

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1022-MWD-E **TCEQ ID:** RN101222792 **CASE NO.:** 39918
RESPONDENT NAME: Cowtown RV Park, Ltd

ORDER TYPE:		
<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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" 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: Cowtown RV Park, located at the Cowtown Recreational Vehicle Park, approximately 1,800 feet south of the centerline of Interstate Highway 20 and approximately 4,650 feet west of Farm-to-Market Road 1187 north of Aledo, Parker County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 October 11, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jordan Jones, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2569; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Tim H. Fleet, President, Cowtown RV Park, Ltd, 7000 Interstate Highway 20 East, Aledo, Texas 76008 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: May 14, 2010</p> <p>Date of NOV/NOE Relating to this Case: June 16, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limits for total residual chlorine [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014003001, Effluent Limitations and Monitoring Requirements No. 2].</p> <p>2) Failed to submit a complete sludge report for the monitoring period ending July 31, 2009. Specifically, the Respondent failed to include the data for polychlorinated biphenyls ("PCBs") annual maximum concentration in the sludge and toxicity characteristic leaching procedure pass or fail status [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1, and TPDES Permit No. WQ0014003001, Sludge Provisions].</p>	<p>Total Assessed: \$2,146</p> <p>Total Deferred: \$429 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,717</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on June 23, 2010, the Respondent submitted the revised sludge report to include data for PCBs annual maximum concentration in the sludge and toxicity characteristic leaching procedure pass or fail status and the discharge monitoring report ("DMR") for the monitoring period ending July 31, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014003001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0014003001



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	21-Jun-2010	Screening	22-Jun-2010	EPA Due	
	PCW	22-Jun-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Cowtown RV Park, Ltd		
Reg. Ent. Ref. No.	RN101222792		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39918	No. of Violations	2
Docket No.	2010-1022-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jordan Jones
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes: An enhancement is recommended because the Respondent has 12 self-reported effluent violations, two NOVs with same or similar violations, three NOVs with dissimilar violations, and one agreed order with denial language.

Culpability Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Enhancement* Subtotal 6

Total EB Amounts *Capped at the Total EB \$ Amount
 Approx. Cost of Compliance

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 22-Jun-2010

Docket No. 2010-1022-MWD-E

PCW

Respondent Cowtown RV Park, Ltd

Policy Revision 2 (September 2002)

Case ID No. 39918

PCW Revision, October 30, 2008

Reg. Ent. Reference No. RN101222792

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

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)	14	70%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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%
<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) 96%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

An enhancement is recommended because the Respondent has 12 self-reported effluent violations, two NOV's with same or similar violations, three NOV's with dissimilar violations, and one agreed order with denial language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 96%

Screening Date 22-Jun-2010

Docket No. 2010-1022-MWD-E

PCW

Respondent Cowtown RV Park, Ltd

Policy Revision 2 (September 2002)

Case ID No. 39918

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101222792

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014003001, Effluent Limitations and Monitoring Requirements No. 2

Violation Description Failed to comply with permitted effluent limits, as documented in a record review conducted on May 14, 2010. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 59

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

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$611

Statutory Limit Test

Violation Final Penalty Total \$1,960

This violation Final Assessed Penalty (adjusted for limits) \$1,960

Economic Benefit Worksheet

Respondent Cowtown RV Park, Ltd
Case ID No. 39918
Reg. Ent. Reference No. RN101222792
Media Water Quality
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
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	\$10,000	31-Jan-2010	22-Apr-2011	1.22	\$611	n/a	\$611
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the month the first non-compliant excursion was documented. Final date is the expected date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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
 (Empty box for notes)

Approx. Cost of Compliance \$10,000 TOTAL \$611

Screening Date 22-Jun-2010

Docket No. 2010-1022-MWD-E

PCW

Respondent Cowtown RV Park, Ltd

Policy Revision 2 (September 2002)

Case ID No. 39918

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101222792

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.1, and TPDES Permit No. WQ0014003001, Sludge Provisions

Violation Description

Failed to submit a complete sludge report for the monitoring period ending July 31, 2009, as documented during a record review conducted on May 14, 2010. Specifically, the Respondent failed to include the data for polychlorinated biphenyls annual maximum concentration in the sludge and toxicity characteristic leaching procedure pass or fail status.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

59 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended for one report.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes

The report was submitted June 23, 2010.

Violation Subtotal \$80

Economic Benefit (EB) for this violation

Estimated EB Amount \$4

Statutory Limit Test

Violation Final Penalty Total \$186

This violation Final Assessed Penalty (adjusted for limits) \$186

Economic Benefit Worksheet

Respondent Cowtown RV Park, Ltd
Case ID No. 39918
Reg. Ent. Reference No. RN101222792
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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)	\$100	1-Sep-2009	23-Jun-2010	0.81	\$4	n/a	\$4

Notes for DELAYED costs

The estimated cost to submit and prepare the reports. Date Required is the date the report was due. Final Date is the date the revised report was submitted.

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

\$100

TOTAL

\$4

Effluent Limit Violation Table

Respondent	Cowtown RV Park, Ltd
ID Number(s)	TPDES Permit No. WQ0014003001; Case No. 39918
Docket Number	2010-1022-MWD-E
Enf. Coordinator	Jordan Jones

Corresponds to Violation Number: 1

***EFFLUENT PARAMETER
Permit Limit***

Effluent Parameter	Total Residual Chlorine Min. Conc.	Total Residual Chlorine Max. Conc.
<i>Month/Year</i>	Limit = 1 mg/L	Limit = 4 mg/L
1/31/2010	0.2	4.9
2/28/2010	0.19	5
	conc. = concentration	max. = maximum
	mg/L = milligrams per liter	min. = minimum

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603172495 Cowtown RV Park, Ltd	Classification: AVERAGE	Rating: 0.64
Regulated Entity:	RN101222792 COWTOWN RV PARK	Classification: AVERAGE	Site Rating: 0.64
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1840123
	WASTEWATER	PERMIT	WQ0014003001
	WASTEWATER	PERMIT	TPDES0117919
	WASTEWATER	PERMIT	TX0117919
	WATER LICENSING	LICENSE	1840123
Location:	LOCATED AT THE COWTOWN RECREATIONAL VEHICLE PARK, APPROXIMATELY 1,800 FEET SOUTH OF THE CENTERLINE OF INTERSTATE HIGHWAY 20 AND APPROXIMATELY 4,560 FEET WEST OF FARM-TO-MARKET ROAD 1187 NORTH OF ALEDO IN PARKER COUNTY, TEXAS		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	June 22, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 22, 2005 to June 22, 2010		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Jordan Jones</u>	Phone:	<u>512-239-2569</u>

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? Yes

3. If Yes, who is the current owner/operator? OWNER Cowtown RV Park, Ltd.
4. If Yes, who was/were the prior owner(s)/operator(s) ? OWNER COSPER, JAMES RODNEY
5. When did the change(s) in owner or operator occur? OWNER Cowtown Enterprises, Inc.
6. Rating Date: 9/1/2009 Repeat Violator: NO 06/30/2005 Cowtown Enterprises, Inc.
7. 11/19/2007 COSPER, JAMES RODNEY

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.
 - Effective Date: 05/12/2006 ADMINORDER 2005-1088-PWS-E
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 - 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 - 5A THC Chapter 341, SubChapter A 341.033(d)
 - Description: failed to collect and submit routine bacteriological samples and failed to provide public notice.

- B. Any criminal convictions of the state of Texas and the federal government.
 - N/A

- C. Chronic excessive emissions events.
 - N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	01/23/2006	(492081)
2	02/17/2006	(492079)
3	03/06/2006	(677167)
4	03/20/2006	(492080)
5	04/20/2006	(506081)
6	05/19/2006	(506082)
7	06/19/2006	(506083)
8	06/29/2006	(467221)
9	07/19/2006	(528310)
10	07/25/2006	(487900)
11	09/19/2006	(528311)
12	10/24/2006	(630938)

13	11/16/2006	(630939)
14	12/22/2006	(630940)
15	01/18/2007	(630941)
16	02/27/2007	(630936)
17	03/19/2007	(630937)
18	08/15/2007	(645635)
19	08/22/2007	(571568)
20	11/01/2007	(646093)
21	02/29/2008	(636738)
22	03/05/2008	(695820)
23	03/06/2008	(677165)
24	03/06/2008	(677166)
25	03/06/2008	(677168)
26	03/06/2008	(677169)
27	03/06/2008	(677170)
28	03/06/2008	(677171)
29	03/06/2008	(677172)
30	03/24/2008	(695821)
31	04/17/2008	(695822)
32	04/17/2008	(717395)
33	04/28/2008	(695823)
34	05/29/2008	(695824)
35	06/23/2008	(717396)
36	07/28/2008	(717397)
37	09/29/2008	(717398)
38	09/30/2008	(732758)
39	10/16/2008	(732759)
40	11/25/2008	(732760)
41	12/17/2008	(732761)
42	01/26/2009	(756011)
43	02/17/2009	(756010)
44	03/19/2009	(772992)
45	04/16/2009	(772993)
46	05/28/2009	(772994)
47	07/20/2009	(819105)
48	08/14/2009	(819106)
49	10/16/2009	(819109)
50	11/18/2009	(819110)
51	12/18/2009	(819111)
52	01/08/2010	(819104)
53	01/08/2010	(819107)
54	01/08/2010	(819108)
55	01/20/2010	(819112)
56	02/19/2010	(819103)
57	03/05/2010	(788007)
58	06/16/2010	(802795)

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

Date:	05/31/2006	(506083)	CN603172495	
Self Report?	YES			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 28 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/26/2006	(467221)	CN603172495	
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to comply with permit limits for Cl2 minimum.			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)			
Description:	Failure to use the proper analytical methods and techniques for Chlorine Residual analyses. Failure to use the proper analytical methods and techniques for Chlorine Residual analyses.			

Date 11/30/2006 (630940) CN603172495
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2007 (695822) CN603172495
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2007 (717395) CN603172495
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2007 (677166) CN603172495
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2007 (677167) CN603172495
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date 08/15/2007 (645635) CN603172495
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
 Description: BACT - MONITORING/REPORTING VIOLATIONS

Date 08/22/2007 (571568) CN603172495
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(i)
 Description: Failure to meet this Agency's "Minimum Water System Capacity Requirements."
 These requirements include: a well capacity of 0.6 gallons per minute per connection.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(iv)
 Description: Failure to meet this Agency's "Minimum Water System Capacity Requirements."
 These requirements include: a pressure tank capacity of 10 gallons per unit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 Description: Failure to maintain the public water system's operating records organized, and copies
 kept on file or stored electronically. The operating records must be accessible for
 review during inspections.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
 Description: Failure to provide a solution container lid which must be properly covered and sealed
 to prevent the entry of dust, insects, and other contaminants.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(2)
 Description: Failure to provide mechanical chlorination equipment to provide continuous
 disinfection of all water, as per agency's requirements.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failure to make available a sanitary control easement for Well # 1 (G1840123A) at
 the time of inspection, or executive director approval for a substitute authorized in
 §290.41(c)(1)(F)(iv).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
 Description: Failure to properly seal the wellhead on Well #1 (G1840123A).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Description: Failure to provide a Plant Operations Manual.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)
 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to provide a complete intruder-resistant fence in order to protect the ground
 storage tank and well.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4) 30 TAC Chapter 290, SubChapter D 290.47(l)		
Description:	Failure to Install a backflow prevention assembly at the swimming pool.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(ii)		
Description:	Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include: two or more service pumps with a capacity of 1.0 gallon per minute per unit.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A) 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(C)		
Description:	Failure to compile Monthly Reports of Water Works Operation.		
Self Report?	NO	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, and storage facilities by each community system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	Failure by the regulated entity to develop and maintain an up to date system monitoring plan.		
Date	11/01/2007	(646093)	CN603172495
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)		
Description:	PUBLIC NOTICE		
Date	12/31/2007	(677172)	CN603172495
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2008	(717398)	CN603172495
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2009	(756010)	CN603172495
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2009	(819106)	CN603172495
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2010	(819103)	CN603172495
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2010		CN603172495
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/05/2010	(788007)	CN603172495
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014003-001 PERMIT		
Description:	Failure to adequately prevent and address inflow and infiltration.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 30, SubChapter J 30.331(b) 30 TAC Chapter 30, SubChapter J 30.350(d) WQ0014003-001 PERMIT		
Description:	Failure to hire an adequately licensed individual to operate a regulated wastewater treatment plant.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014003-001 PERMIT		
Description:	Failure to dispose of sludge following the approved methods.		

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) WQ0014003-001 PERMIT		
Description:	Failure to submit the annual sludge reports by September 1 as required.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0014003-001 PERMIT		
Description:	Failure to maintain the chlorine storage room.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to provide adequate lift station security.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014003-001 PERMIT		
Description:	Failure to comply with the permit effluent limitations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014003-001 PERMIT		
Description:	Failure to provide a legible staff gauge.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to annually calibrate the secondary flow measuring device.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014003-001 PERMIT		
Description:	Failure to comply with the permit flow limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014003-001 PERMIT		
Description:	Failure to keep records of process controls conducted at the WWTP.		
Self Report?	NO	Classification:	Major
Citation:	0014003-001 PERMIT 30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to submit the required Discharge Monitoring Reports, as required, by the 20th of the following month.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c) WQ0014003-001 PERMIT		
Description:	Failure to conduct adequate quality controls for testing equipment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(a) 30 TAC Chapter 319, SubChapter A 319.11(b) WQ0014003-001 PERMIT		
Description:	Failure to properly conduct sampling procedures.		

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

K. Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
COWTOWN RV PARK, LTD
RN101222792

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1022-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Cowtown RV Park, Ltd ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at the Cowtown Recreational Vehicle Park, approximately 1,800 feet south of the centerline of Interstate Highway 20 and approximately 4,650 feet west of Farm-to-Market Road 1187 north of Aledo in Parker County, Texas (the "Facility").
2. The Respondent has discharged waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 21, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand One Hundred Forty-Six Dollars (\$2,146) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid One Thousand Seven Hundred Seventeen Dollars (\$1,717) of the administrative penalty and Four Hundred Twenty-Nine Dollars (\$429) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have 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 on June 23, 2010, the Respondent submitted the revised sludge report to include data for polychlorinated biphenyls ("PCBs") annual maximum concentration in the sludge and toxicity characteristic leaching procedure pass or fail status and the discharge monitoring report ("DMR") for the monitoring period ending July 31, 2009.
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 the Respondent 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

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014003001, Effluent Limitations and Monitoring Requirements No. 2, as documented during an investigation conducted on May 14, 2010 and shown in the table below.

Effluent Parameter	Total Residual Chlorine Min. Conc.	Total Residual Chlorine Max. Conc.
<i>Month/Year</i>	Limit = 1 mg/L	Limit = 4 mg/L
1/31/2010	0.2	4.9
2/28/2010	0.19	5
	conc. = concentration	max. = maximum
	mg/L = milligrams per liter	min. = minimum

2. Failed to to submit a complete sludge report for the monitoring period ending July 31, 2009, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1, and TPDES Permit No. WQ0014003001, Sludge Provisions, as documented during a record review conducted on May 14, 2010. Specifically, the Respondent failed to include the data for polychlorinated biphenyls annual maximum concentration in the sludge and toxicity characteristic leaching procedure pass or fail status.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Cowtown RV Park, Ltd, Docket No. 2010-1022-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014003001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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.
6. 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.
7. 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 under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Cowtown RV Park, Ltd
DOCKET NO. 2010-1022-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolter
For the Executive Director

9/21/2010
Date

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

I also understand that 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.

Tim A Fleet
Signature

08-06-10
Date

Tim A Fleet

Pres

Name (Printed or typed)
Authorized Representative of
Cowtown RV Park, Ltd

Title

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

