

Executive Summary – Enforcement Matter – Case No. 36172
RICHARD SULLIVAN DBA COUNTRY VIEW MOBILE HOME PARK
AND DBA VALLEY ESTATES
RN101278190 AND RN101278018
Docket No. 2011-0911-PWS-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
7506 North Country Road 1540, Unit 23, Shallowater, Lubbock County (Facility No. 1);
7400 North Venita Avenue, Shallowater, Lubbock County (Facility No. 2)

Type of Operation:
public water systems

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$1,659.25 (2008-1127-PWS-E; referred for collection)
Past-Due Fees:	\$416.11 (PHS 91520247 – Country View MHP); \$935.24 (PHS 91520198 – Valley Estates)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: November 18, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$28,954
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:	\$28,954

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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RICHARD SULLIVAN DBA COUNTRY VIEW MOBILE HOME PARK
AND DBA VALLEY ESTATES
RN101278190 AND RN101278018
Docket No. 2011-0911-PWS-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: May 13, 2011
Date(s) of NOV(s): See Compliance Histories
Date(s) of NOE(s): May 13, 2011

Violation Information

1. 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 each Facility and that the information in the CCR is correct and consistent with the compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c), and TCEQ Default Order Docket No. 2008-1127-PWS-E, Ordering Provision Nos. 2.a.1 and 2.b].
2. Failed to submit Disinfectant Level Quarterly Operating Reports (“DLQORs”) to the Executive Director each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A)].
3. Failed to report the quarterly results for inorganic and radionuclide contaminant levels to the Executive Director [30 TEX. ADMIN CODE §§ 290.106(e) and 290.108(e)].
4. Failed to report the annual results for Stage-1 disinfectant by-product levels to the Executive Director [30 TEX. ADMIN CODE § 290.113(e) and (f)(2)].
5. Failed to report the results for triennial sampling to the Executive Director every three years [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days:
 - a. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2010 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers of the Facilities;
 - b. Update the Facilities’ operational guidance and conduct employee training at the Facilities to ensure that self-reporting requirements are properly performed, including the timely submittal of signed and certified DLQORs;
 - c. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established for the Facilities; and
 - d. Implement improvements to the Facilities’ process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facilities’ laboratories and reported to the Executive Director within ten days of the Executive Director’s request or of their receipt by the Facilities, whichever is later.

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Docket No. 2011-0911-PWS-E

2. Within 45 days:
 - a. Submit written certification to demonstrate compliance with Technical Requirement No. 1; and
 - b. Submit to the Executive Director copies of the CCRs provided to customers of the Facilities for the year 2010 and the certification that the CCR has been distributed to the customers of the Facilities, and that the information in the CCRs is correct and consistent with the compliance monitoring data.
3. Within 60 days, submit written certification to demonstrate compliance with Technical Requirement No. 2.b.ii.
4. Within 90 days, begin submitting DLQORs, for the Facilities, to the Executive Director each quarter by the tenth day of the month following the end of each quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
5. Within 285 days, submit written certification to demonstrate compliance with Technical Requirement No. 4.

Litigation Information

Date Petition(s) Filed: September 16, 2011
Date(s) Green Card(s) Signed: September 21, 2011
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Contact Information

TCEQ Attorneys: Rudy Calderon, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Andrea Linson, Water Enforcement Section, (512) 239-1482
TCEQ Regional Contact: Gary Shipp, Lubbock Regional Office, (806) 796-7092
Respondent: Richard Sullivan, 7506 North County Road 1540, Unit 23, Shallowater, Texas 79393
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	31-May-2011	Screening	31-May-2011	EPA Due	30-Sep-2006
	PCW	31-May-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Richard Sullivan dba Country View Mobile Home Park		
Reg. Ent. Ref. No.	RN101278190		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36172	No. of Violations	5
Docket No.	2011-0911-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson
		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** **\$6,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	220.0%	Enhancement	Subtotals 2, 3, & 7	\$13,420
Notes	Enhancement for 39 NOVs with same/similar violations and one default order.			
Culpability	0.0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.			
Good Faith Effort to Comply Total Adjustments			Subtotal 5	\$0
Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$1,311	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$2,589			
SUM OF SUBTOTALS 1-7			Final Subtotal	\$19,520

OTHER FACTORS AS JUSTICE MAY REQUIRE **6.1%** **Adjustment** **\$1,194**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement for the recovery of avoided costs associated with Violation Nos. 1 and 2.		
		Final Penalty Amount	\$20,714

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$20,034**

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.		
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PAYABLE PENALTY **\$20,034**

Screening Date 31-May-2011

Docket No. 2011-0911-PWS-E

PCW

Respondent Richard Sullivan dba Country View Mobile Home P

Policy Revision 2 (September 2002)

Case ID No. 36172

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101278190

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

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>)	39	195%
	Other written NOVs	0	0%
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) 220%

>> 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 39 NOVs with same/similar violations and one default order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 220%

Screening Date	31-May-2011	Docket No.	2011-0911-PWS-E	PCW
Respondent	Richard Sullivan dba Country View Mobile Home Park			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36172			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101278190			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

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 Richard Sullivan dba Country View Mobile Home Park
Case ID No. 36172
Req. Ent. Reference No. RN101278190
Media Violation No. Public Water Supply
 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]	\$124	5-Jul-2009	31-May-2011	2.82	\$17	\$124	\$141
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: (\$0.52 x 23 connections x 2 years) + (\$50 x 2 years)), calculated from the effective date of TCEQ Default Order Docket No. 2008-1127-PWS-E to the screening date.

Approx. Cost of Compliance \$124

TOTAL \$141

Screening Date	31-May-2011	Docket No.	2011-0911-PWS-E	PCW
Respondent	Richard Sullivan dba Country View Mobile Home Park			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36172			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101278190			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

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 checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
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 Richard Sullivan dba Country View Mobile Home Park
Case ID No. 36172
Req. Ent. Reference No. RN101278190
Media Violation No. Public Water Supply
 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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	10-Apr-2006	31-Dec-2011	5.73	\$13	n/a	\$13
Training/Sampling	\$100	10-Apr-2006	31-Dec-2011	5.73	\$29	n/a	\$29
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 estimated delayed cost to update the Facility's operational guidance and conduct employee training to ensure that DLQORs are submitted timely, calculated from the date the first report was due 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]	\$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 cost includes the estimated amount to ensure that DLQORs are completed and submitted to the Commission, calculated from the last day that the report was due for the first quarter of 2006 to the last day the report was due for the fourth quarter of 2010.

Approx. Cost of Compliance

\$965

TOTAL

\$1,094

Screening Date	31-May-2011	Docket No.	2011-0911-PWS-E	PCW
Respondent	Richard Sullivan dba Country View Mobile Home Park			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36172			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101278190			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

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%"/>

Matrix Notes

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 checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
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 Richard Sullivan dba Country View Mobile Home Park
Case ID No. 36172
Req. Ent. Reference No. RN101278190
Media Violation No. Public Water Supply
 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)	\$1,500	13-May-2011	31-Jan-2012	0.72	\$4	\$72	\$76
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount of the outstanding laboratory costs that must be paid in order to release the test results, calculated from the record review date 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	\$76
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Screening Date 31-May-2011	Docket No. 2011-0911-PWS-E	PCW
Respondent Richard Sullivan dba Country View Mobile Home Park		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 36172		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN101278190		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson		

Violation Number

Rule Cite(s)

Violation Description

Failed to report the annual results for Stage-1 disinfectant by-product levels to the Executive Director. Specifically, at the time of the record review, it was documented that the Respondent did not submit the annual results for Stage-1 disinfectant by-product levels for the 2009 and 2010 reporting periods.

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

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

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 Richard Sullivan dba Country View Mobile Home Park
Case ID No. 36172
Req. Ent. Reference No. RN101278190
Media Violation No. Public Water Supply
 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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 are captured in the economic benefit worksheet associated with Violation No. 3.

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

TOTAL

Screening Date	31-May-2011	Docket No.	2011-0911-PWS-E	PCW
Respondent	Richard Sullivan dba Country View Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	36172	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN101278190			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Failed to report the results for triennial sampling to the Executive Director every three years. Specifically, at the time of the record review, it was documented that the Respondent did not submit the result levels for the following contaminants for the indicated reporting periods: synthetic and volatile organics for 2008-2010; minerals for 2005-2007 and 2008-2010; and metals for 2005-2007 and 2008-2010.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

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 Richard Sullivan dba Country View Mobile Home Park
Case ID No. 36172
Req. Ent. Reference No. RN101278190
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			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 are captured in the economic benefit worksheet associated with Violation No. 3.

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

TOTAL



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	31-May-2011	Screening	31-May-2011	EPA Due	30-Sep-2007
	PCW	31-May-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Richard Sullivan dba Valley Estates		
Reg. Ent. Ref. No.	RN101278018		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36172	No. of Violations	5
Docket No.	2011-0911-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson
		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** **\$3,300**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	140.0%	Enhancement	Subtotals 2, 3, & 7	\$4,620
Notes	Enhancement for 23 NOVs with same/similar violations and one default order.			
Culpability	No	0.0%	Enhancement	Subtotal 4
Notes	The Respondent does not meet the culpability criteria.			
Good Faith Effort to Comply Total Adjustments			Subtotal 5	\$0
Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$1,117	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$2,439			

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$7,920**

OTHER FACTORS AS JUSTICE MAY REQUIRE **12.6%** **Adjustment** **\$1,000**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement for the recovery of avoided costs associated with Violation Nos. 1 and 2.		
	Final Penalty Amount	\$8,920	

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$8,920**

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.		
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PAYABLE PENALTY **\$8,920**

Screening Date 31-May-2011

Docket No. 2011-0911-PWS-E

PCW

Respondent Richard Sullivan dba Valley Estates

Policy Revision 2 (September 2002)

Case ID No. 36172

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101278018

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

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>)	23	115%
	Other written NOVs	0	0%
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) 140%

>> 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 23 NOVs with same/similar violations and one default order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 140%

Screening Date	31-May-2011	Docket No.	2011-0911-PWS-E	PCW
Respondent	Richard Sullivan dba Valley Estates	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	36172	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN101278018			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			
Violation Number	1			

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and (c) and TCEQ Default Order Docket No. 2008-1127-PWS-E, Ordering Provision Nos. 2.a.i and 2.b.

Violation Description Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCRs to the bill paying customers nor did the Respondent submit the CCRs or the required certification to the TCEQ for the years 2008 and 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$200

Two annual events are recommended, calculated from the effective date of TCEQ Default Order 2008-1127-PWS-E, July 5, 2009, to the screening date, May 31, 2011.

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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$158

Violation Final Penalty Total \$541

This violation Final Assessed Penalty (adjusted for limits) \$541

Economic Benefit Worksheet

Respondent Richard Sullivan dba Valley Estates
Case ID No. 36172
Req. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 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]	\$138	1-Jul-2009	31-May-2011	2.83	\$20	\$138	\$158
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: (\$0.52 x 36 connections x 2 years) + (\$50 x 2 years)), calculated from the effective date of TCEQ Default Order Docket No. 2008-1127-PWS-E to the screening date.

Approx. Cost of Compliance \$138

TOTAL \$158

Screening Date	31-May-2011	Docket No.	2011-0911-PWS-E	PCW
Respondent	Richard Sullivan dba Valley Estates	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	36172	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN101278018			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

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 checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
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 Richard Sullivan dba Valley Estates
Case ID No. 36172
Req. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	10-Apr-2006	31-Dec-2011	5.73	\$13	n/a	\$13
Training/Sampling	\$100	10-Apr-2006	31-Dec-2011	5.73	\$29	n/a	\$29
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 estimated delayed cost to update the Facility's operational guidance and conduct employee training to ensure that DLQORs are submitted timely, calculated from the date the first report was due 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]	\$656	10-Apr-2006	10-Jan-2011	5.67	\$186	\$656	\$842
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to ensure that DLQORs are completed and submitted to the Executive Director, calculated from the last day that the report was due for the first quarter of 2006 to the last day the report was due for the fourth quarter of 2010.

Approx. Cost of Compliance \$801

TOTAL \$884

Screening Date 31-May-2011 **Docket No.** 2011-0911-PWS-E **PCW**
Respondent Richard Sullivan dba Valley Estates *Policy Revision 2 (September 2002)*
Case ID No. 36172 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101278018
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Violation Number

Rule Cite(s)

Violation Description Failed to report the quarterly results for inorganic and radionuclide contaminant levels to the Executive Director. Specifically, at the time of the record review, it was documented that the Respondent did not submit the result levels for the following contaminants for the indicated reporting periods: fluoride levels for the second, third and fourth quarters of 2010; nitrate levels for the first, second, third and fourth quarters of 2010; radionuclide levels for first, second, third and fourth quarters of 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**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

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 checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
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 Richard Sullivan dba Valley Estates
Case ID No. 36172
Req. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 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)	\$1,500	13-May-2011	31-Jan-2012	0.72	\$4	\$72	\$76
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount of the outstanding laboratory costs that must be paid in order to release the test results, calculated from the record review date 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	\$76
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Screening Date	31-May-2011	Docket No.	2011-0911-PWS-E	PCW
Respondent	Richard Sullivan dba Valley Estates			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36172			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101278018			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

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 Richard Sullivan dba Valley Estates
Case ID No. 36172
Req. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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 are captured in the economic benefit worksheet associated with Violation No. 3.

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

TOTAL

Screening Date	31-May-2011	Docket No.	2011-0911-PWS-E	PCW
Respondent	Richard Sullivan dba Valley Estates			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36172			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101278018			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

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 Richard Sullivan dba Valley Estates
Case ID No. 36172
Req. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			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 are captured in the economic benefit worksheet associated with Violation No. 3.

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

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN600705529 SULLIVAN, RICHARD Classification: Rating:
 Regulated Entity: RN101278190 COUNTRY VIEW MOBILE HOME PARK Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520247
 WATER LICENSING LICENSE 1520247

Location: 7506 NORTH COUNTY ROAD 1540 UNIT 23, LUBBOCK COUNTY, TX
 TCEQ Region: REGION 02 - LUBBOCK
 Date Compliance History Prepared: May 31, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: May 31, 2006 to May 31, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Andrea Linson Phone: (512) 239-1482

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: 07/05/2009

ADMINORDER 2008-1127-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: 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 a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

Classification: Minor

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

Description: Failure to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No(s). 91520247 and 91520198 for Fiscal Year 2008 to the TCEQ in a timely manner.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1	07/19/2006	(481792)	24	07/27/2009	(921415)
2	02/22/2008	(616790)	25	05/13/2011	(921419)
3	06/02/2008	(681272)	26	07/27/2009	(921421)
4	01/27/2010	(787392)	27	07/27/2009	(921422)
5	10/11/2010	(869975)	28	07/27/2009	(921423)
6	12/22/2010	(920736)	29	07/27/2009	(921659)
7	05/13/2011	(921208)	30	07/27/2009	(921666)
8	05/13/2011	(921213)	31	07/27/2009	(921669)
9	05/13/2011	(921219)	32	07/27/2009	(921671)
10	05/13/2011	(921240)	33	07/27/2009	(921676)
11	05/13/2011	(921241)	34	07/27/2009	(921682)
12	05/13/2011	(921244)	35	07/27/2009	(921687)
13	05/13/2011	(921253)	36	07/27/2009	(921689)
14	05/13/2011	(921260)	37	07/27/2009	(921692)
15	05/13/2011	(921270)	38	07/27/2009	(921697)
16	05/13/2011	(921276)	39	07/27/2009	(921706)
17	05/13/2011	(921278)	40	07/27/2009	(921716)
18	05/13/2011	(921279)	41	07/27/2009	(921724)
19	10/01/2009	(921280)	42	07/27/2009	(921732)
20	05/13/2011	(921284)	43	07/27/2009	(921740)
21	05/13/2011	(921286)	44	07/27/2009	(921748)
22	05/13/2011	(921290)	45	05/13/2011	(921830)
23	05/13/2011	(921292)			

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

1. **Date: 03/27/2009 (921292) CN600705529**
 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 2008. This system also failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first, second, and third quarters of 2008 and the first, second, third, and fourth quarters of 2007 and 2006 but notices of violation were not sent.
2. **Date: 07/21/2009 (921286) CN600705529**
 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.
3. **Date: 07/27/2009 (921692) CN600705529**
 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 synthetic organic contaminants levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
4. **Date: 07/27/2009 (921421) CN600705529**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2007 to 06/30/2007.
5. **Date: 07/27/2009 (921732) CN600705529**
 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 fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2006 to 06/30/2006.
6. **Date: 07/27/2009 (921666) CN600705529**
 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 fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2007 to 09/30/2007.
7. **Date: 07/27/2009 (921697) CN600705529**
 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 arsenic levels to the TCEQ for the quarterly monitoring period from 07/01/2007 to 09/30/2007.
8. **Date: 07/27/2009 (921687) CN600705529**
 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 fluoride levels at EP001, to the TCEQ for the quarterly monitoring period from 10/01/2008 to 12/31/2008.
9. **Date: 07/27/2009 (921422) CN600705529**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2007 to 03/31/2007.
10. **Date: 07/27/2009 (921716) CN600705529**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
 30 TAC Chapter 290, SubChapter F 290.106(e)

11. **Description:** This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 10/01/2006 to 12/31/2006.
- Date:** 07/27/2009 (921689)CN600705529
- 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 arsenic levels to the TCEQ for the quarterly monitoring period from 10/01/2007 to 12/31/2007.
12. **Date:** 07/27/2009 (921671)CN600705529
- 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 fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2008 to 03/31/2008.
13. **Date:** 07/27/2009 (921659)CN600705529
- 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 fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2007 to 06/30/2007.
14. **Date:** 07/27/2009 (921724)CN600705529
- 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 fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2006 to 09/30/2006.
15. **Date:** 07/27/2009 (921706)CN600705529
- 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 arsenic levels to the TCEQ for the quarterly monitoring period from 04/01/2007 to 06/30/2007.
16. **Date:** 07/27/2009 (921740)CN600705529
- 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 fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2006 to 03/31/2006.
17. **Date:** 07/27/2009 (921682)CN600705529
- 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 fluoride levels at EP001, to the TCEQ for the quarterly monitoring period from 07/01/2008 to 09/30/2008.
18. **Date:** 07/27/2009 (921423)CN600705529
- Self Report?** NO **Classification:** Moderate
- Citation:** 30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)
- Description:** This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2006 to 12/31/2006.
19. **Date:** 07/27/2009 (921669)CN600705529
- 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 fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2007 to 12/31/2007.
20. **Date:** 07/27/2009 (921748)CN600705529
- Self Report?** NO **Classification:** Moderate
- Citation:** 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)

21. **Description:** This system failed to monitor and/or failed to report metal levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.
- Date:** **07/27/2009 (921676)CN600705529**
- 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 fluoride levels at EP001, to the TCEQ for the quarterly monitoring period from 04/01/2008 to 06/30/2008.
22. **Date:** **10/01/2009 (921280)CN600705529**
- 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.
23. **Date:** **12/22/2010 (920736)CN600705529**
- 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 2009 to its bill-paying customers. Failure to comply with Ordering Provision No. 2.a.i and 2.b of Default Order Docket No. 2008-1127-PWS-E.
- Self Report?** NO **Classification:** Moderate
- 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 2009 CCR year to the TCEQ. Failure to comply with Ordering Provision No. 2.a.i and 2.b of Default Order Docket No. 2008-1127-PWS-E.
24. **Date:** **05/13/2011 (921244)CN600705529**
- 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 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
25. **Date:** **05/13/2011 (921278)CN600705529**
- Self Report?** NO **Classification:** Moderate
- Citation:** 30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)
- Description:** This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2009 to 09/30/2009.
26. **Date:** **05/13/2011 (921240)CN600705529**
- Self Report?** NO **Classification:** Major
- 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 nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.
27. **Date:** **05/13/2011 (921284)CN600705529**
- Self Report?** NO **Classification:** Moderate
- Citation:** 30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)
- Description:** This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2009 to 06/30/2009.
28. **Date:** **05/13/2011 (921290)CN600705529**
- Self Report?** NO **Classification:** Moderate
- Citation:** 30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)
- Description:** This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2009 to 03/31/2009. This system also failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the first, second, third and fourth quarter monitoring periods of 2008 but notices of violations were not sent out.

29. **Date:** 05/13/2011 (921241)CN600705529
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2009 to 12/31/2009.
30. **Date:** 05/13/2011 (921260)CN600705529
 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 quarters of 2010 and the third and fourth quarters of 2009 but notices of violation were not sent.
31. **Date:** 05/13/2011 (921213)CN600705529
 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 levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010. The system also failed to monitor and/or failed to report mineral levels to the TCEQ for triennial monitoring period from 01/01/2005 to 12/31/2007, but no notices of violation were sent to the system for these violations.
32. **Date:** 05/13/2011 (921270)CN600705529
 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.
33. **Date:** 05/13/2011 (921415)CN600705529
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2007 to 12/31/2007.
34. **Date:** 05/13/2011 (921419)CN600705529
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2007 to 09/30/2007.
35. **Date:** 05/13/2011 (921276)CN600705529
 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 01/01/2010 to 12/31/2010. This system also failed to monitor and/or failed to report disinfectant byproducts levels in the distribution system, referred to as DS01, to the TCEQ for the year of 2009, but notices of violation were not sent.
36. **Date:** 05/13/2011 (921253)CN600705529
 Self Report? NO Classification: Major
 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 nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
37. **Date:** 05/13/2011 (921219)CN600705529
 Self Report? NO Classification: Major
 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 nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010.

38. **Date:** 05/13/2011 (921279)CN600705529
 Self Report? NO Classification: Major
 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 nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.
39. **Date:** 05/13/2011 (921208)CN600705529
 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.

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

Customer/Respondent/Owner-Operator: CN600705529 SULLIVAN, RICHARD Classification: Rating:
 Regulated Entity: RN101278018 VALLEY ESTATES Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520198
 Location: 7400 NORTH VENITA AVENUE, LUBBOCK COUNTY, TX
 TCEQ Region: REGION 02 - LUBBOCK
 Date Compliance History Prepared: May 31, 2011

Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: May 31, 2006 to May 31, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Andrea Linson Phone: (512) 239-1482

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: 07/05/2009

ADMINORDER 2008-1127-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: 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 a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1	07/19/2006	(481790)	16	05/13/2011	(921197)
2	09/26/2006	(485428)	17	05/13/2011	(921198)
3	02/22/2008	(616797)	18	05/13/2011	(921215)
4	06/02/2008	(681266)	19	05/13/2011	(921220)
5	01/27/2010	(787402)	20	05/13/2011	(921221)
6	12/22/2010	(914600)	21	05/13/2011	(921223)
7	03/27/2009	(914883)	22	05/13/2011	(921235)
8	05/13/2011	(921091)	23	05/13/2011	(921243)
9	07/21/2009	(921133)	24	05/13/2011	(921247)
10	10/01/2009	(921169)	25	05/13/2011	(921250)
11	05/13/2011	(921176)	26	05/13/2011	(921258)
12	05/13/2011	(921181)	27	05/13/2011	(921266)
13	05/13/2011	(921182)	28	11/18/2009	(921779)
14	05/13/2011	(921190)	29	07/17/2007	(921783)
15	05/13/2011	(921194)			

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

1. **Date: 07/17/2007 (921783) CN600705529**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1)

Description: Violated the maximum contaminant level for combined uranium for the annual monitoring period of 01/01/2006 to 12/31/2006.

2. **Date: 03/27/2009 (914883) CN600705529**

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 2008. This system also failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for all four quarters of 2006, all four quarters of 2007, and the first, second and third quarters of 2008, but no notices of violation were sent to the system for these violations.

3. **Date: 07/21/2009 (921133) CN600705529**
 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.
4. **Date: 10/01/2009 (921169) CN600705529**
 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.
5. **Date: 11/18/2009 (921779) CN600705529**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)
 Description: Violated the maximum contaminant level for combined uranium during the fourth quarter of 2008.
6. **Date: 05/13/2010 (921223) CN600705529**
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 Description: This system failed to monitor and/or failed to report nitrate levels at EP001quarterly monitoring period from 10/01/2010 to 12/31/2010.
7. **Date: 12/22/2010 (914600) CN600705529**
 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 2009 to its bill-paying customers. Failure to comply with Ordering Provision No. 2.a.i and 2.b of Default Order Docket No. 2008-1127-PWS-E.
 Self Report? NO Classification: Moderate
 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 2009 CCR year to the TCEQ. Failure to comply with Ordering Provision No. 2.a.i and 2.b of Default Order Docket No. 2008-1127-PWS-E.
8. **Date: 05/13/2011 (921182) CN600705529**
 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 EP001to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
9. **Date: 05/13/2011 (921235) CN600705529**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 Description: This system failed to monitor and/or failed to report radionuclides at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010.
10. **Date: 05/13/2011 (921198) CN600705529**
 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 fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.
11. **Date: 05/13/2011 (921258) CN600705529**
 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 levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

12. **Date:** 05/13/2011 (921190) CN600705529
 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 levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
13. **Date:** 05/13/2011 (921215) CN600705529
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 Description: This system failed to monitor nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010.
14. **Date:** 05/13/2011 (921176) CN600705529
 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.
15. **Date:** 05/13/2011 (921220) CN600705529
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.
16. **Date:** 05/13/2011 (921181) CN600705529
 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.
17. **Date:** 05/13/2011 (921194) CN600705529
 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 fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.
18. **Date:** 05/13/2011 (921250) CN600705529
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.
19. **Date:** 05/13/2011 (921221) CN600705529
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
20. **Date:** 05/13/2011 (921247) CN600705529
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
21. **Date:** 05/13/2011 (921197) CN600705529
 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 fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
22. **Date:** 05/13/2011 (921266) CN600705529
 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 01/01/2010 to 12/31/2010.

23. **Date: 05/13/2011 (921243) CN600705529**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.

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
RICHARD SULLIVAN DBA
COUNTRY VIEW MOBILE
HOME PARK AND
DBA VALLEY ESTATES;
RN101278190 AND
RN101278018**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-0911-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. 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 Richard Sullivan d/b/a Country View Mobile Home Park and d/b/a Valley Estates ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates two public water systems at the following locations (collectively referred to as the "Facilities"):
 - a. Country View Mobile Home Park ("Facility No. 1"), located at 7506 North County Road 1540, Unit 23, Shallowater, Lubbock County, Texas; and
 - b. Valley Estates ("Facility No. 2"), located at 7400 North Venita Avenue, Shallowater, Lubbock County, Texas.
2. Facility No. 1 provides water for human consumption, has approximately 23 service connections, and serves at least 25 people per day for at least 60 days per year. As such, Facility No. 1 is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
3. Facility No. 2 provides water for human consumption, has approximately 36 service connections, and serves at least 25 people per day for at least 60 days per year. As such, Facility No. 2 is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).

4. During a record review of Facility No. 1 conducted on May 13, 2011, a TCEQ Central Office investigator documented that Respondent:
 - a. 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 the compliance monitoring data. Specifically, Respondent did not mail or directly deliver the CCRs to the bill paying customers nor did the Respondent submit the CCRs or the required certification to the TCEQ for the years 2008 and 2009;
 - b. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director 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;
 - c. Failed to report the quarterly results for inorganic and radionuclide contaminant levels to the Executive Director. Specifically, Respondent did not submit the monitoring results for the following contaminants for the indicated reporting periods: fluoride levels for the first through fourth quarters of 2006, and the second quarter of 2007 through the fourth quarter of 2008; nitrate levels for the first through fourth quarters of 2010; radionuclide levels for the fourth quarter of 2006 through the fourth quarter of 2009; and arsenic levels for the second through fourth quarters of 2007;
 - d. Failed to report the annual results for Stage-1 disinfectant by-product levels to the Executive Director. Specifically, Respondent did not submit the annual results for Stage-1 disinfectant by-product levels for the 2009 and 2010 reporting periods; and
 - e. Failed to report the results for triennial sampling to the Executive Director every three years. Specifically, Respondent did not submit the result levels for the following contaminants for the indicated reporting periods: synthetic and volatile organics for 2008 – 2010; minerals for 2005 – 2007 and 2008 – 2010; and metals for 2005 – 2007 and 2008 – 2010.
5. During a record review of Facility No. 2 conducted on May 13, 2011, a TCEQ Central Office investigator documented that Respondent:
 - a. 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 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. Specifically, Respondent did not mail or directly deliver the CCRs to the bill paying customers nor did the Respondent submit the CCRs or the required certification to the TCEQ for the years 2008 and 2009;

- b. Failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, Respondent did not submit DLQORs for the first, second, third, and fourth quarters of 2006, 2007 and 2008, the first and second quarters of 2009, and the third and fourth quarters of 2010;
 - c. Failed to report the quarterly results for inorganic and radionuclide contaminant levels to the Executive Director. Specifically, Respondent did not submit the result levels for the following contaminants for the indicated reporting periods: fluoride levels for the second, third, and fourth quarters of 2010; nitrate levels for the first, second, third, and fourth quarters of 2010; and radionuclide levels for the first, second, third, and fourth quarters of 2010;
 - d. Failed to report the annual results for Stage-1 disinfectant by-product levels to the Executive Director. Specifically, Respondent did not submit the annual results for Stage-1 disinfectant by-product levels for the 2010 reporting period; and
 - e. Failed to report the results for triennial sampling to the Executive Director every three years. Specifically, Respondent did not submit the contaminant level results for volatile organics contaminants, minerals, and metals for the 2008 – 2010 reporting period.
6. Respondent received notice of the violations on or about May 18, 2011.
 7. 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 Richard Sullivan d/b/a Country View Mobile Home Park and d/b/a Valley Estates" (the "EDPRP") in the TCEQ Chief Clerk's office on September 16, 2011.
 8. By letter dated September 16, 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. According to the return receipt "green card," Respondent received notice of the EDPRP on September 21, 2011, as evidenced by the signature on the card.
 9. 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 Findings of Fact Nos. 1, 2, and 3, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 4.a., Respondent 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 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, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b); 290.274(a) and (c); and TCEQ Default Order Docket No. 2008-1127-PWS-E, Ordering Provisions Nos. 2.a.i. and 2.b.

3. As evidenced by Finding of Fact No. 4.b., Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A).
4. As evidenced by Finding of Fact No. 4.c., Respondent failed to report the quarterly results for inorganic and radionuclide contaminant levels to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.108(e).
5. As evidenced by Finding of Fact No. 4.d., Respondent failed to report the annual results for Stage-1 disinfectant by-product levels to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.113(e) and (f)(2).
6. As evidenced by Finding of Fact No. 4.e., Respondent failed to report the results for triennial sampling to the Executive Director every three years, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
7. As evidenced by Finding of Fact No. 5.a., Respondent 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 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, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b); 290.274(a) and (c); and TCEQ Default Order Docket No. 2008-1127-PWS-E, Ordering Provisions Nos. 2.a.i. and 2.b.
8. As evidenced by Finding of Fact No. 5.b., Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A).
9. As evidenced by Finding of Fact No. 5.c., Respondent failed to report the quarterly results for inorganic and radionuclide contaminant levels to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.108(e).
10. As evidenced by Finding of Fact No. 5.d., Respondent failed to report the annual results for Stage-1 disinfectant by-product levels to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.113(e) and (f)(2).
11. As evidenced by Finding of Fact No. 5.e., Respondent failed to report the results for triennial sampling to the Executive Director every three years, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
12. As evidenced by Findings of Fact Nos. 7 and 8, 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(a).

13. As evidenced by Finding of Fact No. 9, 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.
14. 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.
15. An administrative penalty in the amount of twenty-eight thousand nine hundred fifty-four dollars (\$28,954.00) 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.
16. 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 twenty-eight thousand nine hundred fifty-four dollars (\$28,954.00) 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: Richard Sullivan d/b/a Country View Mobile Home Park and d/b/a Valley Estates; Docket No. 2011-0911-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 at both Facilities:
 - a. Within 30 days after the effective date of this Order, Respondent shall:
 - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2010 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers of the Facilities, in accordance with 30 TEX. ADMIN. CODE § 290.274 (Conclusions of Law Nos. 2 and 7);

- ii. Update the Facilities' operational guidance and conduct employee training at the Facilities to ensure that self-reporting requirements are properly performed, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusions of Law Nos. 2 through 11);
 - iii. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established for the Facilities, in accordance with 30 TEX. ADMIN. CODE §§ 290.106, 290.107, 290.108, and 290.113 (Conclusions of Law Nos. 3 through 6, 10 and 11); and
 - iv. Implement improvements to the Facilities' process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facilities' laboratories and reported to the Executive Director within ten days of the Executive Director request or of their receipt by the Facilities, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106, 290.107, 290.108, and 290.113 (Conclusions of Law Nos. 3 through 6 and 8 through 11).
- b. Within 45 days after the effective date of this Order, Respondent shall:
- i. Submit written certification as described in Ordering Provision No. 3.f. below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iv.; and
 - ii. Submit to the Executive Director copies of the CCRs provided to customers of the Facilities for the year 2010 and the certification that the CCR has been distributed to the customers of the Facilities, and that the information in the CCRs is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copies of the CCRs 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, submit written certification as described in Ordering Provision No. 3.f. below, to demonstrate compliance with Ordering Provision No. 3.b.ii.;
- d. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to (Conclusions of Law Nos. 3 and 8):

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

- e. Within 285 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f., below, to demonstrate compliance with Ordering Provision No. 3.d.
- f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, 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."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement Division, MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

and:

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 Facilities' 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 RUDY CALDERON

STATE OF TEXAS

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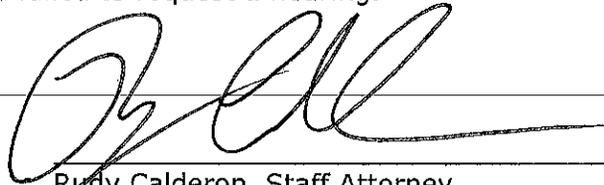
COUNTY OF TRAVIS

"My name is Rudy Calderon. 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 Richard Sullivan d/b/a Country View Mobile Home Park and d/b/a Valley Estates" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on September 16, 2011.

The EDPRP was mailed to Respondent's last known address on September 16, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on September 21, 2011, as evidenced by the signature on the card.

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."



Rudy Calderon, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Rudy Calderon, 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 21st day of October, A.D. 2011.


Notary Signature