

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0804-PWS-E **TCEQ ID:** RN101652048 **CASE NO.:** 37709
RESPONDENT NAME: Mardoche Abdelhak dba Big Trees Trailer City

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 checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Big Trees Trailer City, 103 Plumnear Road, Bexar County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 21, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Mardoche Abdelhak, Owner, Big Trees Trailer City, 1360 Vrain Street, Denver, Colorado 80204-1127 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 checked="" 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: April 1 and June 2, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 8, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation and a record review.</p> <p>WATER</p> <p>1) Failure to provide a properly constructed intruder-resistant fence around all storage tanks and pressure maintenance facilities [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>2) Failure to operate the Facility at all times under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p> <p>3) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>4) Failure 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 [30 TEX. ADMIN. CODE § 290.46(d)(2)(A)].</p> <p>5) Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p>	<p>Total Assessed: \$2,533</p> <p>Total Deferred: \$506 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Duc) to General Revenue: \$127 (remaining \$1,900 due in 19 monthly payments of \$100 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Install three strands of barbed wire, facing in an outward position, on the portion of the fence surrounding the pressure tank where the barbed wire is missing;</p> <p>ii. Ensure that the Facility is under direct supervision of a water works operator who holds at least a Class "D" license;</p> <p>iii. Institute maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to, ensuring that excessive brush and weeds are removed from the Facility and that the pressure tank is maintained in a manner to prevent the tank from becoming water-logged; and</p> <p>iv. Operate the disinfection equipment to ensure that a minimum disinfectant residual of 0.2 mg/L free chlorine is maintained throughout the distribution system at all times.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Provide the following Facility records for review: monthly operating reports, well driller's log, annual tank inspection, distribution map, monitoring plan, bacteriological sample results and American National Standards Institute/National Sanitation Foundation Standard 60 approval for the disinfectant currently being used; and</p>

<p>6) Failure to make the Facility's operating records accessible for review during an inspection [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(E)(i), 290.46(f)(3)(D)(ii) and 290.46(f)(3)(D)(i)].</p> <p>7) Failure 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 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].</p>		<p>ii. Pay all outstanding fees, including any associated penalties and interest.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c;</p> <p>e. Within 90 days after the effective date of this Agreed Order, ensure that all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances are maintained in a watertight condition, including but not limited to: repairing the leaks in the piping between the well and the pressure tank, repairing the leaks in the piping near the service pump, repairing the leak on the valve on the pressure tank flush line, and repairing the leaking underground line just outside the fence at the Facility; and</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): PWS ID 0150131



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	18-Mar-2009	Screening	29-May-2009	EPA Due	
	PCW	4-Jun-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Mardoche Abdelhak dba Big Trees Trailer City
Reg. Ent. Ref. No.	RNT01652048
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37709	No. of Violations	7
Docket No.	2009-0804-PWS-E	Order Type	1660
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* **\$1,050**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 74.0% Enhancement *Subtotals 2, 3, & 7* **\$777**

Notes Enhancement is due to one Notice of Violation (NOV) that contains violations that are the same as those in the current enforcement action; 12 dissimilar NOVs, one agreed order containing a denial of liability and one agreed 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 **\$847**
 Approx. Cost of Compliance **\$6,260**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$1,827**

OTHER FACTORS AS JUSTICE MAY REQUIRE 38.6% *Adjustment* **\$706**

Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount **\$2,533**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$2,533**

DEFERRAL 20.0% Reduction *Adjustment* **-\$506**

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 **\$2,027**

Screening Date 29-May-2009

Docket No. 2009-0804-PWS-E

PCW

Respondent Mardoche Abdelhak dba Big Trees Trailer City

Policy Revision 2 (September 2002)

Case ID No. 37709

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)	1	5%
	Other written NOVs	12	24%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 74%

>> **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 one Notice of Violation (NOV) that contains violations that are the same as those in the current enforcement action, 12 dissimilar NOVs, one agreed order containing a denial of liability and one agreed order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 74%

Screening Date 29-May-2009	Docket No. 2009-0804-PWS-E	PCW		
Respondent Mardoche Abdelhak dba Big Trees Trailer City	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37709	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN101852048				
Media [Statute] Public Water Supply				
Enf. Coordinator Stephen Thompson				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.43(e)			
Violation Description	Failed to provide a properly constructed intruder-resistant fence around all storage tanks and pressure maintenance facilities. Specifically, at the time of the investigation, it was documented that a portion of the fence surrounding the pressure tank did not have three strands of barbed-wire.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	X	<input type="text"/>
				Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Failure to secure the Facility with an intruder-resistant fence could lead to trespassing and vandalism which could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.			
Adjustment			<input type="text" value="\$900"/>	
			<input type="text" value="\$100"/>	
Violation Events				
Number of Violation Events		<input type="text" value="1"/>		
		<input type="text" value=".58"/> Number of violation days		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	X		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
				Violation Base Penalty <input type="text" value="\$100"/>
One quarterly event is recommended, calculated from the date of the investigation, April 1, 2009, to the date of screening, May 29, 2009.				
Good Faith Efforts to Comply		0.0% Reduction		<input type="text" value="\$0"/>
		Before NOV	NOV to EDCRP/Settlement Offer	
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
N/A	X	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$3"/>		
			Violation Final Penalty Total <input type="text" value="\$241"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$241"/>	

Economic Benefit Worksheet

Respondent: Mardoche Abdelhak dba Big Trees Trailer City

Case ID No.: 37709

Reg. Ent. Reference No.: RN101652048

Media: Public Water Supply

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	0.00			0.00	\$0	\$0	\$0
Buildings	0.00			0.00	\$0	\$0	\$0
Other (as needed)	\$60	1-Apr-2009	1-Jan-2010	0.75	\$0	\$3	\$3
Engineering/construction	0.00			0.00	\$0	\$0	\$0
Land	0.00			0.00	\$0	n/a	\$0
Record Keeping System	0.00			0.00	\$0	n/a	\$0
Training/Sampling	0.00			0.00	\$0	n/a	\$0
Remediation/Disposal	0.00			0.00	\$0	n/a	\$0
Permit Costs	0.00			0.00	\$0	n/a	\$0
Other (as needed)	0.00			0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to replace the missing barbed wire along a portion of the intruder resistant fence surrounding the pressure tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal	0.00			0.00	\$0	\$0	\$0
Personnel	0.00			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	0.00			0.00	\$0	\$0	\$0
Supplies/equipment	0.00			0.00	\$0	\$0	\$0
Financial Assurance [2]	0.00			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$60

TOTAL

\$3

Screening Date: 29-May-2009	Docket No: 2009-0804-PWS-E	PCW	
Respondent: Mardoche Abdelhak dba Big Trees Trailer City		<small>Policy Revision 2 (September 2002)</small>	
Case ID No: 37709		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No: RN101652048			
Media [Statute]: Public Water Supply			
Enf. Coordinator: Stephen Thompson			
Violation Number:	2		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)		
Violation 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. Specifically, at the time of the investigation, it was documented that the Facility was not employing a licensed operator.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release			
Actual			
Potential	X		
Percent			25%
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification			
Percent			0%
Matrix Notes	Failure of the Facility to employ a licensed operator could result in poor plant operation and expose the public to a significant amount of contaminants at levels that would exceed levels protective of human health.		
Adjustment		\$750	
		\$250	
Violation Events			
Number of Violation Events		2	
		58	Number of violation days
<small>mark only one with an x</small>	daily		
	weekly		
	monthly	X	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty			\$600
Two monthly events are recommended, calculated from the date of the investigation, April 1, 2009, to the date of screening, May 29, 2009.			
Good Faith Efforts to Comply		0.0% Reduction	
		\$0	
	Before NOV	NOV to EDRP/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		\$500	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		\$801	
		Violation Final Penalty Total	
		\$1,206	
		This violation Final Assessed Penalty (adjusted for limits)	
		\$1,206	

Economic Benefit Worksheet

Respondent: Mardoche Abdelhak dba Big Trees Trailer City
Case ID No.: 37709
Reg. Ent. Reference No.: RN101852048
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal Personnel	1-Apr-2009	29-May-2009	0.16	\$29	\$572	\$601
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

The avoided costs include the estimated costs to employ a water works operator who holds at least a class "D" license, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$3,600

TOTAL

\$601

Screening Date: 29-May-2009	Docket No.: 2009-0804-PWS-E	PCW															
Respondent: Mardoche Abdelhak dba Big Trees Trailer City		<small>Policy Revision 2 (September 2002)</small>															
Case ID No.: 37709		<small>PCW Revision October 30, 2008</small>															
Reg. Ent. Reference No.: RN101652048																	
Media [Statute]: Public Water Supply																	
Enf. Coordinator: Stephen Thompson																	
Violation Number:	3																
Rule Cite(s):	30 Tex. Admin. Code § 290.46(m)																
Violation Description:	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was noted that weeds and brush were present within the fenced enclosure as well as intertwined with the fencing and that the pressure tank's air-water-volume indicator appeared to be full of water indicating that the tank may be water-logged.																
Base Penalty:	\$1,000																
>> Environmental, Property and Human Health Matrix																	
OR	Harm																
	Release	Major	Moderate	Minor													
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
				Percent: 5%													
>> Programmatic Matrix																	
	Falsification	Major	Moderate	Minor													
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
				Percent: 0%													
Matrix Notes:	Failure to ensure the good working condition and general appearance of the Facility could expose customers of the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.																
Adjustment:			\$950														
			\$50														
Violation Events																	
	Number of Violation Events:	2	Number of violation days: 58														
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">weekly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input checked="" type="checkbox"/>		Violation Base Penalty: \$100
daily	<input type="checkbox"/>																
weekly	<input type="checkbox"/>																
monthly	<input type="checkbox"/>																
quarterly	<input type="checkbox"/>																
semiannual	<input type="checkbox"/>																
annual	<input type="checkbox"/>																
single event	<input checked="" type="checkbox"/>																
Two single events are recommended (one per maintenance item).																	
Good Faith Efforts to Comply		0.0% Reduction	\$0														
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>															
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>															
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>															
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>															
Notes:	The Respondent does not meet the good faith criteria for this violation.																
Violation Subtotal:			\$100														
Economic Benefit (EB) for this violation		Statutory Limit Test															
Estimated EB Amount:	\$53	Violation Final Penalty Total:	\$241														
This violation Final Assessed Penalty (adjusted for limits):			\$241														

Economic Benefit Worksheet

Respondent: Mardoche Abdelhak dba Big Trees Trailer City
Case ID No.: 37709
Reg. Ent. Reference No.: RN101652048
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	1-Apr-2009	1-Jan-2010	0.75	\$3	\$50	\$53
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to remove the overgrown brush and weeds at the facility and ensure that the pressure tank is properly maintained, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

\$1,000

TOTAL

\$53

Screening Date: 29-May-2009	Docket No.: 2009-0804-PWS-E	PCW		
Respondent: Mardoche Abdelhak dba Big Trees Trailer City		<small>Policy Revision 2 (September 2002)</small>		
Case ID No.: 37709		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No.: RN101652048				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Stephen Thompson				
Violation Number:	4			
Rule Cite(s):	30 Tex. Adm. Code § 290.46(d)(2)(A)			
Violation Description:	Failed to operate the disinfection 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. Specifically, at the time of the investigation, it was documented that the disinfectant residual was measured at 0.03 mg/L free chlorine.			
Base Penalty:		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release				
Actual				
Potential		x		Percent 10%
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification				
Actual				
Potential				Percent 0%
Matrix Notes:	Failure to maintain the required minimum disinfectant residual throughout the distribution system could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.			
Adjustment:		\$900		
				\$100
Violation Events				
Number of Violation Events:	1	58	Number of violation days:	
<small>mark only one with an x</small>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
One single event based on the date, April 1, 2009, the disinfectant residual was tested.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
	Before NOV	NOV to EDRP/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:				\$100
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount:	\$105	Violation Final Penalty Total:	\$241	
		This violation Final Assessed Penalty (adjusted for limits):		\$241

Economic Benefit Worksheet

Respondent: Mardoche Abdelhak dba Big Trees Trailer City
Case ID No.: 37709
Reg. Ent. Reference No.: RN101652048
Media: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$100	1-Apr-2009	29-May-2009	1.08	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 29-May-2009	Docket No. 2009-0804-PWS-E	PCW
Respondent Mardoche Abdelhak dba Big Trees Trailer City	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37709	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101852048		
Media [Statute] Public Water Supply		
Enf. Coordinator Stephen Thompson		
Violation Number 5		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(4)	
Violation Description	Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was noted that there were several leaks in the piping between the well and pressure tank and leaks near the service pump. Additionally, there were leaks at a valve on the pressure tank flush line and at an underground line near the Facility.	
Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Major Moderate Minor	
Release		
Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Percent	5%	
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="checkbox"/>	<input type="checkbox"/>
Percent	0%	
Matrix Notes	Failure to maintain the Facility in a watertight condition could allow an insignificant amount of contaminants to enter the water system which would not exceed levels protective of human health.	
Adjustment	\$950	
	\$50	
Violation Events		
Number of Violation Events	4	
	58	Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>
Violation Base Penalty	\$200	
	Four single-events (one per area that had a leak) are recommended.	
Good Faith Efforts to Comply		
	0.0% Reduction	\$0
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	\$200	
Economic Benefit (EB) for this violation		
Estimated EB Amount	\$64	
Statutory Limit Test		
Violation Final Penalty Total	\$482	
This violation Final Assessed Penalty (adjusted for limits)	\$482	

Economic Benefit Worksheet

Respondent: Mardoche Abdelhak dba Big Trees Trailer City
Case ID No.: 37709
Reg. Ent. Reference No.: RN101652048
Media: Public Water Supply
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,000	1-Apr-2009	1-Mar-2010	0.92	\$3	\$61	\$64
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount needed to repair all leaking valves and lines at the Facility, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

\$1,000

TOTAL

\$64

Screening Date: 29-May-2009	Docket No.: 2009-0804-PWS-E	PCW		
Respondent: Mardoche Abdelhak dba Big Trees Trailer City	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37709	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN101652048				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Stephen Thompson				
Violation Number: 6				
Rule Cite(s):	30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(E)(i), 290.46(f)(3)(D)(ii) and 290.46(f)(3)(D)(i)			
Violation Description:	Failed to make the Facility's operating records accessible for review during an inspection. Specifically, at the time of the investigation, it was noted that the following records were not available for review: monthly operating reports, well driller's log, inspection results for all water storage and pressure maintenance facilities, distribution map, monitoring plan, microbiological sample results and ANSI/NSF Standard 60 approval for the disinfectant currently being used.			
Base Penalty:		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	0%
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix				
Falsification			Percent	
Major	Moderate	Minor		
<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	5%	
<input type="text"/>	<input type="text"/>	<input type="text"/>		
Matrix Notes:	The Respondent failed to comply with at least 30 - 70 percent of the rule requirement.			
Adjustment:		\$950		
\$50				
Violation Events				
Number of Violation Events: <input type="text" value="1"/>		Number of violation days: <input type="text" value="58"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		\$50
One single event is recommended.				
Good Faith Efforts to Comply		0.0% Reduction		
		\$0		
		<small>Before NOV NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
Notes:	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal:		\$50		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount:	<input type="text" value="\$21"/>	Violation Final Penalty Total:	<input type="text" value="\$121"/>	
This violation Final Assessed Penalty (adjusted for limits):		<input type="text" value="\$121"/>		

Economic Benefit Worksheet

Respondent Mardocho Abdelhak dba Big Trees Trailer City
Case ID No. 37709
Reg. Ent. Reference No. RN101652048
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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	\$500	1-Apr-2009	1-Feb-2010	0.84	\$21	n/a	\$21
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to ensure that all records are maintained and kept accessible for review during inspections, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500	TOTAL	\$21
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Screening Date: 29-May-2009	Docket No.: 2009-0804-PWS-E	PCW		
Respondent: Mardoche Abdelhak dba Big Trees Trailer City	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37709	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN101652048				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Stephen Thompson				
Violation Number: 7				
Rule Cite(s):	30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702			
Violation 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.			
Base Penalty:		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent: <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent: <input type="text" value="0%"/>
Matrix Notes	<input type="text"/>			
Adjustment:		\$1,000		
		\$0		
Violation Events				
Number of Violation Events: <input type="text"/>		Number of violation days: <input type="text"/>		
mark only one with an x	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.				
Good Faith Efforts to Comply		0.0% Reduction <input type="text" value="\$0"/>		
		Before NOV NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	(mark with x)			
Notes	<input type="text"/>			
Violation Subtotal:		\$0		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount: <input type="text" value="\$0"/>		Violation Final Penalty Total: <input type="text" value="\$0"/>		
		This violation Final Assessed Penalty (adjusted for limits): <input type="text" value="\$0"/>		

Economic Benefit Worksheet

Respondent: Mardoche Abdelhak dba Big Trees Trailer City
Case ID No: 37709
Reg. Ent. Reference No: RN101652048
Media: Public Water Supply
Violation No: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

There is no economic benefit associated with this violation.

Avoided Costs

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

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

\$0

TOTAL

\$0

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 RD, BEXAR COUNTY, TX		
TCEQ Region:	REGION 13 - SAN ANTONIO		
Date Compliance History Prepared:	May 19, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 19, 2004 to May 19, 2009		

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
- 6.

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 maximum 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 #1 at 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: Traller City Water Co owes over due PHS fees, account number 90150131

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/06/2004	(371911)
2	01/28/2005	(371920)
3	03/03/2005	(486006)
4	03/30/2005	(372365)
5	04/01/2005	(486360)
6	05/02/2005	(486372)
7	07/27/2005	(486380)
8	08/25/2005	(486388)
9	12/21/2005	(486395)
10	05/26/2006	(486409)
11	06/27/2006	(486414)
12	07/13/2006	(486492)
13	04/15/2007	(644341)
14	07/01/2007	(644991)
15	05/11/2009	(742697)

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

Date:	12/06/2004	(371911)	CN600889869
Self Report?	NO		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.
Self Report? NO **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.
Date: 01/28/2005 (371920) **CN600889869**
Self Report? NO **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.
Date: 03/03/2005 (486006) **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 01/2005.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: Failure to post a PN for not collecting any routine monitoring samples in 01/2005.
Date: 04/01/2005 (486360) **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 02/2005.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: Failure to post a PN for not collecting any routine monitoring samples in 02/2005.
Date: 05/02/2005 (486372) **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 03/2005.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: Failure to post a PN for not collecting any routine monitoring samples in 03/2005.
Date: 07/27/2005 (486380) **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 06/2005.
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.
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.
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 290.41(c)(3)(O)
Description: Failure to provide an intruder resistant fence.
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)
Description: Failure to provide the system with a licensed operator.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain system facilities.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain a minimum disinfectant residual of 0.2 mg/L.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to maintain the system's facilities in a water tight condition.
 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.
 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.
 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.
 Date: 04/15/2007 (644341) CN600889869
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
 Description: BACT - MONITORING/REPORTING VIOLATIONS
 Date: 07/01/2007 (644991) CN600889869
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
 Description: PUBLIC NOTICE

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**

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§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0804-PWS-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 Mardoché Abdelhak dba Big Trees Trailer City ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. 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 a public water supply at 103 Plumnear Road in Bexar County, Texas (the "Facility") that has approximately 12 service connections and serves at least 25 people per day for at least 60 days per year.
2. 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.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 13, 2009.
4. 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.
5. An administrative penalty in the amount of Two Thousand Five Hundred Thirty-Three Dollars (\$2,533) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Twenty-Seven Dollars (\$127) of the administrative penalty and Five Hundred Six Dollars (\$506) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of One Thousand Nine Hundred Dollars (\$1,900) of the administrative penalty shall be payable in nineteen monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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 of the Facility, the Respondent is alleged to have:

1. Failed to provide a properly constructed intruder-resistant fence around all storage tanks and pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on April 1, 2009.
2. 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, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on April 1, 2009.
3. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on April 1, 2009.

4. 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, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A), as documented during an investigation conducted on April 1, 2009.
5. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on April 1, 2009.
6. Failed to make the Facility's operating records accessible for review during an inspection, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(E)(i), 290.46(f)(3)(D)(ii) and 290.46(f)(3)(D)(i), as documented during an investigation conducted on April 1, 2009.
7. 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, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702, as documented during a record review conducted on June 2, 2009.

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 5 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: Mardoche Abdelhak dba Big Trees Trailer City, Docket No. 2009-0804-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Install three strands of barbed wire, facing in an outward position, on the portion of the fence surrounding the pressure tank where the barbed wire is missing, in accordance with 30 TEX. ADMIN. CODE § 290.41;

- ii. Ensure that the Facility is under direct supervision of a water works operator who holds at least a Class "D" license, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Institute maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to, ensuring that excessive brush and weeds are removed from the Facility and that the pressure tank is maintained in a manner to prevent the tank from becoming water-logged, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Operate the disinfection equipment to ensure that a minimum disinfectant residual of 0.2 mg/L free chlorine is maintained throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision No. 2.f below, include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Provide the following Facility records for review: monthly operating reports, well driller's log, annual tank inspection, distribution map, monitoring plan, bacteriological sample results and ANSI/NSF Standard 60 approval for the disinfectant currently being used, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Pay all outstanding fees, including any associated penalties and interest and with the notation "Re: Mardoche Abdelhak dba Big Trees Trailer City -- Financial Administration Account No. 90150131" 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
- d. Within 75 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision No. 2.f below, include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order, ensure that all water treatment units, storage, and pressure maintenance facilities, distribution system lines, and related appurtenances are maintained in a watertight condition, including but not limited to: repairing the leaks in the piping between the well and the pressure tank, repairing the leaks in the piping near the service pump, repairing the leak on the valve on the pressure

tank flush line and repairing the leaking underground line just outside the fence at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

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

6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. 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.

Mandoche Abdelhak dba Big Trees Trailer City
DOCKET NO. 2009-0804-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bradley
For the Executive Director

12/11/2009
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.

M. Abdelhak
Signature

Sept 16 2009
Date

Mandoche Abdelhak
Name (Printed or typed)
Authorized Representative of
Mandoche Abdelhak dba Big Trees Trailer City

OWNER
Title

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

