

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-2008-PWS-E **TCEQ ID:** RN101272581 **CASE NO.:** 38818

**RESPONDENT NAME:** Hunter Road Investments LLC dba Blue Agave Mobile Home Park

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input checked="" type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Blue Agave Mobile Home Park, located on the east side of Hunter Road, one mile south of McCarty Lane, near San Marcos, Hays County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 24, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. B. Schleder, Registered Agent, Hunter Road Investments LLC, P.O. Box 639, Martindale, Texas 78655  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 13, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 20, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to operate the Facility 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 &amp; SAFETY CODE § 341.033(a)].</p> <p>2) Failure to provide facility records to Commission personnel at time of the investigation [30 TEX. ADMIN. CODE § 290.46 (f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), and (f)(3)(D)(ii)].</p> <p>3) Failure to conduct an annual inspection of the Facility's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>4) Failure to maintain an up-to date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratory that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>5) Failure to provide a sanitary control easement that covers the land within 150 feet of the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>6) Failure provide a sampling cock on the</p>	<p><b>Total Assessed:</b> \$2,780</p> <p><b>Total Deferred:</b> \$556  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$103 (remaining \$2,121 due in 21 monthly payments of \$101 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrected measures at the Facility:</p> <p>a. Installed a sampling tap on the Facility's well discharge line on November 1, 2009; and</p> <p>b. On December 8, 2009, provided records of the annual inspection of the ground storage tank.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin operating the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>ii. Conduct an annual inspection for the pressure tank;</p> <p>iii. Submit and begin and maintaining the following records: a record of the amount of needed chemicals used weekly and the amount of water treated weekly; and</p> <p>iv. Equip the Facility's ground storage tank with a water level indicator located at the tank site.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a and b.</p> <p>d. Withing 90 days after the effective date</p>

DOCKET NO.: 2009-2008-PWS-E

<p>Facility's well discharge line [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>7) Failure to provide the ground storage tank with a water level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>8) Failure to maintain all water storage tanks thoroughly tight against leakage [30 TEX. ADMIN. CODE § 290.43(c)(6)].</p>		<p>of this Agreed Order:</p> <p>i. Obtain a sanitary control easement for the Facility's well or obtain an exception to the requirement; and</p> <p>ii. Repair the leak near the tank drain valve on the ground storage tank so that the tank is maintained in a watertight condition.</p> <p>e. 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 d.</p>
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Additional ID No(s): 1050105





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	23-Nov-2009			
	PCW	11-Dec-2009	Screening	2-Dec-2009	EPA Due

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Hunter Road Investments LLC dba Blue Agave Mobile Home Park			
<b>Reg. Ent. Ref. No.</b>	RN101272581			
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	38818	<b>No. of Violations</b>	8
<b>Docket No.</b>	2009-2008-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Henry
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit</b>	Minimum \$50	Maximum	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$1,110

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 5.0% Enhancement **Subtotals 2, 3, & 7** \$55

Notes: Penalty enhancement is due to one Notice of Violation ("NOV") that contains violations that are same or similar to the violations in the current enforcement action.

**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** \$12

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

Total EB Amounts \$1,662  
Approx. Cost of Compliance \$11,565  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$1,153

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 138.9% **Adjustment** \$1,601

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance for Violation Nos.1 and 3.

**Final Penalty Amount** \$2,754

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$2,780

**DEFERRAL** 20.0% Reduction **Adjustment** -\$556

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** \$2,224

Screening Date 2-Dec-2009

Docket No. 2009-2008-PWS-E

PCW

Respondent Hunter Road Investments LLC dba Blue Agave Mobile H

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments 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) 5%

>> 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

Penalty enhancement is due to one Notice of Violation ("NOV") that contains violations that are same or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 2-Dec-2009

Docket No. 2009-2006-PWS-E

PCW

Respondent Hunter Road Investments LLC dba Blue Agave Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 1

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 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 does not have an operator with a class "D" or higher license employed to operate the Facility.

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 employ a licensed operator could lead to improper management and operation of the Facility and expose the consumers to significant amounts of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

51 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the investigation, October 13, 2009, to the date of screening, December 2, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EOPRP/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 \$1,496

Violation Final Penalty Total \$1,254

This violation Final Assessed Penalty (adjusted for limits) \$1,254

## Economic Benefit Worksheet

**Respondent** Hunter Road Investments LLC dba Blue Agave Mobile Home Park  
**Case ID No.** 38818  
**Reg. Ent. Reference No.** RN101272581  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$10,400	13-Oct-2009	2-Dec-2009	0.14	\$71	\$1,425	\$1,496
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 amount to employ a part-time licensed operator calculated (\$10/hour X 20 hours/week X 52 weeks.). The date required is the investigation date. The final date is the screening date.

Approx. Cost of Compliance

\$10,400

**TOTAL**

\$1,496

Screening Date 2-Dec-2009

Docket No. 2009-2008-PWS-E

PCW

Respondent Hunter Road Investments LLC dba Blue Agave Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), and (f)(3)(D)(ii)

Violation Description

Failed to provide Facility records to Commission personnel at time of the investigation. Specifically, at the time of the investigation, it was documented that the following documents were not available for review: a record of the amount of chemicals used each week, record of the volume of water treated each week, and the results of the annual ground storage tank inspection.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
			x	1%
At least 70% of the rule requirement was met.				

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 51

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

One single event is 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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$25

This violation Final Assessed Penalty (adjusted for limits) \$50

# Economic Benefit Worksheet

**Respondent** Hunter Road Investments LLC dba Blue Agave Mobile Home Park  
**Case ID No.** 38818  
**Reg. Ent. Reference No.** RN101272581  
**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**

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	\$100	13-Oct-2009	1-Aug-2010	0.80	\$4	n/a	\$4
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 to compile and begin maintaining a record keeping system, that includes but is not limited to, the amount of chemicals used each week, the volume of water treated each week, and the results of the annual ground storage tank inspection. The date required is the date of the investigation. The final date is 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

\$100

**TOTAL**

\$4

Screening Date 2-Dec-2009

Docket No. 2009-2008-PWS-E

PCW

Respondent Hunter Road Investments LLC dba Blue Agave Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description

Failed to conduct an annual inspection of the Facility's pressure tank. Specifically, at the time of the investigation, it was documented that the Facility's pressure tank had not been inspected within the last 12 months.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Matrix Notes

Failure to inspect the Facility's pressure tank could result in non-detection of a tank defect and compromise the integrity of the tank, which could expose consumers to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

51 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$250

One annual event is recommended, calculated for the 12 months preceeding the investigation date of October 13, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EOPRP/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

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$627

This violation Final Assessed Penalty (adjusted for limits) \$627

# Economic Benefit Worksheet

**Respondent** Hunter Road Investments LLC dba Blue Agave Mobile Home Park

**Case ID No.** 38818

**Reg. Ent. Reference No.** RN101272581

**Media** Public Water Supply

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**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	\$100	13-Oct-2008	13-Oct-2009	1.00	\$5	\$100	\$105
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 cost includes the estimated amount to conduct an annual inspection of the pressure tank, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$100

**TOTAL**

\$105

Screening Date 2-Dec-2009

Docket No. 2009-2008-PWS-E

PCW

Respondent Hunter Road Investments LLC dba Blue Agave Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to maintain an up-to date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratory that the Facility will use to comply with the monitoring requirements. Specifically, there was no monitoring plan for review at the time of the investigation.

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 1

51 Number of violation days

mark only one with an X

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Sallement 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 \$8

Violation Final Penalty Total \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

# Economic Benefit Worksheet

**Respondent** Hunter Road Investments LLC dba Blue Agave Mobile Home Park  
**Case ID No.** 38818  
**Reg. Ent. Reference No.** RN101272581  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100	13-Oct-2009	1-Aug-2010	0.80	\$0	\$5	\$6
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 includes the estimated amount to develop and maintain a chemical and microbiological monitoring plan. The date required is the date of the investigation. The final date is 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

\$100

TOTAL

\$6

Screening Date 2-Dec-2009

Docket No. 2009-2008-PWS-E

PCW

Respondent Hunter Road Investments LLC dba Blue Agave Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to provide a sanitary control easement that covers the land within 150 feet of the Facility's well. Specifically, at the time of the investigation, it was documented that the easement provided for the well does not cover all land within 150 feet of the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to secure a sanitary control easement could expose the Facility's water source to an insignificant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

51 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDP/PS/Settlement Offer

Ordinary

N/A

x (mark with x)

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 \$14

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

## Economic Benefit Worksheet

**Respondent** Hunter Road Investments LLC dba Blue Agave Mobile Home Park  
**Case ID No.** 38818  
**Reg. Ent. Reference No.** RN101272581  
**Media** Public Water Supply  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	13-Oct-2009	1-Oct-2010	0.97	\$1	\$13	\$14
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 cost includes the estimated amount necessary to secure a sanitary control easement covering land within 150 feet of the well. The date required is the date of the investigation. The final date is 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

\$200

TOTAL:

\$14

Screening Date 2-Dec-2009

Docket No. 2009-2008-PWS-E

PCW

Respondent Hunter Road Investments LLC dba Blue Agave Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(M)

Violation Description

Failed to provide a sampling tap on the Facility's well discharge line.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a sampling tap on the well discharge line could prevent the Facility from obtaining raw water samples and could result in the water containing an insignificant amount of undetected contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

1

51 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$12

Before NCV NOV to EDRFP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance on November 1, 2009.

Violation Subtotal \$38

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$97

This violation Final Assessed Penalty (adjusted for limits) \$97

## Economic Benefit Worksheet

**Respondent** Hunter Road Investments LLC dba Blue Agave Mobile Home Park  
**Case ID No.** 38818  
**Reg. Ent. Reference No.** RN101272581  
**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
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No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100	13-Oct-2009	1-Nov-2009	0.05	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install a sampling tap on the Facility's well discharge line, calculated from the date of the investigation to the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date: 2-Dec-2009

Docket No. 2009-2008-PWS-E

PCW

Respondent: Hunter Road Investments LLC dba Blue Agave Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator: Amanda Henry

Violation Number: 7

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(4)

Violation Description

Failed to provide the ground storage tank with a water level indicator located at the tank site.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent: 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Failing to equip the ground storage tank with a proper water level indicator prevents the Facility from accurately monitoring water usage thereby exposing consumers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment: \$950

\$50

Violation Events

1

51 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty: \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EOPRP/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: \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$4

Violation Final Penalty Total: \$125

This violation Final Assessed Penalty (adjusted for limits): \$125

# Economic Benefit Worksheet

**Respondent** Hunter Road Investments LLC dba Blue Agave Mobile Home Park  
**Case ID No.** 38818  
**Reg. Ent. Reference No.** RN101272581  
**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**

Equipment	\$65	13-Oct-2009	1-Aug-2010	0.80	\$0	\$3
Buildings				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0
Engineering/construction				0.00	\$0	\$0
Land				0.00	\$0	n/a
Record Keeping System				0.00	\$0	n/a
Training/Sampling				0.00	\$0	n/a
Remediation/Disposal				0.00	\$0	n/a
Permit Costs				0.00	\$0	n/a
Other (as needed)				0.00	\$0	n/a

Notes for DELAYED costs

The delayed costs include the actual amount necessary to equip the ground storage tank with a water level indicator, 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
Personnel				0.00	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0
Supplies/equipment				0.00	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$65

**TOTAL**

\$4

Screening Date 2-Dec-2009

Docket No. 2009-2008-PWS-E

PCW

Respondent Hunter Road Investments LLC dba Blue Agave Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 38818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272581

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(6)

Violation Description

Failed to maintain all water storage tanks thoroughly tight against leakage. Specifically, at the time of the investigation, it was documented that the ground storage tank had a leak near the tank drain valve.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the Facility's storage tanks in a watertight condition could expose the 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

51 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, October 13, 2009 to the screening date, December 2, 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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

## Economic Benefit Worksheet

**Respondent** Hunter Road Investments LLC dba Blue Agave Mobile Home Park

**Case ID No.** 38818

**Reg. Ent. Reference No.** RN101272581

**Media** Public Water Supply

**Violation No.** 8

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	\$500	13-Oct-2009	1-Oct-2010	0.97	\$2	\$32	\$34
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

The delayed cost includes the estimated amount necessary to repair the leaking tank drain valve. The date required is the investigation date. The final date is 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

\$500

**TOTAL**

\$34

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603097916 Hunter Road Investments LLC Classification: Rating:  
Regulated Entity: RN101272581 BLUE AGAVE MOBILE HOME PARK Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1050105  
WATER LICENSING LICENSE 1050105  
Location: EAST SIDE OF HUNTER RD 1 MILE SOUTH OF MCCARTY  
LN NEAR SAN MARCOS, HAYS COUNTY, TEXAS  
TCEQ Region: REGION 11 - AUSTIN  
Date Compliance History Prepared: December 02, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 02, 2004 to December 02, 2009  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Amanda Henry Phone: 713-767-3872

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Hunter Road Investments LLC
4. If Yes, who was/were the prior owner(s)/operator(s)? BRT Investment Corporation
5. When did the change(s) in owner or operator occur? September 20, 2006

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1 10/18/2006 (513675)  
2 04/19/2007 (557229)  
3 08/29/2007 (573024)  
4 11/19/2009 (782948)

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

Date: 10/17/2006 (513675) CN603097916  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 288, SubChapter B 288.20  
Description: Failure to provide a Drought Contingency Plan for the water system.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)  
Description: Failure to collect samples for total coliform and for fecal coliform or Escherichia coll.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)  
Description: Failure to monitor the disinfectant residual at various locations throughout the

distribution system.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.121  
Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
Description: Failure to maintain a plant operations manual.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)  
Description: Failure to provide trained and licensed personnel for the water system.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(I)(III)  
Description: Failure to maintain a record of the amount of each chemical used each week.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(II)(III)  
Description: Failure to maintain a record of the amount of water treated each week.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to perform annual tank inspections.

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  
HUNTER ROAD INVESTMENTS LLC  
DBA BLUE AGAVE MOBILE HOME  
PARK  
RN101272581**

§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-2008-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 Hunter Road Investments LLC dba Blue Agave Mobile Home Park ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply located on the east side of Hunter Road, one mile south of McCarty Lane near San Marcos, Hays County, Texas (the "Facility") that has approximately 20 service connections and serves at least 25 people per day for at least 60 days per year.
2. 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 November 25, 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 Seven Hundred Eighty Dollars (\$2,780) is assessed by the Commission in settlement of the violations alleged in Section I ("Allegations"). The Respondent has paid One Hundred Three Dollars (\$103) the administrative

penalty and Five Hundred Fifty-Six Dollars (\$556) 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 Two Thousand One Hundred Twenty-One Dollars (\$2,121) of the administrative penalty shall be payable in 21 monthly payments of One Hundred One Dollars (\$101) 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 recognizes that the Respondent has implemented the following corrected measures at the Facility:
  - a. Installed a sampling tap on the Facility's well discharge line on November 1, 2009; and
  - b. On December 8, 2009, provided records of the annual inspection of the ground storage tank.
9. 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.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to operate the Facility 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 October 13, 2009.
2. Failed to provide facility records to Commission personnel at time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46 (f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), and (f)(3)(D)(ii), as documented during an investigation conducted on October 13, 2009.
3. Failed to conduct an annual inspection of the Facility's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on October 13, 2009.
4. Failed to maintain an up-to date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratory that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on October 13, 2009.
5. Failed to provide a sanitary control easement that covers the land within 150 feet of the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on October 13, 2009.
6. Failed provide a sampling cock on the Facility's well discharge line, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), as documented during an investigation conducted on October 13, 2009.
7. Failed to provide the ground storage tank with a water level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on October 13, 2009.
8. Failed to maintain all water storage tanks thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(6), as documented during an investigation conducted on October 13, 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: Hunter Road Investments LLC dba Blue Agave Mobile Home Park, Docket No. 2009-2008-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. Immediately upon the effective date of this Agreed Order, begin operating the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, as required by 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Submit and begin maintaining an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121;
    - ii. Conduct an annual inspection for the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - iii. Submit and begin and maintaining the following records: a record of the amount of needed chemicals used weekly and the amount of water treated weekly, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - iv. Equip the Facility's ground storage tank with a water level indicator located at the tank site, in accordance with 30 TEX. ADMIN. CODE § 290.43.
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.e, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a and 2.b.
  - d. Within 90 days after the effective date of this Agreed Order:
    - i. Obtain a sanitary control easement for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41 or obtain an exception to the requirement pursuant to 30 TEX. ADMIN. CODE § 290.39; and
    - ii. Repair the leak near the tank drain valve on the ground storage tank so that the tank is maintained in a watertight condition, in accordance with 30 TEX. ADMIN. CODE § 290.43.
  - e. 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 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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  
Austin Regional Office  
Texas Commission on Environmental Quality  
2800 S IH 35, Suite 100  
Austin, Texas 78704-5712

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.

Hunter Road Investments LLC dba Blue Agave Mobile Home Park  
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission.

John Szellin  
For the Executive Director.

5/21/2010  
Date

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

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

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

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

[Signature]  
Signature

May 10, 2010  
Date

B. SCHLEDER  
Name (Printed or typed)  
Authorized Representative of  
Hunter Road Investments LLC dba  
Blue Agave Mobile Home Park

Registered Agent  
Title

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