

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-1467-PWS-E **TCEQ ID:** RN101233757 **CASE NO.:** 34558

**RESPONDENT NAME:** George Stebens, Jr. dba Little Creek Acres Water System

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Little Creek Acres, located two tenths of a mile north of Farm-to-Market Road 2101 on County Road 3512, Quinlan, Hunt County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on August 4, 2007, due to a water outage. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received but the complainant has not expressed the desire to protest this action or speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 21, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. George Stebens, Jr., Owner, Little Creek Acres Water System, 7243 County Road 3512, Quinlan, Texas 75474  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> August 4, 2007</p> <p><b>Date of Investigation Relating to this Case:</b> August 6 through 9, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 24, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failure to issue a boil water notification to customers of the water system within 24 hours of a water outage. Specifically, a water outage occurred on August 4, 2007 and lasted until August 7, 2007. The boil water notice was not issued until August 8, 2007 [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p> <p>2) Failure to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions. Specifically, on the date of the investigation, the distribution system pressure was measured at 5 psi [30 TEX. ADMIN. CODE § 290.46(r)].</p>	<p><b>Total Assessed:</b> \$545  <b>Total Deferred:</b> \$109  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$436</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent provided a boil water notice to the customers of the water system on August 8, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, begin operating the water system to provide a minimum pressure of 35 pounds per square inch throughout the distribution system at all times; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): PWS ID No. 1160069



## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

<b>DATES</b>	Assigned PCW	28-Aug-2007	Screening	5-Sep-2007	EPA Due	
		5-Sep-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	George Stebens, Jr. dba Little Creek Acres Water System		
Reg. Ent. Ref. No.	RN101233757		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34558	No. of Violations	2
Docket No.	2007-1467-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeoduru
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$500</b>
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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	9% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$45</b>
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Notes: Enhancement due to one Notice of Violation ("NOV") with violations similar to the current enforcement action and two NOV's with violations dissimilar to the current enforcement action.

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

Good Faith Effort to Comply	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$74	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Approx. Cost of Compliance	\$2,100	<small>*Capped at the Total EB \$ Amount</small>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$545</b>
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**OTHER FACTORS AS JUSTICE MAY REQUIRE**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

<b>Adjustment</b>	<b>\$0</b>
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Notes:

<b>Final Penalty Amount</b>	<b>\$545</b>
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**STATUTORY LIMIT ADJUSTMENT**

<b>Final Assessed Penalty</b>	<b>\$545</b>
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**DEFERRAL**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

	20%	Reduction	<b>Adjustment</b>	<b>-\$109</b>
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Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**\$436**

**Screening Date** 5-Sep-2007

**Docket No.** 2007-1467-PWS-E

**PCW**

**Respondent** George Stebens, Jr. dba Little Creek Acres Water System

Policy Revision 2 (September 2002)

**Case ID No.** 34558

PCW Revision June 26, 2007

**Reg. Ent. Reference No.** RN101233757

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Andrea Linson-Mgbeoduru

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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)** 9%

>> **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 due to one Notice of Violation ("NOV") with violations similar to the current enforcement action and two NOVs with violations dissimilar to the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 9%

<b>Screening Date</b> 5-Sep-2007	<b>Docket No.</b> 2007-1467-PWS-E	<b>PCW</b>
<b>Respondent</b> George Stebens, Jr. dba Little Creek Acres Water System	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 34558	<i>PCW Revision June 26, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101233757		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(q)(1)	
<b>Violation Description</b>	Failed to issue a boil water notification to customers of the water system within 24 hours of a water outage. Specifically, a water outage occurred on August 4, 2007 and lasted until August 7, 2007. The boil water notice was not issued until August 8, 2007.	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual <input type="text"/> <input type="text"/> <input type="text"/>	
Potential <input type="text" value="x"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to provide proper boil water notices following a water outage could result in the customers of the water supply being exposed to a significant amount of contaminants that would exceed levels protective of human health.	
<b>Adjustment</b>		<input type="text" value="\$750"/>
		<input type="text" value="\$250"/>
<b>Violation Events</b>		
Number of Violation Events <input type="text" value="1"/>	<input type="text" value="3"/> Number of violation days	
mark only one with an x	daily <input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$250"/>
	monthly <input type="text"/>	
	quarterly <input type="text"/>	
	semiannual <input type="text"/>	
	annual <input type="text"/>	
single event <input type="text" value="x"/>		
One single event is recommended.		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$273"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$273"/>

## Economic Benefit Worksheet

**Respondent** George Stebens, Jr. dba Little Creek Acres Water System  
**Case ID No.** 34558  
**Reg. Ent. Reference No.** RN101233757  
**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	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	6-Aug-2007	8-Aug-2007	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed costs include the amount to implement procedures to ensure that boil water notifications are provided to the customers, calculated from the date when the violation occurred to the date the boil water notice was issued.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$100	<b>TOTAL</b>	\$0
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<b>Screening Date</b> 5-Sep-2007	<b>Docket No.</b> 2007-1467-PWS-E	<b>PCW</b>		
<b>Respondent</b> George Stebens, Jr. dba Little Creek Acres Water System	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 34558	<i>PCW Revision June 26, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN101233757				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(r)			
<b>Violation Description</b>	Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions. Specifically, on the date of the investigation, the distribution system pressure was measured at 5 psi.			
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	Without adequate pressure, backflow and water outages could occur and customers of the water supply could be exposed to contaminants that exceed levels that are protective of human health.			
<b>Adjustment</b>		<input type="text" value="\$750"/>		
		<input type="text" value="\$250"/>		
<b>Violation Events</b>				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="30"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$250"/>	
	monthly	<input checked="" type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input type="text"/>			
One monthly event is recommended, calculated from the date of the investigation, August 6, 2007, to the screening date, September 5, 2007.				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
Estimated EB Amount <input type="text" value="\$74"/>		Violation Final Penalty Total <input type="text" value="\$273"/>		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$273"/>		

## Economic Benefit Worksheet

**Respondent** George Stebens, Jr. dba Little Creek Acres Water System  
**Case ID No.** 34558  
**Reg. Ent. Reference No.** RN101233757  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	6-Aug-2007	1-May-2008	0.7	\$74	n/a	\$74

**Notes for DELAYED costs**

The delayed costs include the amount for additional oversight of the water system to increase the pressure within the system to a constant 35 psi or greater. The date required is the investigation date. The final date is the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$74

# Compliance History

Customer/Respondent/Owner-Operator:	George Stebens, Jr. dba Little Creek Acres Water System	Classification:	Rating:
Regulated Entity:	RN101233757 LITTLE CREEK ACRES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1160069 1160069
Location:	On County Road 3512 0.2 MI N of FM 2101, HUNT COUNTY, TX		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	August 29, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 28, 2002 to August 28, 2007		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## Site Compliance History Components

- |  |     |
|--|-----|
| 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 of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 05/18/2005 | (376813) |
| 2 | 12/21/2005 | (440349) |
| 3 | 03/02/2006 | (455757) |
| 4 | 10/24/2006 | (516332) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |   |          |                       |
|--------------|---|----------|-----------------------|
| Date:        | 04/07/2005  | (376813) |                       |
| Self Report? | NO  |          | Classification: Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  |          |                       |
| Description: | Failure to record monthly flushing of dead-end mains.   |          |                       |
| Self Report? | NO  |          | Classification: Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.43(c)(1)   |          |                       |
| Description: | Failure to install screen on ground storage tank's roof vent.   |          |                       |
| Date:        | 05/20/2005  | (376813) |                       |
| Self Report? | NO  |          | Classification: Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.42(k)  |          |                       |
| Description: | Failure to compile plant operations manual for the system. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey. |          |                       |
| Self Report? | NO  |          | Classification: Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.121[G]   |          |                       |
| Description: | Failure to compile monitoring plan for the system. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey.         |          |                       |
| Self Report? | NO  |          | Classification: Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(m)(1)   |          |                       |
| Description: | Failure to do tank inspections on ground storage tank and 3 pressure tanks.   |          |                       |
| Self Report? | NO  |          | Classification: Minor |

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]  
 Description: Failure to initiate maintenance program on ground storage tank.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)[G]  
 Description: Failure to have a customer service inspection program.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)[G]  
 Description: Failure to submit paperwork for 2 new pressure tanks to TCEQ plan review for approval or disapproval.  
 Date: 08/11/2006 (489596)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
 Description: Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection.

- 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  
GEORGE STEBENS, JR. DBA LITTLE  
CREEK ACRES WATER SYSTEM  
RN101233757**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-1467-PWS-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding George Stebens, Jr. dba Little Creek Acres Water System ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at two tenths of a mile north of Farm-to-Market Road 2101 on County Road 3512 in Quinlan, Hunt County, Texas (the "Facility") that has approximately 28 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 29, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Five Hundred Forty-Five Dollars (\$545) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Thirty-Six Dollars (\$436) of the administrative penalty and One Hundred Nine Dollars (\$109) is deferred contingent upon the Respondent's timely and



satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. 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.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent provided a boil water notice to the customers of the water system on August 8, 2007.
9. 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 Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to issue a boil water notification to customers of the water system within 24 hours of a water outage, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during an investigation conducted on August 6, 2007 through August 9, 2007.
2. Failed to provide a minimum pressure of 35 pounds per square inch throughout the distribution system under normal operating conditions, in violation of 30 TEX. ADMIN. CODE § 290.46(r), as documented during an investigation conducted on August 6, 2007.

## **III. DENIALS**

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

## **IV. ORDERING PROVISIONS**



1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: George Stebens, Jr. dba Little Creek Acres Water System, Docket No. 2007-1467-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, begin operating the water system to provide a minimum pressure of 35 pounds per square inch throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2301 Gravel Drive  
Fort Worth, Texas 76118-6951



3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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 Agreed 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 Agreed 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



George Stebens, Jr. dba Little Creek Acres Water System  
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*[Handwritten Signature]*

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

*[Handwritten Signature]*  
For the Executive Director

1/23/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

*[Handwritten Signature]*  
Signature

11-28-07  
Date

George Stebens Jr  
Name (Printed or typed)  
Authorized Representative of  
George Stebens, Jr. dba Little Creek Acres Water System

\_\_\_\_\_  
Title

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

