

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1114-MWD-E **TCEQ ID:** RN101714897 **CASE NO.:** 30598
RESPONDENT NAME: MHC TT, Inc. dba Thousand Trails Lake Tawakoni

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input checked="" type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Thousand Trails Lake Tawakoni wastewater treatment plant, located approximately one mile west of Farm-to-Market Road 47 and approximately 1.15 miles south of Farm-to-Market Road 35, Rains County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4490; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Mr. Brandon Love, Tyler Regional Office, MC R-05, (903) 535-5137

Respondent: Mr. Brad Nelson, Vice President of Operations, MHC TT, Inc. dba Thousand Trails Lake Tawakoni, P.O. Box 2529, Frisco, Texas 75034

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 22, 2006</p> <p>Date of NOE Relating to this Case: July 10, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to submit an application for the renewal of the wastewater permit which expired on March 1, 2006 [30 TEX. ADMIN. CODE §§ 305.42(a) and 305.63(a) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12861001, Permit Conditions No. 4.c].</p> <p>2) Failed to comply with daily average total suspended solids permitted effluent limit of 15 milligrams per liter (mg/L) in the months ending May 31, 2005, January 31, 2006, and February 28, 2006, reporting 17.7 mg/L, 16.1 mg/L, and 21.4 mg/L, respectively [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 12861001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$14,350</p> <p>Total Deferred: \$2,870 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$11,480</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit application;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;</p> <p>c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of expired TPDES Permit No. 12861001;</p> <p>d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and</p> <p>e. The certification required in Ordering Provisions c. and d. shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision May 19, 2005



DATES	Assigned	17-Jul-2006	Screening	01-Aug-2006	EPA Due	
	PCW	01-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	MHC TT, Inc. dba Thousand Trails Lake Tawakoni
Reg. Ent. Ref. No.	RN101714897
Facility/Site Region	5-Tyler
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30598	No. of Violations	2
Docket No.	2006-1114-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp
Multi-Media		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

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

Compliance History 105% Enhancement Subtotals 2, 3, & 7 \$7,350

Notes: The penalty is enhanced because the Respondent self-reported 17 months of effluent violations that are the same or similar to those cited in this action and was issued one Agreed Order containing a denial of liability.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	X	(mark with a small x)

Notes: The Respondent does not meet the good faith criteria.

Economic Benefit 0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$166	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$2,600	

SUM OF SUBTOTALS 1-7 Final Subtotal \$14,350

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$14,350

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$14,350

DEFERRAL 20% Reduction Adjustment -\$2,870

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 \$11,480

Screening Date	01-Aug-2006	Docket No.	2006.1114-MWD-E	PCW
Respondent	MHC TT, Inc. dba Thousand Trails Lake Tawakoni	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30598	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101714897			
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 NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	17	85%
	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 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</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%
Other	<i>Please Enter Yes or No</i>		
	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) 105%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

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

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes

The penalty is enhanced because the Respondent self-reported 17 months of effluent violations that are the same or similar to those cited in this action and was issued one Agreed Order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 105%

Screening Date	01-Aug-2006	Docket No.	2006-1114-MWD-E	PCW
Respondent	MHC TT, Inc. dba Thousand Trails Lake Tawakoni	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30598	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101714897			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 305.42(a) and 305.63(a); TPDES Permit No. 12861001, Permit Conditions No. 4.c			
Secondary Rule Cite(s)				
Violation Description	Failure to submit an application for the renewal of the wastewater permit which expired on March 1, 2006, as documented during the March 22, 2006 investigation.			
Base Penalty				\$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text"/>
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
			X			Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty

Five monthly events are recommended from the permit expiration date (March 1, 2006) to the screening date (August 1, 2006).

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: MHC TT, Inc. dba Thousand Trails Lake Tawakoni
 Case ID No: 30598
 Reg. Ent. Reference No: RN101714897
 Media [Statute]: 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,000	01-Mar-2006	10-Apr-2007	1.1	\$111	n/a	\$111
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The cost is the estimated administrative cost and permit application fee associated with an application for a permit. Date required is the date the permit expired and the final date is the date a new permit is expected to be issued.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$2,000**

TOTAL \$111

Screening Date	01-Aug-2006	Docket No.	2006-1114-MWD-E	PCW
Respondent	MHC TT, Inc. dba Thousand Trails Lake Tawakoni	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30598	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101714897			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			
Violation Number	2			
Primary Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 12861001, Effluent Limitations and Monitoring Requirements No. 1			
Secondary Rule Cite(s)				
Violation Description	Failure to comply with daily average total suspended solids permitted effluent limit of 15 milligrams per liter (mg/L) in the months ending May 31, 2005, January 31, 2006, and February 28, 2006, reporting 17.7 mg/L, 16.1 mg/L, and 21.4 mg/L, respectively.			
Base Penalty				\$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent <input type="text" value="10%"/>
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification					Percent <input type="text"/>

Matrix Notes: As a result these effluent violations, human health or the environment was exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
single event		

Violation Base Penalty

Two quarters are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$55"/>	Violation Final Penalty Total <input type="text" value="\$4,100"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,100"/>	

Economic Benefit Worksheet

Respondent: MHC TT, Inc. dba Thousand Trails Lake Tawakoni
 Case ID No: 30598
 Reg. Ent. Reference No: RN101714897
 Media [Statute]: 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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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$600	31-May-2005	31-Mar-2007	1.8	\$55	n/a	\$55

Notes for DELAYED costs: Cost is estimate for labor associated with determination of the necessary corrective action to take in order to return to compliance with effluent limitations. Date required is the first documented violation 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				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$600

TOTAL \$55

Compliance History

Customer/Respondent/Owner-Operator: CN600918718 MHC TT, Inc. Classification: AVERAGE Rating: 6.33
Regulated Entity: RN101714897 THOUSAND TRAILS LAKE Classification: AVERAGE Site Rating: 2.46
TAWAKONI
ID Number(s): WASTEWATER PERMIT WQ0012861001
WASTEWATER PERMIT TPDES0097675
WASTEWATER LICENSING LICENSE WQ0012861001
Location: Approx. one mile west of FM 47 and approx. 1.15 miles s. of FM 35
Rains County Rating Date: 9/1/2005 Repeat Violator: NO
TCEQ Region: REGION 05 - TYLER
Date Compliance History Prepared: August 01, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 01, 2001 to August 01, 2006
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Merrilee G. Hupp Phone: 512-239-4490

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/22/2004 ADMINORDER 2003-0128-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Not specified PERMIT

Description: Failure to comply with the permitted effluent limits.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: M&R7 PERMIT

Description: Failure to report effluent violations deviating from permitted limits.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CEDS Inv. Track. No.)

- 1 03/20/2006 (478460)
- 2 10/26/2005 (478461)
- 3 11/18/2005 (478462)
- 4 01/21/2003 (217880)
- 5 12/19/2005 (478463)
- 6 01/17/2006 (478464)
- 7 01/22/2002 (217879)
- 8 02/28/2005 (388018)
- 9 03/21/2005 (388019)
- 10 11/22/2004 (388020)
- 11 12/20/2002 (217877)
- 12 12/20/2004 (388021)
- 13 01/26/2005 (388022)

14 12/15/2001 (217876)
15 11/25/2002 (217875)
16 12/03/2001 (217874)
17 02/23/2004 (320558)
18 10/25/2002 (217872)
19 07/06/2004 (362999)
20 03/15/2004 (320559)
21 06/28/2004 (363000)
22 04/26/2004 (320560)
23 12/03/2001 (217871)
24 08/02/2004 (363001)
25 05/19/2003 (320561)
26 08/02/2004 (363002)
27 09/20/2002 (217869)
28 09/20/2004 (363003)
29 06/16/2003 (320562)
30 10/18/2004 (363004)
31 12/03/2001 (217868)
32 07/15/2003 (320563)
33 08/05/2003 (320564)
34 08/19/2002 (217866)
35 09/19/2003 (320565)
36 05/21/2004 (285846)
37 12/03/2001 (217865)
38 10/27/2003 (320566)
39 11/20/2003 (320567)
40 07/19/2002 (217863)
41 12/23/2003 (320568)
42 01/20/2004 (320569)
43 12/03/2001 (217862)
44 06/25/2002 (217860)
45 04/26/2005 (425649)
46 12/03/2001 (217859)
47 05/16/2005 (425650)
48 06/24/2005 (425651)
49 05/20/2002 (217857)
50 06/06/2005 (394694)
51 09/27/2002 (217855)
52 04/22/2003 (217854)
53 07/19/2002 (217853)
54 09/27/2002 (217852)
55 03/18/2002 (217849)
56 12/09/2003 (254415)
57 02/24/2003 (217847)
58 02/19/2002 (217846)
59 07/10/2006 (466392)
60 07/22/2005 (446167)
61 09/06/2005 (446168)
62 09/26/2005 (446169)
63 02/04/2003 (IE0018726001001)
64 01/03/2003 (19670)
65 02/17/2006 (478459)

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

Date: 01/31/2006 (478459)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2006 (478460)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2001 (217879)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2002 (217877)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2001 (217876)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2001 (217874)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2001 (217871)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2001 (217868)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2003 (320561)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2003 (320562)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2002 (217860)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter.
Date: 04/30/2002 (217857)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2005 (425651)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2002 (217853)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2002 (217849)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter.
Date: 01/31/2003 (217847)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2002 (217846)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MHC TT, INC. DBA THOUSAND
TRAILS LAKE TAWAKONI
RN101714897**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-1114-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 MHC TT, Inc. dba Thousand Trails Lake Tawakoni ("MHC") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and MHC appear before the Commission and together stipulate that:

1. MHC owns a wastewater treatment facility located approximately one mile west of Farm-to-Market Road 47 and approximately 1.15 miles south of Farm-to-Market Road 35 in Rains County, Texas (the "Facility").
2. MHC has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and MHC agree that the Commission has jurisdiction to enter this Agreed Order, and that MHC is subject to the Commission's jurisdiction.
4. MHC received notice of the violations alleged in Section II ("Allegations") on or about July 15, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by MHC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Three Hundred Fifty Dollars (\$14,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). MHC has paid Eleven Thousand Four Hundred Eighty Dollars (\$11,480) of the administrative penalty and Two Thousand Eight Hundred Seventy Dollars (\$2,870) is deferred contingent upon MHC'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 MHC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require MHC to pay all or part of the deferred penalty.

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 MHC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 MHC has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 of the Facility, MHC is alleged to have:

1. Failed to submit an application for the renewal of the wastewater permit which expired on March 1, 2006, in violation of 30 TEX. ADMIN. CODE §§ 305.42(a) and 305.63(a) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12861001, Permit Conditions No. 4.c., as documented during an investigation conducted on March 22, 2006.
2. Failed to comply with daily average total suspended solids permitted effluent limit of 15 milligrams per liter (mg/L) in the months ending May 31, 2005, January 31, 2006, and February 28, 2006, reporting 17.7 mg/L, 16.1 mg/L, and 21.4 mg/L, respectively, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 12861001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on March 22, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that MHC pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and MHC'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: MHC TT, Inc. dba Thousand Trails Lake Tawakoni, Docket No. 2006-1114-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 MHC shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit application, in accordance with 30 TEX. ADMIN. CODE ch. 305 to:

Water Quality Applications Team, Permits Administrative Review Section
Registration, Review and Reporting Division, MC 161
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
 - c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of expired TPDES Permit No. 12861001;
 - d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and
 - e. The certification required in Ordering Provisions 2.c. and 2.d. shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

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"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 fine 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:

Manager, Water Section
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon MHC. MHC 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 MHC 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, MHC's failure to comply is not a violation of this Agreed Order. MHC shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. MHC shall notify the Executive Director within seven days after MHC 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 MHC shall be made in writing to the Executive Director. Extensions are not effective until MHC 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 MHC 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to MHC, or three days after the date on which the Commission mails notice of the Order to MHC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

2/8/07
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, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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


Signature

10-15-06
Date

BRAD NELSON
Name (Printed or typed)
Authorized Representative of
MHC TT, Inc. dba Thousand Trails Lake Tawakoni

Vice 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.

1/19/92

W. H. C. C.

Dear Mr. [Name],
I have your letter of [Date] regarding [Subject].
I am sorry that I cannot give you a more definite answer at this time.
The matter is still under consideration and I will contact you again as soon as a final decision has been reached.
Thank you for your patience and understanding.

Very truly yours,
[Signature]

[Name]
[Title]
[Address]
[City, State, Zip]

Enclosed for you are [Number] copies of [Document Name].
If you have any questions, please contact me at [Phone Number].