

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 43454
Oak Valley Mobile Home Park LLC d/b/a Oak Ridge Mobile Home Park
RN102676277
Docket No. 2012-0266-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (9 NOVs, 1 order) over the prior five year period for the same violations.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

4719 County Road 288, Brazoria County

Type of Operation:

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: August 31, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$838

Total Paid to General Revenue: \$838

Total Due to General Revenue: N/A

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: \$288 upward adjustment (PCW 1);
\$33 upward adjustment (PCW 2)

Applicable Penalty Policy: September 2002 (PCW 1); September 2011 (PCW 2)

Investigation Information

Complaint Date(s): April 11, 2006
Complaint Information: Alleged that the water was "bad", smells, and there is no disinfection treatment.
Date(s) of Investigation: January 6, 2012
Date(s) of NOV(s): See Compliance History – 9 Related NOV's
Date(s) of NOE(s): January 10, 2012

Violation Information

1. Failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notice of the failure to submit a DLQOR to the Executive Director [30 TEX. ADMIN. CODE §§ 290.110 (e)(4)(A) and (f)(3), and 290.122(c)(2)(A)];
2. Failed to provide public notification regarding the failure to timely submit the results of nitrate sampling for 2010 and the failure to timely submit the results of metal and mineral sampling for the monitoring period from January 1, 2008 through December 31, 2010 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)]; and
3. Failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On March 22, 2012, Respondent submitted all delinquent DLQORs from the third quarter of 2008 and the first quarter of 2009 through the third quarter of 2011 (violations 1 and 3).

Technical Requirements:

1. Within 30 days:
 - a. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility; and
 - b. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs.
2. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
Settlement Date: August 9, 2012

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 43454
Oak Valley Mobile Home Park LLC d/b/a Oak Ridge Mobile Home Park
RN102676277
Docket No. 2012-0266-PWS-E

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Contact Information

TCEQ Attorneys: Ryan Rutledge, Litigation Division, (512) 239-3400
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TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Michaelle Sherlock, Enforcement Division, (210) 403-4076

TCEQ Regional Contact: Steve Smith, Houston Regional Office, 713-767-3581

Respondent: Brett Phillips, Director, Oak Valley Mobile Home Park LLC, 4909 Mahejan CT,
Pearland, TX 77584-5500

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Jan-2012			
	PCW	9-Apr-2012	Screening	27-Jan-2012	EPA Due
					30-Jun-2010

RESPONDENT/FACILITY INFORMATION

Respondent	Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile Home Park		
Reg. Ent. Ref. No.	RN102676277		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43454	No. of Violations	2
Docket No.	2012-0266-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michaelle Sherlock
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Enhancement for nine NOV's with same/similar violations and one Default Order.

Culpability Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$191
Approx. Cost of Compliance	\$517

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided costs associated with Violation Nos. 1 and 2.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 27-Jan-2012

Docket No. 2012-0266-PWS-E

PCW

Respondent Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 43454

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102676277

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

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>)	9	45%
	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) 70%

>> 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 nine NOVs with same/similar violations and one Default Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date 27-Jan-2012 **Docket No.** 2012-0266-PWS-E **PCW**
Respondent Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile Home Park *Policy Revision 2 (September 2002)*
Case ID No. 43454 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102676277
Media [Statute] Public Water Supply
Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A)

Violation Description Failed to timely 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 the quarter and failed to provide public notice of the failure to submit a DLQOR to the Executive Director. Specifically, the Respondent failed to submit DLQORs for the third quarter of 2008 and the first quarter of 2009 through the second quarter of 2011 in a timely manner and failed to provide public notice of the failure to submit DLQORs for the first and second quarters of 2009, and the third and fourth quarters of 2010.

Base Penalty \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1%

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 11 1033 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$110

Eleven quarterly events are recommended based on one event for each quarter the required report was not submitted.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Reduction	
	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 \$110

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$164 Violation Final Penalty Total \$262

This violation Final Assessed Penalty (adjusted for limits) \$550

Economic Benefit Worksheet

Respondent Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile Home Park
Case ID No. 43454
Reg. Ent. Reference No. RN102676277
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	\$45	6-Jan-2012	1-Sep-2012	0.65	\$1	n/a	\$1
Training/Sampling	\$100	6-Jan-2012	1-Sep-2012	0.65	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$247	10-Oct-2008	22-Mar-2012	3.45	\$43	n/a	\$43

Notes for DELAYED costs

The delayed costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner and to ensure all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance. Other delayed costs include the estimated amount to timely prepare and submit DLQORs (\$22.50 per DLQOR, rounded down), calculated from the due date of the first delinquent DLQOR to the 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]	\$100	1-Oct-2008	31-Mar-2011	3.41	\$17	\$100	\$117
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to provide public notification (\$25 per notification x 4 notifications) of the failure to submit DLQORs, calculated for the time frame public notice was not provided.

Approx. Cost of Compliance

\$492

TOTAL

\$164

Screening Date	27-Jan-2012	Docket No.	2012-0266-PWS-E	PCW
Respondent	Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile Home Park			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	43454			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN102676277			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Sherlock			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description

Failed to provide public notification regarding the failure to timely submit the results of nitrate sampling for 2010 and the failure to timely submit the results of metal and mineral sampling for the monitoring period from January 1, 2008 through December 31, 2010.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

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

The Respondent does not meet the good faith criteria for this violation.

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 Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile Home Park
Case ID No. 43454
Reg. Ent. Reference No. RN102676277
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				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 avoided cost is captured in the Economic Benefit for Violation No. 1.

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]	\$25	10-Jan-2011	10-Apr-2011	1.16	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification (\$25) of the failure to submit the results of nitrate, mineral, and metal sampling, calculated for the period when public notification should have been provided.

Approx. Cost of Compliance

\$25

TOTAL

\$26



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	23-Jan-2012			
	PCW	9-Apr-2012	Screening	27-Jan-2012	EPA Due 30-Jun-2010

RESPONDENT/FACILITY INFORMATION

Respondent	Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile Home Park	
Reg. Ent. Ref. No.	RN102676277	
Facility/Site Region	12-Houston	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	43454	No. of Violations	1
Docket No.	2012-0266-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michaelle Sherlock
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

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

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 27-Jan-2012 Docket No. 2012-0266-PWS-E

PCW

Oak Valley Mobile Home Park LLC dba Oak Ridge

Respondent Mobile Home Park

Policy Revision 3 (September 2011)

Case ID No. 43454

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102676277

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

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>)	9	45%
	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) 70%

>> 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 nine NOVs with same/similar violations and one Default Order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date	27-Jan-2012	Docket No.	2012-0266-PWS-E	PCW
Respondent	Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile			
Case ID No.	43454			<i>Policy Revision 3 (September 2011)</i>
Reg. Ent. Reference No.	RN102676277			<i>PCW Revision August 3, 2011</i>
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Sherlock			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR	Harm			
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	Percent

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	<input type="text" value="1.0%"/>
Matrix Notes	<input type="text" value="Less than 30% of the rule requirement was not met."/>				

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	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	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 Oak Valley Mobile Home Park LLC dba Oak Ridge Mobile Home Park
Case ID No. 43454
Reg. Ent. Reference No. RN102676277
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)	\$22	10-Oct-2011	10-Oct-2011	0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost is captured on the Revision No. 2 penalty calculation worksheet in Violation No. 1. The other delayed costs include the estimated amount to timely prepare and submit DLQORs (\$22.50 per DLQOR, rounded down), calculated for the date that the DLQOR should have been submitted.

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	\$22	TOTAL	\$0
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Compliance History Report

Customer/Respondent/Owner-Operator: CN603457433 Oak Valley Mobile Home Park LLC Classification: Rating:
Regulated Entity: RN102676277 OAK RIDGE MOBILE HOME PARK Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200183
Location: 4719 COUNTY ROAD 288, BRAZORIA COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: April 09, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 09, 2007 to April 09, 2012
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Michaele Sherlock Phone: (210) 403-4076

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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: N/A Repeat Violator: N/A

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- Effective Date: 06/07/2009 ADMINORDER 2008-0638-PWS-E**
- Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure to provide Disinfection Level Quarterly Operating Report (DLQOR) for Oak Ridge Mobile Home Park.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
Description: Failure to develop and maintain a system Monitoring Plan.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.
- 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 | 07/24/2007 | (559649) | 8 | 07/21/2009 | (977069) |
| 2 | 03/31/2008 | (639683) | 9 | 03/27/2009 | (977081) |
| 3 | 12/15/2009 | (784051) | 10 | 06/15/2011 | (977092) |
| 4 | 01/04/2012 | (901401) | 11 | 06/15/2011 | (977100) |
| 5 | 06/15/2011 | (976999) | 12 | 06/15/2011 | (977106) |
| 6 | 06/15/2011 | (977044) | 13 | 01/19/2012 | (977172) |
| 7 | 10/01/2009 | (977050) | | | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 05/11/2007 (559649) CN603457433**
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure to provide Disinfection Level Quarterly Operating Report (DLQOR) for Oak Ridge Mobile Home Park.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
Description: Failure to develop and maintain a system Monitoring Plan.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.
- Date: 07/21/2009 (977069) CN603457433**
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2009 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)

Description: DLQOR MR PN 1Q2009 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the first quarter of 2009.

Date: 10/01/2009 (977050) CN603457433

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2009 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)

Description: DLQOR MR PN 2Q2009 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the second quarter of 2009.

Date: 06/15/2011 (977092) CN603457433

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2010 - This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(8)
30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)

Description: NO3 MR PN YR2010 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 06/15/2011 (977044) CN603457433

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MIN MR 3Y2010 - This system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(8)
30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)

Description: MIN MR PN 3Y2010 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a mineral monitoring and reporting violation for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Date: 06/15/2011 (977106) CN603457433

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2010 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)

Description: DLQOR MR 3Q2010 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the third quarter of 2010.

Date: 06/15/2011 (977100) CN603457433

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2010 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)

Description: DLQOR MR 4Q2010 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the fourth quarter of 2010.

Date: 06/15/2011 (976999) **CN603457433**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: MTL MR 3Y2010 - This system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(8)
 30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)
 Description: MTL MR PN 3Y2010 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a metal monitoring and reporting violation for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Date: 01/13/2012 (901401) **CN603457433**
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
 Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 Description: Failure by a community or non-transient non-community public water system that uses purchased water or groundwater sources only to submit a Disinfectant Level Quarterly Operating Report each quarter.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
 Description: Failure to conduct an interior inspection of the pressure tank, once every five years, to determine that the interior coating systems are continuing to provide adequate protection to all metal surfaces.

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF
AN ENFORCEMENT ACTION
CONCERNING OAK VALLEY MOBILE
HOME PARK LLC D/B/A OAK
RIDGE MOBILE HOME PARK;
RN102676277**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2012-0266-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Oak Valley Mobile Home Park LLC d/b/a Oak Ridge Mobile Home Park ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a mobile home park with a public water system located at 4719 County Road 288 in Brazoria County, Texas (the "Facility"). The Facility provides water for human consumption, has 31 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on January 6, 2012, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to timely 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 the quarter, and failed to provide public notice of the failure to submit a DLQOR to the Executive Director. Specifically, Respondent failed to submit DLQORs for the third quarter of 2008 and the first quarter of 2009 through the second quarter of 2011 in a timely manner, and did not provide public notice of the failure to submit DLQORs for the first and second quarters of 2009, and the third and fourth quarters of 2010;

- b. Failed to provide public notification regarding the failure to timely submit the results of nitrate sampling for 2010 and the failure to timely submit the results of metal and mineral sampling for the monitoring period from January 1, 2008, through December 31, 2010; and
 - c. Failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, Respondent failed to submit a DLQOR for the third quarter of 2011 in a timely manner.
3. Respondent received notice of the violations on or about January 15, 2012.
 4. The Executive Director recognizes that on March 22, 2012, Respondent submitted all delinquent DLQORs from the third quarter of 2008 and the first quarter of 2009 through the third quarter of 2011 (Finding of Fact Nos. 2.a. and 2.c.).

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, 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. 2.a., Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notice of the failure to submit a DLQOR to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.110 (e)(4)(A) and (f)(3), and 290.122(c)(2)(A).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide public notification regarding the failure to timely submit the results of nitrate sampling for 2010 and the failure to timely submit the results of metal and mineral sampling for the monitoring period from January 1, 2008 through December 31, 2010, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110 (e)(4)(A) and (f)(3).
5. 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.
6. An administrative penalty in the amount of eight hundred thirty-eight dollars (\$838.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049. Respondent paid eight hundred thirty-eight dollars (\$838.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 6, above, 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 Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification 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 certification 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:

Elston Johnson, Public Drinking Water Program, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director.
6. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

September 17, 2012

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Oak Valley Mobile Home Park LLC d/b/a Oak Ridge Mobile Home Park, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Agreed Order and/or failure to timely pay the penalty amount may result in:

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

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



Signature - Brett Alan Phillips, Director
Oak Valley Mobile Home Park LLC

8/8/12

Date