

Executive Summary – Enforcement Matter – Case No. 41775
Mardoche Abdelhak d/b/a Big Trees Trailer City
RN101652048
Docket No. 2011-0888-PWS-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
N/A

Location(s) Where Violation(s) Occurred:
103 Plumnear Road, San Antonio, Bexar County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$2,372.85 (2009-0804-PWS-E; referred to AG) \$7,073.72 (2010-0602-PWS-E)
Past-Due Fees:	\$196.77 (Acct. No. 90150131)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: September 30, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$8,697
Amount Deferred for Expedited Settlement:	N/A
Amount Deferred for Financial Inability to Pay:	N/A
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$8,697

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: May 9, 2011
Date(s) of NOV(s): See Compliance History – 16 related NOVs
Date(s) of NOE(s): May 13, 2011

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the TCEQ each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 209.110(e)(4)(A)].
2. Failed to provide the results of annual stage 1 disinfectant by-product sampling to the TCEQ [30 TEX. ADMIN. CODE § 290.113(e)].
3. Failed to provide the results of triennial inorganic contaminant and radionuclide sampling to the TCEQ [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.108(e)].
4. Failed to provide the results of six-year period volatile organic contaminant sampling to the TCEQ [30 TEX. ADMIN. CODE § 290.107(e)].
5. Failed to pay all annual and late Public Health Service fees for TCEQ FA Account No. 90150131 for Fiscal Year 2011 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
N/A

Technical Requirements:

1. Within 30 days:
 - a. Report the results for inorganic contaminants, volatile organic contaminants, radionuclides and disinfectant by-products to the TCEQ; and
 - b. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 90150131.
2. Within 90 days, begin submitting DLQORs to the TCEQ by the tenth day of the month following each quarter.
3. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirement No. 1; and
 - b. Within 105 days for Technical Requirement No. 2.

Litigation Information

Date Petition(s) Filed: August 8, 2011
Date(s) Green Card(s) Signed: Unclaimed
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Executive Summary – Enforcement Matter – Case No. 41775
Mardoche Abdelhak d/b/a Big Trees Trailer City
RN101652048
Docket No. 2011-0888-PWS-E

Contact Information

TCEQ Attorneys: Phillip M. Goodwin, P.G., Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400

TCEQ Enforcement Coordinator: Stephen Thompson, Water Enforcement Section, (512) 239-2558

TCEQ Regional Contact: Lynn Bumguardner, San Antonio Regional Office, (210) 403-4050

Respondent: Mardoche Abdelhak, PO Box 140576, Denver, Colorado 80214

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-May-2011	Screening	6-Jun-2011	EPA Due	31-Dec-2007
	PCW	28-Jul-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Mardoche Abdelhak dba Big Trees Trailer City
Reg. Ent. Ref. No.	RN101652048
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	41775	No. of Violations	5
Docket No.	2011-0888-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	194.0% Enhancement	Subtotals 2, 3, & 7	\$5,044
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Notes: Enhancement for 16 NOVs with same/similar violations, 12 NOVs with dissimilar violations, two agreed final enforcement orders containing a denial of liability, one agreed final enforcement order without a denial of liability and one default order.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,121
 Approx. Cost of Compliance: \$2,320
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,644
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OTHER FACTORS AS JUSTICE MAY REQUIRE	13.8%	Adjustment	\$1,053
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs of compliance associated with Violation No. 1.

Final Penalty Amount	\$8,697
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,697
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$8,697
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Screening Date 6-Jun-2011

Docket No. 2011-0888-PWS-E

PCW

Respondent Mardoche Abdelhak dba Big Trees Trailer City

Policy Revision 2 (September 2002)

Case ID No. 41775

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	16	80%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 194%

>> **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 for 16 NOVs with same/similar violations, 12 NOVs with dissimilar violations, two agreed final enforcement orders containing a denial of liability, one agreed final enforcement order without a denial of liability and one default order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 194%

Screening Date 6-Jun-2011

Docket No. 2011-0888-PWS-E

PCW

Respondent Mardoche Abdelhak dba Big Trees Trailer City

Policy Revision 2 (September 2002)

Case ID No. 41775

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101652048

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(f)(3) and 290.110(e)(4)(A)

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the TCEQ each quarter by the tenth day of the month following the end of each quarter. Specifically, Respondent did not submit DLQORs for the first quarter of 2006 through the fourth quarter of 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 20 1736 Number of violation days

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

Violation Base Penalty \$2,000

Twenty quarterly events are recommended, calculated for the quarters in which DLQORs were not submitted.

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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,053

Violation Final Penalty Total \$6,690

This violation Final Assessed Penalty (adjusted for limits) \$6,690

Economic Benefit Worksheet

Respondent Mardoche Abdelhak dba Big Trees Trailer City
Case ID No. 41775
Req. 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
No commas or \$							

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$820	10-Apr-2006	10-Jan-2011	5.67	\$233	\$820	\$1,053
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to maintain disinfectant residual level data and report it to the Executive Director on a quarterly basis, calculated for the period in which the reports were due.

Approx. Cost of Compliance

\$820

TOTAL

\$1,053

Screening Date 6-Jun-2011
Respondent Mardoche Abdelhak dba Big Trees Trailer City
Case ID No. 41775
Reg. Ent. Reference No. RN101652048
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Docket No. 2011-0888-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description Failed to provide the results of annual stage 1 disinfectant by-product sampling to the TCEQ. Specifically, Respondent failed to provide stage 1 disinfectant by-product monitoring results for 2008 through 2010.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
<input type="text" value="100% of the rule requirement was not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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 checked="" type="text" value="x"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Mardoche Abdelhak dba Big Trees Trailer City
Case ID No. 41775
Req. Ent. Reference No. RN101652048
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	9-May-2011	1-Jan-2012	0.65	\$3	\$65	\$68
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 of the outstanding laboratory costs that must be paid in order to release the monitoring results, calculated from the date of the record review 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

\$1,500

TOTAL

\$68

Screening Date 6-Jun-2011

Docket No. 2011-0888-PWS-E

PCW

Respondent Mardoche Abdelhak dba Big Trees Trailer City

Policy Revision 2 (September 2002)

Case ID No. 41775

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101652048

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(e) and 290.108(e)

Violation Description Failed to provide the results of triennial inorganic contaminant and radionuclide sampling to the TCEQ. Specifically, Respondent failed to provide inorganic contaminant and radionuclide monitoring results for the sampling period from January 1, 2008 through December 31, 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 1095 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$200

Two single events (one for each type of monitoring) are recommended for the sampling period.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary	
Ordinary	
N/A	x (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

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$669

This violation Final Assessed Penalty (adjusted for limits) \$669

Economic Benefit Worksheet

Respondent Mardoche Abdelhak dba Big Trees Trailer City
Case ID No. 41775
Req. 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

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

The delayed costs for this violation are associated with violation no. 2.

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

\$0

TOTAL

\$0

Screening Date 6-Jun-2011

Docket No. 2011-0888-PWS-E

PCW

Respondent Mardoche Abdelhak dba Big Trees Trailer City

Policy Revision 2 (September 2002)

Case ID No. 41775

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101652048

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.107(e)

Violation Description Failed to provide the results of six-year period volatile organic contaminant sampling to the TCEQ. Specifically, Respondent failed to provide volatile organic contaminant monitoring results for the sampling period from January 1, 2005 through December 31, 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 2172 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 for the monitoring period.

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$335

This violation Final Assessed Penalty (adjusted for limits) \$335

Economic Benefit Worksheet

Respondent Mardoche Abdelhak dba Big Trees Trailer City
Case ID No. 41775
Req. Ent. Reference No. RN101652048
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				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 for this violation are associated with violation no. 2.

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

\$0

TOTAL

\$0

Screening Date 6-Jun-2011

Docket No. 2011-0888-PWS-E

PCW

Respondent Mardoche Abdelhak dba Big Trees Trailer City

Policy Revision 2 (September 2002)

Case ID No. 41775

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101652048

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 5

Rule Cite(s) Tex. Water Code § 5.702 and 30 Tex. Admin. Code § 290.51(a)(6)

Violation Description Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90150131 for Fiscal Year 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%). Matrix Notes section below.

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events [] Number of violation days []

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. Includes instruction: mark only one with an x.

Violation Base Penalty \$0

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 Before NOV NOV to EDPRP/Settlement Offer

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (mark with x).

Notes

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Mardoche Abdelhak dba Big Trees Trailer City
Case ID No. 41775
Req. 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

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

Notes for DELAYED costs

N/A

Avoided Costs

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

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, SAN ANTONIO, BEXAR COUNTY, TX
TCEQ Region: REGION 13 - SAN ANTONIO
Date Compliance History Prepared: June 03, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 03, 2006 to June 03, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
Name: Stephen Thompson Phone: (512) 239-2558

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, 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: Trailer City Water Co owes over due PHS fees, account number 90150131

Effective Date: 02/22/2010

ADMINORDER 2009-0804-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failed to provide a properly constructed intruder-resistant fence around all storage tanks and pressure maintenance facilities, as documented during an investigation conducted on April 1, 2009.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failed to operate the Facility at all times under the direct supervision of a water works operator who holds a Class "D" or higher license, as documented during an investigation conducted on April 1, 2009.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, as documented during an investigation conducted on April 1, 2009.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description: Failed to operate the disinfectant equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times, as documented during an investigation conducted on April 1, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, as documented during an investigation conducted on April 1, 2009.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

Description: Failed to make the Facility's operating records accessible for review during an inspection, as documented during an investigation conducted on April 1, 2009.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90150131 for Fiscal Year 2009 to the TCEQ in a timely manner.

Effective Date: 12/05/2010

ADMINORDER 2010-0602-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: TCR Repeat Monitoring Violation 02/2008 - Failure to collect any repeat monitoring sample(s) following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR Repeat PN Monitoring Violation 02/2008 - Failure to post public notice for not collecting any repeat monitoring sample(s) following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: TCR MCL Violation 05/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 05/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 07/2008 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Routine Monitoring Violation 07/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: TCR Routine Monitoring Violation 09/2008 - Failure to collect any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Routine Monitoring Violation 09/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: TCR Routine Monitoring Violation 10/2008 - Failure to collect any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Routine Monitoring Violation 10/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: TCR Routine Monitoring Violation 11/2008 - Failure to collect any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Routine Monitoring Violation 11/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(1)(A)
 Description: TCR PN Routine Monitoring Violation 12/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2006 to its bill-paying customers.
 Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2006 CCR year to the TCEQ.
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.
 Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2007 CCR year to the TCEQ.
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.
 Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.

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	06/27/2006	(486414)	5	02/25/2010	(791255)
2	07/13/2006	(486492)	6	02/25/2010	(791268)
3	05/11/2009	(742697)	7	03/01/2010	(793642)
4	02/04/2010	(789293)	8	03/01/2010	(793653)

9	03/01/2010	(793666)	22	05/13/2011	(920950)
10	03/01/2010	(793672)	23	05/10/2011	(920952)
11	03/18/2010	(794338)	24	05/10/2011	(920953)
12	02/20/2008	(797876)	25	05/10/2011	(920955)
13	01/14/2009	(798908)	26	05/10/2011	(920958)
14	11/03/2009	(799703)	27	05/18/2011	(920959)
15	05/07/2010	(800979)	28	10/01/2009	(921170)
16	03/14/2011	(901828)	29	07/21/2009	(921172)
17	05/09/2011	(919465)	30	07/19/2007	(921174)
18	05/10/2011	(919629)	31	07/19/2007	(921175)
19	05/13/2011	(920871)	32	07/19/2007	(921185)
20	05/10/2011	(920877)	33	07/19/2007	(921191)
21	05/10/2011	(920949)	34	07/19/2007	(921193)

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

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: 07/19/2007 (921174) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2007.

Date: 07/19/2007 (921185) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2006.

Date: 07/19/2007 (921175) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2006.

Date: 07/19/2007 (921191) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2006.

Date: 07/19/2007 (921193) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2006.

Date: 02/20/2008 (797876) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)

Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2006 to its bill-paying customers.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2006 CCR year to the TCEQ.

Date: 04/16/2008 (789293) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 02/2008 - Failure to collect any repeat monitoring sample(s) following a coliform found result.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR Repeat PN Monitoring Violation 02/2008 - Failure to post public notice for not collecting any repeat monitoring sample(s) following a coliform found result.

Date: 06/05/2008 (791255) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: TCR MCL Violation 05/2008 - System exceeded a Maximum Contaminant Level.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
Description: TCR PN MCL Violation 05/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level.

Date: 09/03/2008 (791268) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 07/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 07/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 11/19/2008 (793642) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 09/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 09/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 12/09/2008 (793653) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 10/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 10/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 01/13/2009 (793666) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 11/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 11/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 01/14/2009 (798908) CN600889869

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

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

Date: 03/09/2009 (793672) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(1)(A)
Description: TCR PN Routine Monitoring Violation 12/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 07/21/2009 (921172) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009. This system also failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for all of 2008, and the fourth, third, and second quarters of 2007, but no public notices of violation were sent.

Date: 11/03/2009 (799703) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.

Date: 12/07/2010 (919465) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 11/2010 - Failure to collect any routine monitoring sample(s).

Date: 05/10/2011 (919629) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report metal levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Date: 05/10/2011 (920949) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/1/2008 to 12/31/2010.

Date: 05/10/2011 (920953) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Date: 05/10/2011 (920877) CN600889869

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report mineral at EP001 to the TCEQ for the triennial period from 01/01/2008 to 12/31/2010.

Date: 05/10/2011 (920952) CN600889869

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010. This system also failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first and second quarter of 2010, and for third and fourth quarter 2009, but no public notices were sent.

Date: 05/10/2011 (920955) CN600889869

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(c)
30 TAC Chapter 290, SubChapter F 290.113(e)

Description: This system failed to monitor and/or failed to report disinfectant byproducts in the distribution system referred to as DS01, to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 05/10/2011 (920958) CN600889869

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(c)
30 TAC Chapter 290, SubChapter F 290.113(e)

Description: This system failed to monitor and/or failed to report disinfectant byproducts levels in the distribution system, referred to as DS01, to the TCEQ for the annual monitoring period from 01/01/2009 to 12/31/2009.

Date: 05/10/2011 (920959) CN600889869

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(c)
30 TAC Chapter 290, SubChapter F 290.113(e)

Description: This system failed to monitor and/or failed to report disinfectant byproducts in the distribution system, referred to as DS01, to the TCEQ for the annual monitoring period from 01/01/2008 to 12/31/2008.

Date: 05/10/2011 (920950) CN600889869

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: This system failed to monitor and/or failed to report volatile organic contaminants at EP001 to the TCEQ for the six year monitoring period from 01/01/2005 to 12/31/2010.

Date: 05/13/2011 (921170) CN600889869

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
30 TAC Chapter 290, SubChapter F 290.110(e)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MARDOCHE ABDELHAK D/B/A
BIG TREES TRAILER CITY;
RN101652048**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-0888-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Mardoche Abdelhak d/b/a Big Trees Trailer City ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns a public water system located at 103 Plumnear Road in San Antonio, Bexar County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 75 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on May 9, 2011, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the TCEQ each quarter by the tenth day of the month following the end of each quarter. Specifically, Respondent did not submit DLQORs for the first quarter of 2006 through the fourth quarter of 2010;
 - b. Failed to provide the results of annual stage 1 disinfectant by-product sampling to the TCEQ. Specifically, Respondent failed to provide stage 1 disinfectant by-product monitoring results for 2008 through 2010;
 - c. Failed to provide the results of triennial inorganic contaminant and radionuclide sampling to the TCEQ. Specifically, Respondent failed to provide inorganic contaminant and radionuclide monitoring results for the sampling period from January 1, 2008 through December 31, 2010;

- d. Failed to provide the results of six-year period volatile organic contaminant sampling to the TCEQ. Specifically, Respondent failed to provide volatile organic contaminant monitoring results for the sampling period from January 1, 2005 through December 31, 2010; and
 - e. Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration ("FA") Account No. 90150131 for Fiscal Year 2011.
3. Respondent received notice of the violations on or about May 18, 2011.
 4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Mardoche Abdelhak d/b/a Big Trees Trailer City" (the "EDPRP") in the TCEQ Chief Clerk's office on August 8, 2011.
 5. By letter dated August 8, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
 6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit a DLQOR to the TCEQ each quarter by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 209.110(e)(4)(A).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of annual stage 1 disinfectant by-product sampling to the TCEQ, in violation of 30 TEX. ADMIN. CODE § 290.113(e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of triennial inorganic contaminant and radionuclide sampling to the TCEQ, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.108(e).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of six-year period volatile organic contaminant sampling to the TCEQ, in violation of 30 TEX. ADMIN. CODE § 290.107(e).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay all annual and late Public Health Service fees for TCEQ FA Account No. 90150131 for Fiscal Year 2011, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).

7. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
8. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of eight thousand six hundred ninety-seven dollars (\$8,697.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of eight thousand six hundred ninety-seven dollars (\$8,697.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Mardoche Abdelhak d/b/a Big Trees Trailer City; Docket No. 2011-0888-PWS-E" to:

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

3. Respondent shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Order, Respondent shall:

- i. Report the results for inorganic contaminants, volatile organic contaminants, radionuclides and disinfectant by-products to the TCEQ, in accordance with 30 TEX. ADMIN CODE §§ 290.106, 290.107, 290.108 and 290.113. The results shall be submitted to

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

- ii. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 90150131. The payment shall be sent with the notation "Mardoche Abdelhak d/b/a Big Trees Trailer City, FA 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

- b. Within 45 days after the effective date of this Order, Respondent shall submit written certification as described below in Ordering Provision No. 3.e., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. and 3.a.ii.

- c. Within 90 days after the effective date of this Order, Respondent shall begin submitting DLQORs to the TCEQ by the tenth day of the month following each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. DLQORs shall be submitted to the following address:

Public Drinking Water Section
Attention: DLQOR Coordinator, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 105 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.e., below, to demonstrate compliance with Ordering Provision No. 3.c.

- e. The certifications required by these Ordering Provisions shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

The certifications and supporting documentation required by these Ordering Provisions 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:

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

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

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PHILLIP M. GOODWIN

STATE OF TEXAS

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§
§

COUNTY OF TRAVIS

"My name is Phillip M. Goodwin. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Mardoche Abdelhak d/b/a Big Trees Trailer City" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on August 8, 2011.

The EDPRP was mailed to Respondent's last known address on August 8, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

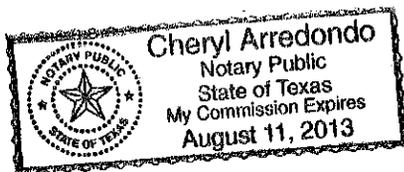
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



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

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

Given under my hand and seal of office this 13th day of September, A.D. 2011.




Notary Signature