

Executive Summary – Enforcement Matter – Case No. 63395
114TH Mobile Home Park, LLC
RN102318094
Docket No. 2022-1644-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

114th Street Mobile Home Park, 1818 114th Street, Lubbock, Lubbock County

Type of Operation:

Public water supply (“PWS”)

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 7, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,251

Amount Deferred for Expedited Settlement: \$1,650

Total Paid to General Revenue: \$6,601

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 3, 2022 through November 7, 2022

Date(s) of NOE(s): November 30, 2022

Executive Summary – Enforcement Matter – Case No. 63395
114TH Mobile Home Park, LLC
RN102318094
Docket No. 2022-1644-PWS-E

Violation Information

1. Failed to notify the Executive Director in writing as to the beginning and completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the Commission. Specifically, in a letter dated September 27, 2018, the Facility was approved for one caustic feed system with a peristaltic metering pump capable of delivering 25 gallons per minute ("gpm"), a 500-gallon polyethylene bulk storage tank, a 30-gallon mixing tank, and a sulfuric acid feed system with a peristaltic metering pump capable of delivering 10 gpm, a 500-gallon polyethylene bulk storage tank, and a 30-gallon mixing tank, but only one 40-gallon caustic tank and one 40-gallon sulfuric acid tank were observed at the Facility [30 TEX. ADMIN. CODE § 290.39(h)(3) and (j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351].
2. Failed to provide containment facilities for all liquid chemical storage tanks. Specifically, the sulfuric acid and caustic storage tanks did not have secondary containment [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].
3. Failed to obtain an exception prior to using innovative/alternate treatment processes. Specifically, the Facility was granted an exception in a letter dated October 31, 2017, to install a fluoride and arsenic removal system, the granted exception expired on October 31, 2018, and the system was installed and put on-line in March of 2021 [30 TEX. ADMIN. CODE § 290.42(g)].
4. Failed to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, no backflow prevention assembly test results were available for the reduced pressure zone assembly installed on the arsenic and fluoride removal system [30 TEX. ADMIN. CODE § 290.44(h)(4)].
5. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the amount of chemicals used each week were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(III)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

As of June 16, 2023, the Respondent no longer owns or operates the PWS.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 63395
114TH Mobile Home Park, LLC
RN102318094
Docket No. 2022-1644-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ronica Rodriguez Scott, Enforcement Division,
Enforcement Team 5, MC R-14, (361) 881-6990; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Baldemar Reyna, Director, 114TH Mobile Home Park, LLC, 1818 14th
Street, Space 43, Lubbock, Texas 79423

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Nov-2022	Screening	5-Dec-2022	EPA Due	
	PCW	19-Dec-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	114TH Mobile Home Park, LLC
Reg. Ent. Ref. No.	RN102318094
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	63395	No. of Violations	5
Docket No.	2022-1644-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ronica Rodriguez Scott
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,800
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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	40.0%	Adjustment	Subtotals 2, 3, & 7	\$1,120
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Notes Enhancement for two agreed orders with 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 \$4,331
Estimated Cost of Compliance \$4,176
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,920
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OTHER FACTORS AS JUSTICE MAY REQUIRE	110.5%	Adjustment	\$4,331
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement to capture the avoided costs associated with Violation Nos. 1 through 5.

Final Penalty Amount	\$8,251
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,251
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,650
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,601
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Screening Date	5-Dec-2022	Docket No.	2022-1644-PWS-E	PCW
Respondent	114TH Mobile Home Park, LLC			
Case ID No.	63395			
Reg. Ent. Reference No.	RN102318094			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez Scott			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 40%

>> 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 two agreed orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date	5-Dec-2022	Docket No.	2022-1644-PWS-E	PCW
Respondent	114TH Mobile Home Park, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63395			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102318094			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez Scott			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.39(h)(3) and (j)(1)(A) and Tex. Health & Safety Code § 341.0351			
Violation Description	Failed to notify the Executive Director in writing as to the beginning and completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the Commission. Specifically, in a letter dated September 27, 2018, the Facility was approved for one caustic feed system with a peristaltic metering pump capable of delivering 25 gallons per minute ("gpm"), a 500-gallon polyethylene bulk storage tank, a 30-gallon mixing tank, and a sulfuric acid feed system with a peristaltic metering pump capable of delivering 10 gpm, a 500-gallon polyethylene bulk storage tank, and a 30-gallon mixing tank, but only one 40-gallon caustic tank and one 40-gallon sulfuric acid tank were observed at the Facility.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>>Programmatic Matrix

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

Matrix Notes: 100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events	<input type="text" value="1"/>		<input type="text" value="32"/>	Number of violation days
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	daily	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$500"/>
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		

One single event is recommended.

Good Faith Efforts to Comply **Reduction**

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

Notes: 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 <input type="text" value="\$3,111"/>	Violation Final Penalty Total <input type="text" value="\$1,473"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,473"/>	

Economic Benefit Worksheet

Respondent 114TH Mobile Home Park, LLC
Case ID No. 63395
Reg. Ent. Reference No. RN102318094
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$3,000	8-Mar-2022	5-Dec-2022	0.75	\$111	\$3,000	\$3,111
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to submit to the Executive Director for review and approval the plans and specifications for the one 40-gallon caustic tank and one 40-gallon sulfuric acid tank that were installed, calculated from the date of the investigation initially documenting the violation to the screening date.						

Approx. Cost of Compliance	\$3,000	TOTAL	\$3,111
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Screening Date 5-Dec-2022 Respondent 114TH Mobile Home Park, LLC Case ID No. 63395 Reg. Ent. Reference No. RN102318094 Media Public Water Supply Enf. Coordinator Ronica Rodriguez Scott	Docket No. 2022-1644-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(i)(III)
Violation Description	Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the amount of chemicals used each week were not maintained on-site for review.	

Base Penalty	\$5,000
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>> 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 1.0%
		Less than 30% of the rule requirements were not met.				

Adjustment	\$4,950
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	\$50
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Violation Events

Number of Violation Events	1	32	Number of violation days
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	daily					Violation Base Penalty \$50
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event		x			

One single event is recommended.	
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Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$50
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Economic Benefit (EB) for this violation

		Statutory Limit Test
Estimated EB Amount	\$47	Violation Final Penalty Total
		\$147

This violation Final Assessed Penalty (adjusted for limits)	\$147
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Economic Benefit Worksheet

Respondent 114TH Mobile Home Park, LLC
Case ID No. 63395
Reg. Ent. Reference No. RN102318094
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$45	8-Mar-2022	5-Dec-2022	0.75	\$2	\$45	\$47
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
The avoided cost included the estimated amount to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, calculated from the date of the investigation initially documenting the violation to the screening date.							

Approx. Cost of Compliance \$45

TOTAL \$47

Screening Date 5-Dec-2022 Respondent 114TH Mobile Home Park, LLC Case ID No. 63395 Reg. Ent. Reference No. RN102318094 Media Public Water Supply Enf. Coordinator Ronica Rodriguez Scott	Docket No. 2022-1644-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	
Rule Cite(s)		30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)
Violation Description	Failed to provide containment facilities for all liquid chemical storage tanks. Specifically, the sulfuric acid and caustic storage tanks did not have secondary containment.	

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to provide adequate containment for the sulfuric acid and caustic storage tanks could expose employees or the environment to a significant amount of contaminants which would not exceed levels protective of human health or environmental receptors.
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Adjustment	\$4,750
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	\$250
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Violation Events

Number of Violation Events	1	93	Number of violation days
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	daily		weekly		monthly		quarterly		semiannual	x		annual		single event	
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Violation Base Penalty	\$250
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One semiannual event is recommended, calculated from the date of the record review on September 3, 2022 to December 5, 2022 screening date.

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	\$250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,037	Statutory Limit Test
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Violation Final Penalty Total	\$737
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This violation Final Assessed Penalty (adjusted for limits)	\$737
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Economic Benefit Worksheet

Respondent 114TH Mobile Home Park, LLC
Case ID No. 63395
Reg. Ent. Reference No. RN102318094
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

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	\$1,000	8-Mar-2022	5-Dec-2022	0.75	\$37	\$1,000	\$1,037
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide adequate containment facilities for the single container at the Facility, calculated from the date of the investigation initially documenting the violation to the screening date.

Approx. Cost of Compliance	\$1,000	TOTAL	\$1,037
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Screening Date 5-Dec-2022 Respondent 114TH Mobile Home Park, LLC Case ID No. 63395 Reg. Ent. Reference No. RN102318094 Media Public Water Supply Enf. Coordinator Ronica Rodriguez Scott	Docket No. 2022-1644-PWS-E	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 § 290.42(g)		
Violation Description	Failed to obtain an exception, in accordance with 30 Tex. Admin. Code 290.39(l), prior to using innovative/alternate treatment processes. Specifically, the Facility was granted an exception in a letter dated October 31, 2017, to install a fluoride and arsenic removal system, the granted exception expired on October 31, 2018, and the system was installed and put on-line in March of 2021.		
Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 0.0%

>> Programmatic Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 10.0%

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

Violation Events

Number of Violation Events	1	32	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
One single event is recommended.					Violation Base Penalty \$500

Good Faith Efforts to Comply

	0.0%	
	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

	\$104	
Violation Final Assessed Penalty (adjusted for limits)		\$1,473

Statutory Limit Test

	\$1,473	
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Economic Benefit Worksheet

Respondent 114TH Mobile Home Park, LLC
Case ID No. 63395
Reg. Ent. Reference No. RN102318094
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
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Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	8-Mar-2022	5-Dec-2022	0.75	\$4	\$100	\$104
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to obtain an exception for the use of an innovative/alternate treatment process, calculated from the date of the investigation initially documenting the violation to the screening date.

Approx. Cost of Compliance \$100

TOTAL \$104

Screening Date 5-Dec-2022 Respondent 114TH Mobile Home Park, LLC Case ID No. 63395 Reg. Ent. Reference No. RN102318094 Media Public Water Supply Enf. Coordinator Ronica Rodriguez Scott	Docket No. 2022-1644-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 5	Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)	
Violation Description	Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, no backflow prevention assembly tests results were available for the reduced pressure zone assembly installed on the arsenic and fluoride removal system.	
Base Penalty		\$5,000

>> Environmental, Property and Human Health Matrix

	Release	Major	Moderate	Minor	
OR	Actual				
	Potential	x			Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Failure to test BPAs on an annual basis would not ensure the device is operating properly which could result in an reverse flow of contaminants entering into the water mains which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2	32	Number of violation days
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	daily		weekly		monthly	x		quarterly		semiannual		annual		single event	
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Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the record review on November 3, 2022 to December 5, 2022 screening date.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/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 \$32	Violation Final Penalty Total \$4,420
This violation Final Assessed Penalty (adjusted for limits) \$4,420	

Economic Benefit Worksheet

Respondent 114TH Mobile Home Park, LLC
Case ID No. 63395
Reg. Ent. Reference No. RN102318094
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
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Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$31	8-Mar-2022	5-Dec-2022	0.75	\$1	\$31	\$32
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test the BPAs (\$31 x one location), calculated from the date of the investigation initially documenting the violation to the screening date.

Approx. Cost of Compliance \$31

TOTAL \$32



Compliance History Report

Compliance History Report for CN605437334, RN102318094, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605437334, 114TH Mobile Home Park, LLC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN102318094, 114TH STREET MOBILE HOME PARK **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 0 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1818 114TH STREET NEAR LUBBOCK, LUBBOCK COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520067

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: March 27, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 27, 2019 to March 27, 2024

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

Name: Ronica Rodriguez Scott **Phone:** (361) 881-6990

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? Thunder Sun Inc. OWNER since 6/16/2023
- 4) Who was/were the prior owner(s)/operator(s)? 114Th Mobile Home Park, LLC, OWNER, 3/4/2015 to 6/16/2023

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

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

- 1 Effective Date: 01/28/2020 ADMINORDER 2018-1709-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: FLU MCL PN 2Q2018 Posting and Reporting Violation- Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code 290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Fluoride during the second quarter of 2018.
- 2 Effective Date: 06/02/2020 ADMINORDER 2019-1623-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(1)
30 TAC Chapter 290, SubChapter D 290.42(e)(3)
Description: Failed to provide continuous and effective disinfection that can be secured under all conditions, in violation of 30 TEX. ADMIN. CODE §290.42(b)(1) and (e)(3). Specifically, five, five-gallon buckets plumbed together at the bottom of each bucket, supplied chlorine to the chlorine pump. Additionally, the distribution map indicates the line from Well No. 2 connects to the system after chlorination
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a well capacity of 1.5 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE §290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE §341.0315(c). Specifically, the Facility had 45 connections requiring a well capacity of 67.5 gpm. However, only 40 gpm were provided, indicating a 41% deficiency.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
114TH MOBILE HOME PARK, LLC
RN102318094

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-1644-PWS-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding 114TH Mobile Home Park, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owned and operated a public water supply located at 1818 114th Street near Lubbock, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 29 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$8,251 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,601 of the penalty and \$1,650 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that as of June 16, 2023, the Respondent no longer owns or operates the public water supply.

II. ALLEGATIONS

During a record review for the Facility conducted on November 3, 2022 through November 7, 2022, an investigator documented that the Respondent:

1. Failed to notify the Executive Director in writing as to the beginning and completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the Commission, in violation of 30 TEX. ADMIN. CODE § 290.39 (h)(3), and (j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351. Specifically, in a letter dated September 27, 2018, the Facility was approved for one caustic feed system with a peristaltic metering pump capable of delivering 25 gallons per minute ("gpm"), a 500-gallon polyethylene bulk storage tank, a 30-gallon mixing tank, and a sulfuric acid feed system with a peristaltic metering pump capable of delivering 10 gpm, a 500-gallon polyethylene bulk storage tank, and a 30-gallon mixing tank, but only one 40-gallon caustic tank and one 40-gallon sulfuric acid tank were observed at the Facility.
2. Failed to provide containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(e)(ii). Specifically, the sulfuric acid and caustic storage tanks did not have secondary containment.
3. Failed to obtain an exception, in accordance with 30 TEX. ADMIN. CODE 290.39(l), prior to using innovative/alternate treatment processes, in violation of 30 TEX. ADMIN. CODE § 290.42(g). Specifically, the Facility was granted an exception in a letter dated October 31, 2017, to install a fluoride and arsenic removal system, the granted exception expired on October 31, 2018, and the system was installed and put on-line in March of 2021.
4. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4). Specifically, no backflow prevention assembly test results were available for the reduced pressure zone assembly installed on the arsenic and fluoride removal system.

5. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(III). Specifically, the records of the amount of chemicals used each week were not maintained on-site for review.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: 114TH Mobile Home Park, LLC, Docket No. 2022-1644-PWS-E" 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
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this

Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

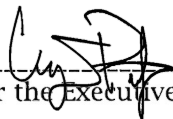
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/24/2024

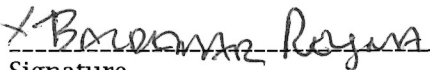
Date

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

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

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

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



Signature

04/30/2024

Date

Baldemar Reyna

Name (Printed or typed)
Authorized Representative of
114TH Mobile Home Park, LLC

previous owner

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.