

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 43612
Thomas Pankratz DBA Shady Rest Mobile Home Park
RN102686128
Docket No. 2012-0415-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

15 Cascade Caverns Road, Boerne , Kendall County, Texas

Type of Operation:

Public Water System

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: \$7,190.30 (2010-1105-MLM-E)
Past-Due Fees: \$437.29
Other: None
Interested Third-Parties: None

Texas Register Publication Date: March 15, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,489
Total Paid to General Revenue: \$0
Total Due to General Revenue: \$3,489

Compliance History Classifications:

Person/CN –N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

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

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: January 2, 2012; January 6, 2012; February 18, 2012

Date(s) of NOV(s): See Compliance History - 10 related NOVs

Date(s) of NOE(s): April 25, 2012

Violation Information

1. Failed to submit Disinfectant Level Quarterly Operating Reports (“DLQORs”) to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the second quarter of 2008 through the second quarter of 2011, and failed to provide public notice of the failure to submit the required DLQORs for the fourth quarter of 2008, the first and second quarters of 2009, and the third and fourth quarters of 2010 [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A), (f)(3), and (f)(10), and 290.122(c)(1)(B) and 290.122(f)].
2. Failed to report the results of triennial inorganic contaminants and Stage 1 Disinfectant Byproducts (“DBP”) monitoring to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.113(e)].
3. Failed to report the results of annual nitrate/nitrite monitoring to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
4. Failed to report the results of the six year monitoring period for volatile organic compound (“VOC”) sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.107(e)].
5. Failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2011 [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and 290.110(f)(3)].
6. Failed to pay all annual Public Health Service (“PHS”) fees, including any associated late fees and penalties [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(b)].

Corrective Actions/Technical Requirements

Technical Requirements:

1. Within 30 days:
 - a. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs (violation nos. 1 and 5);
 - b. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established (violation nos. 2, 3, and 4);
 - c. Implement improvements to process procedures, guidance, training and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of the Executive Director's request or of their receipt by the Facility, whichever is later (violation nos. 2, 3, and 4); and
 - d. Submit payment for all outstanding fees, interest and penalties for TCEQ Account No. 91300014 (violation o. 6).
2. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of each quarter (violation nos. 1 and 5); and
3. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirement No. 1.; and
 - b. Within 285 days for Technical Requirement No. 2.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 43612
Thomas Pankratz DBA Shady Rest Mobile Home Park
RN102686128
Docket No. 2012-0415-PWS-E

Litigation Information

Date Petition(s) Filed: October 23, 2012; December 10, 2012
Date Green Card(s) Signed: Unclaimed; December 28, 2012
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Tammy L. Mitchell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Amy Swanholm, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Katy Schumann, Enforcement Division, (512) 239-5100
TCEQ Regional Contact: Lynn Bumguardner, San Antonio Regional Office, (210) 403-4050
Respondent: Thomas Pankratz, 113 Clear Sky Drive, Boerne, Texas 78015
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-Feb-2012			
	PCW	18-Feb-2012	Screening	18-Feb-2012	EPA Due 31-Dec-2009

RESPONDENT/FACILITY INFORMATION

Respondent	Thomas Pankratz dba Shady Rest Mobile Home Park				
Reg. Ent. Ref. No.	RN102686128				
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	43612	No. of Violations	4
Docket No.	2012-0415-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$1,900**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	52.0%	Enhancement	Subtotals 2, 3, & 7	\$988
Notes	Enhancement for 10 NOVs 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	\$570	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$1,246			

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,888**

OTHER FACTORS AS JUSTICE MAY REQUIRE **17.3%** **Adjustment** **\$501**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement for the recovery of avoided costs associated with Violation No. 1.		
	Final Penalty Amount	\$3,389	

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,389**

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 **\$3,389**

Screening Date 18-Feb-2012 Docket No. 2012-0415-PWS-E

PCW

Respondent Thomas Pankratz dba Shady Rest Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 43612

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102686128

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	10	50%
	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) 52%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 10 NOVs with same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 52%

Screening Date 18-Feb-2012 **Docket No.** 2012-0415-PWS-E **PCW**
Respondent Thomas Pankratz dba Shady Rest Mobile Home Park *Policy Revision 2 (September 2002)*
Case ID No. 43612 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102686128
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(4)(A), (f)(3), (f)(10), 290.122(c)(1)(B), and (f)

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 the quarter and failed to provide public notice of the failure to submit the required DLQOR. Specifically, at the time of the record review, it was documented that the Respondent did not submit DLQORs from the second quarter of 2008 through the second quarter of 2011. Also failed to provide proof to the TCEQ of public notice of the failure to submit the DLQORs for the fourth quarter of 2008, the first and second quarters of 2009, and the third and fourth quarters of 2010.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Thomas Pankratz dba Shady Rest Mobile Home Park
Case ID No. 43612
Reg. Ent. Reference No. RN102686128
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	2-Jan-2012	30-Sep-2012	0.75	\$2	n/a	\$2
Training/Sampling	\$100	2-Jan-2012	30-Sep-2012	0.75	\$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 delayed record keeping and training costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the submittal of signed and certified quarterly DLQORs, calculated from the record review date to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$299	10-Jul-2008	10-Jul-2011	3.92	\$59	\$299	\$358
Other (as needed)	\$125	10-Jan-2009	10-Jan-2011	2.92	\$18	\$125	\$143

Notes for AVOIDED costs
 The avoided cost includes the estimated (\$23 per DLQOR x 13 DLQORs) amount to ensure that DLQORs are completed and submitted to the Commission, calculated from the last day that the report was due for the second quarter of 2008 to the last day the report was due for the second quarter of 2011. The other avoided cost include the estimated amount to provide public notification (\$25 per notification x 5 notifications) of the failure to sample, calculated for the quarters that a public notice was required.

Approx. Cost of Compliance	\$569	TOTAL	\$506
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Screening Date	18-Feb-2012	Docket No.	2012-0415-PWS-E	PCW
Respondent	Thomas Pankratz dba Shady Rest Mobile Home Park			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	43612			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN102686128			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 290.106(e) and 290.113(e)

Violation Description

Failed to report the results of triennial inorganic contaminants and Stage 1 Disinfectant Byproducts monitoring to the Executive Director. Specifically, at the time of the record review, it was documented that the Respondent did not submit the monitoring results for the indicated reporting periods: minerals for 2008-2010; and Stage 1 Disinfectant Byproducts for 2008-2010.

Base Penalty

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

OR

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

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

Two single events are recommended, based on one event for each report 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 Thomas Pankratz dba Shady Rest Mobile Home Park
Case ID No. 43612
Reg. Ent. Reference No. RN102686128
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	\$469	10-Jan-2011	31-Oct-2012	1.81	\$42	n/a	\$42
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount of the outstanding laboratory costs that must be paid in order to release the test results, calculated from the report due date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$469	TOTAL	\$42
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Screening Date	18-Feb-2012	Docket No.	2012-0415-PWS-E	PCW
Respondent	Thomas Pankratz dba Shady Rest Mobile Home Park			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	43612			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN102686128			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Thomas Pankratz dba Shady Rest Mobile Home Park
Case ID No. 43612
Reg. Ent. Reference No. RN102686128
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	\$25	10-Jan-2009	31-Oct-2012	3.81	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount of the outstanding laboratory costs that must be paid in order to release the test results, calculated from the first delinquent report due date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date	18-Feb-2012	Docket No.	2012-0415-PWS-E	PCW
Respondent	Thomas Pankratz dba Shady Rest Mobile Home Park			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	43612			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN102686128			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<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 Thomas Pankratz dba Shady Rest Mobile Home Park
Case ID No. 43612
Reg. Ent. Reference No. RN102686128
Media Violation No. Public Water Supply
 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	\$183	10-Jan-2011	31-Oct-2012	1.81	\$17	n/a	\$17
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount of the outstanding laboratory costs that must be paid in order to release the test results, calculated from the report due date to the estimated date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$183	TOTAL	\$17
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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	13-Feb-2012	Screening	18-Feb-2012	EPA Due	31-Dec-2009
	PCW	18-Feb-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Thomas Pankratz dba Shady Rest Mobile Home Park	
Reg. Ent. Ref. No.	RN102686128	
Facility/Site Region	13-San Antonio	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	43612	No. of Violations	2
Docket No.	2012-0415-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$50

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	52.0%	Enhancement	Subtotals 2, 3, & 7	\$26
Notes	Enhancement for five NOVs with same/similar violations and six NOVs 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	\$24	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$23			

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$76

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$24

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement for the recovery of avoided costs associated with Violation No. 1.		
	31.6%		Final Penalty Amount \$100

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$100

DEFERRAL **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.		
	0.0%	Reduction	

PAYABLE PENALTY **\$100**

Screening Date 18-Feb-2012 **Docket No.** 2012-0415-PWS-E
Respondent Thomas Pankratz dba Shady Rest Mobile Home Pa
Case ID No. 43612
Reg. Ent. Reference No. RN102686128
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

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>)	10	50%
	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) 52%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 52%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 52%

Screening Date	18-Feb-2012	Docket No.	2012-0415-PWS-E	PCW
Respondent	Thomas Pankratz dba Shady Rest Mobile Home Park			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	43612			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102686128			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

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 the quarter. Specifically, at the time of the record review, it was documented that the Respondent did not submit a DLQOR for the third 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

One quarterly event is recommended for the quarter the required report was 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 Thomas Pankratz dba Shady Rest Mobile Home Park
Case ID No. 43612
Reg. Ent. Reference No. RN102686128
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed costs are captured in the economic benefit worksheet associated with Violation No. 1 in the Revision 2 PCW.

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]	\$23	10-Oct-2011	18-Feb-2012	1.28	\$1	\$23	\$24
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated (\$23 per DLQOR) amount to ensure that DLQORs are completed and submitted to the Commission, calculated from the last day that the report was due for the third quarter of 2011 to the screening date.

Approx. Cost of Compliance

\$23

TOTAL

\$24

Screening Date	18-Feb-2012	Docket No.	2012-0415-PWS-E	PCW
Respondent	Thomas Pankratz dba Shady Rest Mobile Home Park			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	43612			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102686128			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.51(b) and Tex. Water Code § 5.702			
Violation Description	Failed to pay all annual Public Health Service fees, for fiscal year 2012, including any associated late fees and penalties, for TCEQ Financial Administration Account No. 91300014.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Adjustment \$1,000

\$0

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 \$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

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

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 Thomas Pankratz dba Shady Rest Mobile Home Park
Case ID No. 43612
Reg. Ent. Reference No. RN102686128
Media Violation No. Public Water Supply
 2

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

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603666496 PANKRATZ, THOMAS	Classification:	Rating:
Regulated Entity:	RN102686128 SHADY REST MOBILE HOME PARK	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1300014
Location:	NORTHWEST OF INTERSTATE HIGHWAY 10 ON CASCADE CAVERNS ROAD, KENDALL COUNTY, TEXAS		
TCEQ Region:	REGION 13 - SAN ANTONIO		
Date Compliance History Prepared:	February 18, 2012		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 13, 2007 to February 13, 2012		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Andrea Linson	Phone:	(512) 239-1482

Site Compliance History Components

- | | |
|--|---------------------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | YES |
| 3. If YES , who is the current owner/operator? Since? | Thomas Pankratz, March 25, 2008 |
| 4. If YES , who was/were the prior owner(s)/operator(s)? | William A. Pankratz |
| 5. If YES , when did the change(s) in owner or operator occur? | March 25, 2008 |

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	11/12/2007	(600526)	10	05/05/2011	(915359)	19	06/03/2011	(923670)
2	05/18/2010	(801680)	11	05/06/2011	(915889)	20	06/03/2011	(923675)
3	05/18/2010	(801879)	12	05/06/2011	(915901)	21	06/03/2011	(923684)
4	05/13/2010	(802520)	13	05/06/2011	(915909)	22	06/03/2011	(976954)
5	05/14/2010	(802567)	14	06/03/2011	(915992)	23	06/03/2011	(977103)
6	05/14/2010	(802568)	15	06/03/2011	(923446)	24	06/03/2011	(977109)
7	05/14/2010	(802571)	16	06/03/2011	(923621)	25	07/21/2009	(977114)
8	05/14/2010	(802574)	17	01/19/2012	(923643)	26	03/27/2009	(977122)
9	05/21/2010	(802672)	18	06/03/2011	(923650)	27	02/10/2012	(983541)

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

Date: 11/13/2007 (600526) CN603666496

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to have a functioning well flow measuring device.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to meet the service pump capacity requirement.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to provide the system with a Monitoring Plan.

Date: 07/31/2008 (802520) CN603666496

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TCR Routine Monitoring Violation 06/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 06/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 09/03/2008 (802567) CN603666496

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TCR Routine Monitoring Violation 07/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 07/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 10/10/2008 (802568) CN603666496

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TCR Routine Monitoring Violation 08/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Routine Monitoring Violation 08/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
Date: 03/27/2009 (977122) CN603666496

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 4Q2008 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2008.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
 30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)
 Description: DLQOR MR PN 4Q2008 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the fourth quarter of 2008.

Date: 04/14/2009 (802571) CN603666496

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: TCR MCL Violation 03/2009 - System exceeded a Maximum Contaminant Level (MCL) Violation.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 Description: TCR PN MCL Violation 03/2009 - Failure to post a public notice for exceeding a Maximum Contaminant Level (MCL) Violation.

Date: 07/21/2009 (977114) CN603666496

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2009 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
 30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)
 Description: DLQOR MR PN 1Q2009 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the first quarter of 2009.

Date: 10/01/2009 (977109) CN603666496

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2009 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
 30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)
 Description: DLQOR MR PN 2Q2009 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the second quarter of 2009.

Date: 10/02/2009 (802574) CN603647645

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: TCR Routine Monitoring Violation 08/2009 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Routine Monitoring Violation 08/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 06/01/2011 (977103) CN603666496

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2010 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
 30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)
 Description: DLQOR MR PN 3Q2010 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the third quarter of 2010.

Date: 06/01/2011 (976954) CN603666496

Self Report? NOClassification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2010 - This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.
Self Report? NOClassification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(10)
30 TAC Chapter 290, SubChapter F 290.122(c)(1)(B)
Description: DLQOR MR PN 4Q2010 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the fourth quarter of 2010.

- 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
THOMAS PANKRATZ DBA
SHADY REST
MOBILE HOME PARK;
RN102686128**

§
§
§
§
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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2012-0415-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. WATER CODE ch. 5, 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 Thomas Pankratz DBA Shady Rest Mobile Home Park ("Respondent").

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

FINDINGS OF FACT

1. Respondent operates a public water system located at 15 Cascade Caverns Road in Boerne, Kendall County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 43 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on January 2, 2012, a TCEQ Central Office Regional Office investigator documented that Respondent:
 - a. Failed to submit Disinfectant Level Quarterly Operating Reports ("DLQORs") to the Executive Director each quarter by the tenth day of the month following the end of the quarter, and failed to provide public notice of the failure to submit the required DLQORs. Specifically, Respondent did not submit DLQORs from the second quarter of 2008 through the second quarter of 2011; and failed to provide public notice of the failure to submit the required DLQORs and failed to provide proof to the TCEQ of public notice of the failure to submit the DLQORs for the fourth quarter of 2008, the first and second quarters of 2009, and the third and fourth quarters of 2010;
 - b. Failed to report the results of triennial inorganic contaminants and Stage 1 Disinfectant Byproducts ("DBPs") monitoring to the Executive Director. Specifically, Respondent did not submit the monitoring results for minerals and DBPs for the 2008-2010 reporting period;
 - c. Failed to report the results of annual nitrate/nitrite monitoring to the Executive Director for the 2008, 2009, and 2010 reporting periods; and
 - d. Failed to report the results of the six year monitoring period for volatile organic compound ("VOC") sampling to the Executive Director for the 2005-2010 reporting period.

3. During a record review conducted on January 6, 2012, a TCEQ Central Office investigator documented that Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, Respondent did not submit a DLQOR for the third quarter of 2011.
4. During a record review conducted on February 18, 2012, a TCEQ Central Office investigator documented that Respondent failed to pay all annual Public Health Service ("PHS") fees for fiscal year 2012, including any associated late fees and penalties, for TCEQ Financial Administration ("FA") Account No. 91300014.
5. Respondent received notice of the violations on or about April 29, 2012.
6. 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 Thomas Pankratz DBA Shady Rest Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on October 23, 2012.
7. The EDPRP was mailed to Respondent's last known address on October 23, 2012, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
8. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on December 10, 2012.
9. By letter dated December 10, 2012, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on December 28, 2012, as evidenced by the signature on the card.
10. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, 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 DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the second quarter of 2008 through the second quarter of 2011, and failed to provide public notice of the failure to submit the required DLQORs for the fourth quarter of 2008, the first and second quarters of 2009, and the third and fourth quarters of 2010, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A), (f)(3), and (f)(10) and 290.122(c)(1)(B), and 290.122(f).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to report the results of triennial inorganic contaminants and DBP monitoring to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.113(e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to report the results of annual nitrate/nitrite monitoring to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to report the results of the six year monitoring period for VOC sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.107(e).
6. As evidenced by Finding of Fact No. 3, Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2011, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and 290.110(f)(3).
7. As evidenced by Finding of Fact No. 4, Respondent failed to pay all annual PHS fees, including any associated late fees and penalties, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(b).
8. As evidenced by Findings of Fact Nos. 8 and 9, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
9. As evidenced by Finding of Fact No. 10, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
10. 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.
11. An administrative penalty in the amount of three thousand four hundred eighty-nine dollars (\$3,489.00) 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.
12. 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 three thousand four hundred eighty-nine dollars (\$3,489.00) 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: Thomas Pankratz DBA Shady Rest Mobile Home Park; Docket No. 2012-0415-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 30 days after the effective date of this Order, Respondent shall:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusions of Law Nos. 2 and 6);
 - ii. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants), 290.107 (Organic Contaminants), and 290.113 (Disinfectant Byproducts) (Conclusions of Law Nos. 3, 4, and 5);
 - iii. Implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of the Executive Director's request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants), 290.107 (Organic Contaminants), and 290.113 (Disinfectant Byproducts) (Conclusions of Law Nos. 3, 4, and 5); and
 - iv. Submit payment for all outstanding fees, interest and penalties for TCEQ FA Account No. 91300014. The payment shall be sent with the notation "Re: Thomas Pankratz dba Shady Rest Mobile Home Park, Financial Administration Account No. 91300014" 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 date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.e., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iv.
 - c. Within 90 days after the effective date of this Order, Respondent shall begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusions of Law Nos. 2 and 6). This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

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

- d. Within 285 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.e., below, to demonstrate compliance with Ordering Provision No. 3.c.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

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

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

and:

Bob Patton, Jr., Section Manager
Public Drinking Water Section, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF TAMMY L. MITCHELL

STATE OF TEXAS

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COUNTY OF TRAVIS

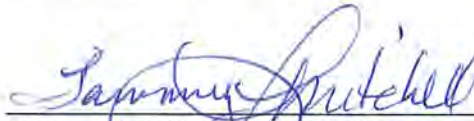
"My name is Tammy L. Mitchell. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

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 Thomas Pankratz DBA Shady Rest Mobile Home Park" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 23, 2012.

The EDPRP was mailed to Respondent's last known address on October 23, 2012, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on December 10, 2012. According to the return receipt "green card," Respondent received notice of the EDPRP on December 28, 2012, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



Tammy L. Mitchell, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tammy L. Mitchell, 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 27th day of February, A.D. 2013.



Notary Signature

