

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1376-PWS-E **TCEQ ID:** RN101176915 **CASE NO.:** 36389
RESPONDENT NAME: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park

ORDER TYPE:		
<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	

CASE TYPE:		
<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

SITE WHERE VIOLATION(S) OCCURRED: Sun Valley Mobile Home Park, 137 Private Road 1101, Erath County

TYPE OF OPERATION: Public water supply

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 February 16, 2009. No comments were received.

CONTACTS AND MAILING LIST:

- TCEQ Attorney/SEP Coordinator:** None
- TCEQ Enforcement Coordinator:** Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5610; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387
- Respondent:** Mr. Charles K. Clarkson, Owner, Sun Valley Mobile Home Park, 137 Private Road 1101, Stephenville, Texas 76401
- 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(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 10, 2008</p> <p>Date of NOV/NOE Relating to this Case: July 30, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to conduct monthly source assessment raw water monitoring of the well [30 TEX. ADMIN. CODE §§ 290.46(b) and 290.109(c)(4)(E)].</p> <p>2) Failure to maintain public water system operating records in an organized manner, with copies kept on file or stored electronically and made accessible for review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(1), (f)(3)(A)(i)(III), (f)(3)(A)(iv), and (f)(3)(B)(iii)].</p> <p>3) Failure to inspect the Facility's pressure tank annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>4) Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>5) Failure to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>6) Failure to provide two or more service pumps having a capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii)].</p>	<p>Total Assessed: \$5,146</p> <p>Total Deferred: \$1,029 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$127 (remaining \$3,990 due in 35 monthly payments of \$114 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <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. Immediately upon the effective date of this Agreed Order, begin submitting raw water samples for bacteriological analysis at least once per month.</p> <p>b. Within 30 days after the effective date of the Agreed Order:</p> <p>i. Conduct an inspection of the pressure tank;</p> <p>ii. Develop and begin maintaining an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies; and</p> <p>iii. Develop and begin maintaining all water works operation records for the Facility, including but not limited to, a record of the dates the dead-end mains were flushed, a record of the amount of chemicals used each week, and a record of disinfectant residual monitoring.</p> <p>c. Within 45 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 a. and b.</p> <p>d. Within 180 days after the effective date of the Agreed Order:</p> <p>i. Provide a minimum of two service pumps with a minimum capacity of 2.0 gpm per connection; and</p> <p>ii. Provide a total storage capacity of 200 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>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned	4-Aug-2008		
	PCW	21-Aug-2008	Screening	13-Aug-2008
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park
Reg. Ent. Ref. No.	RN101176915
Facility/Site Region	4-Stephenville
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36389	No. of Violations	6
Docket No.	2008-1376-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,300
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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.

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$215
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Notes Enhancement is due to one NOV with the same or similar violations as those in the current enforcement action.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$4,124
Approx. Cost of Compliance \$13,730
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,515
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OTHER FACTORS AS JUSTICE MAY REQUIRE	14.0%	Adjustment	\$631
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement recommended for recovery of avoided cost of compliance.

Final Penalty Amount	\$5,146
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,146
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,029
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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.

PAYABLE PENALTY	\$4,117
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Screening Date 13-Aug-2008

Docket No. 2008-1376-PWS-E

PCW

Respondent Clarkson Energy Homes Inc. dba Sun Valley Mobile Hom

Policy Revision 2 (September 2002)

Case ID No. 36389

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101176915

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

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

Adjustment Percentage (Subtotal 2) 5%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement is due to one NOV with the same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 13-Aug-2008 **Docket No.** 2008-1376-PWS-E **PCW**
Respondent Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park *Policy Revision 2 (September 2002)*
Case ID No. 36389 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101176915
Media [Statute] Public Water Supply
Enf. Coordinator Christopher Keffer

Violation Number
Rule Cite(s)
Violation Description
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="25%"/>
	Major	Moderate	Minor	
	Actual <input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential <input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	

Violation Subtotal

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: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park
Case ID No.: 36389
Reg. Ent. Reference No.: RN101176915
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$480	1-Jun-2007	31-May-2008	1.92	\$46	\$480	\$526
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to collect raw water samples from the well. The date required is the first month the violation occurred and the final date is the date the last sample was due.

Approx. Cost of Compliance

\$480

TOTAL

\$526

Screening Date: 13-Aug-2008	Docket No. 2008-1376-PWS-E	PCW			
Respondent: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 36389	<i>PCW Revision June 12, 2008</i>				
Reg. Ent. Reference No. RN101176915					
Media [Statute] Public Water Supply					
Enf. Coordinator: Christopher Keffer					
Violation Number: 2					
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(1), (f)(3)(A)(i)(III), (iv) and (f)(3)(B)(iii)				
Violation Description	Failed to maintain public water system operating records in an organized manner, with copies kept on file or stored electronically and made accessible for review during inspections. Specifically, at the time of the investigation, it was documented that the Facility had not made available for review a record of the dates dead-end mains were flushed, the amount of chemicals used each week, and disinfectant residual monitoring logs.				
Base Penalty		\$1,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
				Percent 0%	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
			X		
				Percent 10%	
Matrix Notes	The Respondent failed to comply with more than 70% of the rule requirements.				
Adjustment				\$900	
				\$100	
Violation Events					
Number of Violation Events		1	Number of violation days		
		64			
<i>mark only one with an x</i>	daily				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X			
				Violation Base Penalty \$100	
One single event is recommended.					
Good Faith Efforts to Comply		0.0%	Reduction		
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary					
Ordinary					
N/A	X	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$100	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$11	Violation Final Penalty Total		
			\$120		
This violation Final Assessed Penalty (adjusted for limits)				\$120	

Economic Benefit Worksheet

Respondent: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park
Case ID No.: 36389
Reg. Ent. Reference No.: RN101176915
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$50	26-Jan-2005	1-May-2009	4.26	\$11	n/a	\$11
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 cost to maintain complete operating records. Date required is the investigation date initially documenting the violation. Final date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$50

TOTAL

\$11

Screening Date 13-Aug-2008 **Docket No.** 2008-1376-PWS-E **PCW**
Respondent Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park *Policy Revision 2 (September 2002)*
Case ID No. 36389 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101176915
Media [Statute] Public Water Supply
Enf. Coordinator Christopher Keffer

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)
Violation Description Failed to inspect the Facility's pressure tank annually.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to inspect the system's pressure tank could result in non-detection of a tank defect and loss of tank integrity which could expose customers of the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 64 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$250

One annual event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$105 Violation Final Penalty Total \$299

This violation Final Assessed Penalty (adjusted for limits) \$299

Economic Benefit Worksheet

Respondent: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park
Case ID No.: 36389
Reg. Ent. Reference No.: RN101176915
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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	\$100	10-Jun-2007	10-Jun-2008	1.00	\$5	\$100	\$105
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

The avoided costs include the amount to perform an annual pressure tank inspection, calculated for the one year period prior to the date of the investigation.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 13-Aug-2008	Docket No. 2008-1376-PWS-E	PCW		
Respondent Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36389	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN101176915				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(F)(ii) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the system should be providing a total storage capacity of 4,200 gallons with 21 connections. The system is currently providing a total storage capacity of 3,000 gallons which is a 29% deficiency.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
Falsification				
Major Moderate Minor				
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
				Percent <input type="text" value="0%"/>
Matrix Notes	Without adequate storage capacity, customers of the water supply could experience water shortages and outages exposing customers to a significant amount of contaminants that would not exceed levels protective of human health.			
Adjustment			\$900	
			\$100	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="64"/> Number of violation days		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty <input type="text" value="\$100"/>				
One quarterly event is recommended, calculated from the investigation date, June 10, 2008, to the date of screening August 13, 2008.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$100	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$3,220"/>		Violation Final Penalty Total <input type="text" value="\$120"/>		
This violation Final Assessed Penalty (adjusted for limits)			\$120	

Economic Benefit Worksheet

Respondent: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park
Case ID No.: 36389
Reg. Ent. Reference No.: RN101176915
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	26-Jan-2005	1-Sep-2009	4.60	\$153	\$3,067	\$3,220
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide adequate storage tank capacity. Date required is the investigation date initially documenting the violation. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$3,220

Screening Date 13-Aug-2008	Docket No. 2008-1376-PWS-E	PCW			
Respondent: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36389		<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN101176915					
Media [Statute] Public Water Supply					
Enf. Coordinator Christopher Keffer					
Violation Number	<input type="text" value="5"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(n)(2)"/>				
Violation Description	<input type="text" value="Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies."/>				
Base Penalty		<input type="text" value="\$1,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	x	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				
Adjustment				<input type="text" value="\$900"/>	
				<input type="text" value="\$100"/>	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="64"/>			
<small>mark only one with an x</small>	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 <input type="text" value="\$100"/>	
<input type="text" value="One single event is recommended."/>					
Good Faith Efforts to Comply		0.0% Reduction			
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	x	(mark with x)			
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>				
Violation Subtotal				<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$4"/>	Violation Final Penalty Total		
			<input type="text" value="\$120"/>		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$120"/>	

Economic Benefit Worksheet

Respondent: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park
Case ID No. 36389
Reg. Ent. Reference No. RN101176915
Media: Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	10-Jun-2008	1-May-2009	0.89	\$4	n/a	\$4
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 develop and begin maintaining a complete up-to-date map of the distribution system. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 13-Aug-2008	Docket No. 2008-1376-PWS-E	PCW	
Respondent Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36389	<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101176915			
Media [Statute] Public Water Supply			
Enf. Coordinator Christopher Keffer			
Violation Number <input type="text" value="6"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(F)(iii)"/>		
Violation Description	<input at="" connection.="" facility="" gpm")="" had="" investigation,="" of="" one="" per="" pump."="" service="" specifically,="" the="" time="" type="text" value="Failed to provide at least two service pumps with a total capacity of 2.0 gallons per minute ("/>		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	X	<input type="text"/>	<input type="text"/>
Percent			<input type="text" value="25%"/>
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Percent			<input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Without a sufficient number of service pumps, customers of the water supply could experience water shortages and outages, exposing customers of the water supply to a significant amount of contaminants that would exceed levels protective of human health."/>		
Adjustment			<input type="text" value="\$750"/>
			<input type="text" value="\$250"/>
Violation Events			
		<input type="text" value="3"/>	<input type="text" value="64"/> Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	X	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Violation Base Penalty			<input type="text" value="\$750"/>
<input type="text" value="Three monthly events are recommended, calculated from the date of the investigation, June 10, 2008, to the date of screening, August 13, 2008."/>			
Good Faith Efforts to Comply			<input type="text" value="0.0%"/> Reduction
			<input type="text" value="\$0"/>
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	X	(mark with x)	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
Violation Subtotal			<input type="text" value="\$750"/>
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$0"/>		Violation Final Penalty Total
			<input type="text" value="\$898"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$898"/>

Economic Benefit Worksheet

Respondent: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park
Case ID No.: 36389
Reg. Ent. Reference No.: RN101176915
Media: Public Water Supply
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$3,000	10-Jun-2008	1-Sep-2009	1.23	\$12	\$245	\$258
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide an additional service pump. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$258

Compliance History

Customer/Respondent/Owner-Operator:	CN602605586 Clarkson Energy Homes Inc.	Classification:	Rating:
Regulated Entity:	RN101176915 SUN VALLEY MOBILE HOME PARK	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0720025 0720025
Location:	137 PR 1101, ERATH COUNTY, TX, 76401		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	August 13, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 13, 2003 to August 13, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Christopher Keffer	Phone:	(512) 239-5610

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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 04/05/2005 (375038)
 - 2 08/01/2008 (682581)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - Date: 04/06/2005 (375038)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(b)
 - Description: Failure to submit raw water samples as required by the sanitary control easement exception granted to the system on April 25, 2001.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 - Description: Failure to compile and maintain monthly reports of water works operation.
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
 - Description: Failure to make available ANSI/NSF Standard 60 certification for all chemicals used.
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 - Description: Failure to inspect the ground storage tank at least annually and to record and maintain the results of the inspections for at least five years.
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 - Description: Failure to inspect the pressure tank annually and to record and maintain the results of the inspections for at least five years.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to compile and maintain current a thorough plant operations manual for operator review and reference.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(7)		
Description:	Failure to provide a means of removing accumulated silt and deposits at all low points in the bottom of the ground storage tank.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(ii)		
Description:	Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include a total storage capacity of 200 gallons per connection.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iv)		
Description:	Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include a pressure tank capacity of 20 gallons per connection.		

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
CLARKSON ENERGY HOMES INC.
DBA SUN VALLEY MOBILE HOME
PARK
RN101176915

§
§
§
§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1376-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 Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park ("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 137 Private Road 1101 in Erath County, Texas (the "Facility") that has approximately 21 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 August 4, 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 Five Thousand One Hundred Forty-Six Dollars (\$5,146) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Twenty-Seven Dollars (\$127) of the administrative penalty and One Thousand Twenty-Nine Dollars (\$1,029) is deferred contingent

upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Nine Hundred Ninety Dollars (\$3,990) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Fourteen Dollars (\$114) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. 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.
9. 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.
10. 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 conduct monthly source assessment raw water monitoring of the well, in violation of 30 TEX. ADMIN. CODE §§ 290.46(b) and 290.109(c)(4)(E), as documented during an investigation conducted on June 10, 2008.
2. Failed to maintain public water system operating records in an organized manner, with copies kept on file or stored electronically and made accessible for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(1), (f)(3)(A)(i)(III), (f)(3)(A)(iv) and (f)(3)(B)(iii), as documented during an investigation conducted on June 10, 2008.

3. Failed to inspect the Facility's pressure tank annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B) as documented during an investigation conducted on June 10, 2008.
4. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c) as documented during an investigation conducted on June 10, 2008.
5. Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on June 10, 2008.
6. Failed to provide two or more service pumps having a capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii), as documented during an investigation conducted on June 10, 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: Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park, Docket No. 2008-1376-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. Immediately upon the effective date of this Agreed Order, begin submitting raw water samples for bacteriological analysis at least once per month, in accordance with 30 TEX. ADMIN. CODE § 290.109.
 - b. Within 30 days after the effective date of the Agreed Order:
 - i. Conduct an inspection of the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- ii. Develop and begin maintaining an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
- iii. Develop and begin maintaining all water works operation records for the Facility including but not limited to, a record of the dates the dead-end mains were flushed, a record of the amount of chemicals used each week, and a record of disinfectant residual monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.
- d. Within 180 days after the effective date of the Agreed Order:
 - i. Provide a minimum of two service pumps with a minimum capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide a total storage capacity of 200 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
Stephenville Regional Office
Texas Commission on Environmental Quality
580-D West Lingleville Road
Stephenville, Texas 76401

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.

Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park
DOCKET NO. 2008-1376-PWS-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]
For the Executive Director

1/23/2009
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.

[Handwritten Signature]
Signature

12-9-08
Date

Charles K. Clarkson
Name (Printed or typed)
Authorized Representative of
Clarkson Energy Homes Inc. dba
Sun Valley Mobile Home Park

Owner
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 I of this Agreed Order.

