

James L. Oxford, Trustee of Country Villa Trust d/b/a Country Villa Mobile Home Park
 RN101441764
 Docket No. 2015-0666-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

on the north side of State Highway 202, three miles east of Beeville, Bee County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$817 (2014-1684-PWS-E; referred for collection)
Past-Due Fees:	\$237.55 (Acct. No. 90130058; referred for collection)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: May 20, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: \$794

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$794

Compliance History Classifications:

Person/CN –Unclassified

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: \$30 (enhancement)

Applicable Penalty Policy: April 2014

James L. Oxford, Trustee of Country Villa Trust d/b/a Country Villa Mobile Home Park
RN101441764
Docket No. 2015-0666-PWS-E

Investigation Information

Complaint Date(s): January 26, 2015
Complaint Information: Alleged that the PWS was not being operated properly.
Date(s) of Investigation: February 6, 2015
Date(s) of NOV(s): N/A
Date(s) of NOE(s): April 6, 2015

Violation Information

1. Failed to obtain a sanitary control easement for all land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
2. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
3. Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation [30 TEX. ADMIN. CODE §§ 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(D)(ii)].
4. Failed to provide a ground storage tank which is designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association (AWWA) standards [30 TEX. ADMIN. CODE § 290.43(c)(3)].
5. Failed to equip all water storage tanks with an appropriate liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].
6. Failed to provide two or more service pumps with a total capacity of 2.0 gallons per minute (gpm) per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii)].
7. Failed to provide a minimum pressure tank capacity of 20 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv)].
8. Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting [30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Calibrate the Facility's well meter;
 - b. Compile and maintain properly-completed monthly water works operation reports and maintenance records, including records of the amount of chemicals used each week and results of pressure tank inspections; and
 - c. Maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as firefighting.
2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.c.

**James L. Oxford, Trustee of Country Villa Trust d/b/a Country Villa Mobile Home Park
RN101441764
Docket No. 2015-0666-PWS-E**

3. Within 60 days:
 - a. Equip the Facility's ground storage tank with a ladder or a balcony in such a manner so that the overflow is accessible for inspection purposes; and
 - b. Provide the Facility's ground storage tank with a liquid level indicator located at the tank site.
4. Within 75 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 3.a. and 3.b.
5. Within 90 days, either:
 - a. Obtain a sanitary control easement that covers all land within 150 feet of the well; or
 - b. Obtain an exception to that requirement pursuant to 30 TEX. ADMIN. CODE §§ 290.41(c)(1)(F) and 290.39(l).
6. Within 105 days, submit written certification to demonstrate compliance with either Technical Requirement No. 5.a. or 5.b., as applicable.
7. Within 180 days:
 - a. Provide two or more service pumps with a total capacity of 2.0 gpm per connection; and
 - b. Provide a minimum pressure tank capacity of 20 gallons per connection.
8. Within 195 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 7a. and 7b.
9. Alternatively, in lieu of implementing Technical Requirements Nos. 1 through 8:
 - a. Within 60 days:
 - i. Obtain approval to deactivate the Facility as a public water supply and to terminate service; and
 - ii. Consolidate water service by interconnecting to a consenting utility service provider that will take sanitary control of the Facility's existing service connections; and
 - b. Within 75 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 9.a.i. and 9a.ii.

Litigation Information

Date Petition(s) Filed: November 13, 2015; January 5, 2016

Date Green Card(s) Signed: Unclaimed

Date Answer(s) Filed: N/A

TCEQ Attorneys: Elizabeth Carroll Harkrider, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, (512) 239-2571

TCEQ Regional Contact: Melanie Edwards, Corpus Christi Regional Office, (361) 825-3113

Respondent Contact: James L. Oxford, Trustee of Country Villa Trust, 140 Private Oxford Lane, Apartment Number 37, Beeville, Texas 78102-8946

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	13-Apr-2015		
	PCW	6-Nov-2015	Screening	29-Apr-2015
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Reg. Ent. Ref. No.	RN101441764
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	50465	No. of Violations	8
Docket No.	2015-0666-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lisa Westbrook
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$380
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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	64.0% Enhancement	Subtotals 2, 3, & 7	\$243
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Notes: Enhancement for seven NOV's with dissimilar violations and two agreed orders without denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$991
 Estimated Cost of Compliance: \$3,891
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$623
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OTHER FACTORS AS JUSTICE MAY REQUIRE	22.6%	Adjustment	\$141
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance for Violation Nos. 2 and 8.

Final Penalty Amount	\$764
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$794
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$794
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Screening Date 29-Apr-2015

Docket No. 2015-0666-PWS-E

PCW

James L. Oxford, Trustee of Country Villa Trust dba Country Villa

Respondent Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 50465

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101441764

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

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	7	14%
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	2	50%
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) 64%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven NOVs with dissimilar violations and two agreed orders without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 64%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 64%

Screening Date 29-Apr-2015
Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media [Statute] Public Water Supply
Enf. Coordinator Lisa Westbrook

Docket No. 2015-0666-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description Failed to obtain a sanitary control easement for all land within 150 feet of the well.

Base Penalty \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			x	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to have a sanitary control easement could expose customers of the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1 82 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$30

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media Violation No. 1 Public Water Supply

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$20	10-Jan-2013	31-Jan-2016	3.06	\$3	n/a	\$3

Notes for DELAYED costs: The delayed cost includes the estimated amount to obtain and record a sanitary control easement for the well, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$20

TOTAL \$3

Screening Date 29-Apr-2015 **Docket No.** 2015-0666-PWS-E **PCW**
Respondent James L. Oxford, Trustee of Country Villa Trust dba Country
Case ID No. Villa Mobile Home Park *Policy Revision 4 (April 2014)*
Reg. Ent. Reference No. 50465 *PCW Revision March 26, 2014*
Media [Statute] RN101441764
Enf. Coordinator Public Water Supply
 Lisa Westbrook

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)
Violation Description Failed to calibrate the Facility's well meter at least once every three years.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to calibrate the Facility's well meter could result in inaccurate water production data, resulting in persons served by the Facility being exposed to an insignificant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1 82 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$30

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

Estimated EB Amount \$41 Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media Public Water Supply
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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]	\$31	10-Jan-2010	29-Apr-2015	6.22	\$10	\$31	\$41
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to properly calibrate the well meters (\$31 per well meter x one well meter), calculated from three years prior to the date of the investigation initially documenting the violation to the screening date.						

Approx. Cost of Compliance \$31

TOTAL \$41

Screening Date 29-Apr-2015 **Docket No.** 2015-0666-PWS-E **PCW**
 James L. Oxford, Trustee of Country Villa Trust dba Country
Respondent Villa Mobile Home Park *Policy Revision 4 (April 2014)*
Case ID No. 50465 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101441764
Media [Statute] Public Water Supply
Enf. Coordinator Lisa Westbrook

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media Public Water Supply
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	\$90	10-Jan-2013	30-Nov-2015	2.89	\$13	n/a	\$13
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to begin properly maintaining records of the amount of chemicals used each week and results of pressure tank inspections (\$45 per record x two records), calculated from the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$90

TOTAL \$13

Screening Date 29-Apr-2015 Docket No. 2015-0666-PWS-E

PCW

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country

Policy Revision 4 (April 2014)

Case ID No. 50465

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101441764

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Violation Description Failed to provide a ground storage tank which is designed, fabricated, erected, tested and disinfected in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, it was documented that the overflow did not terminate at ground level and was not accessible from a ladder or balcony for inspection purposes.

Base Penalty \$1,000

>> 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

Failure to ensure that the overflow on the ground storage tank is accessible for inspection could allow for defects to go undetected which could expose the stored water to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 82 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the investigation date, February 6, 2015, to the screening date, April 29, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$208

Violation Final Penalty Total \$101

This violation Final Assessed Penalty (adjusted for limits) \$101

Economic Benefit Worksheet

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media Violation No. Public Water Supply
4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,000	10-Jan-2013	31-Dec-2015	2.97	\$10	\$198	\$208
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated cost to ensure that the ground tank is accessible for inspection, calculated from the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$208

Screening Date	29-Apr-2015	Docket No.	2015-0666-PWS-E	PCW
Respondent	James L. Oxford, Trustee of Country Villa Trust dba Country			<i>Policy Revision 4 (April 2014) PCW Revision March 26, 2014</i>
Case ID No.	Villa Mobile Home Park			
Reg. Ent. Reference No.	50465			
Media [Statute]	RN101441764			
Enf. Coordinator	Public Water Supply			
Violation Number	Lisa Westbrook			
Rule Cite(s)	5			
Violation Description	30 Tex. Admin. Code § 290.43(c)(4)			
	Failed to equip all water storage tanks with an appropriate liquid level indicator located at the tank site. Specifically, the ground storage tank was not equipped with a liquid level indicator.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to provide the ground storage tank with an appropriate liquid level indicator could result in inaccurate adjustments for production and usage calculations, resulting in persons served by the Facility being exposed to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events: 1 82 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes

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

Violation Subtotal \$30

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

Estimated EB Amount \$33 Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$150	10-Jan-2013	31-Jan-2016	3.06	\$2	\$31	\$33
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to provide the Facility's ground storage tank with a liquid level indicator, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$150

TOTAL \$33

Screening Date 29-Apr-2015

Docket No. 2015-0666-PWS-E

PCW

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country

Case ID No. 50465

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101441764

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(F)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide two or more service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, it was documented that the Facility serves 28 connections and is required to have 56 gpm of service pump capacity. However, the Facility provided one service pump with a capacity of 50 gpm, which is a 10.7% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (5.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Without adequate service pump capacity, persons served by the Facility may be exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 82

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and a column for marking with an 'x'.

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the investigation date, February 6, 2015, to the screening date, April 29, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, and Notes, with sub-columns for 'Before NOE/NOV' and 'NOE/NOV to EDPRP/Settlement Offer'.

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$101

This violation Final Assessed Penalty (adjusted for limits) \$101

Economic Benefit Worksheet

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$500	10-Jan-2013	31-May-2016	3.39	\$6	\$113	\$119
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount necessary to provide the Facility with a second service pump which would provide an additional 6 gpm of service pump capacity, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance \$500

TOTAL \$119

Screening Date 29-Apr-2015

Docket No. 2015-0666-PWS-E

PCW

James L. Oxford, Trustee of Country Villa Trust dba Country

Respondent Villa Mobile Home Park

Policy Revision 4 (April 2014)

Case ID No. 50465

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101441764

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(F)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, it was documented that the Facility serves 28 connections and is required to have 560 gallons of pressure tank capacity. However, the Facility provided 255 gallons of pressure tank capacity, which is a 54% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Without adequate pressure tank capacity, persons served by the Facility may be exposed to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

82 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One quarterly event is recommended, calculated from the investigation date, February 6, 2015, to the screening date, April 29, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$475

Violation Final Penalty Total \$302

This violation Final Assessed Penalty (adjusted for limits) \$302

Economic Benefit Worksheet

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media Violation No. Public Water Supply
 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	10-Jan-2013	31-May-2016	3.39	\$23	\$452	\$475
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to provide the required pressure tank capacity, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance \$2,000
TOTAL \$475

Screening Date 29-Apr-2015 **Docket No.** 2015-0666-PWS-E **PCW**
 James L. Oxford, Trustee of Country Villa Trust dba Country
Respondent Villa Mobile Home Park *Policy Revision 4 (April 2014)*
Case ID No. 50465 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101441764
Media [Statute] Public Water Supply
Enf. Coordinator Lisa Westbrook

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent James L. Oxford, Trustee of Country Villa Trust dba Country Villa Mobile Home Park
Case ID No. 50465
Reg. Ent. Reference No. RN101441764
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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]	\$100	6-Feb-2015	7-Feb-2015	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary for additional oversight that could have prevented inadequate pressure throughout the distribution system, calculated for the date the Facility's low pressure was documented.

Approx. Cost of Compliance \$100

TOTAL \$100

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 CN603395724, RN101441764, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN603395724, James L Oxford, Trustee of Country Villa Trust
Classification: UNCLASSIFIED **Rating:** -----
Regulated Entity: RN101441764, Country Villa Mobile Home Park **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: NORTH SIDE OF STATE HIGHWAY 202, 3 MILES EAST OF BEEVILLE, BEE COUNTY, TEXAS
TCEQ Region: REGION 14 - CORPUS CHRISTI
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0130058
Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014
Date Compliance History Report Prepared: April 27, 2015
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: April 27, 2010 to April 27, 2015

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

Name: Ryan Byer **Phone:** (512) 239-2571

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

- 1 **Effective Date:** 05/08/2011 **ADMINORDER** 2010-0447-PWS-E (Findings Order-Agreed Order Without Denial)
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.42(j)
 - Description:** Failed to use an approved chemical or media for the disinfection of potable water that conforms to the ANSI/NSF standards.
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.44(d)(6)
 - Description:** Failed to provide all dead-end mains with acceptable flush valves.
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.46(t)
 - Description:** Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted.
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 - Description:** Failed to enclose the well with an intruder-resistant fence or lockable ventilated well house.
 - Classification:** Major
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(iii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Rqmt Prov:** 2005-0201-PWS-E OP 2.c.ii ORDER
 - Description:** Failed to provide two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection.
 - Classification:** Major
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.46(e)
5A THSC Chapter 341, SubChapter A 341.033(a)
 - Description:** Failed to ensure that the production, distribution and treatment facilities are operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the Commission.
 - Classification:** Major
 - Citation:** 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(a)(3)
 - Rqmt Prov:** 2005-0201-PWS-E OP 2.a.iii. ORDER
 - Description:** Failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 90130058 for Fiscal Years 1998 through 2009.
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
 - Description:** Failed to make available for Commission review a complete, up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.

Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
 Description: Failed to verify the accuracy of manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations.

Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
 Description: Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies.

Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Failed to ensure that all electrical wiring at the Facility is securely installed in compliance with a local or national electrical code.

Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 Description: Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter.

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 2006 to its bill-paying customers.

Classification: Minor
 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 for the 2006 CCR year.

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 2007 to its bill-paying customers.

Classification: Minor
 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 for the 2007 CCR year.

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 2008 to its bill-paying customers.

Classification: Minor
 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 for the 2008 CCR year.

2 Effective Date: 10/05/2014 ADMINORDER 2014-0491-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: ARS MCL 1Q2014 - The system violated the maximum contaminant level for Arsenic during the 1st quarter of 2014 with a RAA of 0.027 mg/L.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: ARS MCL 4Q2013 - The system violated the maximum contaminant level for Arsenic during the 4th quarter of 2013 with a RAA of 0.027 mg/L.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: ARS MCL 3Q2013 - The system violated the maximum contaminant level for Arsenic during the 3rd quarter of 2013 with a RAA of 0.020 mg/L.

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.

1 Date: 05/20/2014 (1203320) CN603395724

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 4Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2013 within the required timeline.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2013 within the required timeline.

2 Date: 06/25/2014 (1203320) CN603395724

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: ARS MCL PN 1Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for arsenic during 1Q2014.

3 Date: 07/02/2014 (1203320) CN603395724

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2014 within the required timeline.

4 Date: 09/11/2014 (1203320) CN603395724

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 4Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 4th quarter of 2013.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 3rd quarter of 2013.

5 Date: 10/13/2014 (1203320) CN603395724

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 1Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 1st quarter of 2014.

6 Date: 10/16/2014 (1203320) CN603395724

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.272
30 TAC Chapter 290, SubChapter H 290.273
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2013 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2013 CCR year.

7 Date: 10/24/2014 (1204135) CN603395724

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: OCT/2012 TCR Increased MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct increased coliform monitoring for the month 10/2012.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JAMES L. OXFORD, TRUSTEE
OF COUNTRY VILLA TRUST
DBA COUNTRY VILLA
MOBILE HOME PARK;
RN101441764**

**§
§
§
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§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2015-0666-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is James L. Oxford, Trustee of Country Villa Trust d/b/a Country Villa Mobile Home Park ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located on the north side of State Highway 202, three miles east of Beeville in Bee County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 28 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 an investigation conducted on February 6, 2015, an investigator documented that Respondent:
 - a. Failed to obtain a sanitary control easement for all land within 150 feet of the well;
 - b. Failed to calibrate the Facility's well meter at least once every three years;
 - c. Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, Respondent did not provide documentation for the amount of chemicals used each week or results of pressure tank inspections;
 - d. Failed to provide a ground storage tank which is designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the overflow did not terminate at ground level and was not accessible from a ladder or balcony for inspection purposes;
 - e. Failed to equip all water storage tanks with an appropriate liquid level indicator located at the tank site. Specifically, the ground storage tank was not equipped with a liquid level indicator;

- f. Failed to provide two or more service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the Facility serves 28 connections and is required to have 56 gpm of service pump capacity; however, the Facility provided one service pump with a capacity of 50 gpm, which is a 10.7% deficiency;
 - g. Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, the Facility serves 28 connections and is required to have 560 gallons of pressure tank capacity; however, the Facility provided 255 gallons of pressure tank capacity, which is a 54% deficiency; and
 - h. Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting. Specifically, a pressure test conducted at Lot No. 2 indicated that the pressure was 29.9 psi under normal operating conditions.
3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of James L. Oxford, Trustee of Country Villa Trust d/b/a Country Villa Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on November 13, 2015.
 4. The EDPRP was mailed to Respondent's last known address on November 13, 2015, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
 5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on January 5, 2016.
 6. By letter dated January 5, 2016, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
 7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to obtain a sanitary control easement for all land within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to make water works operation and maintenance records available for review by Commission personnel during the investigation, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(D)(ii).

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide a ground storage tank which is designed, fabricated, erected, tested, and disinfected in strict accordance with current AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to equip all water storage tanks with an appropriate liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to provide a minimum pressure tank capacity of 20 gallons per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to operate the Facility to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, in violation of 30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r).
10. As evidenced by Findings of Fact Nos. 3 through 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
11. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
12. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of seven hundred ninety-four dollars (\$794.00) 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(b).
14. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of seven hundred ninety-four dollars (\$794.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: James L. Oxford, Trustee of Country Villa Trust d/b/a Country Villa Mobile Home Park; Docket No. 2015-0666-PWS-E" to:

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

3. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order:
 - i. Calibrate the Facility's well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46(s)(1) (Conclusion of Law No. 3);
 - ii. Compile and maintain properly-completed monthly water works operation reports and maintenance records, including records of the amount of chemicals used each week and results of pressure tank inspections, in accordance with 30 TEX. ADMIN. CODE §§ 290.46(f)(2) and (f)(3)(A)(i)(III) (Conclusion of Law No. 4); and
 - iii. Maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as firefighting, in accordance with 30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r) (Conclusion of Law No. 9).
 - b. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iii.
 - c. Within 60 days after the effective date of this Order:
 - i. Equip the Facility's ground storage tank with a ladder or a balcony in such a manner so that the overflow is accessible for inspection purposes, in accordance with 30 TEX. ADMIN. CODE § 290.43(c)(3) (Conclusion of Law No. 5); and
 - ii. Provide the Facility's ground storage tank with a liquid level indicator located at the tank site, in accordance with 30 TEX. ADMIN. CODE § 290.43(c)(4) (Conclusion of Law No. 6).
 - d. Within 75 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provisions Nos. 3.c.i. and 3.c.ii.
 - e. Within 90 days after the effective date of this Order, either:
 - i. Obtain a sanitary control easement that covers all land within 150 feet of the well, in accordance with 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) (Conclusion of Law No. 2); or
 - ii. Obtain an exception to that requirement pursuant to 30 TEX. ADMIN. CODE §§ 290.41(c)(1)(F) and 290.39(I). Exception requests shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 105 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with either Ordering Provision No. 3.e.i. or 3.e.ii., as applicable.
- g. Within 180 days after the effective date of this Order:
 - i. Provide two or more service pumps with a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii) (Conclusion of Law No. 7); and
 - ii. Provide a minimum pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) (Conclusion of Law No. 8).
- h. Within 195 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provisions Nos. 3.g.i. and 3.g.ii.
- i. Alternatively, in lieu of implementing Ordering Provisions Nos. 3.a. through 3.h.:
 - i. Within 60 days after the effective date of the this Order:
 - A. Obtain approval to deactivate the Facility as a public water supply and to terminate service; and
 - B. Consolidate water service by interconnecting to a consenting utility service provider that will take sanitary control of the Facility's existing service connections; and
 - ii. Within 75 days after the effective date of this Order, submit written certification, in accordance with Paragraph 3.j., to demonstrate compliance with Ordering Provisions Nos. 3.i.i.A. and 3.i.i.B.
- j. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
NRC Building, Suite 1200
6300 Ocean Drive, Unit 5839
Corpus Christi, Texas 78412-5839

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

AFFIDAVIT OF ELIZABETH CARROLL HARKRIDER

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of James L. Oxford, Trustee of Country Villa Trust d/b/a Country Villa Mobile Home Park" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on November 13, 2015.

The EDPRP was mailed to Respondent's last known address on November 13, 2015, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on January 5, 2016.

The EDPRP was mailed to Respondent's last known address on January 5, 2016, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

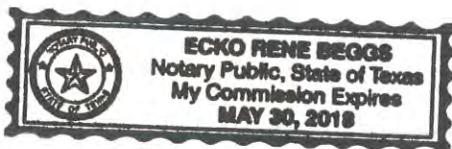
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

Elizabeth Carroll Harkrider

Elizabeth Carroll Harkrider, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Elizabeth Carroll Harkrider, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Subscribed and sworn to before me on this 3rd day of May, A.D. 2016.



Notary without Bond

Ecko R Beggs

Notary Public, State of Texas