

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2010-0701-PWS-E RN101453843

CASE NO. 39612

**RESPONDENT NAME: OAKHOLLOW MH PARK, LLC d/b/a OAK HOLLOW MOBILE HOME PARK
AND GARY DON STAHLHEBER d/b/a OAK HOLLOW MOBILE HOME PARK**

ORDER TYPE:		
<input type="checkbox"/> AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 16730 County Road 127, TRLR 1A, Pearland, Brazoria County

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

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: There are no complaints related to this enforcement action. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and Respondents expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired January 10, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Steven M. Fishburn, Litigation Division, MC 175, (512) 239-3400
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Epifanio Villarreal, Water Enforcement Section, MC R-14, (361) 825-3425

TCEQ Regional Contact: Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581

Respondent: Gary Don Stahlheber, President, Oak Hollow MH Park, LLC, 4911 Mahajan Court, Pearland, Texas 77584

Respondent's Attorney: Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: OAKHOLLOW MH PARK, LLC
d/b/a OAK HOLLOW MOBILE HOME PARK AND
GARY DON STAHLHEBER d/b/a OAK HOLLOW MOBILE HOME PARK
DOCKET NO. 2010-0701-PWS-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint: N/A</p> <p>Date of Investigation: February 1, 2010</p> <p>Date of NOE: March 1, 2010</p> <p>Background Facts: The EDPRP was filed on June 18, 2010, and mailed to each Respondent via first class mail and certified mail, return receipt requested. According to the return receipt "green cards," Respondents each received the EDPRP on June 21, 2010. Respondents failed to file an answer and failed to request a hearing.</p> <p>Current Compliance Status: Respondents have not yet submitted documentation demonstrating compliance with the technical requirements.</p> <p>PWS: Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].</p>	<p>Total Assessed: \$1,391</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$1,391</p> <p>This is a Default Order. Respondents have not actually paid any of the assessed administrative penalty but will be required to do so within 30 days under the terms of this Order.</p> <p>Compliance History Classifications: <i>Person/CN</i> – N/A (both respondents) <i>Site/RN</i> – N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>Respondents shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2009 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers. 2. Within 45 days, submit to the Commission a copy of the CCR provided to customers of the Facility for the year 2009 and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data. 3. Within 60 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	3-May-2010	Screening	4-May-2010	EPA Due	1-Jul-2003
	PCW	4-May-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Oakhollow MH Park, LLC and Gary Don Stahlheber dba Oak Hollow Mobile Home Park
Reg. Ent. Ref. No.	RN101453843
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	39612	No. of Violations	1	
Docket No.	2010-0701-PWS-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Epifanio Villarreal	
		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	\$600
---	-------------------	-------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	49.0% Enhancement	Subtotals 2, 3, & 7	\$294
---------------------------	-------------------	--------------------------------	-------

Notes: The penalty enhancement is due to four prior Notices of Violation ("NOVs") containing violations that are the same as the violations in the current enforcement action, two prior dissimilar NOVs, and one prior default enforcement order without a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

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

Total EB Amounts \$497
 Approx. Cost of Compliance \$369
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$894
-----------------------------	-----------------------	-------

OTHER FACTORS AS JUSTICE MAY REQUIRE	55.6%	Adjustment	\$497
---	-------	-------------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount	\$1,391
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,391
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0% Reduction	Adjustment	\$0
-----------------	----------------	-------------------	-----

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,391
------------------------	---------

Screening Date 4-May-2010

Docket No. 2010-0701-PWS-E

PCW

Respondent Oakhollow MH Park, LLC and Gary Don Stahlheber dba

Policy Revision 2 (September 2002)

Case ID No. 39612

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101453843

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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 (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 49%

>> 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 The penalty enhancement is due to four prior Notices of Violation ("NOVs") containing violations that are the same as the violations in the current enforcement action, two prior dissimilar NOVs, and one prior default enforcement order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 49%

Screening Date 4-May-2010	Docket No. 2010-0701-PWS-E	PCW
Respondent Oakhollow MH Park, LLC and Gary Don Stahlheber dba Oak Hollo	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 39612	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101453843		
Media [Statute] Public Water Supply		
Enf. Coordinator Epifanio Villarreal		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)	
Violation Description	<p>Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, Respondents did not mail or directly deliver the CCRs to the Facility's customers nor did Respondents submit the CCR or the required certification to the TCEQ for the years 2002 through 2004 and 2006 through 2008.</p>	
	Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
	Actual	0%
	Potential	
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	x	10%
Matrix Notes	100% of the rule requirements were not met.	
	Adjustment	\$900
		\$100
Violation Events		
	Number of Violation Events	6
		1460
	Number of violation days	
<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	
	Violation Base Penalty	\$600
	Six annual events are recommended.	
Good Faith Efforts to Comply		
	0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement	
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondents do not meet the good faith criteria for this violation.	
	Violation Subtotal	\$600
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	\$497	Violation Final Penalty Total \$1,391
		This violation Final Assessed Penalty (adjusted for limits) \$1,391

Economic Benefit Worksheet

Respondent Oakhollow MH Park, LLC and Gary Don Stahlheber dba Oak Hollow Mobile Home Park
Case ID No. 39612
Reg. Ent. Reference No. RN101453843
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]	\$369	1-Jul-2003	1-Jul-2009	6.92	\$128	\$369	\$497
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the CCRs to the customers of the Facility (calculation: \$0.50 x 23 connections + \$50 x 6 years), calculated for the years in which no CCRs were distributed.

Approx. Cost of Compliance

\$369

TOTAL

\$497

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603684366 Oakhollow MH Park, LLC	Classification:	Rating:
Regulated Entity:	RN101453843 OAK HOLLOW MOBILE HOME PARK	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		0200055
Location:	16730 COUNTY ROAD 127 TRLR 1A, PEARLAND, BRAZORIA COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	July 07, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 07, 2005 to July 07, 2010		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: 361-825-3425

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: 06/15/2006 ADMINORDER 2005-0655-PWS-E
- 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: Failed to collect and submit routine monthly bacteriological samples for May 2003.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
- Description: Failed to publish notice of the May 2003 monitoring violation.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
- Description: Failure to collect and submit the required number of repeat bacteriological samples following total coliform-positive sample results in August 2003.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
- Description: Failed to provide public notice of the August 2003 monitoring violation.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
- Description: Failed to collect and submit the required number of repeat bacteriological samples following total coliform-positive sample results in September 2003.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
- Description: Failed to provide public notice of the September 2003 monitoring violation.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
- Description: Failed to collect and submit five routine bacteriological samples in October 2003 following a total coliform positive sample from September 2003.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
- Description: Failed to provide public notice of the sampling violation.

Classification: Minor
 Citation: 2A TWC Chapter 5, SubChapter A 5.702(a)
 30 TAC Chapter 290, SubChapter E 290.51(a)(3)
 Description: Failed to pay public health service fees on Account No. 90200055 for fiscal years 1997 through 2005.

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 02/21/2006 (797316)
- 2 02/20/2008 (797318)
- 3 07/03/2008 (683297)
- 4 10/21/2008 (704730)
- 5 01/14/2009 (797322)
- 6 11/03/2009 (797354)
- 7 04/28/2010 (799132)

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

Date: 02/21/2006 (797316) CN603684366
 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 2004 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 2004 CCR year to the TCEQ.
 Date: 02/20/2008 (797318) CN603684366
 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: 07/07/2008 (683297) CN603684366
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 Description: Failure to install three strands of barbed wire at the top of the fence surrounding the well site.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
 Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 Description: Failure by the community public water system that uses groundwater sources only to submit a Disinfectant Level Quarterly Operating Report (DLQOR) each quarter by the 10th day of the month following the quarter.
 Date: 10/17/2008 (704730) CN603684366
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 Description: Failure to install three strands of barbed wire at the top of the fence surrounding the well site.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
 Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)

Description: Failure by the community public water system that uses groundwater sources only to submit a Disinfectant Level Quarterly Operating Report (DLQOR) each quarter by the 10th day of the month following the quarter.

Date: 01/14/2009 (797322) CN603684366

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: 11/03/2009 (797354) CN603684366

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.

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

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600755011 STAHLHEBER, GARY DON	Classification:	Rating:
Regulated Entity:	RN101453843 OAK HOLLOW MOBILE HOME PARK	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		0200055
Location:	16730 COUNTY ROAD 127 TRLR 1A, PEARLAND, BRAZORIA COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	May 25, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 25, 2005 to May 25, 2010		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: (361) 825-3425

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

- Effective Date: 06/15/2006 ADMINORDER 2005-0655-PWS-E
- 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: Failed to collect and submit routine monthly bacteriological samples for May 2003.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
- Description: Failed to publish notice of the May 2003 monitoring violation.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
- Description: Failure to collect and submit the required number of repeat bacteriological samples following total coliform-positive sample results in August 2003.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
- Description: Failed to provide public notice of the August 2003 monitoring violation.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
- Description: Failed to collect and submit the required number of repeat bacteriological samples following total coliform-positive sample results in September 2003.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
- Description: Failed to provide public notice of the September 2003 monitoring violation.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
- Description: Failed to collect and submit five routine bacteriological samples in October 2003 following a total coliform positive sample from September 2003.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
- Description: Failed to provide public notice of the sampling violation.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702(a)
30 TAC Chapter 290, SubChapter E 290.51(a)(3)

Description: Failed to pay public health service fees on Account No. 90200055 for fiscal years 1997 through 2005.

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. (CEEDS Inv. Track. No.)

1 02/21/2006 (797316)
2 02/20/2008 (797318)
3 07/03/2008 (683297)
4 10/21/2008 (704730)
5 01/14/2009 (797322)
6 11/03/2009 (797354)
7 04/28/2010 (799132)

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

Date: 02/21/2006 (797316) CN600755011
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 2004 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 2004 CCR year to the TCEQ.
Date: 02/20/2008 (797318) CN600755011
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: 07/07/2008 (683297) CN600755011
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to install three strands of barbed wire at the top of the fence surrounding the well site.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure by the community public water system that uses groundwater sources only to submit a Disinfectant Level Quarterly Operating Report (DLQOR) each quarter by the 10th day of the month following the quarter.
Date: 10/17/2008 (704730) CN600755011
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to install three strands of barbed wire at the top of the fence surrounding the well site.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)

Description: Failure by the community public water system that uses groundwater sources only to submit a Disinfectant Level Quarterly Operating Report (DLQOR) each quarter by the 10th day of the month following the quarter.

Date: 01/14/2009 (797322) CN600755011

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: 11/03/2009 (797354) CN600755011

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.

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 OAKHOLLOW MH PARK, LLC DBA OAK HOLLOW MOBILE HOME PARK AND GARY DON STAHLHEBER DBA OAK HOLLOW MOBILE HOME PARK; RN101453843	§ § § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
--	--	---

DEFAULT ORDER

DOCKET NO. 2010-0701-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondents. The respondents made the subject of this Order are Oakhollow MH Park, LLC d/b/a Oak Hollow Mobile Home Park ("Oakhollow") and Gary Don Stahlheber d/b/a Oak Hollow Mobile Home Park ("Mr. Stahlheber") (jointly referred to as "Respondents").

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

FINDINGS OF FACT

1. Respondents own and operate a mobile home park with a public water system located at 16730 County Road 127, TRLR 1A in Pearland, Brazoria County, Texas (the "Facility").
2. The Facility provides water for human consumption, has 23 service connections and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
3. During a record review conducted on February 1, 2010, a TCEQ Central Office investigator documented that Respondents failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondents did not mail or directly deliver the CCRs to the Facility's customers nor did the Respondents submit the CCR or the required certification to the TCEQ for the years 2002 through 2004 and 2006 through 2008.
4. Respondents received notice of the violation on or about March 6, 2010.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Oakhollow MH Park, LLC and Gary Don Stahlheber d/b/a Oak Hollow Mobile Home Park " (the "EDPRP") in the TCEQ Chief Clerk's office on June 18, 2010.
6. By letter dated June 18, 2010, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served each Respondent with notice of the EDPRP. According to the return receipt "green cards," each Respondents received notice of the EDPRP on June 21, 2010, as evidenced by the signatures on the cards.
7. More than 20 days have elapsed since Respondents received notice of the EDPRP, provided by the Executive Director. Respondents failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Respondents failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
3. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served each Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, Respondents 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 Respondents and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of one thousand three hundred ninety-one dollars (\$1,391.00) 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.
7. 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. Respondents are assessed an administrative penalty in the amount of one thousand three hundred ninety-one dollars (\$1,391.00) for violations of state statutes and the rules of the TCEQ. The payment of this administrative penalty and Respondents' 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: Oakhollow MH Park, LLC d/b/a Oak Hollow Mobile Home Park and Gary Don Stahlheber d/b/a Oak Hollow Mobile Home Park; Docket No. 2010-0701-PWS-E" to:

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

3. Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondents shall mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2009 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, as required by 30 TEX. ADMIN. CODE § 290.274.
 - b. Within 45 days after the effective date of this Order, Respondents shall submit to the Commission a copy of the CCR provided to customers of the Facility for the year 2009 and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

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

- c. Within 60 days after the effective date of this Order, Respondents shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Respondents shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Mr. Steven Smith, Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Ave., Ste. H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondents. Respondents are 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive 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 Respondents if the Executive Director determines that Respondents have 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.

Oakhollow MH Park, LLC d/b/a Oak Hollow Mobile Home Park and
Gary Don Stahlheber d/b/a Oak Hollow Mobile Home Park
Docket No. 2010-0701-PWS-E
Page 5

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF STEVEN M. FISHBURN

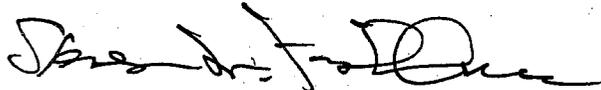
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Steven M. Fishburn. 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 Oakhollow MH Park, LLC d/b/a Oak Hollow Mobile Home Park and Gary Don Stahlheber d/b/a Oak Hollow Mobile Home Park ” (the “EDPRP”) was filed with the Office of the Chief Clerk on June 18, 2010.

The EDPRP was mailed to Respondents at their last known address on June 18, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Respondents received notice of the EDPRP on June 21, 2010, as evidenced by the signature on the card.

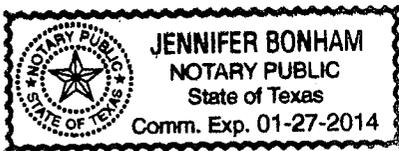
More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.”



Steven M. Fishburn, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Steven M. Fishburn, 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 16th day of November, A.D., 2010.



Notary Without Bond

Jennifer Bonham
Notary Signature