

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0789-PWS-E TCEQ ID: RN101223600 CASE NO.: 33490**  
**RESPONDENT NAME: K.L. COMFORT PARK, LTD.**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 1712 North General Bruce Drive, Bell County</p> <p><b>TYPE OF OPERATION:</b> public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired July 6, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Mr. Jeffrey Huhn, Litigation Division, MC 175, (512) 239-5111  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  <b>TCEQ Enforcement Coordinator:</b> Mr. Tel Croston, Water Enforcement Section, MC 169, (254) 761-3001  <b>TCEQ Regional Contact:</b> Mr. Frank Burlison, Waco Regional Office, MC R-9, (254) 761-3001  <b>Respondent:</b> Mr. Robert Lewis, General Partner, K.L. Comfort Park, Ltd., 1102 Martin Avenue, Round Rock, TX 78761  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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 21, 2007</p> <p><b>Date of NOE Relating to this Case:</b> April 16, 2007</p> <p><b>Background Facts:</b> The EDPRP was filed January 30, 2008. Settlement was achieved and an Agreed Order was signed on May 20, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>Failed to issue a customer service inspection certificate prior to providing continuous water service [30 TEX. ADMIN. CODE § 290.46(j)].</li> <li>Failed to ensure that the public water supply operation is under the direct supervision of a water works operator who holds a minimum of a Class "D" license [30 TEX. ADMIN. CODE § 290.46(e)(3)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.033(a)].</li> <li>Failed to maintain a supply of calcium hypochlorite disinfectant for use when making repairs, setting meters, and disinfecting new lines prior to placing them in service [30 TEX. ADMIN. CODE § 290.46(h)].</li> <li>Failed to maintain records of water works operations [30 TEX. ADMIN. CODE § 290.46(f)(2)].</li> <li>Failed to compile a thorough plant operations manual and keep it up-to-date for operator reviews and reference [30 TEX. ADMIN. CODE § 290.42(l)].</li> </ol>	<p><b>Total Assessed:</b> \$1,102</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 Paid to General Revenue:</b> \$1,102</p> <p>The administrative penalty has been paid in full.</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>Within 30 days,             <ol style="list-style-type: none"> <li>Begin completing customer service inspection certifications prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities;</li> <li>Begin operating the facility under the direct supervision of a water works operator who holds a minimum of a class "D" license;</li> <li>Begin maintaining a minimum 30 day supply of calcium hypochlorite for disinfecting purposes;</li> <li>Begin maintaining water system records such that they can be made available for review upon the request of commission personnel at the time of the investigation; and</li> <li>Compile a plant operation manual;</li> </ol> </li> <li>Within 45 days, submit written certification demonstrating compliance with these Ordering Provisions.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

Assigned	23-Apr-2007	Screening	14-May-2007	EPA Due	
PCW	14-May-2007				

Respondent	K.L. Comfort Park, Ltd.		
Reg. Ent. Ref. No.	RN101223600		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

Enf./Case ID No.	33490	No. of Violations	5
Docket No.	2007-0789-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media		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:** \$1,050

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

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

Compliance History: 15% Enhancement **Subtotals 2, 3, & 7:** \$52

Notes: Respondent was issued one NOV for the same violation in the past five years.

Culpability: No 0% Enhancement **Subtotal 4:** \$0

Notes: The Respondent does not meet the culpability criteria.

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

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

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

Total EB Amounts \$7,386  
 Approx. Cost of Compliance \$11,450  
 0% Enhancement **Subtotal 6:** \$0  
 \*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal:** \$1,102

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment:** \$0

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

Notes:

**Final Penalty Amount:** \$1,102

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty:** \$1,102

DEFERRAL **Adjustment:** \$0

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

Notes: Deferral withdrawn pending Litigation.

PAYABLE PENALTY **\$1,102**

Screening Date 14-May-2007

Docket No. 2007-0789-PWS-E

PCW

Respondent K.L. Comfort Park, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33490

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101223600

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

### Compliance History Worksheet

>> Compliance History - Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	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	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Respondent was issued one NOV for the same violation in the past five years.

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

Screening Date 14-May-2007

Docket No. 2007-0789-PWS-E

PCW

Respondent K.L. Comfort Park, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33490

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101223600

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number:

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to issue a customer service inspection certificate prior to providing continuous water service.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent K.L. Comfort Park, Ltd.  
 Case ID No. 33490  
 Reg. Ent. Reference No. RN101223600  
 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
<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	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)	\$150	21-Mar-2007	1-Dec-2007	0.7	\$5	\$0	\$5

Notes for DELAYED costs

Estimated cost to compile and deliver inspection certificates, calculated from the date of the investigation to 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 \$150 TOTAL \$5

Screening Date 14-May-2007

Docket No. 2007-0789-PWS-E

PCW

Respondent K.L. Comfort Park, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33490

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101223600

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(3)(A) and Tex. Health and Safety Code § 341.033(a)

Violation Description Failed to ensure that the public water supply operation is under the direct supervision of a water works operator who holds a minimum of a Class D license.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Without a licensed water works operator managing the facility, improper management of the water supply could result in customers of the water supply being exposed to contaminants which would exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x

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

Violation Base Penalty

Two monthly events are recommended from the date of the investigation March 21, 2007 to the date of screening May 14, 2007.

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 K.L. Comfort Park, Ltd.

Case ID No. 33490

Reg. Ent. Reference No. RN101223600

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
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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	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

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

Disposal	\$10,000	21-Mar-2007	1-Dec-2007	0.7	\$349	\$6,986	\$7,336
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

The avoided cost includes the amount to employ a Class D licensed water works operator, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance	\$10,000	<b>TOTAL</b>	\$7,336
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Screening Date 14-May-2007

Docket No. 2007-0789-PWS-E

PCW

Respondent K.L. Comfort Park, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33490

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101223600

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

> Environmental Property and Human Health Matrix

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

> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent: K.L. Comfort Park, Ltd.

Case ID No. 33490

Reg. Ent. Reference No. RN101223600

Media: Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)	\$100	21-Mar-2007	1-Dec-2007	0.7	\$3	\$0	\$3

Notes for DELAYED costs

Estimated cost to purchase an adequate supply of calcium hypochlorite. Date required is the date of the initial investigation. Final date is the estimated date of compliance.

**Avoided Costs**

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

\$3

Screening Date 14-May-2007

Docket No. 2007-0789-PWS-E

PCW

Respondent K.L. Comfort Park, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33490

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101223600

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x

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

Violation Base Penalty

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent: K.L. Comfort Park, Ltd.  
Case ID No. 33490

Reg. Ent. Reference No. RN101223600

Media: Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Item-Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$0	\$0
Record Keeping System	\$1,000	21-Mar-2007	1-Dec-2007	0.7	\$35	\$0	\$35
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

The delayed costs include the amount to create and maintain a record keeping system, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

\$1,000	TOTAL	\$35
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Screening Date 14-May-2007

Docket No. 2007-0789-PWS-E

PCW

Respondent K.L. Comfort Park, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33490

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101223600

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x

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

Violation Base Penalty

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 K.L. Comfort Park, Ltd.  
Case ID No. 33490

Reg. Ent. Reference No. RN101223600  
Media Public Water Supply  
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)	\$200	21-Mar-2007	1-Dec-2007	0.7	\$7	\$0	\$7

Notes for DELAYED costs

Estimated cost to compile and maintain a plant operations manual. Date required is the date of the initial investigation. Final date is the estimated date of compliance.

**Avoided Costs**

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

\$200

TOTAL

\$7

# Compliance History

Customer/Respondent/Owner-Operator:	CN600664627	K.L.COMFORT PARK, LTD	Classification:	Rating:
Regulated Entity:	RN101223600	BIRD CREEK MHP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION			0140169
Location:	1712 GENERAL BRUCE DRIVE, BELL COUNTY, TEXAS			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	May 11, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 10, 2002 to May 11, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Tel Croston		Phone:	239-5717

## 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	07/01/2002	(2200)
2	06/19/2003	(60722)
3	04/18/2007	(554012)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

1	Date: 06/28/2002	(2200)					
	Self Report?	NO	Classification:	Minor			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)					
	Description:	Failure to provide a copy of an adopted drought contingency plan.					
	Self Report?	NO	Classification:	Moderate			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)[G]					
	Description:	Failure have a certified operator.					
	Self Report?	NO.	Classification:	Minor			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)[G]					
	Description:	Failure to have operation records.					
- 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  
K.L. COMFORT PARK, LTD.  
RN101223600**

**§           BEFORE THE  
§           TEXAS COMMISSION ON  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0789-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 K.L. Comfort Park, Ltd. ("K.L. Comfort Park") under the authority of Tex. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Litigation Division, and K.L. Comfort Park appear before the Commission and together stipulate that:

1. K.L. Comfort Park owns and operates a public water supply at 1712 North General Bruce Drive, Temple, Bell County, Texas (the "Facility") that has approximately 143 service connections and serves at least 25 people per day for at least 60 days per year.
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and K.L. Comfort Park agree that the Commission has jurisdiction to enter this Agreed Order, and that K.L. Comfort Park is subject to the Commission's jurisdiction.
4. K.L. Comfort Park received notice of the violations alleged in Section II ("Allegations") on or about April 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by K.L. Comfort Park of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of one thousand one hundred two dollars (\$1,102) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

- K.L. Comfort Park has paid one thousand one hundred two dollars (\$1,102.00) of the administrative penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and K.L. Comfort Park have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that K.L. Comfort Park has not complied with one or more of the terms or conditions in this Agreed Order.
  10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner of the Facility, K.L. Comfort Park is alleged to have:

1. Failed to issue a customer service inspection certificate prior to providing continuous water service, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on March 21, 2007.
2. Failed to ensure that the public water supply operation is under the direct supervision of a water works operator who holds a minimum of a Class "D" license, in violation of 30 TEX. ADMIN. Code § 290.46(e)(3)(A) and TEX. HEALTH AND SAFETY CODE § 341.033(a), as documented during an investigation conducted on March 21, 2007.
3. Failed to maintain a supply of calcium hypochlorite disinfectant for use when making repairs, setting meters, and disinfecting new lines prior to placing them in service, in violation of 30 TEX. ADMIN. CODE § 290.46(h), as documented during an investigation conducted on March 21, 2007.
4. Failed to maintain records of water works operations, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on March 21, 2007.
5. Failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on March 21, 2007.

### III. DENIALS

K.L. Comfort Park generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that K.L. Comfort Park pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and K.L. Comfort Park'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: K.L. Comfort Park, Ltd., Docket No. 2007-0789-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 K.L. Comfort Park shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order;
    - i. Begin completing customer service inspection certifications prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities, as required by 30 TEX. ADMIN. CODE § 290.46;
    - ii. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a class "D" license, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - iii. Begin maintaining a minimum 30 day supply of calcium hypochlorite for disinfecting purposes, as required by 30 TEX. ADMIN. CODE § 290.46.
    - iv. Begin maintaining water system records such that they can be made available for review upon the request of commission personnel at the time of the investigation, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - v. Compile a plant operation manual, as required by 30 TEX. ADMIN. CODE § 290.42.
  - b. Within 45 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.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."

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:

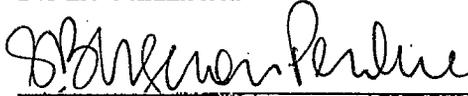
Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon K.L. Comfort Park. K.L. Comfort Park 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 K.L. Comfort Park shall be made in writing to the Executive Director. Extensions are not effective until K.L. Comfort Park 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 K.L. Comfort Park 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 K.L. Comfort Park, or three days after the date on which the Commission mails notice of the Order to K.L. Comfort Park, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/5/2009

Date

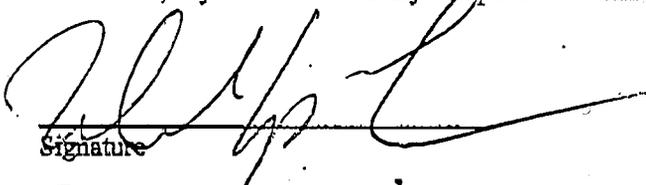
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that K.L. Comfort Park's 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 by K.L. Comfort Park;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against K.L. Comfort Park;
- Automatic referral to the Attorney General's Office of any future enforcement actions against K.L. Comfort Park; and
- TCEQ seeking other relief as authorized by law.

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

Signature



Date

5-20-2009

Robert Kipluris

Name (Printed or Typed)  
Authorized Representative of  
K.L. Comfort Park, Ltd.

Conrad Archer

Title