EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2010-0602-PWS-E RN101652048 CASE NO. 39520
RESPONDENT NAME: MARDOCHE ABDELHAK DBA BIG TREES TRAILER CITY

ORDER TYPE:		
__1660 AGREED ORDER	___FINDINGS AGREED ORDER	__ FINDINGS ORDER FOLLOWING SOAH HEARING
_X_FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__ IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
___AIR	___MULTI-MEDIA (check all that apply)	___ INDUSTRIAL HAZARDOUS WASTE
_X_PUBLIC WATER SUPPLY	___PETROLEUM STORAGE TANKS	___ OCCUPATIONAL CERTIFICATION
___WATER QUALITY	___SEWAGE SLUDGE	___ UNDERGROUND INJECTION CONTROL
___MUNICIPAL SOLID WASTE	___RADIOACTIVE WASTE	___ DRY CLEANER REGISTRATION

SITE WHERE VIOLATIONS OCCURRED: 103 Plumnear Road, San Antonio, Bexar County

TYPE OF OPERATION: mobile home park with a public water system

SMALL BUSINESS: _X_ 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 September 27, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Phillip M. Goodwin, P.G., Litigation Division, MC 175, (512) 239-3400
Lena Roberts, Litigation Division, MC 175, (512) 239-3400
TCEQ Enforcement Coordinator: Stephen Thompson, Water Enforcement Section, MC 169, (512) 239-2558
TCEQ Regional Contact: Lynn Bumguardner, San Antonio Regional Office, MC R-13, (210) 403-4050
Respondent: Mardoche Abdelhak, P.O. Box 140576, Denver, CO 80214
Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN / REQUIRED
Type of Investigation: ____ Complaint ____ Routine ____ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case**: None **Date of Investigation Relating to this Case**: March 1, 2010 **Date of NOE Relating to this Case**: April 3, 2010 **Background Facts**: The EDPRP was filed on July 14, 2010, and mailed to Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned. Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference. **Current Compliance Status:** In addition to the violations alleged in this enforcement action, Respondent has also failed to submit routine samples for coliform analysis for the months of January, February, March, May, and August 2010. **PWS:** 1. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample collected during the month of February 2008, and failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform positive sample for February 2008 [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)]. 2. Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform for the month of May 2008 and failed to provide public notice of the exceedence for May 2008 [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a)]. 3. Failed to collect routine distribution water samples for coliform analysis for the months of July 2008 and September through December 2008 and failed to provide public notice of the failure to sample for the months of July 2008 and September through December 2008 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].	**Total Assessed**: $5,659 **Total Deferred**: $0 ___ Expedited Order ___ Financial Inability to Pay **Total Due to General Revenue**: $5,659 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. **Compliance History Classifications:** Site Classification - N/A Person Classification - N/A **Major Source**: ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** Respondent shall undertake the following technical requirements: 1. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants. This provision shall be satisfied upon six consecutive months of compliance monitoring and reporting. 2. Within 30 days, 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 the CCR to each non-bill paying customer. 3. Within 45 days, submit to the Commission a copy of the CCR provided to customers of the Facility for the year 2009 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. 4. Within 60 days, submit written certification demonstrating compliance with Ordering Provision Nos. 2 and 3. 5. Within 180 days, submit written certification demonstrating compliance with Ordering Provision No. 1.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN / REQUIRED
4. 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)].		

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	22-Mar-2010				
PCW	5-May-2010	Screening	15-Apr-2010	EPA Due	31-May-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Mardoche Abdelhak d/b/a Big Trees Trailer City		
Reg. Ent. Ref. No.	RN101652048		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	39520	No. of Violations	4
Docket No.	2010-0602-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2

Admin. Penalty $ Limit Minimum $50 Maximum $1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $2,050

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 142.0% Enhancement *Subtotals 2, 3, & 7* $2,911

Notes: Enhancement is due to 15 Notices of Violation ("NOVs") that contain violations that are the same as those contained in the current enforcement action, one dissimilar NOV, two agreed final enforcement orders containing a denial of liability and one agreed final enforcement order without a denial of liability.

Culpability No 0.0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* $0

Economic Benefit 0.0% Enhancement* *Subtotal 6* $0

Total EB Amounts $698
Approx. Cost of Compliance $643

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* $4,961

OTHER FACTORS AS JUSTICE MAY REQUIRE 14.1% *Adjustment* $698

Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount $5,659

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $5,659

DEFERRAL 0.0% Reduction *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $5,659

Screening Date	15-Apr-2010	**Docket No.**	2010-0602-PWS-E	**PCW**
Respondent	Mardoche Abdelhak d/b/a Big Trees Trailer City			*Policy Revision 2 (September 2002)*
Case ID No.	39520			*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101652048			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Stephen Thompson			

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*)	15	75%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of*	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 142%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to 15 Notices of Violation ("NOVs") that contain violations that are the same as those contained in the current enforcement action, one dissimilar NOV, two agreed final enforcement orders containing a denial of liability and one agreed final enforcement order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 142%

Screening Date	15-Apr-2010	**Docket No.**	2010-0602-PWS-E	**PCW**
Respondent	Mardoche Abdelhak d/b/a Big Trees Trailer City			*Policy Revision 2 (September 2002)*
Case ID No.	39520			*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101652048			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Stephen Thompson			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)

Violation Description Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample collected during the month of February 2008, and failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform positive sample for February 2008.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to collect coliform monitoring samples could expose consumers to a significant amount of undetected contaminants which would exceed levels protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events: 1 — 29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $250

One monthly event is recommended for the month in which no repeat samples were collected.

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 $250

Economic Benefit (EB) for this violation

Estimated EB Amount $105

Statutory Limit Test

Violation Final Penalty Total $690

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

Economic Benefit Worksheet

Respondent Mardoche Abdelhak d/b/a Big Trees Trailer City
Case ID No. 39520
Reg. Ent. Reference No. RN101652048
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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]	$105	1-Feb-2008	29-Feb-2008	0.00	$0	$105	$105
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided costs include the estimated amount to collect a total of four repeat samples ($25 per sample) and provide public notice for the failure to collect the samples ($5 per notice), calculated for the month in which no samples were collected.						

Approx. Cost of Compliance $105

TOTAL $105

Screening Date	15-Apr-2010	**Docket No.** 2010-0602-PWS-E	**PCW**
Respondent	Mardoche Abdelhak d/b/a Big Trees Trailer City		*Policy Revision 2 (September 2002)*
Case ID No.	39520		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101652048		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Stephen Thompson		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(b)(2)(A) and Tex. Health & Safety Code § 341.031(a)

Violation Description Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform during the month of May 2008 and failed to provide public notice of the exceedence for May 2008.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual		x	
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: The presence of coliform bacteria is an indication that the water is contaminated with significant amounts of contaminants that do not exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events: 1 — 31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $250

One monthly event is recommended for the month in which the exceedance occurred.

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 $250

Economic Benefit (EB) for this violation

Estimated EB Amount $131

Statutory Limit Test

Violation Final Penalty Total $690

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

Economic Benefit Worksheet

Respondent Mardoche Abdelhak d/b/a Big Trees Trailer City
Case ID No. 39520
Reg. Ent. Reference No. RN101652048
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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]	$125	1-May-2008	31-May-2008	1.00	$6	$125	$131
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Avoided costs include additional oversight to properly treat the water to prevent the presence of coliform and to provide public notice, calculated for the month in which the exceedance occurred.						

Approx. Cost of Compliance $125

TOTAL $131

Screening Date	15-Apr-2010	**Docket No.** 2010-0602-PWS-E	**PCW**
Respondent	Mardoche Abdelhak d/b/a Big Trees Trailer City		*Policy Revision 2 (September 2002)*
Case ID No.	39520		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101652048		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Stephen Thompson		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and Tex. Health and Safety Code § 341.033(d)

Violation Description Failed to collect routine distribution water samples for coliform analysis for the months of July 2008 and September through December 2008 and failed to provide public notice of the failure to sample for the months of July 2008 and September through December 2008.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to collect coliform monitoring samples could expose consumers to a significant amount of undetected contaminants which would exceed levels protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events: 5 — 153 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $1,250

Five monthly events are recommended, calculated for the months in which no routine samples were collected.

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 $1,250

Economic Benefit (EB) for this violation

Estimated EB Amount $161

Statutory Limit Test

Violation Final Penalty Total $3,451

This violation Final Assessed Penalty (adjusted for limits) $3,451

Economic Benefit Worksheet

Respondent Mardoche Abdelhak d/b/a Big Trees Trailer City
Case ID No. 39520
Reg. Ent. Reference No. RN101652048
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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]	$150	1-Jul-2008	31-Dec-2008	1.42	$11	$150	$161
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided costs include the estimated amount to collect a total of five routine samples ($25 per sample) and provide public notice for the failure to collect the samples ($5 per notice), calculated for the months in which no samples were collected.						

Approx. Cost of Compliance $150

TOTAL $161

Screening Date	15-Apr-2010	**Docket No.** 2010-0602-PWS-E	**PCW**
Respondent	Mardoche Abdelhak d/b/a Big Trees Trailer City		*Policy Revision 2 (September 2002)*
Case ID No.	39520		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101652048		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Stephen Thompson		

Violation Number 4

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 2006 through 2008.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $900

$100

Violation Events

Number of Violation Events: 3 — 1096 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $300

Three 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 $300

Economic Benefit (EB) for this violation

Estimated EB Amount $301

Statutory Limit Test

Violation Final Penalty Total $828

This violation Final Assessed Penalty (adjusted for limits) $828

Economic Benefit Worksheet

Respondent Mardoche Abdelhak d/b/a Big Trees Trailer City
Case ID No. 39520
Reg. Ent. Reference No. RN101652048
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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]	$263	1-Jul-2007	1-Jul-2009	2.92	$38	$263	$301
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to prepare and mail or directly deliver the CCRs to the customers of the Facility, calculated for the years in which no CCRs were distributed.						

Approx. Cost of Compliance $263

TOTAL $301

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600889869	ABDELHAK, MARDOCHE	Classification:	Rating:
Regulated Entity:	RN101652048	BIG TREES TRAILER CITY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	0150131
	WATER LICENSING		LICENSE	0150131

Location: 103 PLUMNEAR, BEXAR COUNTY, TX
TCEQ Region: REGION 13 - SAN ANTONIO

Date Compliance History Prepared: May 19, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 19, 2005 to May 19, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
Name: Stephen Thompson Phone: (512) 239-2558

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: 10/19/2006 **ADMINORDER 2005-0752-PWS-E**

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
5A THC Chapter 341, SubChapter A 341.031(a)
Description: Exceeded a non-acute maximum contaminant level for total coliform bacteria in January 2003.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
Description: Failure to provide public notice of the maximum contaminant level exceedence violation in 01/2003.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: Failure to collect at least five routine samples the month following a total coliform sample 02/2003.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: Failure to notify persons served by the system of the failure to collect all five distribution samples in 02/2003 the month following a coliform found result.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: Failure to conduct repeat monitoring in February 2003 after a routine sample was found to contain organisms.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
5A THC Chapter 341, SubChapter A 341.031(a)
Description: Exceeded a non-acute maximimum contaminant level for total coliform in February 2003.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
Description: Failed to provide public notice of the maximum contaminant level exceedence in 02/2003.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: Failure to collect at least five routine sample during the month following a total coliform positive sample 03/2003.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: Failure to post public notice of the failure to collect all five distribution samples in March 2003 the month following a coliform sample.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
5A THC Chapter 341, SubChapter A 341.031(a)
Description: Exceeded a non-acute maximum contaminant level for total coliform bacteria in November 2004.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
Description: Failure to provide public notice of the maximum contaminant level exceedance in November 2004.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: Failure to collect at least five routine samples in December 2004, the month following a total coliform positive sample.

Effective Date: 12/22/2006 **ADMINORDER 2004-0237-PWS-E**

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure by the regulated entity, which serves fewer than 250 connections and only uses groundwater or purchased treated water to be at all times under the direct supervision of a competent water works operator holding a valid Class "D" or higher operator's license.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to make available sanitary control easements for well #1at the time of inspection.
Classification: Minor
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(b)
Description: Trailer City Water Co owes over due PHS fees, account number 90150131

Effective Date: 02/22/2010 **ADMINORDER 2009-0804-PWS-E**

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failed to provide a properly constructed intruder-resistant fence around all storage tanks and pressure maintenance facilities, as documented during an investigation conducted on April 1, 2009.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
5A THSC Chapter 341, SubChapter A 341.033(a)
Description: Failed to operate the Facility at all times under the direct supervision of a water works operator who hold a Class "D" or higher license, as documented during an investigation conducted on April 1, 2009.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, as documented during an investigation conducted on April 1, 2009.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
Description: Failed to operate the disinfectant equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times, as documented during an investigation conducted on April 1, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, as documented during an investigation conducted on April 1, 2009.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)
Description: Failed to make the Facility's operating records accessible for review during an inspection, as documented during an investigation conducted on April 1, 2009.
Classification: Minor
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter D 290.51(a)(6)
Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90150131 for Fiscal Year 2009 to the TCEQ in a timely manner.

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

C. Chronic excessive emissions events.
N/A

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

1	07/27/2005	(486380)	8	01/14/2009	(798908)	15	03/01/2010	(793653)
2	08/25/2005	(486388)	9	05/11/2009	(742697)	16	03/01/2010	(793666)
3	12/21/2005	(486395)	10	11/03/2009	(799703)	17	03/01/2010	(793672)
4	05/26/2006	(486409)	11	02/04/2010	(789293)	18	03/18/2010	(794338)
5	06/27/2006	(486414)	12	02/25/2010	(791255)	19	05/07/2010	(800979)
6	07/13/2006	(486492)	13	02/25/2010	(791268)			
7	02/20/2008	(797876)	14	03/01/2010	(793642)			

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

1 Date: 07/27/2005 (486380) CN600889869
Self Report? NOClassification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THC Chapter 341, SubChapter A 341.033(d)
Description: Failure to collect any routine monitoring samples in 06/2005.

2 Date: 08/25/2005 (486388) CN600889869
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: Failure to collect any routine monitoring samples in 07/2005.

3 Date: 12/21/2005 (486395) CN600889869
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: Failure to collect any of the 5 distribution samples in 11/2005 following a coliform found month.

4 Date: 04/07/2006 (460933) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide an adequately constructed concrete sealing block.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failed to provide a properly constructed intruder-resistant fence around all storage tanks and pressure maintenance facilities, as documented during an investigation conducted on April 1, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(7)
Description: Failure to maintain the pressure tank tight against leakage.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
5A THSC Chapter 341, SubChapter A 341.033(a)
Description: Failed to operate the Facility at all times under the direct supervision of a water works operator who holds a Class "D" or higher license, as documented during an investigation conducted on April 1, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, as documented during an investigation conducted on April 1, 2009.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
Description: Failed to operate the disinfectant equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times, as documented during an investigation conducted on April 1, 2009.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, as documented during an investigation conducted on April 1, 2009.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to post a system ownership sign.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(ii)
Description: Failure to provide adequate pressure tank capacity of 50 gallons per connection.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
Description: Failure to use a disinfectant which conforms to ANSI/NSF Standard 60 for direct additives.

5 Date: 05/26/2006 (486409) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THC Chapter 341, SubChapter A 341.033(d)
Description: Failure to collect any routine monitoring samples in 04/2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: Failure to post a PN for not collecting any routine monitoring samples in 04/2006.

6 Date: 06/27/2006 (486414) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THC Chapter 341, SubChapter A 341.033(d)
Description: Failure to collect any routine monitoring samples in 05/2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: Failure to post a PN for not collecting any routine monitoring samples in 05/2006.

7 Date: 02/20/2008 (797876) CN600889869

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.

8 Date: 04/16/2008 (789293) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 02/2008 - Failure to collect any repeat monitoring sample(s) following a coliform found result.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR Repeat PN Monitoring Violation 02/2008 - Failure to post public notice for not collecting any repeat monitoring sample(s) following a coliform found result.

9 Date: 06/05/2008 (791255) CN600889869
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 05/2008 - System exceeded a Maximum Contaminant Level Violation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: TCR PN MCL Violation 05/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

10 Date: 09/03/2008 (791268) CN600889869
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 07/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 07/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

11 Date: 11/19/2008 (793642) CN600889869
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 09/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 09/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

12 Date: 12/09/2008 (793653) CN600889869
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 10/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 10/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

13 Date: 01/13/2009 (793666) CN600889869
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 11/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 11/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

14 Date: 01/14/2009 (798908) CN600889869
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: Failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for 2007 to the TCEQ.

15 Date: 03/09/2009 (793672) CN600889869
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(1)(A)
Description: TCR PN Routine Monitoring Violation 12/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

16 Date: 11/03/2009 (799703) CN600889869
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 2008 to its bill-paying customers.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: Failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for 2008 to the TCEQ.

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 MARDOCHE ABDELHAK DBA BIG TREES TRAILER CITY; RN101652048	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2010-0602-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. 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 Mardoche Abdelhak d/b/a Big Trees Trailer City ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns a mobile home park with a public water system located at 103 Plumnear Road, San Antonio, Bexar County, Texas (the "Facility").

2. The Facility provides water for human consumption, has 12 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 on March 1, 2010, a TCEQ Central Office investigator documented that Respondent:

   a. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample collected during the month of February 2008, and failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform positive sample for February 2008;

   b. Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform for the month of May 2008 and failed to provide public notice of the exceedence for May 2008;

   c. Failed to collect routine distribution water samples for coliform analysis for the months of July 2008 and September through December 2008 and failed to provide public notice of the failure to sample for the months of July 2008 and September through December 2008; and

d. 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, Respondent did not mail or directly deliver CCRs to the Facility's customers and did not submit the annual CCR and required certification to the TCEQ for the years 2006 through 2008.

4. Respondent received notice of the violations on or about April 8, 2010.

5. 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 Mardoche Abdelhak d/b/a Big Trees Trailer City" (the "EDPRP") in the TCEQ Chief Clerk's office on July 14, 2010.

6. By letter dated July 14, 2010, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.

7. More than 20 days have elapsed since Respondent received notice of the EDPRP, provided by the Executive Director. Respondent 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, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3.a., Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample collected during the month of February 2008, and failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform positive sample for February 2008, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A).

3. As evidenced by Finding of Fact No. 3.b., Respondent failed to comply with MCL for total coliform for the month of May 2008 and failed to provide public notice of the exceedence for May 2008, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a).

4. As evidenced by Finding of Fact No. 3.c., Respondent failed to collect routine distribution water samples for coliform analysis for the months of July 2008 and September through December 2008 and failed to provide public notice of the failure to sample for the months of July 2008 and September through December 2008, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d).

5. As evidenced by Finding of Fact No. 3.d., Respondent 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, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).

6. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).

7. As evidenced by Finding of Fact No. 7, Respondent 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 Respondent and assess the penalty recommended by the Executive Director.

8. 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 Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

9. An administrative penalty in the amount of five thousand six hundred fifty-nine dollars ($5,659.00) 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.

10. 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. Respondent is assessed an administrative penalty in the amount of five thousand six hundred fifty-nine dollars ($5,659.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent'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: Mardoche Abdelhak d/b/a Big Trees Trailer City; Docket No. 2010-0602-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. Respondent shall undertake the following technical requirements:

a. Within 10 days after the effective date of this Order, Respondent shall begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision shall be satisfied upon six consecutive months of compliance monitoring and reporting;

b. Within 30 days after the effective date of this Order, Respondent shall 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 the CCR to each non-bill paying customer, as required by 30 TEX. ADMIN. CODE § 291.274;

c. Within 45 days after the effective date of this Order, Respondent shall submit to the Commission a copy of the CCR provided to customers of the Facility for the year 2009 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, as required by 30 TEX. ADMIN. CODE § 291.274. The copy of the CCR and certification shall be mailed 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, Respondent shall submit written certification as described in Ordering Provision No. 3.f., below, and shall include detailed supporting documentation including photographs, receipts, and/or other records necessary to demonstrate compliance with Ordering Provision Nos. 3.b. and 3.c.

e. Within 180 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.f., below, and shall include detailed supporting documentation including photographs, receipts, and/or other records necessary to demonstrate compliance with Ordering Provision No. 3.a.

f. The certifications required by Ordering Provisions Nos. 3.d. and 3.e. shall be notarized by a State of Texas Notary Public and shall include the following certification language:

> "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification and supporting documents 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 copies to:

Lynn Bumguardner, Water Section Manager
Texas Commission on Environmental Quality
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480

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

5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent 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 Respondent if the Executive Director determines that Respondent 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.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

AFFIDAVIT OF PHILLIP M. GOODWIN

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is Phillip M. Goodwin. 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 Mardoche Abdelhak d/b/a Big Trees Trailer City" (the "EDPRP") was filed with the Office of the Chief Clerk on July 14, 2010.

The EDPRP was mailed to Respondent at his last known address on July 14, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

Phillip M. Goodwin, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 10th day of August, A.D., 2010.

Notary Signature

MARGARET T JACKSON
NOTARY PUBLIC
State of Texas
Comm. Exp. 12-21-2013