

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1118-PWS-E TCEQ ID: RN101223741 CASE NO.: 36170

RESPONDENT NAME: LEROY LEONARD LIMAS DBA LEE LIMAS MOBILE HOME PARK

ORDER TYPE:		
<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	

CASE TYPE:		
<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: Farm to Market Road 259 and Schuman Road, Canutillo, El Paso County

TYPE OF OPERATION: mobile home park with a public water supply system located at Farm to Market Road 259 and Schuman Road, Canutillo, El Paso County

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 June 21, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Rudy Calderon, Litigation Division, MC 175, (512) 239-0205
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Water Enforcement Section, MC R-169, (512) 239-5610

TCEQ Regional Contact: Mr. Kent Waggoner, El Paso Regional Office, MC R-6, (915) 834-4953

Respondent: Mr. Leroy Leonard Limas, Lee Limas Mobile Home Park, P.O. Box 327, Canutillo, Texas 79835-0327

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

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 2, 2008</p> <p>Date of NOE Relating to this Case: June 3, 2008</p> <p>Background Facts: The EDRP was filed on September 30, 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, indicating that the Respondent received notice of the EDRP. The Respondent failed to answer the EDRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: Respondent submitted a Consumer Confidence Report ("CCR") for 2007, but has not paid \$1,065.06 in outstanding fees, including any associated penalties and interest, for Financial Administration Account No. 90710158.</p> <p>PWS:</p> <p>1. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and by failing to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].</p> <p>2. Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90710158 for Fiscal Years 1998 through 2008 to the TCEQ in a timely manner [30 TEX. ADMIN. CODE § 290.51(a)(6)].</p>	<p>Initial Calculated Penalty: \$598</p> <p>Total Assessed: \$598</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$598</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 Order.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provision(s):</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days pay all outstanding fees, including any associated penalties and interest, for Financial Administration Account No. 90710158. 2. Within 45 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	9-Jun-2008	Screening	7-Jul-2008	EPA Due	1-Jun-2005
	PCW	7-Jul-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Leroy Leonard Limas dba Lee Limas Mobile Home Park		
Reg. Ent. Ref. No.	RN101223741		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36170	No. of Violations	2
Docket No.	2008-1118-PWS-E	Order Type	Findings
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	\$300
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	35.0% Enhancement	Subtotals 2, 3, & 7	\$105
Notes	Enhancement is due to one final court judgment without a denial of liability.		
Culpability	No	0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$193	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$168		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$405
OTHER FACTORS AS JUSTICE MAY REQUIRE	47.7%	Adjustment	\$193
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes	Enhancement recommended to recover avoided costs.		
Final Penalty Amount			\$598
STATUTORY LIMIT ADJUSTMENT			Final Assessed Penalty \$598
DEFERRAL	0.0% Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	No deferral is recommended for Findings Orders.		
PAYABLE PENALTY			\$598

Screening Date 7-Jul-2008

Docket No. 2008-1118-PWS-E

PCW

Respondent Leroy Leonard Limas dba Lee Limas Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 36170

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101223741

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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> 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 final court judgment without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 7-Jul-2008	Docket No. 2008-1118-PWS-E	PCW	
Respondent Leroy Leonard Limas dba Lee Limas Mobile Home Park	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36170	<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101223741			
Media [Statute] Public Water Supply			
Enf. Coordinator Christopher Keffer			
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and 290.274(c)		
Violation Description	<p>Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCRs to the water system's customers for the years 2004 through 2006 nor did the Respondent submit the CCR or the required certification to the TCEQ for the years 2004 through 2006.</p>		
Base Penalty	\$1,000		
>> Environmental Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Percent		0%
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Percent		10%
Matrix Notes	100% of the rule requirement was not met.		
Adjustment	\$900		
	\$100		
Violation Events			
Number of Violation Events	3	730	Number of violation days
mark only one with an x	daily	<input type="checkbox"/>	Violation Base Penalty \$300
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input checked="" type="checkbox"/>	
	single event	<input type="checkbox"/>	
<p>Three annual events are recommended for the years in which no CCR or certification of delivery was submitted to the TCEQ.</p>			
Good Faith Efforts to Comply			
	0.0% Reduction	\$0	
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<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	\$300		
Economic Benefit (EB) for this violation			
Estimated EB Amount	\$193		
Statutory Limit Test			
Violation Final Penalty Total	\$598		
This violation Final Assessed Penalty (adjusted for limits)			
		\$598	

Economic Benefit Worksheet

Respondent Leroy Leonard Limas dba Lee Limas Mobile Home Park

Case ID No. 36170

Reg. Ent. Reference No. RN101223741

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				10.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				10.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$168	1-Jun-2005	1-Jun-2007	2.92	\$25	\$168	\$193
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply, calculated for the years in which no report was distributed.

Approx. Cost of Compliance

\$168

TOTAL:

\$193

Screening Date 7-Jul-2008	Docket No. 2008-1118-PWS-E	PCW												
Respondent Leroy Leonard Limas dba Lee Limas Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>													
Case ID No. 36170	<i>PCW Revision June 12, 2008</i>													
Reg. Ent. Reference No. RN101223741														
Media (Statute) Public Water Supply														
Enf. Coordinator Christopher Keffer														
Violation Number 2														
Rule Cite(s)	30 Tex. Admin. Code § 290.51(a)(6)													
Violation Description	Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90710158 for Fiscal Years 1998 through 2008 to the TCEQ in a timely manner.													
Base Penalty		\$1,000												
>> Environmental Property and Human Health Matrix														
OR	Harm													
	Release Major Moderate Minor													
	Actual	Percent <input type="text" value="0%"/>												
	Potential													
>> Programmatic Matrix														
	Falsification Major Moderate Minor													
	Actual	Percent <input type="text" value="0%"/>												
	Potential													
Matrix Notes														
Adjustment		\$1,000												
		\$0												
Violation Events														
Number of Violation Events	<input type="text"/>	Number of violation days												
mark only one with an x	<table border="1" style="border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="text"/></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"/>	Violation Base Penalty
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"/>													
		\$0												
All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.														
Good Faith Efforts to Comply		\$0												
	0.0% Reduction													
	Before NOV NOV to EDPRP/Settlement Offer													
Extraordinary	<input type="text"/>													
Ordinary	<input type="text"/>													
N/A	(mark with x)													
Notes														
Violation Subtotal		\$0												
Economic Benefit (EB) for this violation		Statutory Limit Test												
Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total												
		\$0												
This violation Final Assessed Penalty (adjusted for limits)		\$0												

Economic Benefit Worksheet

Respondent Leroy Leonard Limas dba Lee Limas Mobile Home Park

Case ID No. 36170

Reg. Ent. Reference No. RN101223741

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
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

There is no economic benefit associated with this violation.

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

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600664742 LIMAS, LEROY LEONARD	Classification:	Rating:
Regulated Entity:	RN101223741 LEE LIMAS MOBILE HOME PARK	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0710158
	WATER LICENSING	LICENSE	0710158
Location:	Farm to Market Road 259 and Schuman Road, Canutillo, El Paso County, Texas		
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	June 26, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 26, 2003 to June 26, 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.

- Effective Date: 05/13/2004 COURTORDER
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
 Description: No certified operator.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)
 Description: No minimum pressure tank capacity.
- Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)
 Description: Inadequately sealed concrete block.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(3)
 30 TAC Chapter 290, SubChapter F 290.110(d)(4)
 Description: No proper chlorine test kit.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)
 30 TAC Chapter 290, SubChapter D 290.46(f)
 30 TAC Chapter 290, SubChapter F 290.110
 Description: No minimum chlorine.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
 30 TAC Chapter 290, SubChapter D 290.45(a)
 30 TAC Chapter 290, SubChapter D 290.46(r)
 Description: No minimum pressure
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)
 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
 Description: No documented pressure tank inspections.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
 5A THC Chapter 341, SubChapter A 341.033(d)

Compliance History

Customer/Respondent/Owner-Operator:	CN600664742 LIMAS, LEROY LEONARD	Classification:	Rating:
Regulated Entity:	RN101223741 LEE LIMAS MOBILE HOME PARK	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0710158
	WATER LICENSING	LICENSE	0710158
Location:	Farm to Market Road 259 and Schuman Road, Canutillo, El Paso County, Texas		
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	June 26, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 26, 2003 to June 26, 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.

- | | |
|---|------------|
| Effective Date: 05/13/2004 | COURTORDER |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(e) | |
| Description: No certified operator. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.45(b) | |
| Description: No minimum pressure tank capacity. | |
| Classification: Minor | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.41(c) | |
| Description: Inadequately sealed concrete block. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(3) | |
| 30 TAC Chapter 290, SubChapter F 290.110(d)(4) | |
| Description: No proper chlorine test kit. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(d) | |
| 30 TAC Chapter 290, SubChapter D 290.46(f) | |
| 30 TAC Chapter 290, SubChapter F 290.110 | |
| Description: No minimum chlorine. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.44(d) | |
| 30 TAC Chapter 290, SubChapter D 290.45(a) | |
| 30 TAC Chapter 290, SubChapter D 290.46(r) | |
| Description: No minimum pressure | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2) | |
| 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D) | |
| 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B) | |
| Description: No documented pressure tank inspections. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A) | |
| 5A THC Chapter 341, SubChapter A 341.033(d) | |

Description: No bacteriological samples.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Improper electrical wiring.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
 Description: Improperly sealed wellhead.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(B)
 Description: No microbial monitoring.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)
 30 TAC Chapter 290, SubChapter D 290.42(e)(8)
 Description: Inadequate chlorination equipment.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
 Description: Improper flow meter.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 Description: Insecure well.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)
 Description: No disinfection records.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
 Description: Improper treatment chemicals.
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(2)
 Description: No boil water notice.
 Classification: Major
 Citation: 2A TWC Chapter 7, SubChapter A 7.101
 Rqmt Prov: 33a, 33d, 33e, 33f, 33g, 33h, 33i, 33j ORDER
 Description: Failure to comply with Commission Order.

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	01/21/2004	(258610)
2	02/02/2005	(346447)
3	12/15/2005	(434292)
4	01/08/2008	(611848)
5	06/06/2008	(681962)

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

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
LEROY LEONARD LIMAS DBA
LEE LIMAS MOBILE HOME
PARK;
RN101223741**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2008-1118-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. WATER CODE ch. 5, 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 Leroy Leonard Limas dba Lee Limas Mobile Home Park ("Mr. Limas").

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

FINDINGS OF FACT

1. Mr. Limas owns and operates a mobile home park with a public water supply system located at Farm to Market Road 259 and Schuman Road, Canutillo, El Paso County, Texas (the "Facility").
2. The Facility provides water for human consumption, has one service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
3. During a record review conducted on June 2, 2008, a TCEQ Central Office investigator documented that Mr. Limas:
 - a. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and by failing to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year;

- b. Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90710158 for Fiscal Years 1998 through 2008 to the TCEQ in a timely manner.
4. Mr. Limas received notice of the violation on or about June 8, 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 Leroy Leonard Limas dba Lee Limas Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on September 30, 2008.
6. By letter dated September 30, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Limas 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. Limas received notice of the EDPRP.
7. More than 20 days have elapsed since Mr. Limas received notice of the EDPRP, provided by the Executive Director. Mr. Limas 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. Limas is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Limas failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and by failing to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c).
3. As evidenced by Finding of Fact No. 3.b., Mr. Limas failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90710158 for Fiscal Years 1998 through 2008 to the TCEQ in a timely manner, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6).

4. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Mr. Limas with proper notice of the EDP RP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
5. As evidenced by Finding of Fact No. 7, Mr. Limas failed to file a timely answer to the EDP RP, 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. Limas and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Limas 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.
7. An administrative penalty in the amount five hundred ninety-eight dollars (\$598.00) 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.
8. 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. Limas is assessed an administrative penalty in the amount of five hundred ninety-eight dollars (\$598.00) for violations of the Health & Safety Code and the rules of the TCEQ. The payment of this administrative penalty and Mr. Limas'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 Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Leroy Leonard Limas dba Lee Limas Mobile Home Park; Docket No. 2008-1118-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. Limas shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Mr. Limas shall pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 90710158, as required by 30 TEX. ADMIN. CODE § 290.51. The payment shall include the notation "Re: Leroy Leonard Limas dba Lee Limas Mobile Home Park Account No. 90710158" and shall be mailed 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.

- b. Within 45 days after the effective date of this Order, Mr. Limas shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. 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."

Mr. Limas shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. 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:

Kent Waggoner, Air/Water/Waste Section Manager
Texas Commission on Environmental Quality
El Paso Regional Office
401 E. Franklin Ave., Ste. 560
El Paso, Texas 79901-1212

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. Limas. Mr. Limas is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility's 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. Limas shall be made in writing to the Executive Director. Extensions are not effective until Mr. Limas 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. Limas if the Executive Director determines that Mr. Limas 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 RUDY CALDERON

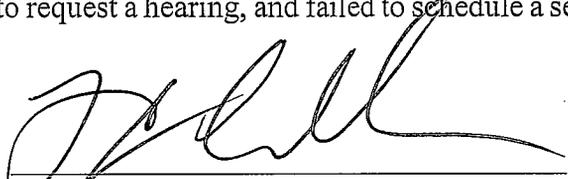
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Rudy Calderon. 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, 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 Leroy Leonard Limas dba Lee Limas Mobile Home Park” (the “EDPRP”) was filed with the Office of the Chief Clerk on September 30, 2008.

The EDPRP was mailed to Mr. Limas at his last known address on September 30, 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 that Mr. Limas received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

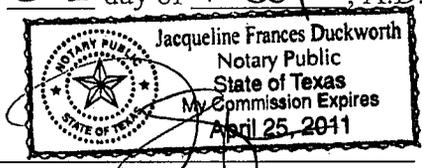
More than 20 days have elapsed since Mr. Limas received notice of the EDPRP. Mr. Limas failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



Rudy Calderon, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 10th day of May, A.D., 2009.



Notary Signature