

Executive Summary – Enforcement Matter – Case No. 42168
Cecil D. Hutcheson d/b/a Elm Grove Mobile Home Park
RN101438380
Docket No. 2011-1315-PWS-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
2201 Research Boulevard, Lubbock, Lubbock County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: **\$4,010.31**- \$2,299.22 (2007-1911-PWS-E); \$596.48 (2010-0791-PWS-E);
\$790.61 (2010-1596-WOC-E); \$324.00 (2011-0309-PWS-E)

Past-Due Fees: **\$959.38** (2010-0791-PWS-E; PHS Account No. 91520156)

Other: None

Interested Third-Parties: None

Texas Register Publication Date: January 20, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$21,030

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$21,030

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: May 31, 2011
Date(s) of NOV(s): See Compliance History – 42 related NOVs
Date(s) of NOE(s): June 3, 2011

Violation Information

1. 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 [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)];
2. Failed to provide the results of quarterly fluoride, radionuclide and stage 1 disinfectant by-product sampling to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e), 290.108(e), and 290.113(e)];
3. Failed to provide the results of annual nitrate and VOC sampling to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e)];
4. Failed to provide the results of triennial inorganic contaminant sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)];
5. Failed to provide the results of six-year period synthetic organic contaminant sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.107(e)];
6. Failed to mail or directly deliver one copy of the customer confidence report (“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 Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)]; and
7. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect the samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
N/A

Technical Requirements:

1. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
2. Within 30 days:
 - a. Update the Facility's operation guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DLQORs; and
 - b. Mail or directly deliver one copy of the 2009 CCR prepared using the compliance monitoring data for the year 2009 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers.

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Cecil D. Hutcheson d/b/a Elm Grove Mobile Home Park
RN101438380
Docket No. 2011-1315-PWS-E

3. Within 45 days, submit a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
4. Within 60 days, ensure that all delinquent drinking water chemical reports and future drinking water chemical reports are submitted to the Executive Director within ten days of their request by the TCEQ or of their receipt by the Facility, whichever is later.
5. Within 90 days, submit DLQORs to the Executive Director by the tenth day of the month following each quarter.
6. Submit written certification demonstrating compliance:
 - a. Within 45 days for Technical Requirement No. 2.a.;
 - b. Within 75 days for Technical Requirement No. 4;
 - c. Within 105 days for Technical Requirement No. 5; and
 - d. Within 195 days for Technical Requirement No. 1.

Litigation Information

Date Petition(s) Filed: August 8, 2011
Date(s) Green Card(s) Signed: Unclaimed
Date(s) Answer(s) Filed: August 29, 2011
SOAH Referral Date: November 2, 2011
Hearing Date(s):
Preliminary hearing: December 1, 2011 (defaulted)
Evidentiary hearing: N/A

Contact Information

TCEQ Attorneys: Sharesa Y. Alexander, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Stephen Thompson, Water Enforcement Section, (512) 239-2558
TCEQ Regional Contact: Gary Shipp, Lubbock Regional Office, (806) 796-7092
Respondent: Cecil D. Hutcheson, 702 77th Street, Lubbock, Texas 79404-6208
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	13-Jun-2011	Screening	21-Jun-2011	EPA Due	30-Sep-2009
	PCW	3-Aug-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Cecil D. Hutcheson dba Elm Grove Mobile Home Park
Reg. Ent. Ref. No.	RN101438380
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	42168	No. of Violations	7
Docket No.	2011-1315-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,350
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	278.0% Enhancement	Subtotals 2, 3, & 7	\$14,873
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Notes: Enhancement due to 42 NOVs with same/similar violations, nine NOVs with dissimilar violations, one agreed final enforcement order without a denial of liability and one default order.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$869
 Approx. Cost of Compliance: \$2,191
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,223
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OTHER FACTORS AS JUSTICE MAY REQUIRE	4.0%	Adjustment	\$807
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs of compliance associated with Violation Nos. 1, 6 and 7.

Final Penalty Amount	\$21,030
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,030
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$21,030
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Screening Date 21-Jun-2011

Docket No. 2011-1315-PWS-E

PCW

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home P

Policy Revision 2 (September 2002)

Case ID No. 42168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101438380

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	42	210%
	Other written NOVs	9	18%
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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 278%

>> 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 due to 42 NOVs with same/similar violations, nine NOVs with dissimilar violations, one agreed final enforcement order without a denial of liability and one default order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 278%

Screening Date 21-Jun-2011

Docket No. 2011-1315-PWS-E

PCW

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101438380

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

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

Violation Description 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, at the time of the record review, it was documented that the Respondent did not submit DLQORs for the fourth quarter of 2007 through the fourth quarter of 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 13 1169 Number of violation days

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

Violation Base Penalty \$1,300

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

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$637

Violation Final Penalty Total \$5,110

This violation Final Assessed Penalty (adjusted for limits) \$5,110

Economic Benefit Worksheet

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park
Case ID No. 42168
Req. Ent. Reference No. RN101438380
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$533	10-Jan-2008	10-Jan-2011	3.92	\$104	\$533	\$637
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$533

TOTAL

\$637

Screening Date 21-Jun-2011

Docket No. 2011-1315-PWS-E

PCW

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101438380

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(e), 290.108(e) and 290.113(e)

Violation Description

Failed to provide the results of quarterly fluoride, radionuclide and stage 1 disinfectant by-product sampling to the TCEQ's Executive Director. Specifically, the Respondent failed to provide fluoride monitoring results for the third quarter of 2007 through the fourth quarter of 2009 and the second through the fourth quarters of 2010, radionuclide monitoring results for the third quarter of 2008 through the fourth quarter of 2010 and stage 1 disinfectant by-product monitoring results for the first quarter of 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 24 1279 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,400

Twenty-four quarterly events are recommended, calculated for the twenty-four different quarterly monitoring results that were not reported.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$2,400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$62

Violation Final Penalty Total \$9,434

This violation Final Assessed Penalty (adjusted for limits) \$9,434

Economic Benefit Worksheet

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park
Case ID No. 42168
Req. Ent. Reference No. RN101438380
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	31-May-2011	1-Jan-2012	0.59	\$3	\$59	\$62
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount of the outstanding laboratory costs that must be paid in order to release the monitoring results, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$62

Screening Date 21-Jun-2011

Docket No. 2011-1315-PWS-E

PCW

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101438380

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)

Violation Description Failed to provide the results of annual nitrate and volatile organic contaminant ("VOC") sampling to the TCEQ's Executive Director. Specifically, the Respondent failed to provide nitrate monitoring results for 2010 and VOC monitoring results for the years 2006 through 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 6 1825 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$600

Six annual events are recommended for the six different annual monitoring results that were not reported.

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 \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$2,359

This violation Final Assessed Penalty (adjusted for limits) \$2,359

Economic Benefit Worksheet

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park
Case ID No. 42168
Req. Ent. Reference No. RN101438380
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 21-Jun-2011

Docket No. 2011-1315-PWS-E

PCW

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101438380

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 4

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

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 1095 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended for the one monitoring period.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$393

This violation Final Assessed Penalty (adjusted for limits) \$393

Economic Benefit Worksheet

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park
Case ID No. 42168
Req. Ent. Reference No. RN101438380
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 21-Jun-2011

Docket No. 2011-1315-PWS-E

PCW

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101438380

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 5

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

Violation Description Failed to provide the results of six-year period synthetic organic contaminant sampling to the TCEQ's Executive Director. Specifically, the Respondent failed to provide synthetic organic contaminant monitoring results for the sampling period from January 1, 2003 through December 31, 2008.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 2191 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), mark only one with an x.

Violation Base Penalty \$100

One single event is recommended for the one monitoring period.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDPRP/Settlement Offer.

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$393

This violation Final Assessed Penalty (adjusted for limits) \$393

Economic Benefit Worksheet

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park
Case ID No. 42168
Req. Ent. Reference No. RN101438380
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 21-Jun-2011

Docket No. 2011-1315-PWS-E

PCW

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101438380

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and 290.274(c)

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 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 to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCRs to the Facility's customers for the year 2009 nor did the Respondent submit the CCR or the required certification to the TCEQ for the year 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$100

One annual event is recommended for the year during which no CCR or certification of delivery was submitted to the TCEQ.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$64

Violation Final Penalty Total \$393

This violation Final Assessed Penalty (adjusted for limits) \$393

Economic Benefit Worksheet

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park
Case ID No. 42168
Req. Ent. Reference No. RN101438380
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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]	\$58	1-Jan-2009	31-Dec-2009	1.92	\$6	\$58	\$64
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply, calculated for the year in which no report was distributed.

Approx. Cost of Compliance \$58

TOTAL \$64

Screening Date 21-Jun-2011

Docket No. 2011-1315-PWS-E

PCW

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101438380

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and Tex. Health & Safety Code § 341.033(d)

Violation Description

Failed to collect routine distribution water samples for coliform analysis for the months of December 2010, February 2011 and April 2011 and failed to provide public notification of the failure to collect the samples for the month of December 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to perform routine distribution coliform sampling may allow a significant amount of undetected contaminants that exceed levels protective of human health to be distributed to the public.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

89 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$750

Three monthly events are recommended, calculated for the months in which no samples were collected.

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$106

Violation Final Penalty Total \$2,948

This violation Final Assessed Penalty (adjusted for limits) \$2,948

Economic Benefit Worksheet

Respondent Cecil D. Hutcheson dba Elm Grove Mobile Home Park
Case ID No. 42168
Req. Ent. Reference No. RN101438380
Media Public Water Supply
Violation No. 7

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]	\$75	1-Dec-2010	30-Apr-2011	1.33	\$5	\$75	\$80
Other (as needed)	\$25	1-Jan-2011	1-Apr-2011	1.16	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect a total of three routine samples (\$25 per sample) and provide public notice for the failure to collect the samples (\$25 per notice), calculated for the months in which no samples were collected and during the period that a public notice was required.

Approx. Cost of Compliance \$100

TOTAL \$106

Compliance History

Customer/Respondent/Owner-Operator: CN600747547 HUTCHESON, CECIL D Classification: Rating:
Regulated Entity: RN101438380 ELM GROVE MOBILE HOME PARK Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520156
WATER LICENSING LICENSE 1520156
Location: 2201 RESEARCH BLVD, LUBBOCK, TX, 79407
TCEQ Region: REGION 02 - LUBBOCK
Date Compliance History Prepared: June 21, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 21, 2006 to June 21, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Stephen Thompson Phone: (512) 239-2558

Site Compliance History Components

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

Components (Multimedia) for the Site:

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

Effective Date: 06/15/2009

ADMINORDER 2007-1911-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 09/2006 - Failure to collect any routine monitoring sample(s) in 09/2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 09/2006 - Failure to post a pn for not collecting any routine monitoring sample(s) in 09/2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 02/2007 - Failure to collect any routine monitoring sample(s) for 02/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 02/2007 - Failure to post pn for not collecting any routine monitoring sample(s) for 02/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 03/2007 - Failure to post pn for not collecting any routine monitoring sample(s) for 03/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 03/2007 - Failure to collect any routine monitoring sample(s) for 03/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 04/2007 - Failure to collect any routine monitoring sample(s) for 04/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 05/2007 - Failure to collect any routine monitoring sample(s) for 05/2007.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter E 290.51(a)(3)

Description: Failure to pay PHS fees for TCEQ account number 91520156 and associated late fees.

Effective Date: 04/08/2011

ADMINORDER 2010-0791-PWS-E

Classification: Moderate

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

Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.

Classification: Minor

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

Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2007 CCR year to the TCEQ.

Classification: Moderate

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

Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.

Classification: Minor

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

Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.

Classification: Minor

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

Description: Failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 91520156 for Fiscal Years 2009 and 2010.

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	04/05/2007	(534408)	21	01/14/2009	(796689)	41	06/03/2011	(923685)
2	03/21/2007	(554175)	22	11/03/2009	(797373)	42	06/03/2011	(923689)
3	03/21/2007	(554176)	23	04/28/2010	(799050)	43	06/03/2011	(923697)
4	03/21/2007	(554177)	24	08/17/2010	(849218)	44	06/03/2011	(923702)
5	03/21/2007	(554178)	25	12/01/2010	(879527)	45	06/03/2011	(923724)
6	03/21/2007	(554180)	26	02/04/2011	(892893)	46	06/03/2011	(923728)
7	03/21/2007	(554181)	27	06/01/2011	(923448)	47	06/03/2011	(923734)
8	05/08/2007	(557901)	28	06/01/2011	(923489)	48	06/03/2011	(923739)
9	10/12/2007	(597181)	29	06/02/2011	(923604)	49	06/01/2011	(923743)
10	10/17/2007	(597872)	30	06/01/2011	(923640)	50	06/01/2011	(923758)
11	10/17/2007	(597885)	31	10/01/2009	(923649)	51	06/01/2011	(923759)
12	10/17/2007	(597894)	32	07/21/2009	(923653)	52	06/01/2011	(923762)
13	10/17/2007	(597902)	33	03/27/2009	(923655)	53	07/27/2009	(923769)
14	10/26/2007	(598942)	34	06/01/2011	(923661)	54	07/27/2009	(923774)
15	10/29/2010	(598955)	35	12/22/2010	(923664)	55	07/27/2009	(923777)
16	11/09/2007	(600768)	36	06/03/2011	(923665)	56	07/27/2009	(923781)
17	04/02/2008	(765686)	37	11/03/2009	(923669)	57	07/27/2009	(923783)
18	08/14/2009	(766417)	38	01/14/2009	(923673)	58	07/27/2009	(923786)
19	09/14/2009	(767268)	39	06/03/2011	(923676)	59	07/27/2009	(923789)
20	10/27/2009	(777298)	40	06/03/2011	(923682)	60	06/01/2011	(923792)

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

1. Date: 10/25/2006 (597181) CN600747547

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 09/2006 - Failure to collect any routine monitoring sample(s) in 09/2006.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: 09/2006 - Failure to post a pn for not collecting any routine monitoring sample(s) in 09/2006.

2. **Date:** 03/21/2007 (554180) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: System violated the maximum contaminant level for the running annual average for fluoride for the third quarter of 2006.
3. **Date:** 03/21/2007 (554175) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: System violated the maximum contaminant level for the running annual average for fluoride in the third quarter of 2005.
4. **Date:** 03/21/2007 (554178) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: System violated the maximum contaminant level for the running annual average for fluoride for the second quarter of 2006.
5. **Date:** 03/21/2007 (554176) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: System violated the maximum contaminant level for the running annual average for fluoride in the fourth quarter of 2005.
6. **Date:** 03/21/2007 (554177) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: System violated the maximum contaminant level for the running annual average for fluoride in the first quarter of 2006.
7. **Date:** 03/21/2007 (554181) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: System violated the maximum contaminant level for the running annual average for fluoride for the fourth quarter of 2006.
8. **Date:** 03/29/2007 (597872) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 02/2007 - Failure to collect any routine monitoring sample(s) for 02/2007.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 02/2007 - Failure to post pn for not collecting any routine monitoring sample(s) for 02/2007.
9. **Date:** 04/25/2007 (597885) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 03/2007 - Failure to post pn for not collecting any routine monitoring sample(s) for 03/2007.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 03/2007 - Failure to collect any routine monitoring sample(s) for 03/2007.
10. **Date:** 05/09/2007 (557901) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(a)
 Description: Failure to submit Disinfectant Level Quarterly Operating Report as required.

11. **Date:** 05/25/2007 (597894) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 04/2007 - Failure to collect any routine monitoring sample(s) for 04/2007.
12. **Date:** 06/25/2007 (597902) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 05/2007 - Failure to collect any routine monitoring sample(s) for 05/2007.
13. **Date:** 04/02/2008 (765686) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the maximum contaminant level for uranium during the first quarter of 2007.
14. **Date:** 01/14/2009 (796689) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2007 CCR year to the TCEQ.
15. **Date:** 01/14/2009 (923673) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.
 Self Report? NO Classification: 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 2007 CCR year to the TCEQ.
16. **Date:** 03/27/2009 (923655) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the quarterly period from 10/01/2008 to 12/31/2008. 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 fourth quarter of 2007 but notices of violation were not sent.
17. **Date:** 07/21/2009 (923653) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.
18. **Date:** 07/27/2009 (923789) CN600747547
 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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly period from 04/01/2007 to 06/30/2007.

19. **Date:** 07/27/2009 (923786) CN600747547
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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly period from 07/01/2007 to 09/30/2007.
20. **Date:** 07/27/2009 (923774) CN600747547
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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly period from 07/01/2008 to 09/30/2008.
21. **Date:** 07/27/2009 (923769) CN600747547
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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly period from 10/01/2008 to 12/31/2008.
22. **Date:** 07/27/2009 (923697) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(1)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: This system failed to monitor and/or failed to report synthetic organic contaminants to the TCEQ for the 6 year monitoring period from 01/01/2003 to 12/31/2008.
23. **Date:** 07/27/2009 (923685) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
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 annual monitoring period from 01/01/2007 to 12/31/2007.
24. **Date:** 07/27/2009 (923783) CN600747547
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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly period from 10/01/2007 to 12/31/2007.
25. **Date:** 07/27/2009 (923682) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
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 annual monitoring period from 01/01/2008 to 12/31/2008.
26. **Date:** 07/27/2009 (923781) CN600747547
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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly period from 01/01/2008 to 03/31/2008.
27. **Date:** 07/27/2009 (923689) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
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 annual monitoring period from 01/01/2006 to 12/31/2006.

28. **Date:** 07/27/2009 (923777) CN600747547
 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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly period from 04/01/2008 to 06/30/2008.
29. **Date:** 07/28/2009 (766417) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the maximum contaminant level for uranium during the fourth quarter of 2008.
30. **Date:** 10/01/2009 (923649) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.
31. **Date:** 10/13/2009 (777298) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 09/2006 - Failure to post a pn for not collecting any routine monitoring sample(s) in 09/2006.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 02/2007 - Failure to post pn for not collecting any routine monitoring sample(s) for 02/2007.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: 03/2007 - Failure to post pn for not collecting any routine monitoring sample(s) for 03/2007.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter E 290.51(a)(3)
 Description: Failure to pay PHS fees for TCEQ account number 91520156 and associated late fees.
32. **Date:** 11/03/2009 (923669) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.
 Self Report? NO Classification: 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 2008 CCR year to the TCEQ.
33. **Date:** 11/03/2009 (797373) CN600747547
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.
34. **Date:** 08/20/2010 (849218) CN600747547
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
 Description: Failure to use an ANSI/NSF approved disinfectant.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

Description: Failure to provide adequate pressure tank capacity.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to develop and implement a system-specific Monitoring Plan.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
Description: Failure to employ an operator with a Class "D" or higher license.

35. **Date: 12/22/2010 (923664) CN600747547**

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.
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.

36. **Date: 02/11/2011 (923448) CN600747547**

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 12/2010 - Failure to collect any routine monitoring sample(s).

37. **Date: 03/31/2011 (923604) CN600747547**

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 02/2011 - Failure to collect any routine monitoring sample(s).

38. **Date: 06/01/2011 (923739) CN600747547**

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)
Description: This system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.

39. **Date: 06/01/2011 (923728) CN600747547**

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)
Description: This system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

40. **Date: 06/01/2011 (923661) CN600747547**

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(1)
30 TAC Chapter 290, SubChapter F 290.113(f)(2)
Description: This system failed to monitor and/or failed to report disinfectant byproducts to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010.

41. **Date: 06/01/2011 (923758) CN600747547**

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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

42. **Date: 06/01/2011 (923702) CN600747547**

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: This system failed to monitor and/or failed to report metals levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

43. **Date:** 06/01/2011 (923676) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
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 annual period from 01/01/2010 to 12/31/2010. This system also failed to monitor and/or failed to report volatile organic contaminants to the TCEQ for the year of 2009 but notices of violation were not sent.
44. **Date:** 06/01/2011 (923762) CN600747547
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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly period from 04/01/2010 to 06/30/2010. This system also failed to monitor and/or failed to report fluoride to the TCEQ for the first, second, third and fourth quarters of 2009 but notices of violation were not sent.
45. **Date:** 06/01/2011 (923489) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the quarterly period from 07/01/2010 to 09/30/2010. 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 quarter of 2009 but notices of violation were not sent.
46. **Date:** 06/01/2011 (923743) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)
Description: This system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly period from 01/01/2010 to 03/31/2010. This system also failed to monitor and/or failed to report radionuclide levels to the TCEQ for the first, second, third, and fourth quarters of 2009 and the second, third, and fourth quarters of 2008 but notices of violation were not sent.
47. **Date:** 06/01/2011 (923640) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.
48. **Date:** 06/01/2011 (923724) CN600747547
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: 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.
49. **Date:** 06/01/2011 (923759) CN600747547
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: This system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
50. **Date:** 06/01/2011 (923734) CN600747547
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)
Description: This system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

51. **Date:** 06/01/2011 (923792) CN600747547

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: 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.

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
CECIL D. HUTCHESON D/B/A
ELM GROVE MOBILE HOME
PARK;
RN101438380**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-1315-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 Cecil D. Hutcheson d/b/a Elm Grove Mobile Home Park ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 2201 Research Boulevard in Lubbock, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 16 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on May 31, 2011, a TCEQ Central Office investigator documented that Respondent:
 - a. 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 fourth quarter of 2007 through the fourth quarter of 2010;
 - b. Failed to provide the results of quarterly fluoride, radionuclide and stage 1 disinfectant by-product sampling to the Executive Director. Specifically, Respondent failed to provide fluoride monitoring results for the third quarter of 2007 through the fourth quarter of 2009 and for the second through the fourth quarters of 2010, radionuclide monitoring results for the third quarter of 2008 through the fourth quarter of 2010, and stage 1 disinfectant by-product monitoring results for the first quarter of 2010;
 - c. Failed to provide the results of annual nitrate and volatile organic contaminant ("VOC") sampling to the Executive Director. Specifically, Respondent failed to provide nitrate monitoring results for 2010 and VOC monitoring results for years 2006 through 2010;

- d. Failed to provide the results of triennial inorganic contaminant sampling to the Executive Director. Specifically, Respondent failed to provide inorganic contaminant monitoring results for the sampling period from January 1, 2008, through December 31, 2010;
 - e. Failed to provide the results of six-year period synthetic organic contaminant sampling to the Executive Director. Specifically, Respondent failed to provide synthetic organic contaminant monitoring results for the sampling period from January 1, 2003, through December 31, 2008;
 - f. Failed to mail or directly deliver one copy of the Customer Confidence Report ("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 Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, Respondent did not mail or directly deliver the CCRs to the Facility's customers for year 2009 nor did Respondent submit the CCR or the required certification to the TCEQ for year 2009; and
 - g. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect the samples. Specifically, Respondent failed to collect routine distribution water samples for coliform analysis for the months of December 2010, February 2011, and April 2011, and failed to provide public notification of the failure to collect the samples for the month of December 2010.
3. Respondent received notice of the violations on or about June 8, 2011.
 4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Cecil D. Hutcheson d/b/a Elm Grove Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on August 8, 2011.
 5. Respondent filed an answer requesting a hearing on August 29, 2011, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on October 5, 2011.
 6. On November 2, 2011, the TCEQ Chief Clerk mailed notice of the December 1, 2011, preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.
 7. On December 1, 2011, the Administrative Law Judge ("ALJ") convened the preliminary hearing, but Respondent failed to appear. The ALJ entered a finding that Respondent was served with proper notice of the hearing, and the Executive Director requested that the matter be remanded to the Executive Director so that a Default Order may be entered and the case may be dismissed from the SOAH Docket.
 8. The ALJ remanded the matter to the Executive Director by SOAH Order No. 1, Remanding Case to the Executive Director, issued on December 12, 2011, so that TCEQ may dispose of this case on a default basis.

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 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) and (f)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of quarterly fluoride, radionuclide and stage 1 disinfectant by-product sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.108(e), and 290.113(e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of annual nitrate and VOC sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of triennial inorganic contaminant sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide the results of six-year period synthetic organic contaminant sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.107(e).
7. As evidenced by Finding of Fact No. 2.f., 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 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 to the TCEQ by July 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect the samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d).
9. As evidenced by Finding of Fact No. 5, Respondent filed an answer requesting a hearing as required by TEX. HEALTH & SAFETY CODE § 341.049(e) and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(b) and 30 TEX. ADMIN. CODE § 70.109.
10. As evidenced by Finding of Fact No. 6, Respondent was provided proper notice of the preliminary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. HEALTH & SAFETY CODE § 341.049(g), 1 TEX. ADMIN. CODE §§ 155.103(a) and (c)(3), 155.401 and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.23, 39.25, 39.405, 39.413, 39.423, 39.425 and 80.6.

11. As evidenced by Findings of Fact Nos. 7 and 8, Respondent failed to appear for the preliminary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4), TEX. HEALTH & SAFETY CODE § 341.049(g), and 1 TEX. ADMIN. CODE § 155.501, the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 70.106(b).
12. 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.
13. An administrative penalty in the amount of twenty-one thousand thirty dollars (\$21,030.00) 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.
14. 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-one thousand thirty dollars (\$21,030.00) 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: Cecil D. Hutcheson d/b/a Elm Grove Mobile Home Park; Docket No. 2011-1315-PWS-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Order, Respondent shall begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.

- b. Within 30 days after the effective date of this Order, Respondent shall:
- i. Update the Facility's operation guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
 - ii. Mail or directly deliver one copy of the 2009 CCR prepared using the compliance monitoring data for the year 2009 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE § 290.274.
- c. Within 45 days after the effective date of this Order, Respondent shall:
- i. Submit a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to the following address:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
 - ii. Submit written certification as described in Ordering Provision No. 3.i., below, to demonstrate compliance with Ordering Provision No. 3.b.i.
- d. Within 60 days after the effective date of this Order, Respondent shall ensure that all delinquent drinking water chemical reports and future drinking water chemical reports are submitted to the Executive Director within ten days of their request by the TCEQ or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106, 290.107, 290.108, and 290.113.
- e. Within 75 days after the effective date of this Order, Respondent shall submit written certification as described in Order Provision No. 3.i., below, to demonstrate compliance with Ordering Provision No. 3.d.
- f. Within 90 days after the effective date of this Order, Respondent shall begin submitting DLQORs to the Executive Director by the tenth day of the month following each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. DLQORs shall be submitted to the following address:

Public Drinking Water Section
Attention: DLQOR Coordinator, MC 155
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- g. Within 105 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.i., below, to demonstrate compliance with Ordering Provision No. 3.f.
- h. Within 195 days after the effective date of this Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.i., below, to demonstrate compliance with Ordering Provision No. 3.a.
- i. 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 copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with a copy to:

Pat Cooke, Waste Section Manager
Texas Commission on Environmental Quality
Lubbock Regional Office
5012 50th Street, Suite 100
Lubbock, Texas 79414-3426

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. 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.
8. 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.
9. 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.
10. 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 SHARESASA Y. ALEXANDER

STATE OF TEXAS

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COUNTY OF TRAVIS

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"My name is Sharesa Y. Alexander. 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 Cecil D. Hutcheson d/b/a Elm Grove Mobile Home Park" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on August 8, 2011.

Respondent filed an answer requesting a hearing on August 29, 2011, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on October 5, 2011. On November 2, 2011, the TCEQ Chief Clerk mailed notice of the December 1, 2011 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.

Respondent failed to appear at the hearing on December 1, 2011. At that hearing, I requested and received a finding that Respondent was served with proper notice of the hearing pursuant to 1 TEX. ADMIN. CODE § 155.501. I also requested that the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501, which gives an ALJ the authority to remand the case back to the agency for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

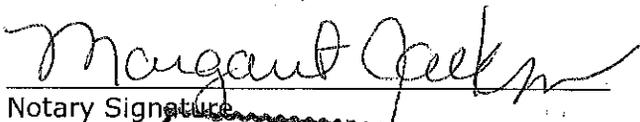
The ALJ remanded the matter to the Executive Director by SOAH Order No. 1, Remanding Case to the Executive Director issued on December 12, 2011, so that TCEQ may dispose of this case on a default basis."



Sharesa Y. Alexander, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 20th day of December, A.D. 2011.



Notary Signature

