

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-0638-PWS-E    TCEQ ID: RN102676277    CASE NO.: 35747  
RESPONDENT NAME: RANDY RUSSELL DBA OAK RIDGE MOBILE HOME PARK**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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 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:** 4719 Old Angleton Road – CR 288, two miles north of Farm-to-Market Road 2004, near Angleton, Brazoria 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 expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 12, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Stephanie Frazee, Litigation Division, MC 175, (512) 239-3693  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  
**TCEQ Enforcement Coordinator:** Ms. Amanda Henry, Water Enforcement Section, MC R-12, (713) 767-3672  
**TCEQ Regional Contact:** Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581  
**Respondent:** Randy Russell, Owner, Oak Ridge Mobile Home Park, 604 Marina Bay Drive Apt. 5, Kemah, Texas 77565  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 19, 2008</p> <p><b>Date of NOE Relating to this Case:</b> March 31, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed September 17, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b> Not yet in compliance.</p> <p><b>PWS:</b></p> <p>1. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)].</p> <p>2. Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>3. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].</p>	<p><b>Total Assessed:</b> \$1,010</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$1,010</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this proposed Order.</p> <p><b>Site Compliance History Classification</b> N/A</p> <p><b>Person Compliance History Classification</b> N/A</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>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Immediately, begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days.</li> <li>2. Within 30 days:                         <ol style="list-style-type: none"> <li>a. Begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility that identifies all locations where routine sampling for microbial contaminants is conducted; and</li> <li>b. Prepare and begin submitting quarterly DLQORs to the Commission by the tenth day of the month following the end of each quarter.</li> </ol> </li> <li>3. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	7-Apr-2008	<b>Screening</b>	15-Apr-2008	<b>EPA Due</b>	1-Dec-2008
	<b>PCW</b>	16-Apr-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Randy Russell dba Oak Ridge Mobile Home Park
<b>Reg. Ent. Ref. No.</b>	RN102676277
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	35747	<b>No. of Violations</b>	3	
<b>Docket No.</b>	2008-0638-PWS-E	<b>Order Type</b>	Findings	
<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 \$</b>	<b>Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** **Subtotals 2, 3, & 7**

**Notes**

**Culpability** **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** **Subtotal 5**

	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**

**Subtotal 6**

Total EB Amounts  **0% Enhancement\***  
 Approx. Cost of Compliance  \*Capped at the Total EB \$ Amount..

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

**Screening Date** 15-Apr-2008

**Docket No.** 2008-0638-PWS-E

**PCW**

**Respondent** Randy Russell dba Oak Ridge Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 35747

PCW Revision February 29, 2008

**Reg. Ent. Reference No.** RN102676277

**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 <i>(number of NOVs meeting criteria)</i>	3	15%
	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 judgments or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<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)** 15%

>> **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 due to three prior Notices of Violation with same or similar violations as those in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

<b>Screening Date</b> 15-Apr-2008	<b>Docket No.</b> 2008-0638-PWS-E	<b>PCW</b>
<b>Respondent</b> Randy Russell dba Oak Ridge Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35747	<i>PCW Revision February 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN102676277		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Amanda Henry		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(e)(4)	
<b>Violation Description</b>	Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter. Specifically, at the time of the record review, it was documented that DLQORs were not being submitted to the Commission each quarter for the year of 2007.	
<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>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	<b>Actual</b>	<input type="text"/>	<input type="text"/>		<input type="text"/>
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>				
		<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	<input type="text"/>	<input type="text" value="X"/>	<input type="text"/>		<input type="text"/>
				<b>Percent</b> <input type="text" value="10%"/>	
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
<b>Adjustment</b>				<input type="text" value="\$900"/>	

**Violation Events**

<b>Number of Violation Events</b> <input type="text" value="4"/>	<input type="text" value="371"/>	<b>Number of violation days</b>												
<i>mark only one with an x</i>	<table border="1" style="width:100%; 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"/>	
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="\$400"/>												
<div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;">                 Four single events are recommended (one per report), calculated for four DLQORs due in 2007.             </div>														

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$108"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$539"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$539"/>	

## Economic Benefit Worksheet

**Respondent** Randy Russell dba Oak Ridge Mobile Home Park

**Case ID No.** 35747

**Reg. Ent. Reference No.** RN102676277

**Media** Public Water Supply

**Violation No.** 1

<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
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	10-Apr-2007	10-Jan-2008	1.7	\$8	\$100	\$108
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amounts necessary to prepare and submit the DLQORs (\$25 each quarter), calculated for the quarters in which the violation occurred.

Approx. Cost of Compliance

\$100

**TOTAL**

\$108

<b>Screening Date</b> 15-Apr-2008	<b>Docket No.</b> 2008-0638-PWS-E	<b>PCW</b>		
<b>Respondent</b> Randy Russell dba Oak Ridge Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 35747	<i>PCW Revision February 29, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102676277				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Amanda Henry				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.121(a) and (b)			
<b>Violation Description</b>	Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, at the time of the record review, it was documented that the Facility was not utilizing a monitoring plan that indicated frequencies, all sampling locations and methods of sampling.			
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
Matrix Notes	<b>Falsification</b>			
	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	<b>Percent</b>
	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
<input type="text" value="100% of the rule requirement was not met."/>				
<b>Adjustment</b>			<input type="text" value="\$900"/>	
			<input type="text" value="\$100"/>	
<b>Violation Events</b>				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="27"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
<input type="text" value="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="\$8"/>		Violation Final Penalty Total <input type="text" value="\$135"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$135"/>	

## Economic Benefit Worksheet

**Respondent** Randy Russell dba Oak Ridge Mobile Home Park

**Case ID No.** 35747

**Reg. Ent. Reference No.** RN102676277

**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
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	12-Apr-2007	30-Nov-2008	1.6	\$8	n/a	\$8

**Notes for DELAYED costs**

The delayed costs includes the amount to develop and implement a monitoring plan. The date required is the date of the previous investigation. The final date is the estimated date of compliance.

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$8

<b>Screening Date</b> 15-Apr-2008	<b>Docket No.</b> 2008-0638-PWS-E	<b>PCW</b>		
<b>Respondent</b> Randy Russell dba Oak Ridge Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 35747	<i>PCW Revision February 29, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102676277				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Amanda Henry				
<b>Violation Number</b> <input type="text" value="3"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(c)(4)(A)			
<b>Violation Description</b>	Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, at the time of the record review, it was documented that that water system monitors the disinfectant residual monthly.			
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to monitor the disinfectant residual could result in customers of the water supply being exposed to significant amounts of undetected contaminants which would exceed levels protective of human health.			
<b>Adjustment</b>		<input type="text" value="\$750"/>		
		<input type="text" value="\$250"/>		
<b>Violation Events</b>				
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="27"/> Number of violation days		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$250"/>	
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One monthly event is recommended, calculated from the date of the record review, March 19, 2008, to the screening date, April 15, 2008.				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
Estimated EB Amount <input type="text" value="\$40"/>		Violation Final Penalty Total <input type="text" value="\$337"/>		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$337"/>		

### Economic Benefit Worksheet

**Respondent** Randy Russell dba Oak Ridge Mobile Home Park  
**Case ID No.** 35747  
**Reg. Ent. Reference No.** RN102676277  
**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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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$40	19-Mar-2008	15-Apr-2008	0.0	\$0	\$40	\$40

Notes for AVOIDED costs

The avoided costs include the amount to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days. Date required is the record review date. Final date is the screening date.

Approx. Cost of Compliance

\$40

TOTAL

\$40

# Compliance History

Customer/Respondent/Owner-Operator:	CN601358716 RUSSELL, RANDY	Classification:	Rating:
Regulated Entity:	RN102676277 OAK RIDGE MOBILE HOME PARK	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0200183 0200183
Location:	4719 COUNTY ROAD 288, TWO MILES NORTH OF FARM -TO-MARKET ROAD 2004, NEAR ANGLETON, BRAZORIA COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	April 15, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 07, 2003 to April 07, 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?    | 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 | 12/05/2005 | (438685) |  |
| 2 | 07/24/2007 | (559649) |  |
| 3 | 03/31/2008 | (639683) |  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |          |                          |
|--------------|--|----------|--------------------------|
| Date:        | 12/05/2005   | (438685) |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.110(e)(4)   |          |                          |
| Description: | Failure to provide Disinfection Level Quarterly Operating Report (DLQOR) for Oak Ridge Mobile Home Park. |          |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.121(a)  |          |                          |
| Description: | Failure to develop and maintain a system Monitoring Plan.  |          |                          |
| Date:        | 05/03/2006   | (464279) |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.110(e)(4)   |          |                          |
| Description: | Failure to provide Disinfection Level Quarterly Operating Report (DLQOR) for Oak Ridge Mobile Home Park. |          |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.121(a)  |          |                          |
| Description: | Failure to develop and maintain a system Monitoring Plan.  |          |                          |
| Self Report? | NO   |          | Classification: Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)  |          |                          |
| Description: | Failure to perform at least once every seven days, chlorine residual tests on                            |          |                          |

water collected from various locations within the distribution system.

Date: 05/11/2007 (559649)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)

Description: Failure to provide Disinfection Level Quarterly Operating Report (DLQOR) for Oak Ridge Mobile Home Park.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to develop and maintain a system Monitoring Plan.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)

Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.

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  
RANDY RUSSELL DBA OAK  
RIDGE MOBILE HOME PARK,  
RN102676277**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**DEFAULT ORDER  
DOCKET NO. 2008-0638-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Randy Russell dba Oak Ridge Mobile Home Park ("Mr. Russell").

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Mr. Russell owns and operates a public water supply system located at 4719 Old Angleton Road – CR 288, two miles north of Farm-to-Market Road 2004, near Angleton, Brazoria County, Texas (the "Facility").
2. The Facility has thirty one service connections and serves at least twenty five people per day for at least sixty days per year.
3. During a record review conducted on March 19, 2008, a TCEQ Houston Regional Office investigator documented that Mr. Russell:
  - a. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter.
  - b. Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and

specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.

- c. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.
4. Mr. Russell received notice of the violations on or about April 5, 2008.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Randy Russell dba Oak Ridge Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on September 17, 2008.
6. By letter dated September 17, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Russell with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Mr. Russell received notice of the EDPRP.
7. More than twenty days have elapsed since Mr. Russell received notice of the EDPRP, provided by the Executive Director. Mr. Russell failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Russell is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Russell failed to submit a DLQOR to the Commission each quarter by the tenth day of the month following the end of each quarter in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4).
3. As evidenced by Finding of Fact No. 3.b., Mr. Russell failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).

4. As evidenced by Finding of Fact No. 3.c., Mr. Russell failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
5. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Mr. Russell with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
6. As evidenced by Finding of Fact No. 7, Mr. Russell has failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Russell and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Russell for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of one thousand ten dollars (\$1,010.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Russell is assessed an administrative penalty in the amount of one thousand ten dollars (\$1,010.00) for violations of TEX. HEALTH & SAFETY CODE ch. 341 and rules of the TCEQ. The payment of this administrative penalty and Mr. Russell's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on

administrative penalty assessed by this Order shall be paid within thirty days after the effective date of this Order and shall be sent with the notation "Re: Randy Russell dba Oak Ridge Mobile Home Park; Docket No. 2008-0638-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. Mr. Russell shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Mr. Russell shall begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days in accordance with 30 TEX. ADMIN. CODE § 290.110.
  - b. Within thirty days after the effective date of this Order, Mr. Russell shall:
    - i. Begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility that identifies all locations where routine sampling for microbial contaminants is conducted in accordance with 30 TEX. ADMIN. CODE § 290.121; and
    - ii. Prepare and begin submitting quarterly DLQORs to the Commission by the tenth day of the month following the end of each quarter for a Public Water System as required by 30 TEX. ADMIN. CODE § 290.111.
  - c. Within forty five days after the effective date of this Order, Mr. Russell shall submit written certification as described below and include detailed supporting documentation to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. 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:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Russell. Mr. Russell is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Russell shall be made in writing to the Executive Director. Extensions are not effective until Mr. Russell receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to Mr. Russell if the Executive Director determines that Mr. Russell has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

**AFFIDAVIT OF STEPHANIE J. FRAZEE**

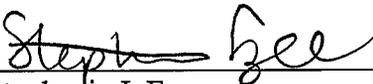
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Stephanie J. Frazee. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Randy Russell dba Oak Ridge Mobile Home Park” (the “EDPRP”) with the Office of the Chief Clerk on September 17, 2008.

I sent the EDPRP to Mr. Russell at his last known address on September 17, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than twenty days have elapsed since Mr. Russell received notice of the EDPRP. Mr. Russell failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”

  
\_\_\_\_\_  
Stephanie J. Frazee  
Attorney  
Texas Commission on Environmental Quality

Affidavit of Stephanie J. Frazee

Page 2

Before me, the undersigned authority, on this day personally appeared Stephanie J. Frazee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 14<sup>th</sup> day of November, A.D., 2008.

*Rochelle D. Collins*

Notary Signature

Notary Stamp

