

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-0967-PWS-E **TCEQ ID:** RN101442259 **CASE NO.:** 36047

**RESPONDENT NAME:** Cottonwood Creek MHP, L.P.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Cottonwood Creek Mobile Home Park, 500 Boye Street, Lancaster, Dallas County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 1, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Amanda Henry, Enforcement Division, Enforcement Team 1, MC R-12, (713) 767-3672;                      Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Rudy Oeffering, Owner, Cottonwood Creek MHP, L.P., 500 Boye Street, Lancaster, Texas 75146  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 13, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 9, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to secure a sanitary control easement covering all property within 150 feet of Well No. 1 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>2) Failure to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities [30 TEX. ADMIN. CODE § 290.39(j)(1)].</p> <p>3) Failure to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to calibrate the water system's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>5) Failure to initiate maintenance and housekeeping practices in a manner as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>6) Failure to provide facilities for determining the amount of disinfectant used daily as well as the amount of</p>	<p><b>Total Assessed:</b> \$993</p> <p><b>Total Deferred:</b> \$198  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$795</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On June 17, 2008, calibrated the water system's well meter; and</p> <p>b. On June 18, 2008, submitted documentation showing that the ant mound was removed at Well No. 1.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit for review and approval, detailed and properly sealed engineering plans and specifications of the two 10,000 gallon ground storage tanks installed at the water system.</p> <p>b. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a;</p> <p>ii. Secure a sanitary control easement covering land within 150 feet of Well No. 1; and</p> <p>iii. Provide adequate facilities for determining the amount of disinfectant used daily as well as the amount of disinfectant remaining for use, including but not limited to providing a functional chlorine scale that is free of rust and corrosion.</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b.ii and b.iii.</p>

<p>disinfectant remaining for use [30 TEX. ADMIN. CODE § 290.42(e)(3)(D)].</p>		<p>d. Within 180 days after the effective date of this Agreed Order, provide a pressure tank capacity of 20 gallons per connection.</p> <p>e. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d.</p>
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Additional ID No(s): PWS ID No. 0570094





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	13-May-2008	<b>Screening</b>	3-Jun-2008	<b>EPA Due</b>	
	<b>PCW</b>	13-Jun-2008				

RESPONDENT/FACILITY INFORMATION	
<b>Respondent</b>	Cottonwood Creek MHP, L.P.
<b>Reg. Ent. Ref. No.</b>	RN101442259
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

CASE INFORMATION			
<b>Enf./Case ID No.</b>	36047	<b>No. of Violations</b>	6
<b>Docket No.</b>	2008-0967-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Amanda Henry
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1:</b>	\$550
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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>	71.0% Enhancement <b>Subtotals 2, 3, &amp; 7:</b> \$390

**Notes:** Enhancement is due to one prior Notice of Violation ("NOV") with same or similar violations as those in the current enforcement action, 23 prior NOV's with dissimilar violations and one prior agreed final enforcement order containing a 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</b>	0.0% Reduction	<b>Subtotal 5:</b>	\$0
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	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.

	0.0% Enhancement*	<b>Subtotal 6:</b>	\$0
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<b>Total EB Amounts</b>	\$535	*Capped at the Total EB \$ Amount
<b>Approx. Cost of Compliance</b>	\$5,550	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$940
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	5.6%	<b>Adjustment:</b>	\$53
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes:** The enhancement is recommended to recover the avoided costs of compliance.

<b>Final Penalty Amount</b>	\$993
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$993
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment:</b>	-\$198
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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>	\$795
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**PCW**

**Screening Date** 3-Jun-2008

**Docket No.** 2008-0967-PWS-E

**Respondent** Cottonwood Creek MHP, L.P.

Policy Revision 2 (September 2002)

**Case ID No.** 36047

PCW Revision April 29, 2008

**Reg. Ent. Reference No.** RN101442259

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Amanda Henry

**Compliance History Worksheet**

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	23	46%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 71%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement is due to one prior Notice of Violation ("NOV") with same or similar violations as those in the current enforcement action, 23 prior NOVs with dissimilar violations and one prior agreed final enforcement order containing a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 71%

<b>Screening Date</b> 3-Jun-2008	<b>Docket No.</b> 2008-0967-PWS-E	<b>PCW</b>
<b>Respondent</b> Cottonwood Creek MHP, L.P.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36047	<i>PCW Revision April 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101442259		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Amanda Henry		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(1)(F)	
<b>Violation Description</b>	Failed to secure a sanitary control easement covering all property within 150 feet of Well No. 1.	
<b>Base Penalty</b>		\$1,000

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

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
				<b>Percent</b> <input type="text" value="5%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to secure a sanitary control easement could expose customers of the water supply to insignificant amounts of pollutants which would not exceed levels that are protective of human health.				

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>

*mark only one with an x*

**Violation Base Penalty**

One single event is recommended.

**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:** Cottonwood Creek MHP, L.P.

**Case ID No.:** 36047

**Reg. Ent. Reference No.:** RN101442259

**Media:** Public Water Supply

**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)	\$150	13-Mar-2008	28-Feb-2009	0.96	\$7	n/a	\$7

Notes for DELAYED costs

The delayed cost includes the amount necessary to secure a sanitary control easement covering land within 150 feet of Well No. 1. The date required is the date of the investigation. The final date is the estimated compliance date.

### 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

\$150

**TOTAL**

\$7

Screening Date 3-Jun-2008

Docket No. 2008-0967-PWS-E

PCW

Respondent Cottonwood Creek MHP, L.P.

Policy Revision 2 (September 2002)

Case ID No. 36047

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN101442259

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number

Rule Cite(s)

Violation Description

Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, at the time of the investigation, it was documented that the Respondent failed to provide notification of two 10,000 gallon ground storage tanks.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Two single events are recommended (one event for each tank).

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** Cottonwood Creek MHP, L.P.

**Case ID No.** 36047

**Reg. Ent. Reference No.** RN101442259

**Media** Public Water Supply

**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
<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	\$100	13-Mar-2008	31-Jan-2009	0.89	\$0	\$6	\$6
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide notification of the significant changes to the water system. The date required is the investigation date. The final date is the estimated compliance date.

### 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**

\$6

**Screening Date** 3-Jun-2008 **Docket No.** 2008-0967-PWS-E **PCW**

**Respondent** Cottonwood Creek MHP, L.P. *Policy Revision 2 (September 2002)*

**Case ID No.** 36047 *PCW Revision April 29, 2008*

**Reg. Ent. Reference No.** RN101442259

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Amanda Henry

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(F)(iv) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**  
 Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, the system was providing a pressure tank capacity of 1,000 gallons; however, the water system is required to provide a pressure tank capacity of 1,780 gallons for the system's 89 connections, which is a 44% deficiency.

**Base Penalty**

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

OR

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

**>> Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**  
 Failing to provide adequate pressure tank capacity may result in low pressure and loss of tank integrity which could expose customers to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment**

**Violation Events**

**Number of Violation Events**  **Number of violation days**

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended, calculated from the investigation date, March 13, 2008, to the screening date, June 3, 2008.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$455"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$181"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$181"/>	

## Economic Benefit Worksheet

**Respondent:** Cottonwood Creek MHP, L.P.

**Case ID No.:** 36047

**Reg. Ent. Reference No.:** RN101442259

**Media:** Public Water Supply

**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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Delayed Costs							
Equipment	\$5,000	13-Mar-2008	30-Jun-2009	1.30	\$22	\$433	\$455
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:** The delayed costs include the amount to provide a pressure tank capacity of 20 gallons per connection. The date required is the investigation date. The final date is the estimated compliance date.

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:**

<b>Approx. Cost of Compliance</b>	\$5,000	<b>TOTAL</b>	\$455
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<b>Screening Date</b> 3-Jun-2008	<b>Docket No.</b> 2008-0967-PWS-E	<b>PCW</b>
<b>Respondent</b> Cottonwood Creek MHP, L.P.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36047	<i>PCW Revision April 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101442259		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Amanda Henry		
<b>Violation Number</b>	4	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(s)(1)	
<b>Violation Description</b>	Failed to calibrate the the water system's well meter at least once every three years.	
<b>Base Penalty</b>		\$1,000

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

<b>OR</b>	<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>	
	<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
	<b>Potential</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Percent</b>	5%

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b>	0%

**Matrix Notes**  
 Failure to calibrate well meters could possibly contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

**Adjustment** \$950

\$50

**Violation Events**

**Number of Violation Events**  **Number of violation days**

*mark only one with an x*

daily	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty** \$50

One single event is recommended.

**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** Cottonwood Creek MHP, L.P.

**Case ID No.** 36047

**Reg. Ent. Reference No.** RN101442259

**Media** Public Water Supply

**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**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]	\$50	30-Oct-2007	13-Mar-2008	1.29	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to have the well meter calibrated. The date required is the date of ownership change. Final date is the Investigation date.

Approx. Cost of Compliance

\$50

**TOTAL**

\$53

<b>Screening Date</b> 3-Jun-2008	<b>Docket No.</b> 2008-0967-PWS-E	<b>PCW</b>
<b>Respondent</b> Cottonwood Creek MHP, L.P.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36047	<i>PCW Revision April 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101442259		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Amanda Henry		
<b>Violation Number</b> <input type="text" value="5"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)	
<b>Violation Description</b>	Failed to initiate maintenance and housekeeping practices in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water. Specifically, at the time of the investigation, it was documented that an extremely large fire ant hill was covering parts of the well casing.	
<b>Base Penalty</b>	<input type="text" value="\$1,000"/>	

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	<b>Actual</b>	<input type="text"/>	<input type="text"/>		<input type="text"/>
	<b>Potential</b>	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="5%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>				
		Major	Moderate		Minor
		<input type="text"/>	<input type="text"/>		<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>	
<b>Matrix Notes</b>	Failure to maintain the Facility's grounds could allow insects and other pollutants to enter the water supply exposing customers to an insignificant amount of contaminants which would not exceed levels protective of human health.				

**Adjustment**

**Violation Events**

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="82"/>	Number of violation days												
mark only one with an x <table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	<b>Violation Base Penalty</b> <input type="text" value="\$50"/>	
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text" value="x"/>													
One single event is recommended.														

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$90"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$90"/>	

## Economic Benefit Worksheet

**Respondent:** Cottonwood Creek MHP, L.P.

**Case ID No.** 36047

**Reg. Ent. Reference No.** RN101442259

**Media:** Public Water Supply

**Violation No.** 5

<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				
<b>Delayed Costs</b>											
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)	\$50	13-Mar-2008	18-Jun-2008	0.27	\$1	n/a	\$1				
<p><b>Notes for DELAYED costs</b></p> <p style="text-align: center;">The delayed cost includes the amount necessary to remove the ant mound at the well. The required date is the investigation date. The final date is the compliance date.</p>											
<b>Avoided Costs</b>											
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>											
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				
<p><b>Notes for AVOIDED costs</b></p>											
<p><b>Approx. Cost of Compliance</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;"></td> <td style="width: 20%; text-align: right; border: 1px solid black;">\$50</td> <td style="width: 20%; text-align: center;"><b>TOTAL</b></td> <td style="width: 20%; text-align: right; border: 1px solid black;">\$1</td> </tr> </table>									\$50	<b>TOTAL</b>	\$1
	\$50	<b>TOTAL</b>	\$1								

Screening Date 3-Jun-2008

Docket No. 2008-0967-PWS-E

PCW

Respondent Cottonwood Creek MHP, L.P.

Policy Revision 2 (September 2002)

Case ID No. 36047

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN101442259

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="X"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

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:** Cottonwood Creek MHP, L.P.

**Case ID No.:** 36047

**Reg. Ent. Reference No.:** RN101442259

**Media:** Public Water Supply

**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	---	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment	\$200	13-Mar-2008	28-Feb-2009	0.96	\$1	\$13	\$14
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

The delayed cost includes the amount necessary to provide a functional chlorine scale for the determination of the amount of disinfectant used daily. The date required is the investigation date. The final date is the estimated compliance date.

**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

\$200

**TOTAL:**

\$14

# Compliance History

Customer/Respondent/Owner-Operator: CN603378274 Cottonwood Creek MHP, L.P. Classification: AVERAGE Rating: 5.24

Regulated Entity: RN101442259 COTTONWOOD CREEK MOBILE HOME PARK Classification: AVERAGE Site Rating: 5.24

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0570094  
 WASTEWATER PERMIT WQ0014351001  
 WASTEWATER PERMIT TPDES0124931  
 WASTEWATER PERMIT TX0124931  
 WASTEWATER PERMIT TPDES1435101  
 WATER LICENSING LICENSE 0570094

Location: 500 BOYE ST, LANCASTER, TX, 75146

TCEQ Region: REGION 04 - DFW METROPLEX Rating Date: 9/1/2007 Repeat Violator: NO

Date Compliance History Prepared: June 25, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 25, 2003 to June 25, 2008

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

Name: Amanda Henry Phone: 713-767-3672

### 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? Yes
3. If Yes, who is the current owner? Cottonwood Creek MHP, L.P
4. If Yes, who was/were the prior owner(s)? Rudy Oeftering
5. When did the change(s) in ownership occur? 10/30/2007

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- |     |  |                            |
|-----|--|----------------------------|
| N/A | Effective Date: 12/21/2003   | ADMINORDER 2002-0402-MWD-E |
|     | Classification: Minor  |                            |
|     | Citation: 2D TWC Chapter 26, SubChapter A 26.034<br>30 TAC Chapter 290, SubChapter E 290.51(a)(3)  |                            |
|     | Description: Failed to pay Public Health Service Fees for fiscal year 2002.  |                            |
|     | Classification: Moderate   |                            |
|     | Citation: TWC Chapter 26 26.121  |                            |
|     | Description: Failed to prevent unauthorized discharges of raw sewage into Cottonwood Creek and onto the ground as documented during investigations conducted on November 6, 2001, November 8, 2001, December 3, 2001, and March 5, 2002. |                            |
|     | Classification: Moderate   |                            |
|     | Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)  |                            |
|     | Description: Failed to report unauthorized discharges as soon as possible and not later than 24 hrs after the occurrence.  |                            |

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 08/19/2003 (146103)

N/A

2 01/10/2005 (506909)  
 3 02/09/2005 (506907)  
 4 04/11/2005 (428155)  
 5 04/21/2005 (378008)  
 6 05/18/2005 (428151)  
 7 05/18/2005 (428152)  
 8 05/18/2005 (428153)

9 06/08/2005 (395020)  
 10 06/09/2005 (428154)  
 11 07/20/2005 (448117)  
 12 08/19/2005 (448118)  
 13 11/23/2005 (437192)  
 14 03/01/2006 (493675)  
 15 03/01/2006 (493677)  
 16 03/01/2006 (493678)  
 17 03/01/2006 (493679)  
 18 03/01/2006 (493680)  
 19 03/01/2006 (506908)  
 20 03/16/2006 (493676)  
 21 03/28/2006 (454668)  
 22 06/06/2006 (481412)  
 23 06/06/2006 (481386)  
 24 06/29/2006 (508647)  
 25 07/21/2006 (487649)  
 26 09/07/2006 (489586)  
 27 02/28/2007 (542340)  
 28 03/05/2007 (633311)  
 29 03/05/2007 (633312)  
 30 03/05/2007 (633313)  
 31 03/05/2007 (633314)  
 32 03/05/2007 (633315)  
 33 03/05/2007 (633316)  
 34 03/05/2007 (633317)  
 35 03/05/2007 (633318)  
 36 03/05/2007 (633319)  
 37 03/05/2007 (633320)  
 38 03/05/2007 (633321)  
 39 03/05/2007 (633322)  
 40 05/05/2008 (640899)

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

Date	12/31/2004	(506909)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2005	(506907)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2005	(428151)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2005	(428152)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/20/2005	(378008)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)			

Description: Failure to adequately maintain the clarifier and chlorine contact chamber.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to comply with the effluent permit limits for chlorine residual and TSS.  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to calibrate the flow meter annually.  
 Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to comply with the effluent permit limits from 11/03 thru 02/2005  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to accurately complete and submit in a timely manner the effluent quality data.

Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to prevent the buildup of sludge in the receiving stream.  
 Date 04/30/2005 (428153)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date 05/31/2005 (428154)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date 08/31/2005 (493677)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date 09/30/2005 (506908)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date 11/23/2005 (437192)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
 Description: Failure to adopt an adequate plumbing ordinance, regulations or a service agreement with provisions for proper enforcement. Potential cross-connections or other undesirable plumbing practices must be prohibited.

Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
 Description: Failure to make available sanitary control easements for well #1 (G0570094A) at the time of inspection.

Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
 Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
 Description: Failure to provide a plant operations manual.

Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
 Description: Failure to secure the services of a registered professional engineer to assist in the preparation of plans and specifications prior to the construction of any major improvements to the regulated entity's facilities.

Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(iv)  
 5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a pressure tank capacity of 20 gallons per connection.  
Date 11/30/2005 (493679)  
Self Report? YES Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
Date 12/31/2005 (493680)  
Self Report? YES Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
Date 02/28/2006 (493676)  
Self Report? YES Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
Date 03/24/2006 (454668)  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.4(d)

Description: Failure to maintain treatment units.  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to comply with the minimum effluent chlorine limit of 1.0 mg/l.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to comply with effluent permit limits.  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to submit accurately completed Discharge Monitoring Reports.  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to submit required noncompliance notifications for effluent violations to the region and central offices.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to prevent the discharge of excess solids to the receiving stream.  
Date 03/31/2006 (633313)  
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 04/30/2006 (633314)  
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 05/31/2006 (633315)  
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 06/29/2006 (508647)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 06/30/2006 (633316)  
 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 07/31/2006 (633317)  
 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 08/31/2006 (633318)  
 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 10/31/2006 (633320)  
 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 11/30/2006 (633321)  
 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 01/31/2007 (633311)  
 Self Report? YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
COTTONWOOD CREEK MHP, L.P.  
RN101442259**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0967-PWS-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 Cottonwood Creek MHP, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 public water supply at 500 Boye Street in Lancaster, Dallas County, Texas (the "Facility") that has approximately 89 service connections and serves at least 25 people per day for at least 60 days per year.
2. 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.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 14, 2008.
4. 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.
5. An administrative penalty in the amount of Nine Hundred Ninety-Three Dollars (\$993) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Hundred Ninety-Five Dollars (\$795) of the administrative penalty and One Hundred Ninety-Eight Dollars (\$198) 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.

6. 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.
7. The Executive Director of the TCEQ and the Respondent has agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On June 17, 2008, calibrated the water system's well meter; and
  - b. On June 18, 2008 submitted documentation showing that the ant mound was removed at Well No. 1.
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 the Respondent 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 and operator of the Facility, the Respondent is alleged to have:

1. Failed to secure a sanitary control easement covering all property within 150 feet of Well No. 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on March 13, 2008.
2. Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1), as documented during an investigation conducted on March 13, 2008.
3. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on March 13, 2008.
4. Failed to calibrate the water system's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on March 13, 2008.



5. Failed to initiate maintenance and housekeeping practices in a manner as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on March 13, 2008.
6. Failed to provide facilities for determining the amount of disinfectant used daily as well as the amount of disinfectant remaining for use, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(D), as documented during an investigation conducted on March 13, 2008.

### 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 5 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: Cottonwood Creek MHP, L.P., Docket No. 2008-0967-PWS-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, submit for review and approval, detailed and properly sealed engineering plans and specifications of the two 10,000 gallon ground storage tanks installed at the water system, accordance with 30 TEX. ADMIN. CODE § 290.39. The plans shall be submitted to:

Technical Review and Oversight Team  
Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 60 days after the effective date of this Agreed Order:



- i. Submit written certification as described in 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
  - ii. Secure a sanitary control easement covering land within 150 feet of Well No. 1, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
  - iii. Provide adequate facilities for determining the amount of disinfectant used daily as well as the amount of disinfectant remaining for use, including but not limited to providing a functional chlorine scale that is free of rust and corrosion.
- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described in 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii and 2.b.iii.
- d. Within 180 days after the effective date of this Agreed Order, provide a pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- e. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. 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 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 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:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951



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. 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.
5. 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.
6. 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.
7. 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

*John S. Miller*  
For the Executive Director

12/08/2008  
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.

*Rudy Oeftering*  
Signature

9-10-08  
Date

RUDY OEFTERING  
Name (Printed or typed)  
Authorized Representative of  
Cottonwood Creek MHP, L.P.

PARTNER  
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.

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