

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO. 2010-0531-PWS-E RN102698545 CASE NO. 28748**

**RESPONDENT NAME: GEORGE W. JACKSON DBA FORT JACKSON MOBILE ESTATES**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATIONS OCCURRED:** 116th Street and South University, Lubbock, Lubbock County

**TYPE OF OPERATION:** mobile home park with a 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 Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired October 11, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney:** Ms. Peipey Tang, Litigation Division, MC 175, (512) 239-0654  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400  
**TCEQ Enforcement Coordinator:** Mr. Epifanio Villareal, Water Enforcement Section, MC R-14 (361) 825-3425  
**TCEQ Regional Contact:** Mr. Patrick Cooke, Water Section Manager, Lubbock Regional Office, MC R-2, (806) 796-7092  
**Respondent:** George W. Jackson, Owner, Fort Jackson Mobile Estates, P.O. Box 53733, Lubbock, Texas 79453-3733 and 2903 76th Street, Lubbock, Texas 79423-2109  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: GEORGE W. JACKSON DBA  
FORT JACKSON MOBILE ESTATES  
DOCKET NO. 2010-0531-PWS-E**

**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:</b> None</p> <p><b>Dates of Investigation:</b> February 7 - 9, 2010 February 25 – March 1, 2010 March 22, 2010</p> <p><b>Dates of NOEs:</b> February 9, 2010 March 1, 2010</p> <p><b>Background Facts:</b> The EDP RP was filed on May 11, 2010, and mailed to Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDP RP on May 19, 2010. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b> Respondent has not yet submitted documentation to certify compliance with the technical requirements. Respondent owes \$571.63 in past-due fees.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>Failed to comply with the maximum contaminant level ("MCL") of 4.0 milligrams per liter ("mg/L") for fluoride, based on a running annual average; failed to provide public notification and certify the delivery of a public notice for the failure to comply with the MCL for fluoride during the third and fourth quarter of 2009; and failed to report all inorganic chemical results to the Executive Director for the third quarter and fourth quarter of 2009 [30 TEX. ADMIN. CODE §§ 290.106(e), 290.106(f)(3), and 290.122(b); TEX. HEALTH &amp; SAFETY CODE § 341.0315(c); and TCEQ Default Order, Docket No. 2006-0290-PWS-E, Ordering Provision No. 2.b.].</li> <li>Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].</li> <li>Failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 91520064 for Fiscal Years 2004 through 2010 [30 TEX. ADMIN. CODE § 290.51(a)(3); TEX. WATER CODE § 5.702; and TCEQ Default Order, Docket No. 2006-0290-PWS-E, Ordering Provision No. 2.a.].</li> </ol>	<p><b>Total Assessed:</b> \$2,701</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$2,701</p> <p>This is a Default Order. Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Compliance History Classifications:</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>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately begin notifying each customer in writing of the existing water quality violations and provide a copy of the notices to the Commission.</li> <li>Within 30 days: <ol style="list-style-type: none"> <li>Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2009 to each bill paying customer and make a good faith effort to deliver a copy of the CCR to non-bill paying customers; and</li> <li>Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 91520064.</li> </ol> </li> <li>Within 45 days, submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.</li> <li>Within 60 days, submit written certification to demonstrate compliance with Ordering Provisions Nos. 1, 2, and 3.</li> <li>Within 90 days, report all past and current quarterly inorganic chemical results to the Executive Director.</li> <li>Within 105 days, submit written certification and include a copy of quarterly inorganic chemical results to demonstrate compliance with Ordering Provision No. 5.</li> <li>Within 365 days, return to compliance with the MCL for fluoride.</li> <li>Within 380 days, submit written certification to demonstrate compliance with Ordering Provision No. 7.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	22-Mar-2010	<b>Screening</b>	24-Mar-2010	<b>EPA Due</b>	1-Jan-2010
	<b>PCW</b>	24-Mar-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	George W. Jackson dba Fort Jackson Mobile Estates		
<b>Reg. Ent. Ref. No.</b>	RN102698545		
<b>Facility/Site Region</b>	2-Lubbock	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	28748	<b>No. of Violations</b>	3
<b>Docket No.</b>	2010-0531-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit</b>	<b>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>	\$1,350
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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>	63.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$850
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Notes: The penalty enhancement is due to six prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action, four dissimilar NOVs, and one prior default enforcement order without a denial of liability.

<b>Culpability</b>	No	0.0% 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 Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2,006  
 Approx. Cost of Compliance: \$5,372  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,200
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	22.8%	<b>Adjustment</b>	\$501
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance.

<b>Final Penalty Amount</b>	\$2,701
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,701
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<b>DEFERRAL</b>	0.0% 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: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$2,701
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**Screening Date** 24-Mar-2010

**Docket No.** 2010-0531-PWS-E

**PCW**

**Respondent** George W. Jackson dba Fort Jackson Mobile Estates

*Policy Revision 2 (September 2002)*

**Case ID No.** 28748

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN102698545

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	6	30%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 63%

**>> 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**

The penalty enhancement is due to six prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action, four dissimilar NOVs, and one prior default enforcement order without a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 63%

<b>Screening Date</b> 24-Mar-2010	<b>Docket No.</b> 2010-0531-PWS-E	<b>PCW</b>			
<b>Respondent</b> George W. Jackson dba Fort Jackson Mobile Estates	<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.</b> 28748	<i>PCW Revision October 30, 2008</i>				
<b>Reg. Ent. Reference No.</b> RN102698545					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Epifanio Villarreal					
<b>Violation Number</b> 1					
<b>Rule Cite(s)</b>	30 Tex Admin Code §§ 290.106(e), 290.106(f)(3), and 290.122(b), Tex. Health & Safety Code § 341.0315(c) and TCEQ Default Order Docket No. 2006-0290-PWS-E, Ordering Provision 2.b.				
<b>Violation Description</b>	Failed to comply with the maximum contaminant level ("MCL") of 4.0 milligrams per liter ("mg/L") for fluoride, based on a running annual average, failed to provide public notification and certify the delivery of a public notice for the failure to comply with the MCL for fluoride during the third and fourth quarter of 2009, and failed to report all inorganic chemical results to the Executive Director for the third quarter and fourth quarter of 2009. Specifically, the running annual average concentrations for fluoride were unattainable for the third and fourth quarter of 2009 due to delinquent lab fees. The most current running annual average concentration for fluoride was 6.7 mg/L for the fourth quarter of 2008.				
<b>Base Penalty</b>		\$1,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major      Moderate      Minor			
	Actual	<input type="text"/> <input checked="" type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>		
Potential	<input type="text"/> <input type="text"/> <input type="text"/>				
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Exceeding the MCL for fluoride has exposed the customers of the water system to significant amounts of contaminants, which do not exceed levels that are protective of human health.				
<b>Adjustment</b>					\$750
					\$250
<b>Violation Events</b>					
Number of Violation Events		<input type="text" value="3"/>	Number of violation days		<input type="text" value="1014"/>
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$750"/>		
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input checked="" type="text"/>			
	single event	<input type="text"/>			
Three annual events are recommended from the effective date of TCEQ Default Order Docket No. 2006-0290-PWS-E, June 14, 2007, to the date of screening, March 24, 2010.					
<b>Good Faith Efforts to Comply</b>					
		<b>0.0%</b> Reduction	<input type="text" value="\$0"/>		
		Before NOV	NOV to EDPRP/Settlement		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	<input checked="" type="text"/>	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>					\$750
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$1,505"/>	<b>Violation Final Penalty Total</b>		<input type="text" value="\$1,501"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input type="text" value="\$1,501"/>

## Economic Benefit Worksheet

**Respondent** George W. Jackson dba Fort Jackson Mobile Estates  
**Case ID No.** 28748  
**Reg. Ent. Reference No.** RN102698545  
**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
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	14-Jun-2007	1-Oct-2011	4.30	\$72	\$1,434	\$1,505
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**  
 The delayed costs include the estimated amount to implement an alternative treatment method to lower the fluoride level to the MCL of 4.0 mg/L, provide public notice, and report fluoride results to the Executive Director, calculated from the effective date of TCEQ Default Order Docket No. 2006-0290-PWS-E, to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance	\$5,000	<b>TOTAL</b>	\$1,505
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**Screening Date** 24-Mar-2010 **Docket No.** 2010-0531-PWS-E **PCW**  
**Respondent** George W. Jackson dba Fort Jackson Mobile Estates *Policy Revision 2 (September 2002)*  
**Case ID No.** 28748 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102698545  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)  
**Violation Description** Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCRs to the Facility's customers nor did the Respondent submit the CCR or the required certification to the TCEQ for the years 2002 through 2004 and 2006 through 2008.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			10%

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events 6 1462 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

**Violation Base Penalty** \$600

Six annual events are recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	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 for this violation.

**Violation Subtotal** \$600

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$501 **Violation Final Penalty Total** \$1,201

**This violation Final Assessed Penalty (adjusted for limits)** \$1,201

## Economic Benefit Worksheet

**Respondent** George W. Jackson dba Fort Jackson Mobile Estates  
**Case ID No.** 28748  
**Reg. Ent. Reference No.** RN102698545  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$372	1-Jul-2003	1-Jul-2009	6.92	\$129	\$372	\$501
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$372

**TOTAL**

\$501

<b>Screening Date</b>	24-Mar-2010	<b>Docket No.</b>	2010-0531-PWS-E	<b>PCW</b>
<b>Respondent</b>	George W. Jackson dba Fort Jackson Mobile Estates			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	28748			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN102698545			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.51(a)(3), Tex. Water Code § 5.702, and TCEQ Default Order Docket No. 2006-0290-PWS-E, Ordering Provision 2.a.			
<b>Violation Description</b>	Failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 91520064 for Fiscal Years 2004 through 2010.			
		<b>Base Penalty</b>	\$1,000	

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

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

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle. .

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

**Notes**

**Violation Subtotal**

**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** George W. Jackson dba Fort Jackson Mobile Estates  
**Case ID No.** 28748  
**Reg. Ent. Reference No.** RN102698545  
**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
No commas or \$							

### Delayed Costs

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

Notes for DELAYED costs

N/A

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN601368798 JACKSON, GEORGE W	Classification:	Rating:
Regulated Entity:	RN102698545 FORT JACKSON MOBILE ESTATES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1520064
	WATER LICENSING	LICENSE	1520064
Location:	116TH S UNIVERSITY, LUBBOCK COUNTY, LUBBOCK, TX		
TCEQ Region:	REGION 02 - LUBBOCK		
Date Compliance History Prepared:	April 05, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 05, 2005 to April 05, 2010		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: 361-825-3425

## 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 06/14/2007 ADMINORDER 2006-0290-PWS-E
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)  
5A THC Chapter 341, SubChapter A 341.0315(c)
- Description: Failed to comply with the maximum contaminant level of 4.0 milligrams per liter for fluoride.
- Classification: Minor
- Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 290, SubChapter E 290.51(a)(3)
- Description: Failed to pay Public Health Service Fee (Account No. 91520064) for fiscal year 2004-2006.
- 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  | 02/08/2006 | (452311) |
| 2  | 02/21/2006 | (796168) |
| 3  | 03/03/2006 | (455607) |
| 4  | 04/04/2006 | (533957) |
| 5  | 12/18/2006 | (535889) |
| 6  | 02/06/2007 | (536363) |
| 7  | 02/20/2008 | (796173) |
| 8  | 03/27/2008 | (636943) |
| 9  | 01/14/2009 | (796179) |
| 10 | 04/06/2009 | (741632) |
| 11 | 11/03/2009 | (796191) |
| 12 | 02/08/2010 | (791586) |
| 13 | 02/08/2010 | (793564) |

14 03/15/2010 (794257)  
15 03/31/2010 (797755)

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

Date: 02/07/2006 (452311) CN601368798  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
Description: Failure to provide an adequate disinfection residual throughout the distribution system.

Date: 02/21/2006 (796168) CN601368798  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2004 to its bill-paying customers.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)  
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2004 CCR year to the TCEQ.

Date: 04/04/2006 (533957) CN601368798  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(b)(1)(B)  
30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THC Chapter 341, SubChapter A 341.0315(c)  
Description: Failed to comply with the average annual MCL for combined uranium of 30 micrograms per liter ("ug/L") during 2005 and 2006.

Date: 12/18/2006 (535889) CN601368798  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(b)(1)(B)  
30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THC Chapter 341, SubChapter A 341.0315(c)  
Description: Failed to comply with the average annual MCL for combined uranium of 30 micrograms per liter ("ug/L") during 2005 and 2006.

Date: 02/20/2008 (796173) CN601368798  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2006 to its bill-paying customers.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)  
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2006 CCR year to the TCEQ.

Date: 03/28/2008 (636943) CN601368798  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)  
Description: Failure to properly install electrical wiring in compliance with local electrical codes.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)  
Description: Failure to maintain a record of water works operations and maintenance.

Date: 01/14/2009 (796179) CN601368798  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)  
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2007 CCR year to the TCEQ.

Date: 11/03/2009 (796191) CN601368798  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

Description: 30 TAC Chapter 290, SubChapter H 290.274(a)  
This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.

Date: 02/08/2010 (791586) CN601368798

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for fluoride during the third quarter of 2009.

Date: 02/08/2010 (793564) CN601368798

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for fluoride during the fourth quarter of 2009.

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  
GEORGE W. JACKSON D/B/A  
FORT JACKSON MOBILE ESTATES;  
RN102698545**

§  
§  
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§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2010-0531-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is George W. Jackson d/b/a Fort Jackson Mobile Estates ("Mr. Jackson" or "Respondent").

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

### **FINDINGS OF FACT**

1. Mr. Jackson owns and operates a mobile home park with a public water system located at 116<sup>th</sup> Street and South University in Lubbock, Lubbock County, Texas (the "Facility").
2. The Facility has 24 service connections and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
3. During a record review conducted from February 7, 2010 through February 9, 2010, a TCEQ Central Office investigator and TCEQ Corpus Christi Regional Office enforcement coordinator documented that Mr. Jackson failed to comply with the maximum contaminant level ("MCL") of 4.0 milligrams per liter ("mg/L") for fluoride, based on a running annual average; failed to provide public notification and certify the delivery of a public notice for the failure to comply with the MCL for fluoride during the third and fourth quarter of 2009; and failed to report all inorganic chemical results to the Executive Director for the third quarter and fourth quarter of 2009. Specifically, the running annual average concentrations for fluoride were unattainable for the third and fourth quarter of 2009 due to delinquent lab fees. The most current running annual average concentration for fluoride was 6.7 mg/L for the fourth quarter of 2008.
4. During a record review conducted from February 25, 2010 through March 1, 2010, a TCEQ Central Office investigator documented that Mr. Jackson failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the

customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Mr. Jackson did not mail or directly deliver the CCRs to the Facility's customers nor did the Mr. Jackson submit the CCR or the required certification to the TCEQ for the years 2002 through 2004 and 2006 through 2008.

5. During a record review conducted on March 22, 2010, a TCEQ Corpus Christi Regional Office enforcement coordinator documented that Mr. Jackson failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 91520064 for Fiscal Years 2004 through 2010.
6. Mr. Jackson received notice of the violations alleged in Finding of Fact No. 3 on or about February 14, 2010. Mr. Jackson received notice of the violations alleged in Finding of Fact No. 4 on or about and March 6, 2010.
7. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of George W. Jackson d/b/a Fort Jackson Mobile Estates" (the "EDPRP") in the TCEQ Chief Clerk's office on May 11, 2010.
8. By letter dated May 11, 2010, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Jackson with notice of the EDPRP. According to the return receipt "green card," Mr. Jackson received notice of the EDPRP on May 19, 2010, as evidenced by the signature on the card.
9. More than 20 days have elapsed since Mr. Jackson received notice of the EDPRP, provided by the Executive Director. Mr. Jackson failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Findings of Fact Nos. 1 and 2, Mr. Jackson is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Jackson failed to comply to comply with the MCL of 4.0 mg/L for fluoride, based on a running annual average; failed to provide public notification and certify the delivery of a public notice for the failure to comply with the MCL for fluoride during the third and fourth quarter of 2009; and failed to report all inorganic chemical results to the Executive Director for the third quarter and fourth quarter of 2009, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.106(f)(3), and 290.122(b); TEX. HEALTH & SAFETY CODE § 341.0315(c); and TCEQ Default Order, Docket No. 2006-0290-PWS-E, Ordering Provision No. 2.b.
3. As evidenced by Finding of Fact No. 4, Mr. Jackson failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).

4. As evidenced by Finding of Fact No. 5, Mr. Jackson failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 91520064 for Fiscal Years 2004 through 2010, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3); TEX. WATER CODE § 5.702; and TCEQ Default Order, Docket No. 2006-0290-PWS-E, Ordering Provision No. 2.a.
5. As evidenced by Findings of Fact Nos. 7 and 8, the Executive Director timely served Mr. Jackson with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
6. As evidenced by Finding of Fact No. 9, Mr. Jackson failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Jackson and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Jackson for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of two thousand seven hundred one dollars (\$2,701.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### **ORDERING PROVISIONS**

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

1. Mr. Jackson is assessed an administrative penalty in the amount of two thousand seven hundred one dollars (\$2,701.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Mr. Jackson's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: George W. Jackson d/b/a Fort Jackson Mobile Estates; Docket No. 2010-0531-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

3. Mr. Jackson shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Order, Mr. Jackson shall begin notifying each customer in writing of the existing water quality violations and provide a copy of the notices to the Commission, in accordance with 30 TEX. ADMIN. CODE § 290.122.
  - b. Within 30 days after the effective date of this Order, Mr. Jackson shall:
    - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2009 to each bill paying customer and make a good faith effort to deliver a copy of the CCR to non-bill paying customers, as required by 30 TEX. ADMIN. CODE § 290.274; and
    - ii. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 91520064. The payment shall be sent with the notation "George W. Jackson d/b/a Fort Jackson Mobile Estates, FA Account No. 91520064" 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

- c. Within 45 days after the effective of this Order, Mr. Jackson shall submit to the Commission a copy of the CCR provided to customers of the Facility pursuant to Ordering Provision No. 3.b.i., above, and a certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and the certification shall be submitted to:

Public Drinking Water Section  
Water Supply Division, MC-155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- d. Within 60 days after the effective date of this Order, Mr. Jackson shall submit written certification as described in Ordering Provision No. 3.i., below, to demonstrate compliance with Ordering Provisions Nos. 3.a., 3.b., and 3.c.

- e. Within 90 days after the effective date of this Order, Mr. Jackson shall report all past and current quarterly inorganic chemical results to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.106.
- f. Within 105 days after the effective date of this Order, Mr. Jackson shall submit written certification as described in Ordering Provision No. 3.i., below, and include a copy of quarterly inorganic chemical results to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 365 days after the effective date of this Order, Mr. Jackson shall return to compliance with the MCL for fluoride, in accordance with 30 TEX. ADMIN. CODE § 290.106.
- h. Within 380 days after the effective date of this Order, Mr. Jackson shall submit written certification as described in Ordering Provision No. 2.i., below, and include a copy of the water analysis to demonstrate compliance with Ordering Provision No. 3.g.
- i. The certifications required by these Ordering Provisions shall include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance. The certifications 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 fines and imprisonment for knowing violations."

The certifications and supporting documentation 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:

Mr. Patrick Cooke, Water Section Manager  
Lubbock Regional Office  
Texas Commission on Environmental Quality  
5012 50<sup>th</sup> Street, Suite 100  
Lubbock, Texas 79414-3426

- 4. All relief not expressly granted in this Order is denied.

5. The provisions of this Order shall apply to and be binding upon Mr. Jackson. Mr. Jackson is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Jackson shall be made in writing to the Executive Director. Extensions are not effective until Mr. Jackson receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Jackson if the Executive Director determines that Mr. Jackson has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

George W. Jackson d/b/a Fort Jackson Mobile Estates  
Docket No. 2010-0531-PWS-E  
Page 7

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF PEIPEY TANG**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of George W. Jackson d/b/a Fort Jackson Mobile Estates” (the “EDPRP”) was filed with the Office of the Chief Clerk on May 11, 2010.

The EDPRP was mailed to Mr. Jackson at his last known addresses on May 11, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Mr. Jackson received notice of the EDPRP on May 19, 2010, as evidenced by the signature on the card.

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

Peipey Tang  
Peipey Tang, Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 25 day of August, A.D., 2010.

Linda Quintanilla  
Notary Signature

