

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62225
Michael Rodriguez dba Oak Acres Mobile Home Park
RN102323052
Docket No. 2022-0455-PWS-E

Page 1 of 3

Order Type:

Default Order (SOAH evidentiary hearing)

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1225 Osteen Street Trailer 1, Vidor, Orange County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: \$158.37

Other: None

Interested Third-Parties: None

Texas Register Publication Date: May 16, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$6,125

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$6,125

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Dates of Investigation: April 4, 2022 through April 15, 2022

Date of NOV: March 24, 2022

Date of NOE: April 15, 2022

Violation Information

1. Failed to provide the results of cyanide and synthetic organic chemical Group 5 (“SOC5”) contaminants sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period [30 TEX. ADMIN. CODE §§ 290.106(e) 290.107(e)].
2. Failed to provide the results of metals sampling to the Executive Director for the January 1, 2019 through December 31, 2021 monitoring period [30 TEX. ADMIN. CODE § 290.106(e)].
3. Failed to provide the results of nitrate and volatile organic chemical (“VOC”) contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e)].
4. Failed to provide the results of nitrate/nitrite and VOC contaminants sampling to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e)].
5. Failed to pay the annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91810179 for Fiscal Year 2022 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Ensure that all delinquent drinking water chemical analysis results for cyanide, SOC5 contaminants, metals, nitrate, nitrite, and VOC contaminants sampling are reported to the Executive Director;
 - b. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for cyanide, SOC5 contaminants, metals, nitrate, nitrite, and VOC contaminants are released by the Facility's laboratories and timely reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first; and
 - c. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91810179.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a and 1.b.

Litigation Information

Dates Petitions Filed: June 23, 2023; August 3, 2023

Dates of Service: unclaimed; unclaimed

Date Answer Filed: May 9, 2024

SOAH Referral Date: August 19, 2024

Hearing Dates:

Preliminary hearing: October 24, 2024

Evidentiary hearing: February 13, 2025

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62225
Michael Rodriguez dba Oak Acres Mobile Home Park
RN102323052
Docket No. 2022-0455-PWS-E

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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: Emerson Rinewalt, Enforcement Division, (512) 239-1118

TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 898-3838

Respondent Contact: Michael Rodriguez, Michael Rodriguez dba Oak Acres Mobile Home Park, 11706
Ripplewind Drive, Montgomery, Texas 77356

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	18-Apr-2022	Screening	19-Apr-2022	EPA Due	30-Jun-2022
	PCW	27-Apr-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	Michael Rodriguez dba Oak Acres Mobile Home Park				
Reg. Ent. Ref. No.	RN102323052				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	62225	No. of Violations	5
Docket No.	2022-0455-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ashley Lemke
		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	\$3,500
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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	75.0%	Adjustment	Subtotals 2, 3, & 7	\$2,625
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Notes

Enhancement for one NOV with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders 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 \$44
Estimated Cost of Compliance \$663

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$6,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,125
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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	\$6,125
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Screening Date	19-Apr-2022	Docket No.	2022-0455-PWS-E	PCW
Respondent	Michael Rodriguez dba Oak Acres Mobile Home Park			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62225			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102323052			
Media	Public Water Supply			
Enf. Coordinator	Ashley Lemke			

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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%
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) 75%

>> 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 the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 75%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 75%

Screening Date 19-Apr-2022 Respondent Michael Rodriguez dba Oak Acres Mobile Home Park Case ID No. 62225 Reg. Ent. Reference No. RN102323052 Media Public Water Supply Enf. Coordinator Ashley Lemke	Docket No. 2022-0455-PWS-E <div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)</div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1							
Rule Cite(s)								
Violation Description	Failed to provide the results of cyanide and synthetic organic chemical Group 5 ("SOC5") contaminants sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period.							

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm	Major	Moderate	Minor	
		Actual					
		Potential					

		Percent	0.0%
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>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			

	Percent	10.0%
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Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$4,500
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	\$500
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Violation Events

Number of Violation Events	2		474	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		x				

Violation Base Penalty	\$1,000
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	\$1,000
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Violation Subtotal	\$1,000
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Good Faith Efforts to Comply

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
---------------------------	---------

Economic Benefit (EB) for this violation

	0.0%						

	Extraordinary						
	Ordinary						
	N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit Worksheet

Respondent Michael Rodriguez dba Oak Acres Mobile Home Park
Case ID No. 62225
Reg. Ent. Reference No. RN102323052
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	15-Apr-2022	14-Nov-2022	0.58	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$267	10-Jan-2021	14-Nov-2022	1.84	\$25	n/a	\$25

Notes for DELAYED costs

The Training/Sampling cost includes the estimated amount to implement process procedures, guidance, training and/or oversight to ensure that future drinking water sample results are 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.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$55.36 for cyanide x one sample and \$211.57 for SOC5 x one sample) 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

\$367

TOTAL

\$28

Screening Date 19-Apr-2022 Respondent Michael Rodriguez dba Oak Acres Mobile Home Park Case ID No. 62225 Reg. Ent. Reference No. RN102323052 Media Public Water Supply Enf. Coordinator Ashley Lemke	Docket No. 2022-0455-PWS-E Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code § 290.106(e) Violation Description Failed to provide the results of metals sampling to the Executive Director for the January 1, 2019 through December 31, 2021 monitoring period.	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Base Penalty

>> Environmental, Property and Human Health Matrix

OR

	Release	Major	Harm Moderate	Minor	
Actual					Percent <input style="width: 50px;" type="text" value="0.0%"/>
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent <input style="width: 50px;" type="text" value="10.0%"/>

Matrix Notes

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

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

Reduction

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test
Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Michael Rodriguez dba Oak Acres Mobile Home Park
Case ID No. 62225
Reg. Ent. Reference No. RN102323052
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)	\$165	10-Jan-2022	14-Nov-2022	0.84	\$7	n/a	\$7

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 released by the Facility's laboratories and timely reported to the Executive Director is captured in the Economic Benefit Worksheet of Violation No. 1.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$164.96 for metals x one sample) 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

\$165

TOTAL

\$7

Screening Date 19-Apr-2022	Docket No. 2022-0455-PWS-E	PCW
Respondent Michael Rodriguez dba Oak Acres Mobile Home Park	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 62225	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN102323052		
Media Public Water Supply		
Enf. Coordinator Ashley Lemke		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)	
Violation Description	Failed to provide the results of nitrate and volatile organic chemical ("VOC") contaminants 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				Percent 0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
	100% of the rule requirements were not met.				

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events	2		474	Number of violation days
	<div style="border: 1px solid black; padding: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px;">weekly</div> <div style="border: 1px solid black; padding: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div>			
				Violation Base Penalty \$1,000
Two single events are recommended (one for each 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		\$1,000

Economic Benefit (EB) for this violation

Estimated EB Amount	\$6	Statutory Limit Test
Violation Final Penalty Total		\$1,750
This violation Final Assessed Penalty (adjusted for limits)		\$1,750

Economic Benefit Worksheet

Respondent Michael Rodriguez dba Oak Acres Mobile Home Park
Case ID No. 62225
Reg. Ent. Reference No. RN102323052
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)	\$66	10-Jan-2021	14-Nov-2022	1.84	\$6	n/a	\$6

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 released by the Facility's laboratories and timely reported to the Executive Director is captured in the Economic Benefit Worksheet of Violation No. 1.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$8.74 for nitrate x one sample and \$56.77 for VOC contaminants x one sample) 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

\$66

TOTAL

\$6

Screening Date 19-Apr-2022 Respondent Michael Rodriguez dba Oak Acres Mobile Home Park Case ID No. 62225 Reg. Ent. Reference No. RN102323052 Media Public Water Supply Enf. Coordinator Ashley Lemke	Docket No. 2022-0455-PWS-E Base Penalty \$5,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	Rule Cite(s)	
		30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)	
Violation Description		Failed to provide the results of nitrate/nitrite and VOC contaminants sampling to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period.	

Base Penalty				\$5,000
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>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

Matrix Notes	Falsification					
	Major	Moderate	Minor			
					Percent	10.0%
100% of the rule requirements were not met.						
Adjustment					\$4,500	

	\$500
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Violation Events

Number of Violation Events	2	109	Number of violation days
daily			
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		
Two single events are recommended (one for each sample).			

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			\$1,000

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$3
Violation Final Penalty Total	\$1,750
This violation Final Assessed Penalty (adjusted for limits)	\$1,750

Economic Benefit Worksheet

Respondent Michael Rodriguez dba Oak Acres Mobile Home Park
Case ID No. 62225
Reg. Ent. Reference No. RN102323052
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				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)	\$66	10-Jan-2022	14-Nov-2022	0.84	\$3	n/a	\$3

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 released by the Facilities laboratories and timely reported to the Executive Director is captured in the Economic Benefit Worksheet of Violation No. 1.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$8.74 for nitrate/nitrite x one sample and \$56.77 for VOC contaminants x one sample) 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

\$66

TOTAL

\$3

Screening Date 19-Apr-2022 Respondent Michael Rodriguez dba Oak Acres Mobile Home Park Case ID No. 62225 Reg. Ent. Reference No. RN102323052 Media Public Water Supply Enf. Coordinator Ashley Lemke	Docket No. 2022-0455-PWS-E Violation Number <input style="width: 50px;" type="text" value="5"/> Rule Cite(s) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702</div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Description

Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91810179 for Fiscal Year 2022.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Potential	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>

Percent

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>

Percent

Adjustment

Violation Events

Number of Violation Events

Number of violation days

daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event

<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>

Violation Base Penalty

All penalties and fees will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0%

Reduction

Extraordinary
 Ordinary
 N/A
 Notes

Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
x	

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

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 Michael Rodriguez dba Oak Acres Mobile Home Park
Case ID No. 62225
Reg. Ent. Reference No. RN102323052
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	N/A						
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	N/A						
Approx. Cost of Compliance	\$0				TOTAL		\$0



Compliance History Report

Compliance History Report for CN604302380, RN102323052, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN604302380, Rodriguez, Michael	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN102323052, OAK ACRES MOBILE HOME PARK	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	1225 OSTEEN STREET, TRAILER 1 NEAR VIDOR, ORANGE COUNTY, TEXAS				
TCEQ Region:	REGION 10 - BEAUMONT				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	1810179				

Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	April 18, 2022				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	April 18, 2017 to April 18, 2022				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ashley Lemke	Phone:	(512) 239-1118		

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: 12/05/2017 | ADMINORDER | 2016-2089-PWS-E | (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) | | | |
| | 30 TAC Chapter 290, SubChapter F 290.110(b)(4) | | | |
| | 5A THSC Chapter 341, SubChapter A 341.0315(c) | | | |
| | Description: Failure to maintain the disinfection residual above 0.2 mg/L free chlorine throughout distribution. | | | |
| | Classification: Minor | | | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2) | | | |
| | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii) | | | |
| | Description: Failure to maintain records of the disinfectant residual monitoring results from the distribution system for at least three years. | | | |
| 2 | Effective Date: 06/20/2018 | ADMINORDER | 2016-0705-PWS-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) | | | |
| | 30 TAC Chapter 290, SubChapter F 290.106(e) | | | |
| | Description: CN MR 3Y2014 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2012 to 12/31/2014 within the required timeline. | | | |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) | | | |
| | 30 TAC Chapter 290, SubChapter F 290.106(e) | | | |
| | Description: NO3 MR YR2014 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2014 to 12/31/2014 within the required timeline. | | | |

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC5 MR 3Y2014 - The system failed to monitor and/or report synthetic organic contaminants (Group SOC5) levels to the TCEQ for the triennial monitoring period from 01/01/2012 to 12/31/2014 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: LCR RD MR PN YR2015 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 distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2015 to 12/31/2015.

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 4Q2014 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 during the fourth quarter of 2014.

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 2Q2014 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 during the second quarter of 2014.

Classification: Moderate

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

Description: LCR RD MR PN YR2014 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 distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2014 to 12/31/2014.

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 during the first quarter of 2014.

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 during the fourth quarter of 2013.

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 during the third quarter of 2013.

3 Effective Date: 06/20/2018 ADMINORDER 2017-1430-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Major

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

Rqmt Prov: OP 2.a.iii and 2.b.i ORDER

Description: Failure to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring for the months of April, May, June, July, and September 2013. Failure to comply with Agreed Order Docket No. 2014-0915-PWS-E.

Classification: Major

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(a)(6)

Rqmt Prov: OP 2.a.v and 2.b.i ORDER

Description: Failure to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account

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 04, 2018	(1479185)
Item 2	February 06, 2020	(1623388)
Item 3	February 10, 2020	(1623395)

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:	03/24/2022	(1806120)
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)	
	Description:	MTL MR 3Y2021- The system failed to monitor and/or report metal levels to the TCEQ for the triennial monitoring period from 01/01/2019 to 12/31/2021 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(6) 30 TAC Chapter 290, SubChapter F 290.106(c)(7) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)	
	Description:	NO32 MR YR2021 - The system failed to monitor and/or report nitrate and nitrite levels to the TCEQ for the annual monitoring period from 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 5; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(2) 30 TAC Chapter 290, SubChapter F 290.107(e)	
	Description:	VOC MR YR2021 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020	

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 4/18/2017 and 4/18/2022

- 1 Date: 06/28/2017 (1401034)
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.42(m)
Failure by the Oak Acres Mobile Home Park water system to maintain the intruder resistant fence.
- Self Report? NO Classification: Moderate
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)
Failure by the Oak Acres Mobile Home Park water system to provide a suitable sample cock on the discharge pipe of its well pump prior to any treatment.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)
Failure by Oak Acres to provide 1.0 gpm per connection in total well production.
- 2 Date: 03/16/2020 (1633187)
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Failure by Oak Acres MHP to have a complete distribution map.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Failure by Oak Acres MHP to adequately record the results of annual tank inspections.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Failure by Oak Acres MHP to calibrate the well meter every three years.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Failure by Oak Acres MHP to maintain records regarding when dead end mains are flushed.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(m)
Failure by Oak Acres MHP to maintain the intruder resistant fence.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter F 290.121(a)
Failure by Oak Acres MHP to maintain a copy of the monitoring plan at each water treatment plant and at a central location.
- Self Report? NO Classification: Moderate
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Failure to provide a well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility had 30 connections requiring a well capacity of 45 gpm. However, only 23 gpm of well capacity was provided, indicating a 49% deficiency.
- 3* Date: 03/31/2021 (1806120)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)

Description: 30 TAC Chapter 290, SubChapter F 290.106(e)
CN MR 3Y2020 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2018 to 12/31/2020 within the required timeline. ETT Point Value = 1;
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2020 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2020 to 12/31/2020 within the required timeline. ETT Point Value = 5; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(c)(1)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC5 MR 3Y2020 - The system failed to monitor and/or report synthetic organic contaminants (Group SOC5) levels to the TCEQ for the triennial monitoring period from 01/01/2018 to 12/31/2020 within the required timeline. ETT Point Value = 1;
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(c)(2)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2020 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2020 to 12/31/2020 within the required timeline. ETT Point Value = 1;
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020

4 Date: 03/24/2022 (1806120)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(5)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL MR 3Y2021 - The system failed to monitor and/or report metal levels to the TCEQ for the triennial monitoring period from 01/01/2019 to 12/31/2021 within the required timeline. ETT Point Value = 1;
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(c)(7)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO32 MR YR2021 - The system failed to monitor and/or report nitrate and nitrite levels to the TCEQ for the annual monitoring period from 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 5; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(c)(2)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2021 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 1;
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/07/2020

* NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

Compliance History Report for CN604302380, RN102323052, Rating Year 2021 which includes Compliance History (CH) components from April 18, 2017, through April 18, 2022.

Appendix B

All Investigations Conducted During Component Period April 18, 2017 and April 18, 2022

Item 1	May 09, 2017**	(1409464)
Item 2	June 28, 2017**	(1401034)
Item 3*	April 04, 2018**	(1479185)
Item 4	February 18, 2019**	(1540535)
Item 5*	February 06, 2020**	(1623388)
Item 6*	February 10, 2020**	(1623395)
Item 7	March 13, 2020**	(1633181)
Item 8	December 04, 2020**	(1686741)
Item 9	October 18, 2021	(1763761)
Item 10	April 13, 2022	(1806120)
Item 11	April 15, 2022	(1810148)

*Investigations documented during this investigation

**Investigations related to the Compliance History Program between 4/18/2017 and 4/18/2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MICHAEL RODRIGUEZ DBA OAK ACRES
MOBILE HOME PARK;
RN102323052**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2022-0455-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, TEX. WATER CODE ch. 5, 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 Michael Rodriguez dba Oak Acres 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 1225 Osteen Street Trailer 1 in Vidor, Orange County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 30 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 April 4, 2022 through April 15, 2022, an investigator documented that Respondent:
 - a. Failed to provide the results of cyanide and synthetic organic chemical Group 5 ("SOC5") contaminants sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period;
 - b. Failed to provide the results of metals sampling to the Executive Director for the January 1, 2019 through December 31, 2021 monitoring period;
 - c. Failed to provide the results of nitrate and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period;
 - d. Failed to provide the results of nitrate/nitrite and VOC contaminants sampling to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period; and
 - e. Failed to pay the annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91810179 for Fiscal Year 2022.
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 Michael Rodriguez dba Oak Acres Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on August 3, 2023.

4. Respondent filed an answer requesting a hearing on May 9, 2024, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on August 19, 2024.
5. On November 12, 2024, the Administrative Law Judge ("ALJ") issued Order No. 3, which memorialized the agreement the parties reached during the preliminary hearing to set the evidentiary hearing for February 13, 2025. The SOAH docket clerk mailed a copy of Order No. 3 to Respondent at his last known address via first class mail, postage pre-paid.
6. On February 13, 2025, the Administrative Law Judge ("ALJ") convened the evidentiary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
7. On February 13, 2025, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 4 so that TCEQ may dispose of this case on a default basis.

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, TEX. WATER CODE chs. 5 and 30 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide the results of cyanide and SOC5 contaminants sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of metals sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of nitrate and VOC contaminants sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of nitrate/nitrite and VOC contaminants sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay the annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91810179, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
7. As evidenced by Finding of Fact No. 4, Respondent filed an answer requesting a hearing as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to TEX. HEALTH & SAFETY CODE § 341.049(f), 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 TEX. ADMIN. CODE § 70.109.
8. As evidenced by Finding of Fact No. 5, Respondent was provided proper notice of the evidentiary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. HEALTH & SAFETY CODE § 341.049(f), 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.405, 39.413, 39.423, and 80.6.
9. As evidenced by Findings of Fact Nos. 6 and 7, Respondent failed to appear for the evidentiary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106(b).

10. 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.
11. An administrative penalty in the amount of \$6,125 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).
12. 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.

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

1. Respondent is assessed an administrative penalty in the amount of \$6,125 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: Michael Rodriguez dba Oak Acres Mobile Home Park; Docket No. 2022-0455-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. Ensure that all delinquent drinking water chemical analysis results for cyanide, SOC5 contaminants, metals, nitrate, nitrite, and VOC contaminants sampling are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.107;
- ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for cyanide, SOC5 contaminants, metals, nitrate, nitrite, and VOC contaminants are released by the Facility's laboratories and timely reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.107; and
- iii. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91810179. The payment shall be sent with the notation "Michael Rodriguez dba Oak Acres Mobile Home Park., Financial Administration Account No. 91810179" to:

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

- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i and 3.a.ii. The certification 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.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent 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.

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

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 Michael Rodriguez dba Oak Acres Mobile Home Park' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on August 3, 2023.

Respondent filed an answer requesting a hearing on May 9, 2024, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on August 19, 2024. On November 12, 2024, the Administrative Law Judge ("ALJ") issued Order No. 3, which set the evidentiary hearing for February 13, 2025. The SOAH docket clerk mailed a copy of Order No. 3 to Respondent at his last known address via first class mail, postage pre-paid.

Respondent failed to appear at the hearing on February 13, 2025. At that hearing, the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 4, issued on February 13, 2025, so that TCEQ may dispose of this case on a default basis."

"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 14th day of April, 2025

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

Declarant