

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1800-PWS-E **TCEQ ID:** RN101217222 **CASE NO.:** 36755

RESPONDENT NAME: Hector Guzman dba Shiloh Oak Mobile Home Park

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Shiloh Oak MHP, one-quarter mile northwest of the intersection of Farm-to-Market Road 563 and Farm-to-Market Road 770, Liberty County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 20, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Hector Guzman, Owner, Shiloh Oak Mobile Home Park, 3733 South Torrey Pines Drive, Las Vegas, Nevada 89103 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 1, 2008</p> <p>Date of NOV/NOE Relating to this Case: October 14, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to collect routine distribution coliform samples [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2) Failure to provide public notice of the failure to collect coliform samples [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].</p>	<p>Total Assessed: \$7,872</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$244 (remaining \$7,628 due in 35 monthly payments of \$211 each, with a final payment of \$243)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Three repeated NOVs over the prior five-year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order, begin collecting and submitting monthly coliform samples which are representative of the Facility's water system according to the Facility's microbiological monitoring plan;</p> <p>b) Within 30 days after the effective date of this Agreed Order, devise and begin maintaining a written protocol that is to be followed to ensure that proper public notification is provided to the customers of the Facility in the event that the Facility fails to perform the required coliform monitoring or other conditions that indicate the potability of water may have been compromised;</p> <p>c) Within 180 days after the effective date of this Agreed Order, comply with the coliform monitoring requirements and provide water that meets the provisions regarding microbial contaminants; and</p> <p>d) Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provisions a through c.</p>

Additional ID No(s): PWS 146007



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Oct-2008	Screening	27-Oct-2008	EPA Due	28-Feb-2008
	PCW	10-Nov-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Hector Guzman dba Shiloh Oak Mobile Home Park		
Reg. Ent. Ref. No.	RN101217222		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36755	No. of Violations	1
Docket No.	2008-1800-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Henry
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	77.0% Enhancement	Subtotals 2, 3, & 7	\$3,080
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Notes	The penalty enhancement is due to 17 prior NOV's for the same or similar violations as those in the current enforcement action and one dissimilar NOV. Credit given for High Performer classification.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$792	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$600	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,080
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.2%	Adjustment	\$792
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Penalty enhancement recommended for the recovery of avoided costs of compliance.
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Final Penalty Amount	\$7,872
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,872
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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.
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PAYABLE PENALTY	\$7,872
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Screening Date 27-Oct-2008

Docket No. 2008-1800-PWS-E

PCW

Respondent Hector Guzman dba Shiloh Oak Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 36755

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217222

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	17	85%
	Other written NOVs	1	2%
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 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) 87%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> **Compliance History Summary**

Compliance History Notes

The penalty enhancement is due to 17 prior NOVs for the same or similar violations as those in the current enforcement action and one dissimilar NOV. Credit given for High Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 77%

Screening Date 27-Oct-2008		Docket No. 2008-1800-PWS-E		PCW	
Respondent Hector Guzman dba Shiloh Oak Mobile Home Park				<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36755				<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101217222					
Media [Statute] Public Water Supply					
Enf. Coordinator Amanda Henry					
Violation Number <input type="text" value="1"/>					
Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) Tex. Health & Safety Code § 341.033(d)					
Violation Description Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system and failed to provide notice of the failure to collect samples for the months of April 2007 through July 2008.					
Base Penalty				<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="25%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes	Failure to perform routine bacteriological sampling could result in the public being exposed to significant amounts of undetected contaminants in the drinking water which could exceed levels that are protective of human health.				
Adjustment				<input type="text" value="\$750"/>	
				<input type="text" value="\$250"/>	
Violation Events					
Number of Violation Events		<input type="text" value="16"/>	Number of violation days		
		<input type="text" value="487"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>			
	weekly	<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 <input type="text" value="\$4,000"/>	
Sixteen monthly events are recommended.					
Good Faith Efforts to Comply					
		0.0%	Reduction	<input type="text" value="\$0"/>	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				<input type="text" value="\$4,000"/>	
Economic Benefit (EB) for this violation					
		Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$792"/>	Violation Final Penalty Total <input type="text" value="\$7,872"/>		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$7,872"/>	

Economic Benefit Worksheet

Respondent: Hector Guzman dba Shiloh Oak Mobile Home Park

Case ID No.: 36755

Reg. Ent. Reference No.: RN101217222

Media: Public Water Supply

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$600	1-Apr-2007	3-Jul-2008	1.26	\$38	\$755	\$792
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to conduct monthly bacteriological sampling and to post public notice of the failure to collect samples, calculated for the months in which no monitoring was performed.

Approx. Cost of Compliance \$600

TOTAL \$792

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603199183	GUZMAN, HECTOR	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101217222	SHILOH OAK MHP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1460047
	WATER LICENSING		LICENSE	1460047
Location:	¼ MI NW of INTX OF FM 563 AND FM 770, LIBERTY, COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	November 24, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 27, 2003 to October 27, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Amanda Henry		Phone:	713-767-3672

Site Compliance History Components

- | | |
|--|---------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | Hector Guzman |
| 4. If Yes, who was/were the prior owner(s)? | Francy, Ltd. |
| 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 | 06/27/2005 | (395359) |
| 2 | 07/11/2008 | (682964) |
| 3 | 10/10/2008 | (688741) |
| 4 | 10/14/2008 | (705121) |
| 5 | 10/14/2008 | (705122) |
| 6 | 10/14/2008 | (705123) |
| 7 | 10/14/2008 | (705124) |
| 8 | 10/14/2008 | (705125) |
| 9 | 10/14/2008 | (705126) |
| 10 | 10/14/2008 | (705127) |
| 11 | 10/14/2008 | (705128) |
| 12 | 10/14/2008 | (705129) |
| 13 | 10/14/2008 | (705130) |
| 14 | 10/14/2008 | (705131) |
| 15 | 10/14/2008 | (705132) |
| 16 | 10/14/2008 | (705133) |
| 17 | 10/14/2008 | (705358) |
| 18 | 10/14/2008 | (705374) |
| 19 | 10/16/2008 | (705397) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/27/2005 (395359)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to make available sanitary control easements for the well at the time of the inspection.

Date: 06/25/2007 (705121)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 05/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 05/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 07/30/2007 (705122)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 06/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 06/2007 - Failure to collect any routine monitoring sample(s).

Date: 08/02/2007 (688741)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 04/2007 - Failure to collect any routine bacteriological sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 04/2007 - Failure to post public notice for not collecting any routine bacteriological sample(s).

Date: 09/10/2007 (705123)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 07/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 07/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 11/01/2007 (705124)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 08/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 08/2007 - Failure to collect any routine monitoring sample(s).

Date: 12/20/2007 (705125)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 09/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 09/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 01/31/2008 (705126)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 10/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 10/2007 - Failure to collect any routine monitoring sample(s).

Date: 02/14/2008 (705127)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 11/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 11/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 02/21/2008 (705128)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 12/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 12/2007 - Failure to collect any routine monitoring sample(s).

Date: 03/11/2008 (705129)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 01/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 01/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 04/16/2008 (705130)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 02/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 02/2008 - Failure to collect any routine monitoring sample(s).

Date: 04/29/2008 (705131)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 03/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 03/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 05/22/2008 (705132)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 04/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 04/2008 - Failure to collect any routine monitoring sample(s).

Date: 06/27/2008 (705133)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 05/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 05/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 07/10/2008 (682964)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to make available sanitary control easements for the well at the time of the inspection.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121
Description: Failure by the regulated entity to develop and maintain an up-to-date system monitoring plan.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure by a community public water system that uses purchased water or groundwater sources only to submit a Disinfectant Level Quarterly Operating Report (DL QOR).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to post a legible sign at each of its production, treatment, and storage facilities by each community system.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to inspect the pressure tanks annually.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(3)
Description: Failure to possess a chlorine test kit which uses the DPD method to determine the free chlorine residual at various locations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to properly maintain the regulated entity by not cleaning the inside of the hypochlorinator solution container.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure by the regulated entity to be under the direct supervision of a licensed water works operator at all times.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies.
Date: 07/31/2008 (705358)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 06/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 06/2008 - Failure to collect any routine monitoring sample(s).
Date: 09/03/2008 (705374)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 07/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 07/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
HECTOR GUZMAN DBA SHILOH OAK	§	
MOBILE HOME PARK	§	
RN101217222	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1800-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Hector Guzman dba Shiloh Oak Mobile Home Park (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located one-quarter mile northwest of the intersection of Farm-to-Market Road 563 and Farm-to-Market Road 770 in Liberty County,

Texas (the "Facility") that has approximately 20 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on August 1, 2008, TCEQ staff documented that the Respondent did not collect routine distribution coliform samples for the months of April 2007 through July 2008.
3. During a record review conducted on August 1, 2008, TCEQ staff documented that the Respondent did not provide public notice of the failure to collect coliform samples for the months of April 2007 through July 2008.
4. The Respondent received notice of the violations on October 19, 2008.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to collect routine distribution coliform samples, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to provide public notice of the failure to collect coliform samples, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent 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.
5. An administrative penalty in the amount of Seven Thousand Eight Hundred Seventy-Two Dollars (\$7,872) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid Two Hundred Forty-Four Dollars (\$244) of the administrative penalty. The remaining amount of Seven Thousand Six Hundred Twenty-Eight Dollars (\$7,628) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Eleven Dollars (\$211) each, with a final payment of Two Hundred Forty-Three Dollars (\$243). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Seven Thousand Eight Hundred Seventy-Two Dollars (\$7,872) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Hector Guzman dba Shiloh Oak Mobile Home Park, Docket No. 2008-1800-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. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin collecting and submitting monthly coliform samples which are representative of the Facility's water system according to the Facility's microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.109.
 - b. Within 30 days after the effective date of this Agreed Order, devise and begin maintaining a written protocol that is to be followed to ensure that proper public notification is provided to the customers of the Facility in the event that the Facility fails to perform the required coliform monitoring or other conditions that indicate the potability of water may have been compromised, as required by 30 TEX. ADMIN. CODE § 290.122.
 - c. Within 180 days after the effective date of this Agreed Order, comply with the coliform monitoring requirements and provide water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109.
 - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a through 2.c.

The certification shall be notarized by a State of Texas Notary Public and should 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Ste. H
Houston, Texas 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Hector Guzman dba Shiloh Oak Mobile Home Park
DOCKET NO. 2008-1800-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Jolene Swoboda
For the Executive Director

7/13/2009
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Hector Guzman dba Shiloh Oak Mobile Home. I am authorized to agree to the attached Agreed Order on behalf of Hector Guzman dba Shiloh Oak Mobile Home Park, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Hector Guzman dba Shiloh Oak Mobile Home Park waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Hector Guzman
Signature

2/12/09
Date

HECTOR GUZMAN
Name (Printed or typed)
Authorized Representative of
Hector Guzman dba Shiloh Oak Mobile Home Park

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III Paragraph 1 of this Agreed Order.