

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49809
Gordon R. Morris d/b/a Space Estates Mobile Home Park and
Leslie L. Morris d/b/a Space Estates Mobile Home Park
RN103998811
Docket No. 2014-1847-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

13826 East Hardy Road, Houston, Harris County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: April 8, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: \$2,229

Total Paid to General Revenue: \$2,229

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN – N/A (Both Respondents)
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002 (PCW 1); April 2014 (PCW 2)

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49809
Gordon R. Morris d/b/a Space Estates Mobile Home Park and
Leslie L. Morris d/b/a Space Estates Mobile Home Park
RN103998811

Docket No. 2014-1847-PWS-E
Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: November 10—21, 2014
Date(s) of NOV(s): N/A
Date(s) of NOE(s): November 21, 2015

Violation Information

1. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and submit the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(c)(2)(B) and (C) and (i)(1)].
2. Failed to provide public notification and failed to submit a copy of the public notification to the Executive Director [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)2 and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondents no longer own or operate the Facility as of June 12, 2014.

Technical Requirements:

None

Litigation Information

Date Petition(s) Filed: July 21, 2015
Date Answer Filed: August 7, 2015
SOAH Referral Date: September 11, 2015
Hearing Date(s):
Preliminary Hearing: October 15, 2015
Evidentiary Hearing: N/A
Settlement Date: October 20, 2015

Contact Information

TCEQ Attorneys: J. Amber Ahmed, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Katelyn Samples, Enforcement Division, (512) 239-4728
TCEQ Regional Contact: Bryan Eastham, Houston Regional Office, (713) 767-3596
Respondent Contact: Gordon R. Morris and Leslie L. Morris, 8360 North FM 908, Rockdale, Texas 76567
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	14-Jan-2015			
	PCW	16-Jan-2015	Screening	5-Dec-2014	EPA Due 30-Sep-2012

RESPONDENT/FACILITY INFORMATION

Respondent	Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates				
Reg. Ent. Ref. No.	RN103998811				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	49809	No. of Violations	2
Docket No.	2014-1847-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ronica Rodriguez
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement *Subtotals 2, 3, & 7*

Notes

Culpability Enhancement *Subtotal 4*

Notes

Good Faith Effort to Comply Total Adjustments *Subtotal 5*

Economic Benefit Enhancement* *Subtotal 6*

Total EB Amounts **Capped at the Total EB \$ Amount*
Estimated Cost of Compliance

SUM OF SUBTOTALS 1-7 *Final Subtotal*

OTHER FACTORS AS JUSTICE MAY REQUIRE *Adjustment*

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*

DEFERRAL Reduction *Adjustment*

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

Notes

PAYABLE PENALTY

Screening Date 5-Dec-2014

Docket No. 2014-1847-PWS-E

PCW

Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L.

Respondent Morris d/b/a Space Estates Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 49809

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103998811

Media [Statute] Public Water Supply

Enf. Coordinator Ronica Rodriguez

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>)	2	40%
	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	1	25%
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>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two orders with denial of liability and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 5-Dec-2014 **Docket No.** 2014-1847-PWS-E **PCW**
 Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L.
Respondent Morris d/b/a Space Estates Mobile Home Park *Policy Revision 4 (April 2014)*
Case ID No. 49809 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN103998811
Media [Statute] Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.117(c)(2)(B) and (C) and (i)(1)
Violation Description Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and submit the results to the Executive Director. Specifically, Respondents did not collect the required lead and copper samples for the January 1, 2009 through December 31, 2011 triennial reduced monitoring period and January 1, 2013 through December 31, 2013 annual reduced monitoring period.

Base Penalty \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to collect lead and copper samples could expose customers of the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 1460 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$300

Two single events are 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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$389 **Violation Final Penalty Total** \$763

This violation Final Assessed Penalty (adjusted for limits) \$763

Economic Benefit Worksheet

Respondent Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates Mobile Home Park
Case ID No. 49809
Reg. Ent. Reference No. RN103998811
Media Violation No. Public Water Supply

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$300	1-Jan-2009	31-Dec-2013	5.92	\$89	\$300	\$389
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and analyze all lead and copper samples (\$30 per sample x 5 required samples per period x 2 monitoring periods) calculated for the monitoring periods in which samples were required.

Approx. Cost of Compliance

\$300

TOTAL

\$389

Screening Date 5-Dec-2014 **Docket No.** 2014-1847-PWS-E **PCW**
Respondent Gordon R. Morris d/b/a Space Estates Mobile Home Park and
Case ID No. Leslie L. Morris d/b/a Space Estates Mobile Home Park *Policy Revision 4 (April 2014)*
49809 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN103998811
Media [Statute] Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

Failed to provide public notification and failed to submit a copy of the public notification to the Executive Director regarding the failure to perform monitoring. Specifically, Respondents failed to provide public notification regarding the failure to: submit a Disinfectant Level Quarterly Operating Report ("DLQOR") for the second quarter of 2011; collect at least five routine distribution coliform samples the month following a total coliform-positive result for the months of March 2012 and April 2012; collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample collected in February 2012 and March 2012; collect raw groundwater source Escherichia coli samples following a total coliform-positive result for the months of February 2012 and March 2012.

Base Penalty \$1,000

>> **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 requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 7 89 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

Seven single events are 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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$350

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$192 **Violation Final Penalty Total** \$890

This violation Final Assessed Penalty (adjusted for limits) \$890

Economic Benefit Worksheet

Respondent Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates Mobile Home Park
Case ID No. 49809
Reg. Ent. Reference No. RN103998811
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs

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

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]	\$175	11-Jul-2011	31-Jul-2012	1.98	\$17	\$175	\$192
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs The avoided cost includes the estimated amount to provide public notification (\$25 per notification x 7 missed notifications), calculated for the periods when the public notifications were required.							

Approx. Cost of Compliance \$175

TOTAL \$192



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Jan-2015	Screening	5-Dec-2014	EPA Due	30-Sep-2012
	PCW	16-Jan-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates		
Reg. Ent. Ref. No.	Mobile Home Park RN103998811		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	49809	No. of Violations	1
Docket No.	2014-1847-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ronica Rodriguez
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$300**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	65.0% Enhancement	Subtotals 2, 3, & 7	\$195
Notes	Enhancement for two orders with denial of liability and one order without denial of liability.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondents do not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$81	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$75		

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$495**

OTHER FACTORS AS JUSTICE MAY REQUIRE **16.4%** **Adjustment** **\$81**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 1.		
	Final Penalty Amount	\$576	

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$576**

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

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

Notes	No deferral is recommended for Findings Orders.		
-------	---	--	--

PAYABLE PENALTY **\$576**

Screening Date 5-Dec-2014

Docket No. 2014-1847-PWS-E

PCW

Respondent Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates Mobile Home Park
Case ID No. 49809
Reg. Ent. Reference No. RN103998811
Media [Statute] Public Water Supply
Enf. Coordinator Ronica Rodriguez

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

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>)	2	40%
	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	1	25%
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>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two orders with denial of liability and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 65%

Screening Date	5-Dec-2014	Docket No.	2014-1847-PWS-E	PCW
Respondent Case ID No.	Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>		
Reg. Ent. Reference No.	49809	<i>PCW Revision October 30, 2008</i>		
Media [Statute]	RN103998811			
Enf. Coordinator	Public Water Supply			
	Ronica Rodriguez			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)
Violation Description	Failed to provide public notification and failed to submit a copy of the public notification to the Executive Director regarding the failure to perform monitoring. Specifically, the Respondents failed to provide public notification regarding the failure to submit Disinfectant Level Quarterly Operating Reports ("DLQORs") for the third and fourth quarters of 2010 and the first quarter of 2011.
Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential			

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
		x		
100% of the rule requirements were not met.				
Adjustment				\$900

\$100

Violation Events

Number of Violation Events	3	Number of violation days	273
<i>mark only one with an x</i>	daily		Violation Base Penalty
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Three single events are recommended.			

Good Faith Efforts to Comply Reduction \$0

	0.0%	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondents do not meet the good faith criteria for this violation.	

Violation Subtotal \$300

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount	\$81	Violation Final Penalty Total	\$576
This violation Final Assessed Penalty (adjusted for limits)		\$576	

Economic Benefit Worksheet

Respondent Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates Mobile Ho
Case ID No. 49809
Reg. Ent. Reference No. RN103998811
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$75	11-Oct-2010	10-Jul-2011	1.66	\$6	\$75	\$81
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification (\$25 per notification x 3 missed notifications), calculated for the period when the public notifications were required.

Approx. Cost of Compliance \$75

TOTAL \$81

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

PUBLISHED Compliance History Report for CN604090936, RN103998811, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN604090936, Gordon R. Morris **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN103998811, Space Estates Mobile Home Park **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 13826 E Hardy Road, Houston, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010667

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

Date Compliance History Report Prepared: January 16, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 16, 2010 to January 16, 2015

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

Name: Ronica Rodriguez

Phone: (512) 239-2601

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? YES
- 3) If YES for #2, who is the current owner/operator? GALINDO, JUAN OWNER since 6/13/2014
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? MORRIS, LESLIE L, OWNER, 1/31/1992 to 6/12/2014
MORRIS, GORDON R, OWNER, 1/2/1988 to 6/12/2014
- 5) If YES, when did the change(s) in owner or operator occur? 6/13/2014

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

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

- 1 **Effective Date:** 05/22/2011 **ADMINORDER 2010-1762-UTL-E (1660 Order-Agreed Order With Denial)**
 Classification: Moderate
 Citation: 2B TWC Chapter 13, SubChapter A 13.1395(b)(2)
 30 TAC Chapter 290, SubChapter D 290.39(o)(1)
 30 TAC Chapter 291, SubChapter L 291.162(a)
 30 TAC Chapter 291, SubChapter L 291.162(j)
 Description: Failed to adopt and submit to the Executive Director for approval by March 1, 2010, an emergency preparedness plan that demonstrates the Facility's ability to provide emergency operations.
- 2 **Effective Date:** 08/17/2012 **ADMINORDER 2011-0982-PWS-E (Findings Order-Agreed Order Without Denial)**
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2007.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2007.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2007.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2007.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2006.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2006.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2006.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2006.

3 Effective Date: 05/23/2013 ADMINORDER 2012-1491-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: TCR Repeat Monitoring Violation 02/2012 - Failure to collect any repeats following a coliform found result.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
 Description: GWR Triggered Source Monitoring Violation 02/2012 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: TCR Increase Monitoring Violation 03/2012 - Failure to collect all of the 5 distribution samples following a coliform found month.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: TCR Repeat Monitoring Violation 03/2012 - Failure to collect any repeats following a coliform found result.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
 Description: GWR Triggered Source Monitoring Violation 03/2012 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.

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

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

PUBLISHED Compliance History Report for CN601989148, RN103998811, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN601989148, Leslie L. Morris **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN103998811, Space Estates Mobile Home Park **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 13826 E Hardy Road, Houston, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010667

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

Date Compliance History Report Prepared: January 16, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 16, 2010 to January 16, 2015

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

Name: Ronica Rodriguez

Phone: (512) 239-2601

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? YES
- 3) If YES for #2, who is the current owner/operator? GALINDO, JUAN OWNER since 6/13/2014
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? MORRIS, LESLIE L, OWNER, 1/31/1992 to 6/12/2014
MORRIS, GORDON R, OWNER, 1/2/1988 to 6/12/2014
- 5) If YES, when did the change(s) in owner or operator occur? 6/13/2014

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

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

- 1 **Effective Date:** 05/22/2011 **ADMINORDER 2010-1762-UTL-E (1660 Order-Agreed Order With Denial)**
 Classification: Moderate
 Citation: 2B TWC Chapter 13, SubChapter A 13.1395(b)(2)
 30 TAC Chapter 290, SubChapter D 290.39(o)(1)
 30 TAC Chapter 291, SubChapter L 291.162(a)
 30 TAC Chapter 291, SubChapter L 291.162(j)
 Description: Failed to adopt and submit to the Executive Director for approval by March 1, 2010, an emergency preparedness plan that demonstrates the Facility's ability to provide emergency operations.
- 2 **Effective Date:** 08/17/2012 **ADMINORDER 2011-0982-PWS-E (Findings Order-Agreed Order Without Denial)**
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2008.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2010.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2010.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2009.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2009.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2008.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2008.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2008.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2007.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2007.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2007.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2007.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2006.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2006.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2006.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2006.

3 Effective Date: 05/23/2013 ADMINORDER 2012-1491-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: TCR Repeat Monitoring Violation 02/2012 - Failure to collect any repeats following a coliform found result.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
 Description: GWR Triggered Source Monitoring Violation 02/2012 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: TCR Increase Monitoring Violation 03/2012 - Failure to collect all of the 5 distribution samples following a coliform found month.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: TCR Repeat Monitoring Violation 03/2012 - Failure to collect any repeats following a coliform found result.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
 Description: GWR Triggered Source Monitoring Violation 03/2012 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.

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 GORDON R. MORRIS DBA SPACE ESTATES MOBILE HOME PARK AND LESLIE L. MORRIS DBA SPACE ESTATES MOBILE HOME PARK; RN103998811	§ § § § § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
---	--	---

AGREED ORDER

DOCKET NO. 2014-1847-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates Mobile Home Park ("Respondents") under the authority TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents presented this Order to the Commission.

Respondents understand that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondents agree to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon Respondents.

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

FINDINGS OF FACT

1. Respondents owned and operated a public water system located at 13826 East Hardy Road in Houston, Harris County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 17 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. During a record review conducted from November 10, 2014 through November 21, 2014, an investigator documented that Respondents:
 - a. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and submit the results to the Executive Director for the January 1, 2009 through December 31, 2011 triennial reduced monitoring period and the January 1, 2013 through December 31, 2013 annual reduced monitoring period; and

- b. Failed to provide public notification and failed to submit a copy of the public notification to the Executive Director regarding the failure to perform monitoring. Specifically, Respondents failed to provide public notification regarding the failure to: submit Disinfectant Level Quarterly Operating Reports ("DLQORs") for the third and fourth quarters of 2010 and the first and second quarters of 2011; collect at least five routine distribution coliform samples the month following a total coliform-positive result for the months of March 2012 and April 2012; collect a set of repeat distribution total coliform samples within 24 hours of being notified of total coliform-positive samples result on routine samples collected in February 2012 and March 2012; and collect raw groundwater source *Escherichia coli* samples following total coliform-positive results for the months of February 2012 and March 2012.
3. The Executive Director recognizes that Respondents no longer own or operate the Facility as of June 12, 2014.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and submit the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(B) and (C) and (i)(1).¹
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to provide public notifications and failed to submit copies of the public notifications to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A)² and (f).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, TCEQ has the authority to assess an administrative penalty against Respondents for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of two thousand two hundred twenty-nine dollars (\$2,229.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049. Respondents paid two thousand two hundred twenty-nine dollars (\$2,229.00) of the penalty.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondents are assessed an administrative penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall

¹ Effective May 15, 2011, 30 TEX. ADMIN. CODE § 290.117 was amended and the requirements in 30 TEX. ADMIN. CODE §§ 290.117(c)(2)(B) and (i)(1) were added. 36. TEX. REG. 2867, 2871-2873. Previously, the requirements in 30 TEX. ADMIN. CODE §§ 290.117(c)(2)(B) and (i)(1) were required of Respondents under 30 TEX. ADMIN. CODE §§ 290.117(e)(1)-(3) and (m)(1)(B) (effective Jan. 9, 2008), and 40 C.F.R. §§ 141.86(c) and (d)(4)(i), (ii), and (iv) and 141.90(a) and (h).

² Effective May 15, 2011, 30 TEX. ADMIN. CODE § 290.122 was amended and the requirements in 30 TEX. ADMIN. CODE §§ 290.122(c)(2)(A) were added. 36. TEX. REG. 2876. Previously, the requirements in 30 TEX. ADMIN. CODE §§ 290.122(c)(2)(A) were required of Respondents under 40 C.F.R. § 141.204(c)(1)(i).

- not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. All relief not expressly granted in this Order is denied.
 3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents.
 4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
 5. This Order, issued by the Commission, shall not be admissible against Respondents in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions in this Order.
 6. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
 7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
 9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

RECEIVED
NOV 04 2015

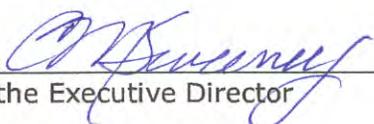
SIGNATURE PAGE

OFFICE OF LEGAL SERVICES

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director



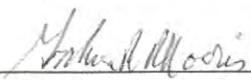
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

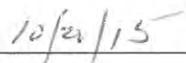
I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

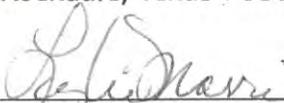
In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



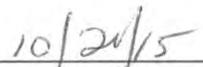
Signature - Gordon R. Morris
8360 North FM 908
Rockdale, Texas 76567



Date



Signature - Leslie L. Morris
8360 North FM 908
Rockdale, Texas 76567



Date

If mailing address has changed, please check this box and provide the new address below:
