

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61333
Carol Ann Norra dba Carol Norra Mobile Home Park
RN101282572
Docket No. 2021-1219-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
205 Reidland Road, near Crosby, Harris County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions: Yes; Docket No. 2022-0425-PWS-E and Case No. 65002
Past-Due Penalties: None
Past-Due Fees: \$499.73
Other: None
Interested Third Parties: None

Texas Register Publication Date: March 15, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$9,470

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$9,470

Compliance History Classifications:

Person/CN - Unclassified
Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: August 23, 2021 through September 10, 2021

Date(s) of NOV(s): See Compliance History - 6 related NOVs.

Date(s) of NOE(s): September 10, 2021

Violation Information

1. Failed to collect and report the results of nitrite and minerals sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period [30 TEX. ADMIN. CODE § 290.106(c) and (e)].
2. Failed to provide the results of synthetic organic chemical Group 5 (“SOC5”) contaminants sampling to the Executive Director for the January 1, 2021 through March 31, 2021 monitoring period [30 TEX. ADMIN. CODE § 290.107(e)].
3. Failed to collect and report the results of synthetic organic chemical contaminants (Methods 504, 515, 531) and volatile organic chemical contaminants sampling to the Executive Director for the April 1, 2021 through June 30, 2021 monitoring period [30 TEX. ADMIN. CODE § 290.107(c) and (e)].
4. Failed to submit a Disinfection Level Quarterly Operating Report to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020 and the first quarter of 2021 [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
5. Failed to collect and report the results of SOC5 contaminants sampling to the Executive Director for the April 1, 2021 through June 30, 2021 monitoring period [30 TEX. ADMIN. CODE § 290.107(c) and (e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for nitrite, minerals, and SOC5 contaminants are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director within the first ten days following the month in which the result is received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first;
 - b. Collect the required number of mineral and SOC5 contaminants samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first. This provision will be satisfied upon the timely delivery of all sampling results to the Executive Director for one compliant triennial monitoring period;
 - c. Collect the required number of nitrite samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first. This provision will be satisfied upon the timely delivery of all sampling results to the Executive Director for one compliant nine-year monitoring period; and
 - d. Ensure that all delinquent drinking water chemical analysis for SOC5 contaminants are reported to the Executive Director.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.d.
3. Within 1,140 days submit written certification to demonstrate compliance with Technical Requirement No. 1.b.
4. Within 3,330 days submit written certification to demonstrate compliance with Technical Requirement No. 1.c.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61333
Carol Ann Norra dba Carol Norra Mobile Home Park
RN101282572
Docket No. 2021-1219-PWS-E

Litigation Information

Date Petition(s) Filed: July 6, 2023; August 24, 2023
Date(s) of Service: unclaimed; unclaimed
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Misty James, 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: Samantha Salas, Enforcement Division, (512) 239-1543
TCEQ Regional Contact: Westin Massey, Houston Regional Office, (713) 767-3500
Respondent Contact: Carol Ann Norra, Business Manager, Carol Ann Norra, 205 Reidland Road
Trailer 22, Crosby, Texas 77532
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Sep-2021	Screening	15-Sep-2021	EPA Due	31-Dec-2021
	PCW	13-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Carol Ann Norra dba Carol Norra Mobile Home Park
Reg. Ent. Ref. No.	RN101282572
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61333	No. of Violations	5
Docket No.	2021-1219-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	America Ruiz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,750
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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	\$1,822
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Notes: Enhancement for five NOV's with the same/similar violations and one NOV with dissimilar violations.

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: \$919
 Estimated Cost of Compliance: \$1,342
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,572
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OTHER FACTORS AS JUSTICE MAY REQUIRE	10.5%	Adjustment	\$898
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1, 3, 4, and 5.

Final Penalty Amount	\$9,470
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,470
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$9,470
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Screening Date 15-Sep-2021

Docket No. 2021-1219-PWS-E

PCW

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park

Policy Revision 5 (January 28, 2021)

Case ID No. 61333

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101282572

Media Public Water Supply

Enf. Coordinator America Ruiz

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>)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	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)

No

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 five NOVs with the same/similar violations and one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 27%

Screening Date	15-Sep-2021	Docket No.	2021-1219-PWS-E	PCW
Respondent	Carol Ann Norra dba Carol Norra Mobile Home Park			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61333			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101282572			
Media	Public Water Supply			
Enf. Coordinator	America Ruiz			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.106(c) and (e)			
Violation Description	Failed to collect and report the results of nitrite and minerals sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.			
Base Penalty	\$5,000			

>> 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 and report nitrite and mineral levels could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,500

Two single events are recommended (one for each missed sample).

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 \$1,500

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

Estimated EB Amount \$123 **Violation Final Penalty Total** \$2,105

This violation Final Assessed Penalty (adjusted for limits) \$2,105

Economic Benefit Worksheet

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park
Case ID No. 61333
Reg. Ent. Reference No. RN101282572
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	\$100	23-Aug-2021	25-Aug-2022	1.01	\$5	n/a	\$5
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 implement process procedures, guidance, training and/or oversight to ensure that future drinking water sample results are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

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	\$114	31-Dec-2020	15-Sep-2021	0.71	\$4	\$114	\$118
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$8.74 for nitrite and \$105.32 for minerals), calculated from the date when sampling was required to the screening date.

Approx. Cost of Compliance \$214

TOTAL \$123

Screening Date 15-Sep-2021

Docket No. 2021-1219-PWS-E

PCW

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park

Policy Revision 5 (January 28, 2021)

Case ID No. 61333

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101282572

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.107(e)

Violation Description

Failed to provide the results of synthetic organic chemical Group 5 ("SOC5") contaminants sampling to the Executive Director for the January 1, 2021 through March 31, 2021 monitoring period.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 89

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$702

This violation Final Assessed Penalty (adjusted for limits) \$702

Economic Benefit Worksheet

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park
Case ID No. 61333
Reg. Ent. Reference No. RN101282572
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	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)	\$212	10-Apr-2021	25-Aug-2022	1.38	\$15	n/a	\$15

Notes for DELAYED costs

The training/sampling delayed cost to implement process procedures, guidance, training and/or oversight to ensure that future drinking water sample results are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 1.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$211.57 for SOC5) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$212

TOTAL \$15

Screening Date	15-Sep-2021	Docket No.	2021-1219-PWS-E	PCW
Respondent	Carol Ann Norra dba Carol Norra Mobile Home Park			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61333			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101282572			
Media	Public Water Supply			
Enf. Coordinator	America Ruiz			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.107(c) and (e)			
Violation Description	Failed to collect and report the results of synthetic organic chemical ("SOC") contaminants (Methods 504, 515, 531) and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the April 1, 2021 through June 30, 2021 monitoring period.			
		Base Penalty	\$5,000	

>> 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 and report SOC contaminants and VOC contaminants levels could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 4 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Four single events are recommended (one for each missed sample).

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 achieved compliance on October 15, 2021.

Violation Subtotal \$3,000

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

Estimated EB Amount \$521 Violation Final Penalty Total \$4,209

This violation Final Assessed Penalty (adjusted for limits) \$4,209

Economic Benefit Worksheet

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park
Case ID No. 61333
Reg. Ent. Reference No. RN101282572
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	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

The delayed cost to implement process procedures, guidance, training and/or oversight to ensure that future drinking water sample results are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 1.

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	\$516	30-Jun-2021	15-Sep-2021	0.21	\$5	\$516	\$521
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$77.94 for SOC contaminants Method 504, \$322.65 for SOC contaminants Method 515, \$58.72 for SOC contaminants Method 531, and \$56.77 for VOC contaminants), calculated from the date when sampling was required to the screening date.

Approx. Cost of Compliance \$516

TOTAL \$521

Screening Date 15-Sep-2021

Docket No. 2021-1219-PWS-E

PCW

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park

Policy Revision 5 (January 28, 2021)

Case ID No. 61333

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101282572

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020 and the first quarter of 2021.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 2

248 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent achieved compliance on October 14, 2021.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$1,403

This violation Final Assessed Penalty (adjusted for limits) \$1,403

Economic Benefit Worksheet

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park
Case ID No. 61333
Reg. Ent. Reference No. RN101282572
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

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	\$45	23-Aug-2021	14-Oct-2021	0.14	\$0	n/a	\$0
Training/Sampling	\$100	23-Aug-2021	14-Oct-2021	0.14	\$1	n/a	\$1
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 record keeping system and training/sampling delayed costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the date of compliance.

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	\$22	10-Jan-2021	15-Sep-2021	0.68	\$1	\$22	\$23
ONE-TIME avoided costs	\$22	10-Apr-2021	15-Sep-2021	0.43	\$0	\$22	\$22

Notes for AVOIDED costs Each avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x one report each), calculated from the dates the reports were due to the screening date.

Approx. Cost of Compliance \$189

TOTAL \$46

Screening Date 15-Sep-2021

Docket No. 2021-1219-PWS-E

PCW

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park

Policy Revision 5 (January 28, 2021)

Case ID No. 61333

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101282572

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.107(c) and (e)

Violation Description

Failed to collect and report the results of SOC5 contaminants sampling to the Executive Director for the April 1, 2021 through June 30, 2021 monitoring period.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to collect and report SOC5 contaminants levels could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

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	

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$214

Violation Final Penalty Total \$1,052

This violation Final Assessed Penalty (adjusted for limits) \$1,052

Economic Benefit Worksheet

Respondent Carol Ann Norra dba Carol Norra Mobile Home Park
Case ID No. 61333
Reg. Ent. Reference No. RN101282572
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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
 The delayed cost to implement process procedures, guidance, training and/or oversight to ensure that future drinking water sample results are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 1.

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	\$212	30-Jun-2021	15-Sep-2021	0.21	\$2	\$212	\$214
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$211.57 for SOC5 contaminants), calculated from the date when sampling was required to the screening date.

Approx. Cost of Compliance \$212

TOTAL \$214



Compliance History Report

Compliance History Report for CN600708515, RN101282572, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600708515, NORRA, CAROL ANN	Classification: UNCLASSIFIED	Rating: -----
Regulated Entity:	RN101282572, CAROL NORRA MOBILE HOME PARK	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	1	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	205 REIDLAND RD CROSBY, TX 77532-5813, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		
	1011926		

Compliance History Period:	<u>September 01, 2016 to August 31, 2021</u>	Rating Year: <u>2021</u>	Rating Date: <u>09/01/2021</u>
Date Compliance History Report Prepared:	<u>April 25, 2022</u>		
Agency Decision Requiring Compliance History:	<u>Enforcement</u>		
Component Period Selected:	<u>December 13, 2016 to December 13, 2021</u>		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	<u>America Ruiz</u>	Phone:	<u>(512) 239-2601</u>

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:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**
N/A
- E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

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

- 1 Date: 03/31/2021 (1760410)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)
- Description: MIN MR YR2020 - The system failed to monitor and/or report mineral levels to the TCEQ for the annual monitoring period from 01/01/2020 to 12/31/2020 within the required timeline.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)

- Description: 30 TAC Chapter 290, SubChapter F 290.106(e)
NO2 MR YR2020 - The system failed to monitor and/or report nitrite levels to the TCEQ for the annual monitoring period from 01/01/2020 to 12/31/2020 within the required timeline.
- 2 Date: 04/01/2021 (1760410)
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 4Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2020 within the required timeline.
- 3 Date: 05/20/2021 (1704506)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)
Description: Failure to maintain an accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank shall be maintained at the public water system until the facility is decommissioned.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Description: Failure by the regulated entity to provide the results of inspections (as required in subsection (m)(1) of this section) for all water storage and pressure maintenance facilities.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure to provide documentation of the dates that dead-end mains were flushed.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to provide a map of the distribution system so that valves and mains may be easily located during emergencies.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
30 TAC Chapter 290, SubChapter D 290.46(f)(4)(C)
Description: Failure by the regulated entity to provide operational records.
- 4 Date: 05/28/2021 (1760410)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: SOC5 MR 1Q2021 - The system failed to monitor and/or report synthetic organic contaminants (Group SOC5) levels to the TCEQ for the quarterly monitoring period from 01/01/2021 to 03/31/2021 within the required timeline.
- 5 Date: 06/23/2021 (1760410)
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 1Q2021 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2021 within the required timeline.
- 6 Date: 08/19/2021 (1760410)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: SOC MR 2Q2021 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the quarterly monitoring period from 04/01/2021 to 06/30/2021 within the required timeline.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: VOC MR 2Q2021 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the quarterly monitoring period from 04/01/2021 to 06/30/2021 within the required timeline.

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 CAROL ANN NORRA
DBA CAROL NORRA MOBILE HOME
PARK;
RN101282572**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2021-1219-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(s). The respondent made the subject of this Order is Carol Ann Norra dba Carol Norra 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 ("PWS") located at 205 Reidland Road near Crosby, Harris County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 21 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on August 23, 2021 through September 10, 2021, an investigator documented that Respondent:
 - a. Failed to collect and report the results of nitrite and minerals sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period;
 - b. Failed to provide the results of synthetic organic chemical Group 5 ("SOC5") contaminants sampling to the Executive Director for the January 1, 2021 through March 31, 2021 monitoring period;
 - c. Failed to collect and report the results of synthetic organic chemical ("SOC") contaminants (Methods 504, 515, 531) and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the April 1, 2021 through June 30, 2021 monitoring period;
 - d. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020 and the first quarter of 2021; and
 - e. Failed to collect and report the results of SOC5 contaminants sampling to the Executive Director for the April 1, 2021 through June 30, 2021 monitoring period.
3. The Executive Director filed the "Executive Director's First Amended 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 Carol Ann Norra dba Carol Norra Mobile Home Park" (the "EDFARP") in the TCEQ Chief Clerk's office on July 6, 2023.

4. The EDFARP was mailed to Respondent's last known address on July 6, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."
5. The Executive Director re-filed the EDFARP in the TCEQ Chief Clerk's office on August 24, 2023.
6. By letter dated August 24, 2023, 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 EDFARP. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first-class mail has not been returned, indicating that Respondent received notice of the EDFARP.
7. More than 20 days have elapsed since Respondent received notice of the EDFARP. 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 collect and report the results of nitrite and minerals sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.106(c) and (e).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of SOC5 contaminants sampling to the Executive Director for the January 1, 2021 through March 31, 2021 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.107(e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to collect and report the results of SOC contaminants (Methods 504, 515, 531) and VOC contaminants sampling to the Executive Director for the April 1, 2021 through June 30, 2021 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.107(c) and (e).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020 and the first quarter of 2021, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to collect and report the results of SOC5 contaminants sampling to the Executive Director for the April 1, 2021 through June 30, 2021 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.107(c) and (e).
7. As evidenced by Findings of Fact Nos. 4 through 6, the Executive Director timely served Respondent with proper TEX. HEALTH & SAFETY CODE § 341.049 notice of the EDFARP, as required by 30 TEX. ADMIN. CODE § 70.104(c)(2).
8. 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.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), 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.
10. An administrative penalty in the amount of \$9,470 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).

11. 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 \$9,470 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: Carol Ann Norra dba Carol Norra Mobile Home Park; Docket No. 2021-1219-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. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for nitrite, minerals, and SOC5 contaminants are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director within the first ten days following the month in which the result is received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first, in accordance 30 TEX. ADMIN. CODE §§ 290.106 and 290.107;
 - ii. Collect the required number of mineral and SOC5 contaminants samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.107. This provision will be satisfied upon the timely delivery of all sampling results to the Executive Director for one compliant triennial monitoring period;
 - iii. Collect the required number of nitrite samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first, in accordance with 30 TEX. ADMIN. CODE § 290.106. This provision will be satisfied upon the timely delivery of all sampling results to the Executive Director for one compliant nine-year monitoring period; and
 - iv. Ensure that all delinquent drinking water chemical analysis for SOC5 contaminants are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.107.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.e., and include detailed supporting

documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.iv.

- c. Within 1,140 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.ii.
- d. Within 3,330 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.iii.
- e. The certification language required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent. The certification shall be signed by the 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 Corrective Action Ordering Provisions to:

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

and:

Section Manager, Public Drinking Water
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 Enforcement Division 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. 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.
9. 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.
10. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF MISTY JAMES

“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 Carol Ann Norra dba Carol Norra Mobile Home Park’ (the “EDFARP”) was filed in the TCEQ Chief Clerk’s office on July 6, 2023.

The EDFARP was mailed to Respondent's last known address on July 6, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as “unclaimed.”

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDFARP was re-filed in the TCEQ Chief Clerk’s office on August 24, 2023.

The EDFARP was mailed to Respondent's last known address on August 24, 2023, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as “unclaimed.” The first-class mail has not been returned, indicating that Respondent received notice of the EDFARP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

"My name is Misty James and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

Executed in _____ Travis _____ County,

State of Texas,

on the 10th day of November, 2023

A handwritten signature in black ink, appearing to read "Misty James".

Declarant