

**Donald E. Crane d/b/a Sherwood Estates Manufactured Townhome Community, d/b/a Country Village Mobile Home Estates, and d/b/a Westgate Manufactured Townhome Community  
RN101225506, RN101267466, RN102675121  
Docket No. 2011-1125-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

3801 East Highway 80 (Sherwood Estates); 3401 South County Road 1223½ (Country Village); and 4813 West Interstate 20 (Westgate); Midland County

**Type of Operation:**

public water systems for three mobile home communities

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$2,223.23 (916500222 - Sherwood Estates) \$2,026.62 (91650111 - Country Village) <u>\$3,470.99</u> (91650047 - Westgate)
<b>Total:</b>	<b>\$7,720.84</b>

Other:	None
Interested Third-Parties:	None

<b>Texas Register Publication Date:</b>	July 20, 2012
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<b>Comments Received:</b>	None
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**Penalty Information**

<b>Total Penalty Assessed:</b>	\$8,551
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<b>Total Paid to General Revenue:</b>	\$326
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<b>Total Due to General Revenue:</b>	\$8,225
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Payment Plan: 35 payments of \$235 each

<b>SEP Conditional Offset:</b>	N/A
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**Compliance History Classifications:**

Person/CN – N/A
Site/RN – N/A (All 3 RNs)

<b>Major Source:</b>	No
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<b>Statutory Limit Adjustment:</b>	None
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<b>Applicable Penalty Policy:</b>	September 2002
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**Donald E. Crane d/b/a Sherwood Estates Manufactured Townhome Community, d/b/a Country Village Mobile Home Estates, and d/b/a Westgate Manufactured Townhome Community  
RN101225506, RN101267466, RN102675121  
Docket No. 2011-1125-PWS-E**

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** June 3, 2011; June 6, 2011; September 6, 2011

**Date(s) of NOV(s):** See Compliance Histories – PCWs 1 and 2: six related NOVs;  
PCW 3: seven related NOVs

**Date(s) of NOE(s):** June 8, 2011; June 15, 2011; September 14, 2011

**Violation Information**

Sherwood Estates:

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 mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of Sherwood Estates and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to pay all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 91650022 for Fiscal Years 2007-2011 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3) and (a)(6)].

Country Village:

4. Failed to submit a 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)].
5. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of Country Village and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
6. Failed to pay all annual and late PHS fees for TCEQ Financial Administration Account No. 91650111 for Fiscal Years 2005-2011 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3) and (a)(6)].

Westgate:

7. Failed to submit a 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)].
8. Failed to pay all annual and late PHS fees for TCEQ Financial Administration Account No. 91650047 for Fiscal Years 1998-2011 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3) and (a)(6)].

**Donald E. Crane d/b/a Sherwood Estates Manufactured Townhome Community, d/b/a Country Village Mobile Home Estates, and d/b/a Westgate Manufactured Townhome Community  
RN101225506, RN101267466, RN102675121  
Docket No. 2011-1125-PWS-E**

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Update the Facilities' operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs; and
  - b. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account Nos. 91650022, 91650111, and 91650047.
2. Within 45 days, submit a copy of the CCRs provided to customers of Sherwood Estates and Country Village and certification that the CCRs have been distributed to the customers and that the information in the CCRs is correct and consistent with the compliance monitoring data.
3. Within 60 days, submit written certification and documentation to demonstrate compliance with Technical Requirements Nos. 1 and 2.
4. Within 90 days begin submitting the Facilities' DLQORs to the Executive Director by the tenth day of the month following the end of each.
5. Within 195 days, submit written certification and documentation to demonstrate compliance with Technical Requirement No. 4.

**Litigation Information**

**Date Petition(s) Filed:** April 12, 2012  
**Date Answer(s) Filed:** May 1, 2012  
**SOAH Referral Date:** June 6, 2012  
**Hearing Date(s):**  
Preliminary hearing: September 6, 2012 (scheduled)  
**Settlement Date:** June 11, 2012

**Contact Information**

**TCEQ Attorneys:** Peipey Tang, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Amy Swanholm, Public Interest Counsel, (512) 239-6363

**TCEQ SEP Coordinator:** N/A

**TCEQ Enforcement Coordinator:** Stephen Thompson, Enforcement Division, (512) 239- 2558

**TCEQ Regional Contact:** Jared Basurto, Midland Regional Office, (432) 570-1359

**Respondent:** Donald Crane, 15205 Isabella Ct., Corpus Christi, Texas 78418

**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	13-Jun-2011			
	<b>PCW</b>	11-Apr-2012	<b>Screening</b>	15-Jun-2011	<b>EPA Due</b>
					30-Jun-2009

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Donald E. Crane dba Sherwood Estates Manufactured Townhome Community				
<b>Reg. Ent. Ref. No.</b>	RN101225506				
<b>Facility/Site Region</b>	7-Midland	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	41976	<b>No. of Violations</b>	3
<b>Docket No.</b>	2011-1125-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephen Thompson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$1,700**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	38.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$646</b>
Notes	Enhancement for six NOVs with same/similar violations and four NOVs with dissimilar violations.			
<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>
Notes	The Respondent does not meet the culpability criteria.			
<b>Good Faith Effort to Comply Total Adjustments</b>			<b>Subtotal 5</b>	<b>\$0</b>
<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$522	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$571			

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$2,346**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **22.0%** **Adjustment** **\$516**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement recommended for recovery of avoided costs of compliance associated with violation nos. 1 and 2.			
			<b>Final Penalty Amount</b>	<b>\$2,862</b>

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$2,862**

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

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

Notes	No deferral is recommended for Findings Orders.			
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**PAYABLE PENALTY** **\$2,862**

Screening Date 15-Jun-2011 Docket No. 2011-1125-PWS-E

PCW

Respondent Donald E. Crane dba Sherwood Estates

Case ID No. 41976

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN101225506

PCW Revision October 30, 2008

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

## Compliance History Worksheet

## &gt;&gt; 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> )	6	30%
	Other written NOVs	4	8%
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	0	0%
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) 38%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same/similar violations and four NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 38%

<b>Screening Date</b>	15-Jun-2011	<b>Docket No.</b>	2011-1125-PWS-E	<b>PCW</b>
<b>Respondent</b>	Donald E. Crane dba Sherwood Estates Manufactured Townhome Community			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	41976			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101225506			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Stephen Thompson			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

**0.0%** Reduction

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

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Donald E. Crane dba Sherwood Estates Manufactured Townhome Community  
**Case ID No.** 41976  
**Req. Ent. Reference No.** RN101225506  
**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	3-Jun-2011	28-Feb-2012	0.74	\$2	n/a	\$2
Training/Sampling	\$100	3-Jun-2011	28-Feb-2012	0.74	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The estimated cost to 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 quarterly DLQORs. Date required is the record review date. The final date is 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]	\$360	10-Apr-2007	10-Jan-2011	4.67	\$84	\$360	\$444
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 The avoided costs include the estimated amount to prepare and submit sixteen quarters of DLQORs, calculated for the period in which the DLQORs were due.

Approx. Cost of Compliance \$505

**TOTAL** \$449

<b>Screening Date</b>	15-Jun-2011	<b>Docket No.</b>	2011-1125-PWS-E	<b>PCW</b>
<b>Respondent</b>	Donald E. Crane dba Sherwood Estates Manufactured Townhome Community			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	41976			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101225506			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Stephen Thompson			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="100% 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	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input checked="" type="text" value="x"/>
	single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)
<b>Notes</b>	<input type="text" value="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** Donald E. Crane dba Sherwood Estates Manufactured Townhome Community  
**Case ID No.** 41976  
**Req. Ent. Reference No.** RN101225506  
**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

### 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]	\$66	1-Jul-2009	1-Jul-2010	1.92	\$6	\$66	\$72
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$66

**TOTAL** \$72

**Screening Date** 15-Jun-2011 **Docket No.** 2011-1125-PWS-E **PCW**  
**Respondent** Donald E. Crane dba Sherwood Estates Manufactured  
 Townhome Community *Policy Revision 2 (September 2002)*  
**Case ID No.** 41976 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN101225506  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.51(a)(3) and (a)(6), and Tex. Water Code § 5.702

**Violation Description**

Failed to pay all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 91650022 for Fiscal Years 2007-2011.

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/> 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** Donald E. Crane dba Sherwood Estates Manufactured Townhome Community  
**Case ID No.** 41976  
**Req. Ent. Reference No.** RN101225506  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

### Avoided Costs

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

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

Approx. Cost of Compliance

**TOTAL**



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	13-Jun-2011			
	<b>PCW</b>	11-Apr-2012	<b>Screening</b>	15-Jun-2011	<b>EPA Due</b>
					30-Jun-2009

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Donald E. Crane dba Country Village Mobile Home Estates		
<b>Reg. Ent. Ref. No.</b>	RN101267466		
<b>Facility/Site Region</b>	7-Midland	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	41976	<b>No. of Violations</b>	3
<b>Docket No.</b>	2011-1125-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephen Thompson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$1,700**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>32.0%</b>	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$544</b>
Notes	Enhancement for six NOV's with same/similar violations and one NOV with a dissimilar violation.			
<b>Culpability</b>	No	<b>0.0%</b>	Enhancement	<b>Subtotal 4</b>
Notes	The Respondent does not meet the culpability criteria.			
<b>Good Faith Effort to Comply Total Adjustments</b>			<b>Subtotal 5</b>	<b>\$0</b>
<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$532	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$580			

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$2,244**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **23.4%** **Adjustment** **\$526**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement recommended for recovery of avoided costs of compliance associated with violation nos. 1 and 2.		
		<b>Final Penalty Amount</b>	<b>\$2,770</b>

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$2,770**

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

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

Notes	No deferral is recommended for Findings Orders.		
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**PAYABLE PENALTY** **\$2,770**

Screening Date 15-Jun-2011 Docket No. 2011-1125-PWS-E

PCW

Respondent Donald E. Crane dba Country Village Mobile

Case ID No. 41976

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN101267466

PCW Revision October 30, 2008

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

## Compliance History Worksheet

## &gt;&gt; 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> )	6	30%
	Other written NOVs	1	2%
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	0	0%
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) 32%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same/similar violations and one NOV with a dissimilar violation.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 32%

<b>Screening Date</b>	15-Jun-2011	<b>Docket No.</b>	2011-1125-PWS-E	<b>PCW</b>
<b>Respondent</b>	Donald E. Crane dba Country Village Mobile Home Estates			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	41976			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101267466			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Stephen Thompson			

**Violation Number**

**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 first quarter of 2007 through the fourth quarter of 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

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

**Violation Base Penalty**

Sixteen quarterly events are recommended, calculated for the quarters in which the reports were not submitted.

**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** Donald E. Crane dba Country Village Mobile Home Estates  
**Case ID No.** 41976  
**Req. Ent. Reference No.** RN101267466  
**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-Jun-2011	28-Feb-2012	0.73	\$2	n/a	\$2
Training/Sampling	\$100	6-Jun-2011	28-Feb-2012	0.73	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The estimated cost to 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 quarterly DLQORs. Date required is the record review date. The final date is 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]	\$360	10-Apr-2007	10-Jan-2011	4.67	\$84	\$360	\$444
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 The avoided costs include the estimated amount to prepare and submit sixteen quarters of DLQORs, calculated for the period in which the DLQORs were due.

Approx. Cost of Compliance \$505

**TOTAL** \$449

<b>Screening Date</b>	15-Jun-2011	<b>Docket No.</b>	2011-1125-PWS-E	<b>PCW</b>
<b>Respondent</b>	Donald E. Crane dba Country Village Mobile Home Estates			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	41976			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101267466			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Stephen Thompson			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (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 to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCRs to the Facility's customers nor did the Respondent submit the CCR or the required certification to the TCEQ for the year 2009.

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

**Violation Base Penalty**

One annual 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** Donald E. Crane dba Country Village Mobile Home Estates  
**Case ID No.** 41976  
**Req. Ent. Reference No.** RN101267466  
**Media Violation No.** Public Water Supply  
 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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
<b>ONE-TIME avoided costs [3]</b>	\$75	1-Jul-2009	1-Jul-2010	1.92	\$7	\$75	\$82
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$75

**TOTAL** \$82

**Screening Date** 15-Jun-2011 **Docket No.** 2011-1125-PWS-E **PCW**  
**Respondent** Donald E. Crane dba Country Village Mobile Home Estates *Policy Revision 2 (September 2002)*  
**Case ID No.** 41976 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN101267466  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 3

**Rule Cite(s)**

30 Tex. Admin. Code § 290.51(a)(3) and (a)(6), and Tex. Water Code § 5.702

**Violation Description**

Failed to pay all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 91650111 for Fiscal Years 2005-2011.

**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

**Percent** 0%

Matrix Notes

**Adjustment** \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction

\$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** \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$0

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

## Economic Benefit Worksheet

**Respondent** Donald E. Crane dba Country Village Mobile Home Estates  
**Case ID No.** 41976  
**Req. Ent. Reference No.** RN101267466  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

N/A
-----

**Avoided Costs**

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

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

Notes for AVOIDED costs

N/A
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Approx. Cost of Compliance \$0

**TOTAL** \$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	12-Sep-2011			
	<b>PCW</b>	11-Apr-2012	<b>Screening</b>	23-Sep-2011	<b>EPA Due</b> 30-Jun-2009

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Donald E. Crane dba Westgate Manufactured Townhome Community		
<b>Reg. Ent. Ref. No.</b>	RN102675121		
<b>Facility/Site Region</b>	7-Midland	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	41976	<b>No. of Violations</b>	2
<b>Docket No.</b>	2011-1125-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephen Thompson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$1,800**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **37.0%** Enhancement **Subtotals 2, 3, & 7** **\$666**

Notes: Enhancement for seven NOV's with same/similar violations and one NOV with dissimilar violations.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts **\$457**  
 Approx. Cost of Compliance **\$505**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$2,466**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **18.4%** **Adjustment** **\$453**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance associated with violation no. 1.

**Final Penalty Amount** **\$2,919**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$2,919**

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

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$2,919**

Screening Date 23-Sep-2011

Docket No. 2011-1125-PWS-E

PCW

Respondent Donald E. Crane dba Westgate Manufactured Townhome Community  
Case ID No. 41976

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102675121

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

## Compliance History Worksheet

## &gt;&gt; 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> )	7	35%
	Other written NOVs	1	2%
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	0	0%
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) 37%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for seven NOVs with same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 37%

<b>Screening Date</b>	23-Sep-2011	<b>Docket No.</b>	2011-1125-PWS-E	<b>PCW</b>
<b>Respondent</b>	Donald E. Crane dba Westgate Manufactured Townhome Community	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	41976	<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN102675121			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Stephen Thompson			

**Violation Number**

**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 first quarter of 2007 through the second quarter of 2011.

**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

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

**Violation Base Penalty**

Eighteen quarterly events are recommended, calculated for the quarters in which the reports were not submitted.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<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** Donald E. Crane dba Westgate Manufactured Townhome Community  
**Case ID No.** 41976  
**Req. Ent. Reference No.** RN102675121  
**Media Violation No.** 1 Public Water Supply

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-Sep-2011	28-Feb-2012	0.48	\$1	n/a	\$1
Training/Sampling	\$100	6-Sep-2011	28-Feb-2012	0.48	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The estimated cost to 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 quarterly DLQORs. Date required is the record review date. The final date is 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]	\$360	10-Apr-2007	10-Jul-2011	5.17	\$93	\$360	\$453
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 The avoided costs include the estimated amount to prepare and submit eighteen quarters of DLQORs, calculated for the period in which the DLQORs were due.

Approx. Cost of Compliance \$505

**TOTAL** \$457

**Screening Date** 23-Sep-2011 **Docket No.** 2011-1125-PWS-E **PCW**  
**Respondent** Donald E. Crane dba Westgate Manufactured Townhome Community *Policy Revision 2 (September 2002)*  
**Case ID No.** 41976 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102675121  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number**

**Rule Cite(s)**

**Violation Description** Failed to pay all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 91650047 for Fiscal Years 1998-2011.

**Base Penalty**

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

**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="checkbox"/>	(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** Donald E. Crane dba Westgate Manufactured Townhome Community  
**Case ID No.** 41976  
**Req. Ent. Reference No.** RN102675121  
**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

N/A
-----

**Avoided Costs**

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

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

Notes for AVOIDED costs

N/A
-----

Approx. Cost of Compliance \$0

**TOTAL** \$0

## Compliance History

Customer/Respondent/Owner-Operator: CN602644908 Donald E Crane  
 Regulated Entity: RN101225506 SHERWOOD ESTATES MANUFACTURED  
 TOWNHOME COMMUNITY  
 Classification: Rating:  
 Classification: Site Rating:  
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1650022  
 Location: 3801 EAST HIGHWAY 80, MIDLAND COUNTY, TEXAS  
 TCEQ Region: REGION 07 - MIDLAND  
 Date Compliance History Prepared: June 09, 2011  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: June 09, 2006 to June 09, 2011  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:  
 Name: Amanda Henry Phone: (713) 767-3672

### 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.  
N/A

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	11/06/2006	(572182)	10 08/13/2009(764962)
2	03/01/2007	(573072)	11 12/15/2010(884872)
3	09/11/2007	(573847)	12 06/02/2011(923614)
4	01/14/2008	(611158)	13 06/02/2011(923681)
5	04/11/2008	(646155)	14 06/02/2011(923698)
6	10/16/2008	(704663)	15 06/02/2011(923707)
7	02/24/2009	(763069)	16 06/02/2011(923713)
8	04/17/2009	(763538)	17 06/02/2011(923732)
9	07/02/2009	(763544)	18 06/03/2011(923968)

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

**Date: 03/01/2007 (573072) CN602644908**  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for arsenic during the fourth quarter of 2006.

**Date: 02/24/2009 (763069) CN602644908**  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for arsenic during the fourth quarter of 2008.

**Date: 03/27/2009 (923713) CN602644908**  
 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 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 as well as the first, second, third, and fourth quarters of 2007 but notices of violations were not sent.

**Date: 04/17/2009 (763538) CN602644908**  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for arsenic during the first quarter of 2009.

**Date: 07/02/2009 (763544) CN602644908**  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for arsenic during the second quarter of 2009.

**Date:** 07/21/2009 (923707) CN602644908  
 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.

**Date:** 10/01/2009 (923698) CN602644908  
 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.

**Date:** 12/22/2010 (923732) CN602644908  
 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.

**Date:** 06/01/2011 (923681) CN602644908  
 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 third quarter of 2010. This system also failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first and second quarters of 2010 as well as the third and fourth quarters of 2009 but notices of violation were not sent.

**Date:** 06/01/2011 (923614) CN602644908  
 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.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

## Compliance History

Customer/Respondent/Owner-Operator:	CN602644908 Donald E Crane	Classification:	Rating:
Regulated Entity:	RN101267466 COUNTRY VILLAGE MOBILE HOME ESTATES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1650111 1650111
Location:	3401 S COUNTY ROAD 1223 1/2, MIDLAND COUNTY, TEXAS		
TCEQ Region:	REGION 07 - MIDLAND		
Date Compliance History Prepared:	June 30, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 30, 2006 to June 30, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:			
Name:	Amanda Henry	Phone:	(713) 767-3672

### 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.  
N/A
- 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	07/23/2008 (687422)		7	10/01/2009 (932567)
2	07/30/2009 (778415)		8	07/21/2009 (932577)
3	10/15/2009 (778601)		9	03/27/2009 (932588)
4	12/21/2010 (885344)		10	12/22/2010 (932594)
5	06/08/2011 (924480)		11	06/10/2011 (933051)
6	06/08/2011 (932547)			

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

<b>Date:</b>	<b>03/27/2009</b>		<b>(932588)</b>	<b>CN602644908</b>
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 2008.			
<b>Date:</b>	<b>07/21/2009</b>		<b>(932577)</b>	<b>CN602644908</b>
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.			
<b>Date:</b>	<b>07/30/2009</b>		<b>(778415)</b>	<b>CN602644908</b>
Self Report?	NO			Classification: Major
Citation:	30 TAC Chapter 290, SubChapter F 290.106(f)(2)			
Description:	This water system exceeded the MCL of 10 mg/L for nitrate (as nitrogen).			
<b>Date:</b>	<b>10/01/2009</b>		<b>(932567)</b>	<b>CN602644908</b>
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.			
<b>Date:</b>	<b>12/22/2010</b>		<b>(932594)</b>	<b>CN602644908</b>
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.			

**Date: 06/08/2011 (924480) CN602644908**  
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.

**Date: 06/08/2011 (932547) CN602644908**  
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 third quarter of 2010.

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

# Compliance History

Customer/Respondent/Owner-Operator: CN602644908 Donald E Crane  
 Regulated Entity: RN102675121 WESTGATE MANUFACTURED TOWNHOME COMMUNITY  
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
 WATER LICENSING LICENSE 1650047  
 1650047  
 Location: 4813 W INTERSTATE 20, MIDLAND COUNTY, TX  
 TCEQ Region: REGION 07 - MIDLAND  
 Date Compliance History Prepared: September 23, 2011  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: September 23, 2006 to September 23, 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
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	02/22/2008	(636155)	7	07/27/2011	(952472)
2	12/14/2010	(880990)	8	10/01/2009	(952474)
3	12/22/2010	(885658)	9	07/21/2009	(952477)
4	09/07/2011	(952380)	10	03/27/2009	(952479)
5	07/27/2011	(952464)	11	09/09/2011	(955764)
6	07/27/2011	(952469)			
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date: 03/27/2009 (952479) CN602644908**

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: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2008.

**Date: 07/21/2009 (952477) CN602644908**

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

**Date: 10/01/2009 (952474) CN602644908**

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

**Date: 12/13/2010 (880990) CN602644908**

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)

Description: Failure to provide 20 gallons of pressure tank storage per connection.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(2)

Description: Failure to maintain minimum distribution free chlorine disinfection residual of 0.2 mg/L.

**Date: 07/27/2011 (952469) CN602644908**  
 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: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

**Date: 07/27/2011 (952472) CN602644908**  
 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: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

**Date: 07/27/2011 (952464) CN602644908**  
 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: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

**Date: 09/07/2011 (952380) CN602644908**  
 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: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2011.

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



2. Respondent owns and operates a public water system located at 3401 South County Road 1223 1/2 in Midland County, Texas ("Country Village Mobile Home Estates" or "Country Village")(RN101267466). Country Village provides water for human consumption, has approximately 47 service connections, and serves at least 25 people per day for at least 60 days per year. As such, Country Village is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
3. Respondent owns and operates a public water system located at 4813 West Interstate 20 in Midland County, Texas ("Westgate Manufactured Townhome Community" or "Westgate")(RN102675121). Westgate provides water for human consumption, has approximately 141 service connections, and serves at least 25 people per day for at least 60 days per year. As such, Westgate is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
4. Sherwood Estates, Country Village, and Westgate are collectively referred to as the "Facilities."
5. During a record review of Sherwood Estates, conducted on June 3, 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 first quarter of 2007 through the fourth quarter of 2010;
  - b. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of Sherwood Estates and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, Respondent did not mail or directly deliver the CCRs to Sherwood Estates's customers nor did Respondent submit the CCR or the required certification to the TCEQ for the year 2009; and
  - c. Failed to pay all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 91650022 for Fiscal Years 2007-2011.
6. During a record review of Country Village, conducted on June 6, 2011, a TCEQ Central Office investigator documented that Respondent:
  - a. Failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, Respondent did not submit DLQORs for the first quarter of 2007 through the fourth quarter of 2010;
  - b. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of Country Village and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, Respondent did not mail or directly deliver the CCRs to Country Village's customers nor did Respondent submit the CCR or the required certification to the TCEQ for the year 2009; and

- c. Failed to pay all annual and late PHS fees for TCEQ Financial Administration Account No. 91650111 for Fiscal Years 2005-2011.
7. During a record review of Westgate, conducted on September 6, 2011, a TCEQ Central Office investigator documented that Respondent:
  - a. Failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, Respondent did not submit DLQORs for the first quarter of 2007 through the second quarter of 2011; and
  - b. Failed to pay all annual and late PHS fees for TCEQ Financial Administration Account No. 91650047 for Fiscal Years 1998-2011.
8. Respondent received notice of the violations alleged in Finding of Fact No. 5 on or about June 8, 2011. Respondent received notice of the violations alleged in Findings of Fact Nos. 6.a. through 6.c. on or about June 15, 2011. Respondent received notice of the violations alleged in Findings of Fact Nos. 7.a. and 7.b. on or about September 14, 2011.

#### **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, TEX. WATER CODE ch. 5, and the rules of the Commission.
2. As evidenced by Findings of Fact Nos. 5.a., 6.a., and 7.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 Findings of Fact Nos. 5.b. and 6.b., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of Sherwood Estates and Country Village and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Findings of Fact No. 5.c., Respondent failed to pay all annual and late PHS fees for TCEQ Financial Administration Account No. 91650022 for Fiscal Years 2007-2011, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3) and (a)(6).
5. As evidenced by Finding of Fact No. 6.c., Respondent failed to pay all annual and late PHS fees for TCEQ Financial Administration Account No. 91650111 for Fiscal Years 2005-2011, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3) and (a)(6).
6. As evidenced by Finding of Fact No. 7.b., Respondent failed to pay all annual and late PHS fees for TCEQ Financial Administration Account No. 91650047 for Fiscal Years 1998-2011, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3) and (a)(6).

7. 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.
8. An administrative penalty in the amount of eight thousand five hundred fifty-one dollars (\$8,551.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid three hundred twenty-six dollars (\$326.00) of the administrative penalty. The remaining amount of eight thousand two hundred twenty-five dollars (\$8,225.00) of the administrative penalty shall be payable in 35 (thirty-five) monthly payments of two hundred thirty-five dollars (\$235.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

#### **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. 8, 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. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Donald E. Crane d/b/a Sherwood Estates Manufactured Townhome Community, d/b/a Country Village Mobile Home Estates, and d/b/a Westgate Manufactured Townhome Community, Docket No. 2011-1125-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
2. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
    - i. Update the Facilities' 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; and
    - ii. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account Nos. 91650022, 91650111, and

91650047. The payments shall be sent with the notation "RE: Financial Administration Account Nos. 91650022, 91650111, and 91650047" to:

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

- b. Within 45 days after the effective of this Agreed Order, Respondent shall submit to the Commission a copy of the CCRs provided to customers of Sherwood Estates and Country Village and certification that the CCRs have been distributed to the customers of the Sherwood Estates and Country Village and that the information in the CCRs is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCRs and certifications shall be mailed to:

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

- c. Within 60 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2.f. below, to demonstrate compliance with Ordering Provisions Nos. 2.a.i., 2.a.ii., and 2.b.;
- d. Within 90 days after the effective date of this Agreed Order, Respondent shall begin submitting the Facilities' DLQORs to the Executive Director by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

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

- e. Within 195 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2f. below, to demonstrate compliance with Ordering Provision No. 2.d.
- f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

imprisonment for knowing violations.”

Respondent shall submit the written certifications and 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:

Elston Johnson, Public Drinking Water Program, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

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 Facilities 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.

**S I G N A T U R E   P A G E**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

  
Date

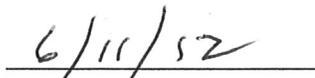
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Donald E. Crane d/b/a Sherwood Estates Manufactured Townhome Community, d/b/a Country Village Mobile Home Estates, and d/b/a Westgate Manufactured Townhome Community, 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 - Donald Crane

  
\_\_\_\_\_  
Date