

**Executive Summary – Enforcement Matter – Case No. 49924
Tonda Jolane Helms dba Spring Lake Mobile Home Park
RN102915535
Docket No. 2015-0066-MWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Spring Lake MHP, 15222 State Highway 64 West, Tyler, Smith County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 5, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,500

Amount Deferred for Expedited Settlement: \$3,300

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$390

Total Due to General Revenue: \$12,810

Payment Plan: 35 payments of \$366 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unsatisfactory

Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Tonda Jolane Helms dba Spring Lake Mobile Home Park
RN102915535
Docket No. 2015-0066-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 7, 2014 and January 20, 2015

Date(s) of NOE(s): January 5, 2015

Violation Information

1. Failed to comply with permitted effluent limits for 5-day biochemical oxygen demand, *Escherichia coli*, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0015074001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to timely submit effluent monitoring results as specified in the permit. Specifically, the discharge monitoring reports (“DMRs”) for the months of July and August 2014 were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0015074001, Monitoring and Reporting Requirements No. 1].
3. Failed to submit complete monthly effluent monitoring results as specified in the permit. Specifically, the Respondent did not include data for dissolved oxygen on the February 2014 DMR [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0015074001, Monitoring and Reporting Requirements No. 1].
4. Failed to submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0015074001, Sludge Provisions].
5. Failed to pay outstanding consolidated water quality late fees for TCEQ Financial Account No. 23006847 for Fiscal Year 2015 [30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE §§ 5.702 and 26.0135(h)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective actions:

- a. On December 2, 2014, submitted DMRs for the months of July and August 2014.
- b. On January 16, 2015, submitted a revised DMR for the month of February 2014 that included the monitoring results for dissolved oxygen.

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Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

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 complete, signed and certified monthly DMRs and sludge reports;

ii. Submit the annual sludge report for the monitoring period ending July 31, 2014; and

iii. Pay all outstanding fees, including any associated penalties and interest.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0015074001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Larry Butler, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2543; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Tonda Helms, Owner, Spring Lake Mobile Home Park, 1279 County Road 1147 North, Tyler, Texas 75704

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	12-Jan-2015	Screening	14-Jan-2015	EPA Due	
	PCW	2-Feb-2015				

RESPONDENT/FACILITY INFORMATION			
Respondent	Tonda Jolane Helms dba Spring Lake Mobile Home Park		
Reg. Ent. Ref. No.	RN102915535		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49924	No. of Violations	6
Docket No.	2015-0066-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Larry Butler
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$8,250

Notes: Enhancement for five months of self-reported data, one same/similar NOV, one dissimilar NOV, one court order with a denial of liability, a criminal conviction, and an Unsatisfactory Performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$942	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$10,375		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Notes: Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount	\$16,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,300
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Notes: Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)
Deferral offered for expedited settlement.

PAYABLE PENALTY	\$13,200
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Screening Date 14-Jan-2015

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PCW

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 49924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102915535

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

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>)	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 judgments or consent decrees meeting criteria</i>)	1	30%
	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>)	1	50%
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%

Please Enter Yes or No

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) 112%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported data, one same/similar NOV, one dissimilar NOV, one court order with a denial of liability, a criminal conviction, and an Unsatisfactory Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 122%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

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PCW

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 49924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102915535

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015074001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on November 7, 2014, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Screening levels were used to evaluate *Escherichia coli* ("E. coli") bacteria to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. As a result of this discharge, human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

31 Number of violation days

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

Violation Base Penalty \$3,750

One monthly event is recommended for the month of March 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$926

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Tonda Jofane Helms dba Spring Lake Mobile Home Park
Case ID No. 49924
Reg. Ent. Reference No. RN102915535
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$10,000	31-Jan-2014	8-Dec-2015	1.85	\$926	n/a	\$926

Notes for DELAYED costs
 Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with permitted effluent limits. Date required is the initial date of noncompliance, and 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$926
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Screening Date 14-Jan-2015

Docket No. 2015-0066-MWD-E

PCW

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 49924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102915535

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0015074001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on November 7, 2014, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

90 Number of violation days

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

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of January, February and May 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park
Case ID No. 49924
Reg. Ent. Reference No. RN102915535
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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

Economic benefit for this violation is included with Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 14-Jan-2015

Docket No. 2015-0066-MWD-E

PCW

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 49924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102915535

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0015074001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit effluent monitoring results as specified in the permit, as documented during a record review conducted on November 7, 2014. Specifically, the discharge monitoring reports ("DMR") for the months of July and August 2014 were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

104 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

Two single events are recommended, one for each delinquent report.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park
Case ID No. 49924
Reg. Ent. Reference No. RN102915535
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$250	7-Nov-2014	24-Oct-2015	0.96	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Aug-2014	2-Dec-2014	0.28	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit DMRs (\$25 per report), and update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of complete, signed and certified monthly DMRs and sludge reports. Dates Required are the date the first DMR was due and the record review date. The Final Dates are the estimated date of compliance and the date the delinquent DMRs were submitted.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$300

TOTAL

\$13

Screening Date 14-Jan-2015

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PCW

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 49924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102915535

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0015074001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit complete monthly effluent monitoring results as specified in the permit, as documented during a record review conducted on November 7, 2014. Specifically, the Respondent did not include data for dissolved oxygen on the February 2014 DMR.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 300

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

Economic Benefit Worksheet

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park
Case ID No. 49924
Reg. Ent. Reference No. RN102915535
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Mar-2014	16-Jan-2015	0.83	\$1	n/a	\$1

Notes for DELAYED costs
 Estimated cost to prepare and submit a revised DMR (\$25 per report). Date Required is the date the DMR was due. The Final Date is the date the DMR was submitted. Delayed costs for operational guidance and employee training are addressed in the economic benefit for Violation No. 3.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$25	TOTAL	\$1
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Screening Date 14-Jan-2015

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PCW

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 49924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102915535

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0015074001, Sludge Provisions

Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014, as documented during a record review conducted on November 7, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

106 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park
Case ID No. 49924
Reg. Ent. Reference No. RN102915535
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	30-Sep-2014	9-Oct-2015	1.02	\$3	n/a	\$3

Notes for DELAYED costs

The estimated cost to submit the annual sludge report. Date Required is the date the annual sludge report was due. Final Date is the estimated date of compliance. Delayed costs for operational guidance and employee training are addressed in the economic benefit for Violation No. 3.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 14-Jan-2015

Docket No. 2015-0066-MWD-E

PCW

Respondent Tonda Jolane Helms dba Spring Lake Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 49924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102915535

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 21.4 and Tex. Water Code §§ 5.702 and 26.0135(h)

Violation Description Failed to pay outstanding consolidated water quality late fees for TCEQ Financial Account No. 23006847 for Fiscal Year 2015, as documented during a record review conducted on January 20, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Matrix Notes text area

Adjustment \$25,000

\$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

No additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next billing cycle.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

Notes text area

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 Tonda Jolane Helms dba Spring Lake Mobile Home Park
Case ID No. 49924
Req. Ent. Reference No. RN102915535
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

Approx. Cost of Compliance

\$0

TOTAL

\$0

Tonda Jolane Helms dba Spring Lake Mobile Home Park
Docket No. 2015-0066-MWD-E
TPDES Permit No. WQ0015074001

	BOD ₅		Total Suspended Solids			<i>E. coli</i>	
	Daily Avg. Conc.	Single Grab	Daily Avg. Conc.	Single Grab	Daily Avg. Loading	Daily Avg. Conc.	Single Grab Conc.
Month/Year	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 1.2 lbs/d	Limit = 126 CFU/100 ml	Limit = 399 CFU/100 ml
January 2014	c	c	40.1	128	1.3	c	c
February 2014	24	70.7	28.6	73	c	c	c
March 2014	c	c	c	c	c	1,120	1,120
May 2014	c	c	29.38	c	c	c	c

Avg. = average
c = compliant
lbs/d= pounds per day

BOD₅ = 5-day biochemical oxygen demand
Conc. = concentration
mg/L = milligrams per liter

CFU = colony forming unit
E. coli = *Escherichia coli*
ml = milliliter

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604259390, RN102915535, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN604259390, Helms, Tonda Jolane **Classification:** UNSATISFACTORY **Rating:** 195.50

Regulated Entity: RN102915535, SPRING LAKE MHP **Classification:** UNSATISFACTORY **Rating:** 195.50

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: located at 15222 State Highway 64 West, Tyler, Smith County, Texas 75704

TCEQ Region: REGION 05 - TYLER

ID Number(s):

WASTEWATER EPA ID TX0097934

WASTEWATER EPA ID TX0134281

WASTEWATER EPA ID TX0134287

WASTEWATER PERMIT WQ0015074001

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: January 29, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 13, 2010 to January 13, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Larry Butler

Phone: (512) 239-2543

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 07/08/2010 COURTORDER (Final Judgement-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.0301(a)

30 TAC Chapter 30, SubChapter J 30.331(b)

Rqmt Prov:Provision 2.e ORDER

Description: Failed to employ a wastewater treatment plant operator holding a valid certificate of competency. (30 TAC 30.331(b) was formerly 30 TAC 325.2; TWC 26.0301(a) is the specific cite which should have been used instead of TWC 26.0301)

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

2D TWC Chapter 26, SubChapter A 26.121(c)

Rqmt Prov:Permit Condition No. 2.g. PERMIT

Description: Failed to prevent the unauthorized discharge of sewage into or adjacent to water in the state from various locations at Spring Lake Mobile Home Park on or about June 17, 1998, July 2, 1998, July 8, 1998, July 13, 1998, and October 28, 1998

Classification: Moderate

Rqmt Prov:Final Effluent Limitations No. 2 PERMIT

Description: Failed to maintain in the effluent a minimum dissolved oxygen ("DO") of 4.0 mg/l on or about July 2, 1998,

July 8, 1998, and July 13, 1998

Classification: Moderate

Rqmt Prov:Monitoring and Reporting Requirements 7 PERMIT

Description: Failed to notify the Commission of unauthorized discharges of wastewater that occurred on or about June 17, 1998, July 2, 1998, July 8, 1998, July 13, 1998 and October 28, 1998

Classification: Moderate

Rqmt Prov:No. 1 PERMIT

Description: Failed to conduct effluent sampling and monthly reporting of effluent sampling.

Classification: Minor

Rqmt Prov:No. 1 PERMIT

Description: Failed to maintain the 45 degree V-Notch weir

Classification: Moderate

Rqmt Prov:Final Effluent Limitations No. 2 PERMIT

Description: Failed to maintain in the effluent a minimum chlorine residual of 1.0 mg/l on or about July 2, 1998 and July 8, 1998

B. Criminal convictions:

1 Conviction Date: 08/28/2014 Type of Action:
COURTORDER

Classification: Moderate

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.147

Description: An investigation conducted by the TPWD Environmental Crimes Unit and the TCEQ Environmental Crimes Unit determined that Ms. Helms allowed pollutants in wastewater effluent from an unpermitted wastewater treatment plant to discharge to water in the state.

C. Chronic excessive emissions events:

N/A

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

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | |
|---|--|--------------------------|--|
| 1 | Date: 01/31/2014 (1195069) | CN604259390 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 2 | Date: 02/28/2014 (1195070) | CN604259390 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 3 | Date: 03/31/2014 (1195071) | CN604259390 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 4 | Date: 05/31/2014 (1195073) | CN604259390 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |

- 5 Date: 06/19/2014 (1183441) CN604259390
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- 6 Date: 09/30/2014 (1220738) CN604259390
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 01/09/2015 (1216960) CN604259390
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to provide annual test results for the RPBA during the time of the investigation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Description: Failure to meet the Emergency Power Requirements stated in TAC 217.36.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
 Description: Failure to provide the TCEQ representative management records of all sludge removed from the wastewater treatment process.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Description: Failure to provide a minimum of two mechanical aeration devices.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(7)
 30 TAC Chapter 305, SubChapter F 305.126(b)
 Description: Failure to submit plans, specifications and a final engineering design report which complies with 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to have a combination of primary and secondary flow measuring devices.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to calibrate the laboratory equipment with acceptable standards.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to provide an operation and maintenance manual according to TAC 217.16.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to provide process control records during the investigation to a TCEQ Representative.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to submit a quarterly progress report to the TCEQ Regional Office and the Wastewater Permitting Section of the Water Quality Division of the TCEQ.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	
ENFORCEMENT ACTION	§	
CONCERNING	§	BEFORE THE
TONDA JOLANE HELMS DBA	§	
SPRING LAKE MOBILE HOME	§	TEXAS COMMISSION ON
PARK	§	
RN102915535	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-0066-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Tonda Jolane Helms dba Spring Lake Mobile Home Park ("Respondent") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 15222 State Highway 64 West in Tyler, Smith County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 10, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixteen Thousand Five Hundred Dollars (\$16,500) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Three Hundred Ninety Dollars (\$390) of the administrative penalty and Three Thousand Three Hundred Dollars (\$3,300) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twelve Thousand Eight Hundred Ten Dollars (\$12,810) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Sixty-Six Dollars (\$366) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective actions:
 - a. On December 2, 2014, submitted discharge monitoring reports ("DMRs") for the months of July and August 2014.
 - b. On January 16, 2015, submitted a revised DMR for the month of February 2014 that included the monitoring results for dissolved oxygen.
10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0015074001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on November 7, 2014 and shown in the violation table below:

Month/Year	BOD ₅		Total Suspended Solids			E. coli	
	Daily Avg. Conc.	Single Grab	Daily Avg. Conc.	Single Grab	Daily Avg. Loading	Daily Avg. Conc.	Single Grab Conc.
Month/Year	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 1.2 lbs/d	Limit = 126 CFU/100 ml	Limit = 399 CFU/100 ml
January 2014	c	c	40.1	128	1.3	c	c
February 2014	24	70.7	28.6	73	c	c	c
March 2014	c	c	c	c	c	1,120	1,120
May 2014	c	c	29.38	c	c	c	c

Avg. = average
 c = compliant
 lbs/d= pounds per day

BOD₅ = 5-day biochemical oxygen demand
 Conc. = concentration
 mg/L = milligrams per liter

CFU = colony forming unit
 E. coli = *Escherichia coli*
 ml = milliliter

- Failed to timely submit effluent monitoring results as specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0015074001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on November 7, 2014. Specifically, the DMRs for the months of July and August 2014 were not submitted by the 20th day of the following month.
- Failed to submit complete monthly effluent monitoring results as specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0015074001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on November 7, 2014. Specifically, the Respondent did not include data for dissolved oxygen on the February 2014 DMR.

4. Failed to submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0015074001, Sludge Provisions, as documented during a record review conducted on November 7, 2014.
5. Failed to pay outstanding consolidated water quality late fees for TCEQ Financial Account No. 23006847 for Fiscal Year 2015, in violation of 30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE §§ 5.702 and 26.0135(h), as documented during a record review conducted on January 20, 2015.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Tonda Jolane Helms dba Spring Lake Mobile Home Park, Docket No. 2015-0066-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - 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 complete, signed and certified monthly DMRs and sludge reports, in accordance with TPDES Permit No. WQ0015074001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions;
 - ii. Submit the annual sludge report for the monitoring period ending July 31, 2014, in accordance with TPDES Permit No. WQ0015074001, Sludge Provisions; and

- iii. Pay all outstanding fees, including any associated penalties and interest and with the notation "Re: Tonda Jolane Helms dba Spring Lake Mobile Home Park, TCEQ Financial Account No. 23006847", 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 Agreed Order, submit written certification, as described in Ordering Provision No. 2.c below, to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii; and
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0015074001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and 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 fines and imprisonment for knowing violations."

The certification shall be submitted 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:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ronn Marcus J
For the Executive Director

8/14/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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, if any, in this 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 submitted;
- 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, any falsification of any compliance documents may result in criminal prosecution.

Tonda Helms
Signature

4/17/15
Date

Tonda Helms
Name (Printed or typed)

Owner
Title

Authorized Representative of
Tonda Jolane Helms dba Spring Lake Mobile Home Park

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.