

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 55548
Green Acres RV Park & Rentals LLC
RN106171119
Docket No. 2020-0945-PWS-E

Page 1 of 2

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1702 US Highway 90A West, near Hallettsville, Lavaca 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 26, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$758

Total Paid to General Revenue: \$758

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN - N/A
Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: May 8, 2020; September 28, 2020; October 16, 2020

Date(s) of NOV(s): August 10, 2020

Date(s) of NOE(s): May 8, 2020; October 16, 2020

Violation Information

1. Failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring for the month of January 2016 [TCEQ Agreed Order Docket No. 2018-0050-PWS-E, Ordering Provision No. 2.a.ii.].
2. Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 17, 2018, and October 11, 2018, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from the active groundwater source in use at the time the distribution coliform-positive samples were collected [30 TEX. ADMIN. CODE § 290.109(d)(4)(B)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

Respondent no longer owns or operates the Facility as of November 24, 2021.

Litigation Information

Date Petition(s) Filed: March 22, 2023

Date(s) of Service: March 24, 2023

Settlement Date: March 20, 2024

Contact Information

TCEQ Attorneys: William Hogan, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Ronica Rodriguez Scott, Enforcement Division, (361) 825-3425

TCEQ Regional Contact: Melanie Edwards, Corpus Christi Regional Office, (361) 881-6900

Respondent Contact: David Tobola, President, Green Acres RV Park & Rentals LLC, 1702 US Highway
90A West, Hallettsville, Texas 77964

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	1-Jun-2020		
	PCW	20-Jul-2020	Screening	23-Jun-2020
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	GREEN ACRES RV PARK & RENTALS LLC (PCW No. 1)			
Reg. Ent. Ref. No.	RN106171119			
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	55548	No. of Violations	1
Docket No.	2020-0945-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ronica Rodriguez
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	27.0%	Adjustment	Subtotals 2, 3, & 7	\$67
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Notes: Enhancement for one NOV with dissimilar violations and one agreed order without a 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: \$5
Estimated Cost of Compliance: \$5
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$317
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1.6%	Adjustment	\$5
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs associated with Violation No. 1.

Final Penalty Amount	\$322
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$322
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$322
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Screening Date	23-Jun-2020	Docket No.	2020-0945-PWS-E	PCW
Respondent	GREEN ACRES RV PARK & RENTALS LLC (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55548			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN106171119			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%
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) 27%

>> 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 one NOV with dissimilar violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 27%

Screening Date	23-Jun-2020	Docket No.	2020-0945-PWS-E	PCW
Respondent	GREEN ACRES RV PARK & RENTALS LLC (PCW No. 1)			
Case ID No.	55548	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN106171119	<i>PCW Revision September 1, 2019</i>		
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			
Violation Number	1			
Rule Cite(s)	TCEQ Agreed Order Docket No. 2018-0050-PWS-E, Ordering Provision No. 2.a.ii			
Violation Description	Failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring for the month of January 2016.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
					Percent
					0.0%

>> Programmatic Matrix

OR	Falsification				
	Major	Moderate	Minor		
					Percent
					5.0%

Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$4,750
\$250	

Violation Events

Number of Violation Events	1	523	Number of violation days
daily			
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		
One single event is recommended.			

Good Faith Efforts to Comply	0.0%	Reduction	\$0
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			
\$250			

Economic Benefit (EB) for this violation

Estimated EB Amount	\$5	Statutory Limit Test
		Violation Final Penalty Total
		\$323
		This violation Final Assessed Penalty (adjusted for limits)
		\$323

Economic Benefit Worksheet

Respondent GREEN ACRES RV PARK & RENTALS LLC (PCW No. 1)
Case ID No. 55548
Reg. Ent. Reference No. RN106171119
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	Costs Saved	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 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$5	17-Jan-2019	23-Jun-2020	1.43	\$0	\$5	\$5

Notes for AVOIDED costs

The other One-Time avoided cost includes the estimated amount to ensure that the delinquent public notification (\$5 per notification x one notification) is issued to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0050-PWS-E to the date of screening.

Approx. Cost of Compliance

\$5

TOTAL

\$5



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	21-Oct-2020	Screening	2-Nov-2020	EPA Due	
	PCW	16-Dec-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	GREEN ACRES RV PARK & RENTALS LLC (PCW No. 2)				
Reg. Ent. Ref. No.	RN106171119				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	55548	No. of Violations	1
Docket No.	2020-0945-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 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$300
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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	27.0%	Adjustment	Subtotals 2, 3, & 7	\$81
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Notes	Enhancement for one NOV with dissimilar violations and one agreed order without a denial of liability.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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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	\$55	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$50	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$381
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OTHER FACTORS AS JUSTICE MAY REQUIRE	14.4%	Adjustment	\$55
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violaton No. 1.		
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Final Penalty Amount	\$436
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$436
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$436
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Screening Date	2-Nov-2020	Docket No.	2020-0945-PWS-E	PCW
Respondent	GREEN ACRES RV PARK & RENTALS LLC (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55548			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106171119			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%
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) 27%

>> 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 one NOV with dissimilar violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 27%

Screening Date	2-Nov-2020	Docket No.	2020-0945-PWS-E	PCW
Respondent	GREEN ACRES RV PARK & RENTALS LLC (PCW No. 2)			
Case ID No.	55548	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN106171119	<i>PCW Revision March 26, 2014</i>		
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code 290.109(d)(4)(B)			
Violation Description	Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 17, 2018 and October 11, 2018, at least one raw groundwater source Escherichia coli (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to collect raw groundwater source samples could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.
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Adjustment	\$850
\$150	

Violation Events

Number of Violation Events	2	Number of violation days	776
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	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Violation Base Penalty	\$300
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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		
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal	\$300
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$55	Statutory Limit Test	
		Violation Final Penalty Total	\$436
		This violation Final Assessed Penalty (adjusted for limits)	\$436

Economic Benefit Worksheet

Respondent GREEN ACRES RV PARK & RENTALS LLC (PCW No. 2)
Case ID No. 55548
Reg. Ent. Reference No. RN106171119
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	Costs Saved	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 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$50	18-Sep-2018	2-Nov-2020	2.13	\$5	\$50	\$55
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The One-Time avoided cost includes the estimated amount to collect one raw groundwater source sample from each active source (\$25 per sample x one active source x two monitoring periods), calculated from the date the earlier groundwater sample was due to the date of screening.

Approx. Cost of Compliance \$50

TOTAL \$55

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

Compliance History Report for CN604716605, RN106171119, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN604716605, GREEN ACRES RV PARK & RENTALS LLC
Regulated Entity: RN106171119, Green Acres RV Park
Complexity Points: N/A
CH Group: 14 - Other
Location: 1702 UNITED STATES HIGHWAY 90A WEST NEAR HALLETTSVILLE, LAVACA COUNTY, TEXAS
TCEQ Region: REGION 14 - CORPUS CHRISTI
ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1430015

Classification: NOT APPLICABLE
Rating: N/A
Classification: NOT APPLICABLE
Rating: N/A
Repeat Violator: N/A

Compliance History Period: September 01, 2015 to August 31, 2020
Rating Year: 2020
Rating Date: 09/01/2020
Date Compliance History Report Prepared: February 22, 2021
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: February 22, 2016 to February 22, 2021
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Ronica Rodriguez
Phone: (361) 825-3425

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

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

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

- 1 Effective Date: 01/17/2019 ADMINORDER 2018-0050-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
Description: GWR Triggered Source MR Violation 12/2016 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
Description: GWR Triggered Source MR Violation 7/2016 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
Description: GWR Triggered Source MR Violation 5/2016 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
Description: GWR Triggered Source MR Violation 4/2016 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: JUL/2016 GWR Triggered Source Monitoring 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 triggered source monitoring for the

month of 07/2016.

Classification: Moderate

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

Description: MAY/2016 GWR Triggered Source Monitoring 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 triggered source monitoring for the month of 05/2016.

Classification: Moderate

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

Description: APR/2016 GWR Triggered Source Monitoring 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 triggered source monitoring for the month of 04/2016.

Classification: Moderate

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

Description: JAN/2016 TCR Routine 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 routine coliform monitoring for the month of 01/2016.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 April 02, 2019 (1551437)

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: 08/10/2020 (1683591)
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)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
Description: JUN/2019 RTRC Routine 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 routine coliform monitoring for the month of 06/2019.

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
GREEN ACRES RV PARK
& RENTALS LLC;
RN106171119

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2020-0945-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding GREEN ACRES RV PARK & RENTALS LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has 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, Respondent agrees 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 Respondent.

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

FINDINGS OF FACT

1. Respondent owned and operated a public water supply ("PWS") located at 1702 US Highway 90A West near Hallettsville, Lavaca County, Texas (the "Facility"). The Facility provided water for human consumption, had approximately 27 service connections, and served at least 25 people per day for at least 60 days per year. As such, the Facility was a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on May 8, 2020, an investigator documented that Respondent failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring for the month of January 2016.
3. During a record review conducted on September 28, 2020, through October 16, 2020, an investigator documented that Respondent failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 17, 2018, and October 11, 2018, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from the active groundwater source in use at the time the distribution coliform-positive samples were collected.
4. The Executive Director recognizes that Respondent no longer owns or operates the Facility as of November 24, 2021.

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, Respondent failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring for the month of January 2016, in violation of TCEQ Agreed Order Docket No. 2018-0050-PWS-E, Ordering Provision No. 2.a.ii.
3. As evidenced by Finding of Fact No. 3, Respondent failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 17, 2018, and October 11, 2018, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from the active groundwater source in use at the time the distribution coliform-positive samples were collected, in violation of 30 TEX. ADMIN. CODE § 290.109(d)(4)(B).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ 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.
5. An administrative penalty in the amount of \$758 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). Respondent paid \$758 of the penalty.

ORDERING PROVISIONS

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

1. Respondent is 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 Respondent's compliance with all 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. 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 Respondent.
4. This Order, issued by the Commission, shall not be admissible against Respondent 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 Respondent has not complied with one or more of the terms or conditions in this Order.
5. 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.
6. 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.
7. 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.

8. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Erin E. Chandalor

For the Executive Director

05/13/24

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.

David Tobola

Signature - David Tobola, President

GREEN ACRES RV PARK & RENTALS LLC
1702 US Highway 90A West
Hallettsville, Texas 77964

3-20-24

Date

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