

**Executive Summary – Enforcement Matter – Case No. 48696  
Eastwood Hills Mobile Home Park Limited Partnership  
RN102183480  
Docket No. 2014-0700-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Eastwood Hills Subdivision WWTF, 11315 Hillridge Drive, Conroe, Montgomery 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:** September 26, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,975

**Amount Deferred for Expedited Settlement:** \$1,795

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$2,794

**Total Due to General Revenue:** \$4,386

Payment Plan: 2 annual payments of \$2,193 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 12, 2014

**Date(s) of NOE(s):** May 8, 2014

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**Eastwood Hills Mobile Home Park Limited Partnership**  
**RN102183480**  
**Docket No. 2014-0700-MWD-E**

***Violation Information***

1. Failed to maintain a current operations and maintenance manual at the Facility [30 TEX. ADMIN. CODE § 217.16(c) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014979001, Operational Requirements No. 1].
2. Failed to properly maintain the reduced-pressure principal backflow prevention assembly ("RPBA"). Specifically, the RPBA was leaking and had not been tested and certified as operational [30 TEX. ADMIN. CODE § 217.330].
3. Failed to ensure at all times that the Facility and its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the recommended range for the sludge volume index ("SVI") is 70-150 milligrams per liter ("mg/L") for both aeration basins. However, the SVI was 166.67 mg/L for Aeration Basin No. 1 and 220.39 mg/L for Aeration Basin No. 2. Additionally, the sludge blanket in the clarifier was 7 feet in a 10.5-foot water depth, 67% of the total water depth, and the maximum recommended sludge depth was 25% of the total water depth [30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0014979001, Operational Requirements No. 1].
4. Failed to comply with permitted effluent limitations for ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0014979001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By May 17, 2014, the Respondent repaired and certified the RPBA.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, prepare and maintain an operations and maintenance manual at the Facility.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.
- c. Within 90 days:
  - i. Begin properly maintaining the SVI for all aeration basins at the Facility;
  - ii. Begin properly maintaining the sludge blanket level within the clarifier at the Facility;  
and

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- d. Within 105 days, submit written certification of compliance with c.i and c.ii.
- e. Within 180 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014979001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jason Fraley, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2552; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Ronald Weiss, General Partner, Eastwood Hills Mobile Home Park Limited Partnership, 3000 Town Center, Suite 540, Southfield, Michigan 48075  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	12-May-2014	<b>Screening</b>	13-May-2014	<b>EPA Due</b>	
	<b>PCW</b>	22-May-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Eastwood Hills Mobile Home Park Limited Partnership
<b>Reg. Ent. Ref. No.</b>	RN102183480
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	48696	<b>No. of Violations</b>	4
<b>Docket No.</b>	2014-0700-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Remington Burklund
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,000
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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>	30.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,100
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Notes: Enhancement for two months of self-reported effluent violations and one agreed order with denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$125
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$888
Approx. Cost of Compliance	\$14,700

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,975
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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.

Notes:

<b>Final Penalty Amount</b>	\$8,975
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,975
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,795
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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.

<b>PAYABLE PENALTY</b>	\$7,180
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Screening Date 13-May-2014

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PCW

Respondent Eastwood Hills Mobile Home Park Limited Partners

Policy Revision 4 (April 2014)

Case ID No. 48696

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102183480

Media [Statute] Water Quality

Enf. Coordinator Remington Burkland

### 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> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments 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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations and one agreed order with denial of liability.

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

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 30%

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Respondent Eastwood Hills Mobile Home Park Limited Partnership

Policy Revision 4 (April 2014)

Case ID No. 48696

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102183480

Media [Statute] Water Quality

Enf. Coordinator Remington Burkland

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 217.16(c) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014979001, Operational Requirements No. 1

Violation Description Failed to maintain a current operations and maintenance manual at the Facility, as documented during an investigation conducted on March 12, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,250

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

# Economic Benefit Worksheet

**Respondent** Eastwood Hills Mobile Home Park Limited Partnership  
**Case ID No.** 48696  
**Reg. Ent. Reference No.** RN102183480  
**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				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)	\$500	12-Mar-2014	13-Dec-2014	0.76	\$19	n/a	\$19

Notes for DELAYED costs

Estimated cost to prepare and maintain an operations and maintenance manual at the Facility. Date required is the investigation date. Final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$19

Screening Date 13-May-2014

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PCW

Respondent Eastwood Hills Mobile Home Park Limited Partnership

Policy Revision 4 (April 2014)

Case ID No. 48696

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102183480

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 217.330

Violation Description

Failed to properly maintain the reduced-pressure principal backflow prevention assembly ("RPBA"), as documented during an investigation conducted on March 12, 2014. Specifically, the RPBA was leaking and had not been tested and certified as operational.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

62 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the investigation date (March 12, 2014) to the screening date (May 13, 2014).

Good Faith Efforts to Comply

10.0% Reduction

\$125

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

Notes

The Respondent returned to compliance by May 17, 2014.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

## Economic Benefit Worksheet

**Respondent** Eastwood Hills Mobile Home Park Limited Partnership  
**Case ID No.** 48696  
**Reg. Ent. Reference No.** RN102183480  
**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				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	12-Mar-2014	17-May-2014	0.18	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to repair, test, and certify the RPBA at the Facility. Date required is the investigation date.  
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**

\$1

Screening Date 13-May-2014

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PCW

Respondent Eastwood Hills Mobile Home Park Limited Partnership

Policy Revision 4 (April 2014)

Case ID No. 48696

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102183480

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), TPDES Permit No. WQ0014979001, Operational Requirements No. 1

Violation Description

Failed to ensure at all times that the Facility and its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on March 12, 2014. Specifically, the recommended range for the sludge volume index ("SVI") is 70-150 milligrams per Liter ("mg/L") for both aeration basins. However, the SVI was 166.67 mg/L for Aeration Basin No. 1 and 220.39 mg/L for Aeration Basin No. 2. Additionally, the sludge blanket in the clarifier was 7 feet in a 10.5-foot water depth, 67% of the total water depth, and the maximum recommended sludge depth was 25% of the total water depth.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$750

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$184

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

## Economic Benefit Worksheet

**Respondent** Eastwood Hills Mobile Home Park Limited Partnership  
**Case ID No.** 48696  
**Reg. Ent. Reference No.** RN102183480  
**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
<small>No commas or \$</small>							

### 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)	\$4,000	12-Mar-2014	11-Feb-2015	0.92	\$184	n/a	\$184

Notes for DELAYED costs

Estimated cost to properly operate and maintain the SVI for the aeration basins and the sludge blanket for the clarifier at the Facility. Date required is the investigation date. 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

\$4,000

**TOTAL**

\$184

Screening Date 13-May-2014

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PCW

Respondent Eastwood Hills Mobile Home Park Limited Partnership

Policy Revision 4 (April 2014)

Case ID No. 48696

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102183480

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0014979001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during an investigation conducted on March 12, 2014, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or the environment.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

89 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

Three quarterly events are recommended for the quarters containing the months of September 2013, February 2014, and March 2014.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$684

Violation Final Penalty Total \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

## Economic Benefit Worksheet

**Respondent** Eastwood Hills Mobile Home Park Limited Partnership  
**Case ID No.** 48696  
**Reg. Ent. Reference No.** RN102183480  
**Media** Water Quality  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Sep-2013	11-Feb-2015	1.37	\$684	n/a	\$684

#### Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary adjustments/repairs to the Facility to return to compliance with permitted effluent limitations. Date required is the initial date of noncompliance. 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

\$10,000

**TOTAL**

\$684

**Eastwood Hills Mobile Home Park Limited Partnership**  
**Docket No. 2014-0700-MWD-E**  
**TPDES Permit No. WQ0014979001**

**Effluent Parameter Violation Table**

	<b>Ammonia Nitrogen</b>	
	Daily Average Concentration	Single Grab Concentration
<b>Month/Year</b>	Limit = 3 mg/L	Limit = 15 mg/L
September 2013	5.68	18.69
February 2014	12.4	43
March 12, 2014	c	26.8*

c = compliant

\* = Grab sample taken during the investigation. mg/L = milligrams per liter





Item 3	September 17, 2009	(816021)
Item 4	October 16, 2009	(816022)
Item 5	November 16, 2009	(816023)
Item 6	January 21, 2010	(816024)
Item 7	February 16, 2010	(816017)
Item 8	March 18, 2010	(834822)
Item 9	November 28, 2011	(979707)
Item 10	December 20, 2011	(986561)
Item 11	February 29, 2012	(1000284)
Item 12	March 08, 2012	(1000283)
Item 13	March 15, 2012	(1005801)
Item 14	May 25, 2012	(1018750)
Item 15	June 11, 2012	(1026482)
Item 16	June 22, 2012	(1026483)
Item 17	July 23, 2012	(1033815)
Item 18	October 18, 2012	(1071144)
Item 19	November 16, 2012	(1071145)
Item 20	December 20, 2012	(1071146)
Item 21	January 17, 2013	(1083864)
Item 22	February 14, 2013	(1083863)
Item 23	March 18, 2013	(1091659)
Item 24	April 16, 2013	(1098013)
Item 25	May 10, 2013	(1109055)
Item 26	June 18, 2013	(1112597)
Item 27	July 11, 2013	(1119575)
Item 28	September 16, 2013	(1131838)
Item 29	September 18, 2013	(1127318)
Item 30	November 20, 2013	(1143021)
Item 31	December 16, 2013	(1149428)
Item 32	January 20, 2014	(1155535)
Item 33	February 14, 2014	(1162869)
Item 34	April 17, 2014	(1176655)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |  |             |                          |
|---|--|-------------|--------------------------|
| 1 | Date: 09/30/2013 (1137608)   | CN600689863 |                          |
|   | Self Report? YES   |             | Classification: Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |             |                          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |             |                          |
|   |  |             |                          |
| 2 | Date: 02/28/2014 (1169449)   | CN600689863 |                          |
|   | Self Report? YES   |             | Classification: Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>EASTWOOD HILLS MOBILE</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>HOME PARK LIMITED</b>	<b>§</b>	
<b>PARTNERSHIP</b>	<b>§</b>	
<b>RN102183480</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2014-0700-MWD-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eastwood Hills Mobile Home Park Limited Partnership ("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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 11315 Hillridge Drive in Conroe, Montgomery 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 Executive Director 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 13, 2014.
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 Eight Thousand Nine Hundred Seventy-Five Dollars (\$8,975) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Seven Hundred Ninety-Four Dollars (\$2,794) of the administrative penalty and Two Thousand Seven Hundred Ninety-Five Dollars (\$1,795) 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 Four Thousand Three Hundred Eighty-Six Dollars (\$4,386) of the administrative penalty shall be payable in two annual payments of Two Thousand One Hundred Ninety-Three Dollars (\$2,193) each. The next annual payment shall be paid within 12 months after the effective date of this Agreed Order. The subsequent payment shall be paid not later than 12 months following the due date of the previous payment until paid in full. If the Respondents fail 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 Respondents to meet the payment schedule of this Agreed Order constitutes the failure by the Respondents 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by May 17, 2014, the Respondent repaired and certified the reduced-pressure principal backflow prevention assembly ("RPBA").
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 maintain a current operations and maintenance manual at the Facility, in violation of 30 TEX. ADMIN. CODE § 217.16(c) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014979001, Operational Requirements No. 1, as documented during an investigation conducted on March 12, 2014.
2. Failed to properly maintain the RPBA, in violation of 30 TEX. ADMIN. CODE § 217.330, as documented during an investigation conducted on March 12, 2014. Specifically, the RPBA was leaking and had not been tested and certified as operational.
3. Failed to ensure at all times that the Facility and its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0014979001, Operational Requirements No. 1, as documented during an investigation conducted on March 12, 2014. Specifically, the recommended range for the sludge volume index ("SVI") is 70-150 milligrams per liter ("mg/L") for both aeration basins. However, the SVI was 166.67 mg/L for Aeration Basin No. 1 and 220.39 mg/L for Aeration Basin No. 2. Additionally, the sludge blanket in the clarifier was 7 feet in a 10.5-foot water depth, 67% of the total water depth, and the maximum recommended sludge depth was 25% of the total water depth.
4. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0014979001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on March 12, 2014, and shown in the table below:

<b>Effluent Parameter Violation Table</b>		
	<b>Ammonia Nitrogen</b>	
	Daily Average Concentration	Single Grab Concentration
<b>Month/Year</b>	Limit = 3 mg/L	Limit = 15 mg/L
September 2013	5.68	18.69
February 2014	12.4	43
March 12, 2014	c	26.8*

c = compliant

\* = Grab sample taken during the investigation.

mg/L = milligrams per liter

### 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: Eastwood Hills Mobile Home Park Limited Partnership, Docket No. 2014-0700-MWD-E" to:

Financial Administration Division, Revenue Operations 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, prepare and maintain an operations and maintenance manual at the Facility, in accordance with 30 TEX. ADMIN. CODE § 217.16 and TPDES Permit No. WQ0014979001;
  - 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.f below.
  - c. Within 90 days after the effective date of this agreed order:
    - i. Begin properly maintaining the SVI for all aeration basins at the Facility, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0014979001; and
    - ii. Begin properly maintaining the sludge blanket level within the clarifier at the Facility, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0014979001.
  - d. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.c.i through 2.c.ii, in accordance with Ordering Provision No. 2.f below.
  - e. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014979001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reporting discharge monitoring reports ("DMRs"), demonstrating at least three consecutive months of compliance with all permitted effluent limitations, in accordance with Ordering Provision No. 2.f below.
  - f. The certifications required by Ordering Provision Nos. 2.b, 2.d, and 2.e shall be notarized by a State of Texas Notary Public, include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Pam Martin*  
For the Executive Director

7/17/15  
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.

*[Signature]*  
Signature

3/31/15  
Date

RONALD K. WEISS  
Name (Printed or typed)  
Authorized Representative of  
Eastwood Hills Mobile Home Park Limited Partnership

GENERAL PARTNER  
Title

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