09/10/2009	(818850)
39	09/10/2009	(818851)
40	11/05/2009	(818852)
41	11/05/2009	(818853)
42	01/04/2010	(818854)
43	02/22/2010	(818855)
44	03/26/2010	(835858)
45	05/14/2010	(835859)
46	06/10/2010	(845372)
47	08/19/2010	(848841)
48	05/31/2010	(862207)
49	08/04/2010	(868808)
50	08/30/2010	(868809)
51	10/11/2010	(883235)
52	11/22/2010	(889644)
53	12/27/2010	(898011)
54	01/31/2011	(903913)
55	05/04/2011	(906540)
56	03/03/2011	(918060)
57	03/15/2011	(918061)
58	04/18/2011	(930238)
59	09/10/2009	(930239)
60	05/20/2011	(939770)
61	06/20/2011	(947184)

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

Date: 12/31/2006 (630658)

CN603001728

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: 05/31/2007 (630654) CN603001728
 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: 06/30/2007 (677080) CN603001728
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/30/2007 (566401) CN603001728
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to provide accurate flow measurement.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to provide all of the required Discharge Monitoring Reports (DMRs) and the current Toxicity Characteristic Leaching Procedure (TCLP) results.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to provide a copy of an annual test report form for the back flow prevention device.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)
 Description: Failure to properly operate the wastewater treatment plant.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(d)
 Description: Failure to properly operate and maintain the clarifier.
 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 319, SubChapter A 319.7(c)
 Description: Failure to submit self-monitoring data on approved Discharge Monitoring Reports.
 Date: 08/31/2007 (677082) CN603001728
 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: 09/30/2007 (677083) CN603001728
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/01/2008 (732659) CN603001728
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2008 (732660) CN603001728
 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: 02/12/2010 (790532) CN603001728
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(d)
 Description: Failure to properly operate and maintain the clarifier.
 Self Report? NO Classification: Major

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(1)

Description:	Failure to maintain compliance with the permitted limit for chlorine residual.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to provide accurate flow measurement.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with the permitted limits for dissolved oxygen (DO) and ammonia as nitrogen (NH3-N).	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to provide all of the required Discharge Monitoring Reports (DMRs) and the current Toxicity Characteristic Leaching Procedure (TCLP) results.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to accurately complete the Discharge Monitoring Reports (DMRs) for the months of January 2004 to December 2005 and February 2005.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.5(b)		
Description:	Failure to properly operate and maintain the digester.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 319, SubChapter A 319.5(b)		
Description:	Failure to collect effluent samples at the frequency specified in the permit.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:	Failure to provide a copy of an annual test report form for the back flow prevention device.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(g)		
Description:	Failure to properly operate the wastewater treatment plant.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)		
Description:	Failure to properly operate and maintain the clarifier.	Classification:	Moderate
Self Report?	NO		
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.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to submit self-monitoring data on approved Discharge Monitoring Reports.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 317 317.3(e)(5)		
Description:	Failure to maintain the on-site lift station.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) O.R., pg. 9, No. 1 PERMIT		
Description:	Failure to provide a backup blower as required.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to adequately conduct the Quality Assurance/Quality Control (QA/QC) for total chlorine residual.	Classification:	Moderate
Self Report?	NO		
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to prevent the unauthorized discharge of wastewater.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(9) M.&R.R., pg. 5, No. 7b PERMIT		
Description:	Failure to report the unauthorized discharge of wastewater from the plant within 24 hours by phone and within 5 days by letter.		

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
STAFFORD MOBILE HOME
PARK, INC.
RN102080397

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2011-1460-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 STAFFORD MOBILE HOME PARK, INC. ("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 facility located on Stafford Run Creek, approximately 3800 feet northeast of intersection of Farm-to-Market Road 1092 and 5th Street in Fort Bend County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 May 9, 2011.
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 Thirteen Thousand Four Hundred Twenty-Five Dollars (\$13,425) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Fifty-Nine Dollars (\$459) of the administrative penalty and Two Thousand Six Hundred Eighty-Five Dollars (\$2,685) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Ten Thousand Two Hundred Eighty-One Dollars (\$10,281) of the administrative penalty shall be payable in 23 monthly payments of Four Hundred Forty-Seven Dollars (\$447) 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 by March 31, 2011, the Respondent had purchased and installed a new blower motor and had achieved compliance with permitted effluent limitations.
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 comply with permit effluent limits for chlorine residual minimum of 1.0 milligrams per liter ("mg/L") and total suspended solids ("TSS") single grab limit of 60 mg/L, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014064001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on July 25, 2011. Specifically, analysis of a sample collected during a February 18, 2011 investigation revealed a chlorine residual concentration of 0.03 mg/L and a TSS single grab concentration of 245 mg/L.
2. Failed to install flow measuring equipment as prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 319.11(d), as documented during a record review conducted on July 25, 2011. Specifically, the staff gauge was not installed at the correct distance from the weir plate. The construction of and placement of the weir, with a pipe between the weir plate and staff gauge, prevented proper installation of the staff gauge for accurate flow measurements.
3. Failed to properly operate and maintain the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0014064001, Operational Requirements No. 1, as documented during a record review conducted on July 25, 2011. Specifically, the 30-minute settleable solids ("SV30") in the aeration basin was 100% compared to a recommended SV30 of 20-60% and the clarifier contained caked sludge.
4. Failed to properly operate and maintain the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5), 317.3(e)(5), and 317.7(e) and TPDES Permit No. WQ0014064001, Operational Requirements No. 1, as documented during a record review conducted on July 25, 2011. Specifically, the audio/visual alarm at the on-site lift station was inoperative, the barbed wire by the entrance gate was sagging, a section of perimeter fence on the southeast side of the Facility was open, and the standby pump near the on-site lift station was heavily rusted.
5. Failed to prevent the unauthorized discharge of sludge into the receiving stream, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014064001, Permit Conditions 2.d, as documented during a record review conducted on July 25, 2011. Specifically, at the outfall pipe, six inches of settled sludge was measured in the receiving stream, and approximately 30 yards downstream from the outfall pipe about four inches of sludge was measured in the receiving stream.
6. Failed to report the unauthorized discharge of sludge into the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(9) and TPDES Permit No. WQ0014064001, Monitoring and Reporting Requirements, No. 7.a, as documented during a record review conducted on July 25, 2011.

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: STAFFORD MOBILE HOME PARK, INC., Docket No. 2011-1460-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 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that unauthorized discharges are reported in accordance with TPDES Permit No. WQ0014064001, Monitoring and Reporting Requirements No. 7;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.h below;
 - c. Within 60 days after the effective date of this Agreed Order, develop and begin implementing a solids management plan and schedule which includes the regular examination of wastewater solids within the Facility, process control testing, and the regular removal of solids to prevent sludge build-up in the clarifier and to achieve and maintain an SV₃₀ of 20-60 percent within the aeration basin at the Facility or as otherwise approved by TCEQ;
 - d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c, in accordance with Ordering Provision No. 2.h below;
 - e. Within 90 days after the effective date of this Agreed Order, provide an operational audio/visual alarm at the on-site lift station, repair or replace any open or broken sections of the perimeter fencing, and ensure that the standby pump near the on-site lift station is maintained and operational or replaced if necessary;

- f. Within 115 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e, in accordance with Ordering Provision No. 2.h below;
- g. Within 120 days after the effective date of this Agreed Order, install a flow measuring device as prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director, pursuant to 30 TEX. ADMIN. CODE § 319.11(d); and
- h. Within 135 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.g. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations." "

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
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 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.
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

Paul J. Azale
For the Executive Director

4/20/12
Date

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

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

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

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

Paul J. Azale
Signature

12/22/11
Date

NIRZANJAN S PATIL
Name (Printed or typed)
Authorized Representative of
STAFFORD MOBILE HOME PARK, INC.

PRESIDENT
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.