

**Executive Summary – Enforcement Matter – Case No. 47609
Horseshoe Village MHC, LLC
RN101715084
Docket No. 2013-1708-MWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Horseshoe Village WWTF, located approximately 0.25 mile north of the intersection of U.S. Highway 183 and State Highway 29, Williamson 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: February 7, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,126

Amount Deferred for Expedited Settlement: \$1,625

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,501

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 27, 2013

Date(s) of NOE(s): August 23, 2013

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Horseshoe Village MHC, LLC
RN101715084
Docket No. 2013-1708-MWD-E

Violation Information

1. Failed to monitor the accumulation of solids in the septic tank once every six months [TCEQ Permit No. WQ0013880001, Special Provisions No. 15 and 30 TEX. ADMIN. CODE § 305.125(5)].
2. Failed to comply with permitted effluent limits for 5-day biochemical oxygen demand [TCEQ Permit No. WQ0013880001, Effluent Limitations and Monitoring Requirements A, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121.(a)(1)].
3. Failed to properly operate and maintain the Facility. Specifically, the control boxes in the drain fields were damaged from mowing equipment, the grass was greener around the control boxes than the rest of the field, and the grass was high and not mowed around some of the control boxes. One of the control boxes had ponding of irrigation water in the area [TCEQ Permit No. WQ0013880001, Operational Requirements No. 1, and Special Provisions No. 5, and 30 TEX. ADMIN. CODE § 305.125(5)].
4. Failed to erect signs stating that the irrigation water is from a non-potable water supply [TCEQ Permit No. WQ0013880001, Special Provisions No. 7 and 30 TEX. ADMIN. CODE § 305.125(1)].
5. Failed to maintain monitoring records at the Facility and have them readily available for review by a TCEQ representative. Specifically, the effluent monitoring lab records were not being sent to the operator regularly for review [TCEQ Permit No. WQ0013880001, Monitoring Requirements Nos. 3.b and 3.c and 30 TEX. ADMIN. CODE § 305.125(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On July 16, 2013, submitted effluent monitoring lab records;
- b. On August 14, 2013, submitted pictures documenting that signs have been erected indicating that the irrigation water is from a non-potable water supply;
- c. On September 12, 2013, submitted documentation demonstrating that a schedule has been implemented to monitor the accumulation of solids in the septic tank once every six months and that records of the inspection dates and solids removal dates are being maintained at the Facility; and

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Docket No. 2013-1708-MWD-E**

d. On September 25, 2013, submitted documentation that the control boxes were repaired, the grass had been mowed around all of the control boxes, and that ponding around the control boxes has ceased.

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TCEQ Permit No. WQ0013880001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, 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: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Paul Lata, Portfolio Manager, Horseshoe Village MHC, LLC, 750 Rittiman Road, San Antonio, Texas 78209
Keith O'Gorman, Registered Agent, Horseshoe Village MHC, LLC, 750 Rittiman Road, San Antonio, Texas 78209
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	30-Aug-2013	Screening	9-Sep-2013	EPA Due	
	PCW	16-Sep-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Horseshoe Village MHC, LLC		
Reg. Ent. Ref. No.	RN101715084		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47609	No. of Violations	5
Docket No.	2013-1708-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Cheryl Thompson
		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	\$10,000
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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	-10.0% Enhancement	Subtotals 2, 3, & 7	-\$1,000
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Notes: Reduction for high 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	\$874
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,015
 Approx. Cost of Compliance: \$11,850
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,126
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,126
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,126
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,625
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,501
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Screening Date 9-Sep-2013

Docket No. 2013-1708-MWD-E

PCW

Respondent Horseshoe Village MHC, LLC

Policy Revision 3 (September 2011)

Case ID No. 47609

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101715084

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%

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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 9-Sep-2013

Docket No. 2013-1708-MWD-E

PCW

Respondent Horseshoe Village MHC, LLC

Policy Revision 3 (September 2011)

Case ID No. 47609

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101715084

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0013880001, Special Provisions No. 15 and 30 Tex. Admin. Code § 305.125(5)

Violation Description

Failed to monitor the accumulation of solids in the septic tank once every six months.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

74 Number of violation days

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the period of June 27, 2013 (investigation date) to September 9, 2013 (screening date).

Good Faith Efforts to Comply

10.0% Reduction

\$125

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

Notes

The Respondent returned to compliance on September 12, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,000

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

Economic Benefit Worksheet

Respondent Horseshoe Village MHC, LLC
Case ID No. 47609
Reg. Ent. Reference No. RN101715084
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
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)	\$500	27-Jun-2013	9-Sep-2013	0.20	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to implement a schedule to monitor the accumulation of solids in the septic tank once every six months and that records of the inspection dates and solids removal dates are being maintained at the Facility. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$5

Screening Date 9-Sep-2013

Docket No. 2013-1708-MWD-E

PCW

Respondent Horseshoe Village MHC, LLC

Policy Revision 3 (September 2011)

Case ID No. 47609

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101715084

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s)

TCEQ Permit No. WQ0013880001, Effluent Limitations and Monitoring Requirements A, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on June 27, 2013. See 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

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 4

304 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Four quarterly events are recommended for the quarters containing the months of July 2012 through June 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$996

Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent Horseshoe Village MHC, LLC
Case ID No. 47609
Reg. Ent. Reference No. RN101715084
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)	\$10,000	3-Jul-2012	30-Jun-2014	1.99	\$996	n/a	\$996

Notes for DELAYED costs

The estimated cost to determine the cause of noncompliance and make necessary adjustments to achieve compliance with permitted effluent limits. Date required is the date the first non-compliant excursion was documented. Final date is the expected 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	\$996
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Screening Date 9-Sep-2013

Docket No. 2013-1708-MWD-E

PCW

Respondent Horseshoe Village MHC, LLC

Policy Revision 3 (September 2011)

Case ID No. 47609

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101715084

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s) TCEQ Permit No. WQ0013880001, Operational Requirements No. 1, Special Provisions No. 5 and 30 Tex. Admin. Code § 305.125(5)

Violation Description Failed to properly operate and maintain the Facility. Specifically, the control boxes in the drain fields were damaged from mowing equipment, the grass was greener around the control boxes than the rest of the field, and the grass was high and not mowed around some of the control boxes. One of the control boxes had ponding of irrigation water in the area.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 90 Number of violation days

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the period of June 27, 2013 (investigation date) to September 9, 2013 (screen date).

Good Faith Efforts to Comply

10.0% Reduction \$125

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

Notes The Respondent returned to compliance on September 25, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$1,000

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

Economic Benefit Worksheet

Respondent Horseshoe Village MHC, LLC
Case ID No. 47609
Reg. Ent. Reference No. RN101715084
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

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)	\$1,000	27-Jun-2013	25-Sep-2013	0.25	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to repair the damaged control boxes, mow grass around the control boxes, and cease ponding around the control boxes. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$12

Screening Date 9-Sep-2013

Docket No. 2013-1708-MWD-E

PCW

Respondent Horseshoe Village MHC, LLC

Policy Revision 3 (September 2011)

Case ID No. 47609

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101715084

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 4

Rule Cite(s) TCEQ Permit No. WQ0013880001, Special Provisions No. 7 and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to erect signs stating that the irrigation water is from a non-potable water supply.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 48

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

25.0% Reduction

\$312

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

Notes The Respondent returned to compliance on August 14, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$813

This violation Final Assessed Penalty (adjusted for limits) \$813

Economic Benefit Worksheet

Respondent Horseshoe Village MHC, LLC
Case ID No. 47609
Reg. Ent. Reference No. RN101715084
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)	\$300	27-Jun-2013	14-Aug-2013	0.13	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to erect signs indicating that the irrigation water is from a non-potable water supply. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$2

Screening Date 9-Sep-2013

Docket No. 2013-1708-MWD-E

PCW

Respondent Horseshoe Village MHC, LLC

Policy Revision 3 (September 2011)

Case ID No. 47609

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101715084

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 5

Rule Cite(s) TCEQ Permit No. WQ0013880001, Monitoring Requirements Nos. 3.b and 3.c and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to maintain monitoring records at the Facility and have them readily available for review by the TCEQ representative. Specifically, the effluent monitoring lab records were not being sent to the operator regularly for review.

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

19 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$312

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

Notes The Respondent returned to compliance on July 16, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$813

This violation Final Assessed Penalty (adjusted for limits) \$813

Economic Benefit Worksheet

Respondent Horseshoe Village MHC, LLC
Case ID No. 47609
Reg. Ent. Reference No. RN101715084
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	27-Jun-2013	16-Jul-2013	0.05	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit effluent monitoring lab records. Date required is the investigation date. Date required is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

HORSESHOE VILLAGE MHC, LLC
TCEQ PERMIT NO. WQ0013880001; RN101715084
DOCKET NO. 2013-1708-MWD-E; CASE NO. 47609

Date	Biochemical Oxygen Demand 5-day Single Grab 100 mg/L
07/03/2012	107
07/31/2012	127
10/30/2012	110
11/13/2012	158
12/04/2012	101
12/27/2012	111
01/03/2013	115
01/15/2013	160
01/22/2013	126
01/29/2013	136
02/05/2013	129
02/12/2013	136
02/19/2013	148
02/26/2013	136
03/05/2013	105
03/13/2013	125
03/19/2013	145
03/26/2013	114
04/02/2013	114
04/09/2013	139
04/16/2013	114
04/23/2013	121
05/07/2013	104
05/21/2013	111
06/11/2013	111

mg/L=milligrams per liter

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.



Compliance History Report

PENDING Compliance History Report for CN603447905, RN101715084, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603447905, Horseshoe Village MHC, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101715084, HORSESHOE VILLAGE **Classification:** HIGH **Rating:** 0.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 14 - Other

Location: LOCATED APPROXIMATELY 0.25 MILE NORTH OF THE INTERSECTION OF UNITED STATES HIGHWAY 183 AND STATE HIGHWAY 29 IN WILLIAMSON COUNTY TEXAS

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
WASTEWATER PERMIT WQ0013880001

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: October 09, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 04, 2008 to October 04, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Cheryl Thompson **Phone:** (817) 588-5886

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:

N/A

B. Criminal convictions:

N/A

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.

N/A

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
HORSESHOE VILLAGE MHC,
LLC
RN101715084

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-1708-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 Horseshoe Village MHC, LLC ("Respondent") under the authority of TEX. WATER CODE chs. 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 approximately 0.25 mile north of the intersection of United States Highway 183 and State Highway 29 in Williamson 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 August 28, 2013.
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 Eight Thousand One Hundred Twenty-Six Dollars (\$8,126) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Six Thousand Five Hundred One Dollars (\$6,501) of the administrative penalty and One Thousand Six Hundred Twenty-Five Dollars (\$1,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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 measures at the Facility:
 - a. On July 16, 2013, submitted effluent monitoring lab records;
 - b. On August 14, 2013, submitted pictures documenting that signs have been erected indicating that the irrigation water is from a non-potable water supply;
 - c. On September 12, 2013, submitted documentation demonstrating that a schedule has been implemented to monitor the accumulation of solids in the septic tank once every six months and that records of the inspection dates and solids removal dates are being maintained at the Facility; and
 - d. On September 25, 2013, submitted documentation that the control boxes were repaired, the grass had been mowed around all of the control boxes, and that ponding around the control boxes has ceased.
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:

1. Failed to monitor the accumulation of solids in the septic tank once every six months, in violation of TCEQ Permit No. WQ0013880001, Special Provisions No. 15 and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on June 27, 2013.

2. Failed to comply with permitted effluent limits, in violation of TCEQ Permit No. WQ0013880001, Effluent Limitations and Monitoring Requirements A, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on June 27, 2013, and shown in the table below:

Date	Biochemical Oxygen Demand 5-day Single Grab 100 mg/L
07/03/2012	107
07/ 31/ 2012	127
10/30/2012	110
11/13/2012	158
12/04/2012	101
12/27/2012	111
01/03/2013	115
01/15/ 2013	160
01/22/2013	126
01/29/2013	136
02/05/2013	129
02/12/2013	136
02/19/2013	148
02/26/2013	136
03/05/2013	105
03/13/2013	125
03/19/2013	145
03/26/2013	114
04/02/2013	114
04/09/2013	139
04/16/2013	114
04/23/2013	121
05/07/2013	104
05/21/2013	111
06/11/2013	111

mg/L=milligrams per liter

3. Failed to properly operate and maintain the Facility, in violation of TCEQ Permit No. WQ0013880001, Operational Requirements No. 1, and Special Provisions No. 5 and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on June 27, 2013. Specifically, the control boxes in the drain fields were damaged from mowing equipment, the grass was greener around the control boxes than the rest of the field, and the grass was high and not mowed around some of the control boxes. One of the control boxes had ponding of irrigation water in the area.
4. Failed to erect signs stating that the irrigation water is from a non-potable water supply, in violation of TCEQ Permit No. WQ0013880001, Special Provisions No. 7 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on June 27, 2013.
5. Failed to maintain monitoring records at the Facility and have them readily available for review by a TCEQ representative, in violation of TCEQ Permit No. WQ0013880001, Monitoring Requirements Nos. 3.b and 3.c and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on June 27, 2013. Specifically, the effluent monitoring lab records were not being sent to the operator regularly for review.

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: Horseshoe Village MHC, LLC, Docket No. 2013-1708-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. Within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TCEQ Permit No. WQ0013880001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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.

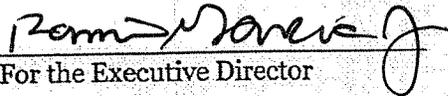
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted 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.

Horseshoe Village MHC, LLC
DOCKET NO. 2013-1708-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

12/18/15
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.

DocuSigned by:
Scott Van Ramshorst
7304156E858645D
Signature

8/27/2015
Date

Scott Van Ramshorst
Name (Printed or typed)
Authorized Representative of
Horseshoe Village MHC, LLC

Manager, American Family Communities, LLC
Manager, Horseshoe Village MHC LLC
Title

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.