

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2007-0878-PWS-E      TCEQ ID: RN102690302      CASE NO.: 34151**  
**RESPONDENT NAME: LEWIS BLESSING, L.P. DBA BLESSING MOBILE HOME PARK**

<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

**SITE WHERE VIOLATIONS OCCURRED:** 1102 Martin Avenue, Round Rock, Williamson County

**TYPE OF OPERATION:** Public water system

**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 August 24, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Steven M. Fishburn, Litigation Division, MC 175, (512) 239-0635  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  
**TCEQ Enforcement Coordinator:** Mr. Tel Croston, Water Enforcement Section, MC 169, (512) 239-5717  
**TCEQ Regional Contact:** Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929  
**Respondent:** Mr. Robert Lewis, President, Lewis Blessing, L.P., 1102 Martin Avenue, Round Rock, Texas 78681  
**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> May 17, 2007</p> <p><b>Date of NOE Relating to this Case:</b> May 25, 2007</p> <p><b>Background Facts:</b> The EDRP was filed April 30, 2009. The Respondent filed an answer on May 22, 2009. Settlement was achieved and the agreed order was signed on June 16, 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 complete a customer service inspection certificate prior to providing continuous water service to new construction [30 TEX. ADMIN. CODE § 290.46(j)].</li> <li>Failed to provide public water system operating records at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2)].</li> <li>Failed to ensure that the production, treatment, and distribution facilities of the public water system are operated at all times under the direct supervision of a water works operator who holds an applicable, valid license [30 TEX. ADMIN. CODE § 290.46(e)].</li> </ol>	<p><b>Total Assessed:</b> \$ 1,656</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/Due to General Revenue:</b> \$552/\$1,104</p> <p>The Respondent paid \$552 of the administrative penalty. The remaining amount of \$1,104 shall be payable in 2 monthly payments of \$552 each.</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>Complete customer service inspection certificates for all new construction; and</li> <li>Begin maintaining a record of water works operation and maintenance activities such that they are available for review at the time of investigation.</li> </ol> </li> <li>Within 45 days, submit written certification demonstrating compliance with these Ordering Provisions.</li> </ol>



# Penalty Calculation Worksheet (PCW)

<b>DATES</b>	<b>Assigned</b>	29-May-2007	<b>Screening</b>	6-Jul-2007	<b>EPA Due</b>	
	<b>PCW</b>	11-Jul-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Lewis Blessing, L.P. dba Blessing Mobile Home Park
<b>Reg. Ent. Ref. No.</b>	RN102690302
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	34151	<b>No. of Violations</b>	3
<b>Docket No.</b>	2007-0878-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Amy Martin
<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

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,200
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	38% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$456
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**Notes**  
 Enhancement recommended due to one Notice of Violation ("NOV") for violations that are same or similar, four NOV's for violations that are not same or similar, and one Agreed Order without a denial of liability.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes**  
 The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

<b>Total EB Amounts</b>	\$10,587	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$11,500	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,656
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	\$1,656
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,656
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,656
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Screening Date 6-Jul-2007

Docket No. 2007-0878-PWS-E

PCW

Respondent Lewis Blessing, L.P. dba Blessing Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 34151

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

### 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	4	8%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
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) 38%

>> 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 recommended due to one Notice of Violation ("NOV") for violations that are same or similar, four NOVs for violations that are not same or similar, and one Agreed Order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 38%

Screening Date 6-Jul-2007

Docket No. 2007-0878-PWS-E

PCW

Respondent Lewis Blessing, L.P. dba Blessing Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 34151

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number

Rule Cite(s)

Violation Description

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="checkbox"/>	<input type="text"/>	<input type="text"/>

Percent

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:** Lewis Blessing, L.P. dba Blessing Mobile Home Park

**Case ID No.:** 34151

**Reg. Ent. Reference No.:** RN102690302

**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	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	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)	\$1,000	17-May-2007	29-Feb-2008	0.8	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to conduct customer service inspections and complete a customer service inspection certificate for all new construction. The Date Required is the date of the 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

\$1,000

TOTAL

\$39

Screening Date 6-Jul-2007

Docket No. 2007-0878-PWS-E

PCW

Respondent Lewis Blessing, L.P. dba Blessing Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 34151

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2)

Violation Description Failed to provide public water system operating records at the time of the investigation. Specifically, the facility did not have any operating records accessible for review at the time of the investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

50 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$138

This violation Final Assessed Penalty (adjusted for limits) \$138

## Economic Benefit Worksheet

**Respondent** Lewis Blessing, L.P. dba Blessing Mobile Home Park

**Case ID No.** 34151

**Reg. Ent. Reference No.** RN102690302

**Media** Public Water Supply

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$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	\$500	17-May-2007	29-Feb-2008	0.8	\$20	n/a	\$20
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

Estimated cost to create a record-keeping system and begin maintaining all water system records. The Date Required is the date of the 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

\$500

**TOTAL**

\$20

Screening Date 6-Jul-2007

Docket No. 2007-0878-PWS-E

PCW

Respondent Lewis Blessing, L.P. dba Blessing Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 34151

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)

Violation Description Failed to ensure that the production, treatment, and distribution facilities of the public water system are operated at all times under the direct supervision of a water works operator who holds an applicable, valid license. Specifically, the facility did not have an individual with a Class "D" or higher license on staff.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to ensure a licensed operator oversees a public water supply system could result in the poor operation of the facility, and, as a result, could expose customers to a significant amount of pollutants which would exceed levels protective of human health and the environment.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 50

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended based on the date of investigation (May 17, 2007) through the date of screening (July 6, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10,527

Violation Final Penalty Total \$690

This violation Final Assessed Penalty (adjusted for limits) \$690

## Economic Benefit Worksheet

**Respondent:** Lewis Blessing, L.P. dba Blessing Mobile Home Park

**Case ID No.:** 34151

**Reg. Ent. Reference No.:** RN102690302

**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]	\$10,000	17-May-2007	6-Jul-2007	1.1	\$527	\$10,000	\$10,527
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for not employing a licensed operator. The Date Required is the date of investigation.  
The Final Date is the date of screening.

Approx. Cost of Compliance

\$10,000

TOTAL

\$10,527



some other approved source.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to install water system electrical wiring in a securely mounted conduit in compliance with local or national electrical code.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: Failure to post a legible sign at each of its production, treatment & storage facs.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)

Description: Failure to compile a thorough plant operations manual & keep it up to date for operator review & reference.

Classification: Moderate

Citation: 2B TWC Chapter 13, SubChapter A 13.136(a)

30 TAC Chapter 291, SubChapter B 291.21(c)(7)

30 TAC Chapter 291, SubChapter F 291.93(2)(A)

Description: Failure to ensure that it's tariff includes an approved DCP as required in 30TAC288.20.

Classification: Moderate

Citation: 2B TWC Chapter 13, SubChapter A 13.132(a)(1)

30 TAC Chapter 288, SubChapter C 288.30(3)(B)

Description: Failed to make its adopted DCP available for inspection by the E.D.

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	12/01/2005	(484258)
2	12/21/2005	(485759)
3	01/25/2006	(485771)
4	05/26/2006	(485778)
5	07/13/2006	(486178)
6	01/18/2007	(533779)
7	04/24/2007	(557302)
8	05/25/2007	(561040)

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

Date: 12/01/2005 (484258)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 10/2005.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.

Date: 12/21/2005 (485759)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 11/2005.

Date: 01/25/2006 (485771)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 12/2005.

Date: 05/26/2006 (485778)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 04/2006.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 04/2006.

Date: 01/18/2007 (533779)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to conduct customer service inspections before providing service to new construction.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to make operating reports available for review during the investigation.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)

Description: The water system was not being operated by an operator with an applicable, valid license.

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  
LEWIS BLESSING, L.P. DBA  
BLESSING MOBILE HOME  
PARK;  
RN102690302

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-0878-PWS-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lewis Blessing, L.P. dba Blessing Mobile Home Park ("Lewis Blessing, L.P.") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Lewis Blessing, L.P. appear before the Commission and together stipulate that:

1. Lewis Blessing, L.P. owns and operates a public water system located at 1102 Martin Avenue, Round Rock, Williamson County, Texas (the "Facility").
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 Lewis Blessing, L.P. agree that the Commission has jurisdiction to enter this Agreed Order, and that Lewis Blessing, L.P. is subject to the Commission's jurisdiction.
4. Lewis Blessing, L.P. received notice of the violations alleged in Section II ("Allegations") on or about May 30, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lewis Blessing, L.P. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of one thousand six hundred fifty-six dollars (\$1,656.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lewis Blessing, L.P. paid five hundred fifty-two dollars (\$552.00) of the administrative penalty. The remaining amount of one thousand one hundred four dollars (\$1,104.00) of the administrative penalty shall be payable in two (2) monthly payments of five hundred fifty-two dollars (\$552.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Lewis Blessing, L.P. fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Lewis Blessing, L.P.'s failure to meet the payment schedule of this Agreed Order constitutes the failure by Lewis Blessing, L.P. to timely and satisfactorily comply with all of the terms of this Agreed Order
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 Lewis Blessing, L.P. agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Facility has acquired the services of a properly licensed Class D Water Operator.
10. 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 Lewis Blessing, L.P. has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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

1. During a record review conducted on May 17, 2007, a TCEQ Regional Office investigator documented that Lewis Blessing, L.P. violated:
  - a. 30 TEX. ADMIN. CODE § 290.46(j) by failing to complete a customer service inspection certificate prior to providing continuous water service to new construction. Specifically, the Facility added six new connections to the distribution system without completing customer service inspection certificates for each residence.
  - b. 30 TEX. ADMIN. CODE § 290.46(f)(2) by failing to provide public water system operating records at the time of the investigation. Specifically, the Facility did not have any operating records accessible for review at the time of the investigation.
  - c. 30 TEX. ADMIN. CODE § 290.46(e) by failing to ensure that the production, treatment, and distribution facilities of the public water system are operated at all times under the direct supervision of a water works operator who holds an applicable, valid license. Specifically, the Facility did not have an individual with a Class "D" or higher license on staff.

## III. DENIALS

Lewis Blessing, L.P. generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lewis Blessing, L.P. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Lewis Blessing, L.P.'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Lewis Blessing, L.P. dba Blessing Mobile Home Park, Docket No. 2007-0878-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. Lewis Blessing, L.P. shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, Lewis Blessing L.P. shall:
    - i. Complete customer service inspection certificates for all new construction, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Begin maintaining a record of water works operation and maintenance activities such that they are available for review at the time of investigation, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Order, Lewis Blessing, L.P. shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.ii. 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:

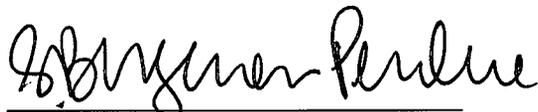
Public Water Supply Section, Manager  
Austin Regional Office  
Texas Commission on Environmental Quality  
2800 S IH 35, Suite 100  
Austin, Texas 78704-5700

3. The provisions of this Agreed Order shall apply to and be binding upon Lewis Blessing, L.P. Lewis Blessing, L.P. 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 Lewis Blessing, L.P. shall be made in writing to the Executive Director. Extensions are not effective until Lewis Blessing, L.P. 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 Lewis Blessing, L.P. 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Lewis Blessing, L.P., or three days after the date on which the Commission mails notice of the Order to Lewis Blessing, L.P., 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

7/24/2009

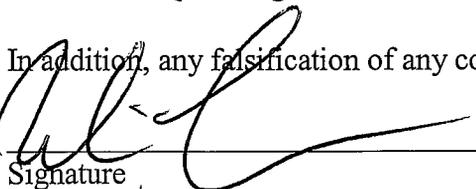
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Lewis Blessing, L.P.'s compliance history;
- Greater scrutiny of any permit applications submitted by Lewis Blessing, L.P.;
- 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 Lewis Blessing, L.P.;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Lewis Blessing, L.P.; and
- TCEQ seeking other relief as authorized by law.

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

  
Signature

6-16-09  
Date

Robert Lewis  
Name (Printed or typed)  
Authorized representative of  
Lewis Blessing, L.P. dba Blessing  
Mobile Home Park

President  
Title