

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 9, 2009

**Via Certified Mail, Return Receipt Requested**  
**Via First Class Mail, Postage Pre-Paid**

Lester Saucier, Owner & Operator  
Ancar Water System  
3333 Ancar Street  
Bridge City, Texas 77630-9115  
Article Number 91 7108 2133 3934 8958 4325

3333 Ancar Street  
Orange, Texas 77630  
Article Number 91 7108 2133 3934 8958 4332

3122 Texas Avenue  
Bridge City, Texas 77611  
Article Number 91 7108 2133 3934 8958 4349

Richard Hodges, Owner & Operator  
Ancar Water System  
3333 Ancar Street  
Bridge City, Texas 77630-9115  
Article Number 91 7108 2133 3934 8958 4356

3333 Ancar Street  
Orange, Texas 77630  
Article Number 91 7108 2133 3934 8958 4363

Mr. David Dies, Attorney  
1009 West Green Avenue  
Orange, Texas 77630  
Article Number 91 7108 2133 3934 8958 4370

Re: Richard Hodges dba Ancar Water System and Lester Saucier dba Ancar Water System  
Docket No. 2008-1634-UCR-E

2009 JAN -9 AM 11: 18  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Mr. Lester Saucier, Mr. Richard Hodges, and Mr. David Dies  
January 9, 2009  
Page 2

Dear Mr. Saucier, Mr. Hodges, and Mr. Dies:

On November 17, 2008, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 288, 290, and 291. The parties made subject to this order are Richard Hodges dba Ancar Water System and Lester Saucier dba Ancar Water System. The Emergency Order appoints Mark Foust as temporary manager of the public water system located at 3333 Ancar Street, Bridge City, Orange County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on November 17, 2008. **Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on January 28, 2009.** The Agenda begins at 9:30 a.m. and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas.** The enclosed documentation is provided to you as a record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda process.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you each may request at the time of the Agenda on January 28, 2009 an evidentiary hearing on issuance of the Emergency Order.** An Administrative Law Judge will be available to conduct a hearing at Agenda on **January 28, 2009**, should you so request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-3400.

Sincerely,



Dinniah M. Chahin  
Litigation Division MC 175

Enclosures

cc: Mr. Mark Foust, P.O. Box 5, Saratoga, Texas 77585-0005  
Mr. Ronald Hebert, Beaumont Regional Office, MC R-10  
Ms. Rebecca Clausewitz, Enforcement Division, R-13  
Mr. Terence Webb, Receivership Coordinator, MC 153  
Mr. Blas Coy, Public Interest Counsel, MC 103  
Office of the Chief Clerk, MC 105  
Ms. Lena Roberts, Agenda Coordinator, Litigation Division, MC 175

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-1634-UCR-E TCEQ ID: RN105234819 CASE NO.: 36993**  
**RESPONDENT NAME: RICHARD HODGES DBA ANCAR WATER SYSTEM AND**  
**LESTER SAUCIER DBA ANCAR WATER SYSTEM**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input checked="" type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input checked="" type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 3333 Ancar Street, Bridge City, Orange County</p> <p><b>TYPE OF OPERATION:</b> Public water supply and retail public utility (Utility)</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> One complaint has been received. The complaint alleged that the water to the area had been shut off by the owner of the water system. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> Pursuant to TEX. WATER CODE § 7.075, publication is not required for an Emergency Order.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617  <b>TCEQ Enforcement Coordinator:</b> Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012  <b>TCEQ Regional Contact:</b> Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838  <b>Respondents:</b> Richard Hodges dba Ancar Water System, 3333 Ancar Street, Bridge City, Texas 77630; and 3333 Ancar Street, Orange, Texas 77630;  Lester Saucier dba Ancar Water System, 3333 Ancar Street, Bridge City, Texas 77630;  3333 Ancar Street, Orange, Texas 77630; and 3122 Texas Avenue, Bridge City, Texas 77611  <b>Respondent's Attorney:</b> David Dies, Attorney for Lester Saucier, Dies &amp; Parkhurst, LLP, 1009 West Green Avenue, Orange, Texas 77630. Mr. Richard Hodges is not represented by counsel on this enforcement matter</p>		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
 2009 JAN -9 AM 11:19  
 CHIEF CLERKS OFFICE

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> October 2, 2008</p> <p><b>Dates of Investigations Relating to this Case:</b> May 24, 2007; June 10, 2008; and October 6, 2008</p> <p><b>Date of NOV's Relating to this Case:</b> July 20, 2007 and November 3, 2008</p> <p><b>Background Facts:</b> This public water system was abandoned by Richard Hodges ("Mr. Hodges") and Lester Saucier ("Mr. Saucier") on October 2, 2008. Mr. Hodges stated to Angela Hicks, an employee of the TCEQ, that he turned off the well to the Utility and that he is disabled and unable to continue operating the Utility. Mr. Saucier stated to Angela Hicks that he disconnected electricity to the Utility and that he will not maintain nor be responsible for the Utility.</p> <p>During an inspection on May 24, 2007 and a follow up record review a TCEQ Beaumont Regional Office investigator documented that Mr. Hodges: a) failed to maintain operating records; b) failed to adopt an adequate plumbing ordinance, regulations, or a service agreement with provisions for proper enforcement c) failed to provide any forms or protocol for the performance of customer service inspections on newly built houses; d) failed to provide a monitoring plan; e) failed to provide a distribution map for reference and operator use; f) failed to provide a plant operations manual; g) failed to provide recorded copies of sanitary control easements for all land within 150 feet of the water well; h) failed to install individual meters for each service connection in the distribution system; i) failed to provide a well casing extending at least 18 inches above the natural ground surface; j) failed to provide an adequate size sealing block on the water well; k) failed to provide a raw water sample tap on the well discharge line; l) failed to provide the well with a flow measuring device; m) failed to provide a casing vent on the water well; n) failed to have all wires in securely mounted conduit; o) failed to have a Drought Contingency Plan; p) failed to meet the agency's "Minimum Water System Capacity Requirements"; (q) failed to employ trained and licensed personnel; and (r) failed to submit plans and specifications for TCEQ review before starting to operate the water system.</p>	N/A	<p><b>Ordering Provisions:</b></p> <p>1. Immediately upon the effective date of this Order, Mr. Foust shall serve as temporary manager until 180 days after the effective date of the Emergency Order, i.e. May 16, 2008.</p> <p>2. Mr. Foust is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.</p> <p>3. Mr. Foust shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Order.</p> <p>4. Mr. Foust's requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).</p> <p>5. Mr. Foust's compensation will come from Utility revenues in the amount of fifteen dollars (\$15.00) per month per connection.</p> <p>6. Mr. Foust shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).</p>

**RESPONDENT NAME: RICHARD HODGES DBA ANCAR WATER SYSTEM AND  
LESTER SAUCIER DBA ANCAR WATER SYSTEM  
DOCKET NO.: 2008-1634-UCR-E**

During an inspection on October 6, 2008, a TCEQ Beaumont Regional Office Investigator documented that Mr. Hodges and Mr. Saucier failed to provide continuous and adequate supply of water for all reasonable consumer uses.

On October 5, 2008, the TCEQ issued a boil water notice to all Utility customers, and on October 6, 2008, two samples were taken for bacteriological testing. The presence of Escherichia coli ("E. coli") was identified in both water samples. On October 9, 2008, two additional samples were taken for bacteriological testing, and the presence of E. coli was identified in one water sample.

E. Coli is commonly associated with human waste and is an indicator bacteria for freshwater bodies in Texas. The presence of E. Coli indicates the presence of inadequately treated sewage, improperly managed animal waste from livestock, pets in urban areas, wildlife, or failing septic systems. E. Coli can cause acute intestinal distress.

A potential health hazard exists as a result of the abandonment of the Utility. Immediate repairs on the Utility are necessary to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health & Safety Code, and TCEQ rules. Mark Foust ("Mr. Foust") is a licensed Class C Operator and is overseeing the operation of the Ancar Water System. Mr. Foust has installed a chlorinating system and is designing a monitoring plan and designating sample sites for the system. Mr. Foust has no authority to bill or collect on a bill for water service.

Expenses for the Utility are accruing, and Mr. Foust cannot continue to operate the system without the authority to bill or collect on a bill for water service. Therefore, a temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health & Safety Code, and is safe for public use and consumption.

The Executive Director is requesting approval of the Emergency Order.

**UCR:**

Abandoned operations [TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c)].

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603196387 HODGES, RICHARD H Classification: Rating:  
Regulated Entity: RN105234819 ANCAR WATER SYSTEM Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1810188  
Location: 3333 ANCAR ST, ORANGE, TX, 77630  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: January 08, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: November 17, 2003 to November 17, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Rebecca Clausewitz Phone: (210) 403-4012

## 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 judgments, 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 07/20/2007 (564403)  
2 07/11/2008 (682730)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
Date: 08/31/2006 (509782)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)  
Description: Failure to provide a water pressure of at least 20 PSI in the distribution system.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.38(47)  
Description: Failure to register as a public water system when water service is extended to 19 or more connections.  
Date: 07/20/2007 (564403) CN603196387  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)  
Description: Failure to maintain operating records.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Failure to adopt an adequate plumbing ordinance, regulations or a service agreement with provisions for proper enforcement.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
Description: Failure to provide any forms or protocol for the performance of customer service inspections on newly built houses.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
Description: Failure to provide a monitoring plan.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)  
Description: Failure to provide a distribution map for reference and operator use.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
Description: Failure to provide a plant operations manual.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Failure to provide recorded copies of sanitary control easements for all land within 150 feet of the water well.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(4)  
Description: Failure to install individual meters for each service connection in the distribution system.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)  
Description: Failure to provide a well casing extending at least 18 inches above the natural ground surface.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)  
Description: Failure to provide an adequate size sealing block on the water well.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)  
Description: Failure to provide a raw water sample tap on the well discharge line.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)  
Description: Failure to provide the well with a flow measuring device.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to provide a casing vent on the water well.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)  
Description: Failure to have all wires in securely mounted conduit.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 288, SubChapter B 288.20  
Description: Failure to have Drought Contingency Plan.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)  
Description: Failure to meet this agency's "Minimum Water System Capacity Requirements" (PT).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)  
Description: Failure to employ trained and licensed personnel.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(a)  
Description: Failure to submit plans and specifications for TCEQ review before starting to operate the water system.

Date: 07/30/2007 (709145) CN603196387  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 06/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 06/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 09/10/2007 (709344) CN603196387  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 07/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 07/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 12/20/2007 (709353) CN603196387  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 09/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 09/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 01/31/2008 (709360) CN603196387  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 10/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 10/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 02/14/2008 (709363) CN603196387  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 11/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 11/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 02/21/2008 (709366) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 12/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 12/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 03/11/2008 (709371) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 01/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 01/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 04/16/2008 (709375) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 02/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 02/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 04/29/2008 (709379) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 03/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 03/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 05/22/2008 (709382) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 04/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 04/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 06/27/2008 (709387) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 05/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 05/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 07/31/2008 (709390) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 06/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 06/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 09/03/2008 (709394) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 07/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 07/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 10/10/2008 (709396) CN603196387

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: TCR Routine Monitoring Violation 08/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 08/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 11/03/2008 (704671) CN603196387

Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 291, SubChapter F 291.93  
Description: Failure to provide a continuous and adequate supply of water for all reasonable consumer uses.

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

# Compliance History Report

Customer/Respondent/Owner-Operator: CN602057051 SAUCIER JR, LESTER A Classification: Rating:  
Regulated Entity: RN105234819 ANCAR WATER SYSTEM Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
1810188  
Location: 3333 ANCAR ST, ORANGE, TX, 77630  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: January 08, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: November 17, 2003 to November 17, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Rebecca Clausewitz Phone: (210) 403-4012

## 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 judgments, 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.)  
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
Date: 08/31/2006 (509782)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)  
Description: Failure to provide a water pressure of at least 20 PSI in the distribution system.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.38(47)  
Description: Failure to register as a public water system when water service is extended to 19 or more connections.
- 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  
RICHARD HODGES DBA ANCAR  
WATER SYSTEM AND LESTER  
SAUCIER DBA ANCAR WATER  
SYSTEM;  
RN105234819**

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

**ORDER AFFIRMING EMERGENCY ORDER  
DOCKET NO. 2008-1634-UCR-E**

On January 28, 2009 the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) considered whether to affirm, modify, or set aside an Emergency Order in the matter regarding Richard Hodges dba Ancar Water System and Lester Saucier dba Ancar Water System (“Mr. Hodges and Mr. Saucier”). The Emergency Order was issued by the Executive Director without a hearing on November 17, 2008. The Emergency Order and the notice of the January 28, 2009 agenda hearing to affirm, modify, or set aside the Emergency Order were sent by UPS Next Day Air, sent certified mail return receipt requested, and sent first class mail, postage prepaid to the last known address of Mr. Hodges, Mr. Saucier, and David Dies, Mr. Saucier’s attorney, on November 17, 2008. The Emergency Order was also hand delivered to Mr. Hodges and Mr. Saucier on November 18, 2008. The Commission finds that the Executive Director appropriately issued the Emergency Order and that the requirements for an emergency order found in Chapters 5 and 13 of the Texas Water Code have been satisfied.

**THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY ORDERS THAT:**

The November 17, 2008 Emergency Order, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**Exhibit A**



5. Commission records show that the mailing address of the Utility headquarters is 3333 Ancar Street, Bridge City, Texas 77630-9115.
6. No other source of water is available to the more than 60 people whose water is supplied by Mr. Hodges and Mr. Saucier.
7. During an inspection on October 6, 2008, a TCEQ Beaumont Regional Office Investigator documented and now alleges that, Mr. Hodges and Mr. Saucier failed to provide a continuous and adequate supply of water for all reasonable consumer uses, in violation of 30 TEX. ADMIN. CODE § 291.93.
8. During an inspection on May 24, 2007 and a follow up record review on June 10, 2008, a TCEQ Beaumont Regional Office Investigator documented and now alleges that, Mr. Hodges:
  - a. Failed to maintain operating records, in violation of 30 TEX. ADMIN. CODE § 290.46(f). Specifically, the Utility does not have the following applicable records:
    - 1) The amount of chemicals used each week;
    - 2) The amount of water treated each week;
    - 3) The dates that dead end mains were flushed;
    - 4) Copies of any public notice issued by the Utility;
    - 5) The disinfectant residual monitoring results from the distribution system; and
    - 6) The results of inspections of the pressure tank.
  - b. Failed to adopt an adequate plumbing ordinance, regulations, or a service agreement with provisions for proper enforcement, in violation of 30 TEX. ADMIN. CODE § 290.46(i). Specifically, copies of Customer Service Agreements or applicable blank forms were unavailable for review.
  - c. Failed provide any forms or protocol for the performance of customer service inspections on newly built houses, in violation of 30 TEX. ADMIN. CODE § 290.46(j). Specifically, copies of Customer Service Inspection Certificates or related blank forms were unavailable for review.
  - d. Failed to provide a monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a). Specifically, it was noted that the Utility does not have a monitoring plan.
  - e. Failed to provide a distribution map for reference and operator use, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2). Specifically, the Utility did not have a distribution map.

- f. Failed to provide a plant operations manual, in violation of 30 TEX. ADMIN. CODE § 290.42(1). Specifically, the Utility did not have a plant operations manual.
- g. Failed to provide recorded copies of sanitary control easements for all land within 150 feet of the water well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F). Specifically, the Utility has not secured sanitary control easements from the adjacent land owners.
- h. Failed to install individual meters for each service connection in the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(4). Specifically, the owner stated that all but 4 customers have individual meters. In addition, the 4 customers, 2 on each side of the water well, are reportedly exempt for 20 years from paying their water bill.
- i. Failed to provide a well casing extending at least 18 inches above the natural ground surface, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B). Specifically, the well casing extended about 9 inches above the floor of the well house.
- j. Failed to provide an adequate size sealing block on the water well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J). Specifically, the East side of the well sealing block extends only about 2 feet from the well casing.
- k. Failed to provide a raw water sample tap on the well discharge line, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M). Specifically, the well did not have a raw sample tap.
- l. Failed to provide the well with a flow measuring device, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N). Specifically, the well did not have a well meter.
- m. Failed to provide a casing vent on the water well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K). Specifically, the well did not have a casing vent.
- n. Failed to have all wires in securely mounted conduit, in violation of 30 TEX. ADMIN. CODE § 290.46(v). Specifically, there were wires in the well room that were not in conduit.
- o. Failed to have a Drought Contingency Plan, in violation of 30 TEX. ADMIN. CODE § 288.20. Specifically, the water system did not have a Drought Contingency Plan.
- p. Failed to meet the agency's "Minimum Water System Capacity Requirements," in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii). Specifically, the Utility is required to provide at least 1000 gallons of pressure tank and the owner stated that the Utility has a 350 gallon pressure tank.

- q. Failed to employ trained and licensed personnel, in violation of 30 TEX. ADMIN. CODE § 290.46(e). Specifically, the Utility was operated by Mr. Hodges, who is not licensed.
  - r. Failed to submit plans and specifications for TCEQ review before starting to operate the water system, in violation of 30 TEX. ADMIN. CODE § 290.39(a).
9. On October 5, 2008, the TCEQ issued a boil water notice to all Utility customers, and on October 6, 2008, two samples were taken for bacteriological testing. The presence of Escherichia coli ("E. coli") was identified in both water samples. On October 9, 2008, two additional samples were taken for bacteriological testing, and the presence of E. coli was identified in one water sample.
  10. E. Coli is commonly associated with human waste and is an indicator bacteria for freshwater bodies in Texas. The presence of E. Coli indicates the presence of inadequately treated sewage, improperly managed animal waste from livestock, pets in urban areas, wildlife, or failing septic systems. E. Coli can cause acute intestinal distress.
  11. A potential health hazard exists as a result of the abandonment of the Utility. Immediate repairs on the Utility are necessary to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health & Safety Code, and TCEQ rules. Mark Foust ("Mr. Foust") is a licensed Class C Operator and is overseeing the operation of the Ancar Water System. ("Attachment B"). Mr. Foust has installed a chlorinating system and is designing a monitoring plan and designating sample sites for the system. Mr. Foust has no authority to bill or collect on a bill for water service. Expenses for the Utility are accruing, and Mr. Foust cannot continue to operate the system without the authority to bill or collect on a bill for water service. Therefore, a temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health & Safety Code, and is safe for public use and consumption.
  12. Mr. Foust has agreed to serve as temporary manager of the Utility and his mailing address is P.O. Box 5, Saratoga, Texas 77585-0005. His telephone number is (409) 782-9780.
  13. This Order is necessary to ensure that continuous and adequate water service is provided to the customers of the Utility to effectuate the purposes of the Texas Water Code and the Texas Health and Safety Code.
  14. Because the Utility has been abandoned, this matter will be referred to the Attorney General's office so that a petition may be filed to appoint a receiver under TEX. WATER CODE § 13.412 to guarantee continuous and adequate service to customers of the Utility.

## II. CONCLUSIONS OF LAW

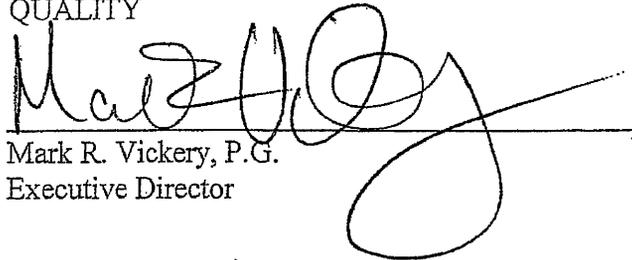
1. As evidenced by Findings of Fact Nos. 1 and 2, Mr. Hodges and Mr. Saucier operate a retail public utility as defined in TEX. WATER CODE § 13.002(19).
2. Findings of Fact Nos. 3, 4, 6, 7, 8, 9, 10, and 11 show that the Utility has been abandoned and that the appointment of temporary manager is justified as defined in TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c).
3. TEX. WATER CODE § 13.4132 authorizes the Commission to appoint a willing person to temporarily manage and operate a utility if the utility has discontinued or abandoned operations or the provision of services; or has been or is being referred to the attorney general for the appointment of a receiver under TEX. WATER CODE § 13.412.
4. TEX. WATER CODE § 5.507 provides that the Commission may issue an emergency order appointing a willing person to temporarily manage and operate a utility under TEX. WATER CODE § 13.4132.
5. This Emergency Order may be issued without notice or hearing pursuant to TEX. WATER CODE § 5.501(b) and 30 TEX. ADMIN. CODE § 35.25.
6. TEX. WATER CODE § 5.501(c) and 30 TEXAS ADMIN. CODE §§ 35.12 and 291.143(a) authorize the TCEQ Executive Director to issue this Emergency Order.
7. TEX. WATER CODE §§ 5.501 and 5.507 and 30 TEX. ADMIN. CODE § 291.143(a) authorize the Executive Director to appoint a person to temporarily manage and operate a utility that has discontinued or abandoned operations or which is being referred to the office of the Attorney General for the appointment of the receiver.
8. TEX. WATER CODE § 13.4132 provides to the temporary manager the powers and duties necessary to ensure continued operation of the utility and the provision of continuous and adequate services to customers including the power and duty to read meters, bill for services, collect revenues, disburse funds, access all system components, and request rate increases.
9. Notice of the emergency order, once it has been issued, is adequate if the notice is mailed or hand delivered to the last known address of the Utility's headquarters, in accordance with TEX. WATER CODE § 5.507. The last known address of Mr. Hodges and Mr. Saucier is set forth in Finding of Fact No. 5.

**III.  
ORDER**

1. This Order shall be effective on the date it is executed by the TCEQ Executive Director, i.e. November 17, 2008.
2. Immediately upon the effective date of this Order, Mr. Foust is hereby appointed to temporarily manage and operate the Utility.
3. Mr. Foust shall serve as temporary manager until such time as a receiver is appointed to operate the Utility by a court of proper jurisdiction, or 180 days after the effective date of this Order i.e. May 16, 2008, whichever occurs first.
4. Mr. Foust is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
5. Mr. Foust shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Order.
6. Mr. Foust's requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
7. Mr. Foust's compensation will come from Utility revenues in the amount of fifteen dollars (\$15.00) per month per connection.
8. Mr. Foust shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).
9. Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify or set aside this Order at its regular Agenda meeting on January 28, 2009, at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the January 28, 2009 Agenda meeting, Mr. Hodges and or Mr. Saucier may request an evidentiary hearing pursuant to 30 TEX. ADMIN. CODE § 35.25(c) for the purpose of presenting evidence and cross-examining witnesses regarding whether to affirm, modify, or set aside this Emergency Order. An Administrative Law Judge will be present at the Agenda to immediately hear the matter should a hearing be requested.**

10. The Chief Clerk shall provide a copy of this Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY

A handwritten signature in black ink, appearing to read "Mark R. Vickery", is written over a horizontal line. The signature is stylized and extends to the right of the line.

Mark R. Vickery, P.G.  
Executive Director

Attachment A



## Attachment B

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PO BOX 13087 MC-178 ♦ AUSTIN TEXAS 78711-3087

Pursuant to authorization from the Executive Director of the Texas Commission on Environmental Quality, the Manager of the Operator Licensing Section of the Compliance Support Division has issued the enclosed SURFACE WATER TREATMENT OPERATOR certificate and pocket card.

## RECEIPT OF PAYMENT

Fee Type: RENEWAL APPLICATION

Date Fee Paid: 02/06/2008

Amount Paid: \$ 111.00

TEST SCORE: N/A

CONTACT INFORMATION  
WATER LICENSING  
(512)239-6133

For procedures to renew this license, or for general information about licensing visit:

[www.tceq.state.tx.us/nav/permits/licenses.html](http://www.tceq.state.tx.us/nav/permits/licenses.html)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**MARK T FOUST**

Is hereby licensed as a  
SURFACE WATER TREATMENT OPERATOR

Class	License Number	Expires
C	WS0007525	02/02/2011

SIGNATURE

  
EXECUTIVE DIRECTOR

TCEQ VIPP Form oee3 (09-07-06)

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Be it known that*

**MARK T FOUST**

*has fulfilled the requirements in accordance with the laws of the State of Texas for*

**CLASS C SURFACE WATER TREATMENT OPERATOR**

*License Number:* WS0007525

*Issue Date:* 02/12/2008

*Expiration Date:* 02/02/2011

  
Executive Director  
Texas Commission on Environmental Quality



Texas Commission on Environmental Quality  
Operator Licensing Section, MC-178  
PO Box 13087  
Austin TX 78711-3087

ADDRESS CORRECTION REQUESTED

**IMPORTANT LICENSING INFORMATION ENCLOSED**

MARK T FOUST  
PO BOX 5  
SARATOGA TX 77585-0005



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**SITE SEARCH:**  
 please enter search phras:

**SUBJECT INDEX**  
 > Air > Water > Waste  
 > Search TCEQ Data  
 > Agency Organization Map

**SITE NAVIGATION:**

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- [Permits, Licenses & Registrations](#)
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>> [Questions or Comments: licenses@tceq.state.tx.us](#)

## Licensing Detail

You searched for the following:

**First Name or Initial:** MARK  
**Last Name:** FOUST

To report a change of address or work phone number, please e-mail [licenses@tceq.state.tx.us](mailto:licenses@tceq.state.tx.us). Make sure to include your TCEQ license number.

<b>Name:</b> FOUST, MARK T	
<b>Address:</b>	PO BOX 5
<b>City:</b>	SARATOGA
<b>State:</b>	TX
<b>Zip Code:</b>	77585-0005
<b>Work Phone:</b>	409/782-9780
<b>County:</b>	HARDIN

### License(s)

Program	License Type and Level	License Number	Last Issued Date	Exp. Date	CEUs Earned	CEUs Needed	License Status
WATEROL	SURFACE WATER TREATMENT OPERATOR C	WS0007525	02/12/08	02/02/11	0	30	CURRENT
WWOL	WASTEWATER TREATMENT OPERATOR C	WW0032910	10/04/06	10/04/09	40	0	CURRENT
WATEROL	WATER OPERATOR D	WO0004198	03/06/03	02/02/05	N/A	N/A	EXPIRED
WATEROL	GROUND WATER TREATMENT OPERATOR C	WG0009442	04/11/05	04/11/08	N/A	N/A	EXPIRED
WWOL	WASTEWATER TREATMENT OPERATOR D	WW0028791	02/07/05	10/04/06	N/A	N/A	EXPIRED
WATEROL	SURFACE WATER TREATMENT OPERATOR B	N/A	N/A	N/A	N/A	N/A	VOID

**Note:** Please allow 45 days from the last date of the training session for a record to appear in the search results. If a course does not appear on your training record after three months, please fax a copy of the course-completion certificate to 512/239-6272. Include either your TCEQ license number or Social Security Number if neither is displayed on the certificate.

### Course(s)

Program	Course Title	Course Code	Hours	Date	Provider Abbr.
OSSFOL	WATER UTILITY SAFETY	426	8.0	05/03/07	TEEX/W&WW

WATEROL	WATER DISTRIBUTION	605	20.0	06/07/07	TEEX/W&WW
WATEROL	WATER UTILITY SAFETY	426	20.0	05/03/07	TEEX/W&WW
WATEROL	WATER UTILITY MANAGEMENT	550	20.0	04/27/07	S/E TEX RS
WATEROL	SURFACE WATER PRODUCTION II	954	20.0	04/26/06	S/E TEX RS
WATEROL	GROUNDWATER PRODUCTION	223	20.0	02/17/05	TEEX/W&WW
WATEROL	WATER LABORATORY	285	20.0	08/19/04	TEEX/W&WW
WATEROL	SURFACE WATER PRODUCTION I	942	24.0	02/27/03	TEEX/W&WW
WATEROL	BASIC WATER	92	20.0	12/12/02	TEEX/W&WW
WWOL	WATER UTILITY SAFETY	426	20.0	05/03/07	TEEX/W&WW
WWOL	WATER UTILITY MANAGEMENT	550	20.0	04/27/07	S/E TEX RS
WWOL	WASTEWATER TREATMENT	437	20.0	08/24/06	TEEX/W&WW
WWOL	WASTEWATER LABORATORY	81	20.0	08/18/05	TEEX/W&WW
WWOL	BASIC WASTEWATER OPERATIONS	59	20.0	01/06/05	TEEX/W&WW

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Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

CHIEF CLERKS OFFICE

2009 JAN - 8 PM 1:41

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

November 17, 2008

Lester Saucier, Owner & Operator  
Ancar Water system  
3333 Ancar Street  
Bridge City, Texas 77630-9115

**Via Hand Delivery**

**Via UPS Express Delivery, Tracking No. 1Z 894 9WR 22 1000 1208**

**Via Certified Mail Return Receipt Requested Article Number 91 7108 2133 3935 2309 9815**

**Via First Class Mail, Postage Pre-Paid**

Richard Hodges, Owner & Operator  
Ancar Water System  
3333 Ancar Street  
Bridge City, Texas 77630-9115

**Via Hand Delivery**

**Via UPS Express Delivery, Tracking No. 1Z 894 9WR 22 1000 1226**

**Via Certified Mail Return Receipt Requested Article Number 91 7108 2133 3935 2309 9822**

**Via First Class Mail, Postage Pre-Paid**

Mr. David Dies, Attorney  
1009 Green Avenue  
Orange, Texas 77630

**Via Hand Delivery**

**Via UPS Express Delivery, Tracking No. 1Z 894 9WR 22 1000 1217**

**Via Certified Mail Return Receipt Requested Article Number 91 7108 2133 3935 2309 9839**

**Via First Class Mail, Postage Pre-Paid**

Re: Richard Hodges dba Ancar Water System and Lester Saucier dba Ancar Water System  
Docket No. 2008-1634-UCR-E  
Notice of Emergency Order and of Hearing to Modify, Affirm, or Set Aside

Dear Mr. Saucier, Mr. Hodges, and Mr. Dies:

On November 17, 2008, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an emergency order appointing Mark Foust as temporary manager of the Ancar Water System pursuant to TEX. WATER CODE chs. 5 and 13,

Mr. Lester Saucier  
Mr. Richard Hodges  
Mr. David Dies  
November 17, 2008  
Page 2

TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291 a copy of which is enclosed. The parties made the subject to this order are Richard Hodges dba Ancar Water System and Lester Saucier dba Ancar Water System.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on November 17, 2008. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **January 28, 2009**. The Agenda begins at **1:00 p.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. A copy of the record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Texas Commission on Environmental Quality Agenda process will be provided to you at a later time.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order**. An Administrative Law Judge will be available to conduct a hearing at Agenda on January 28, 2009, should you so request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-3400.

Sincerely,



Dinniah M. Chahin  
Attorney  
Litigation Division

cc: Alex Hinz, Beaumont Regional Office, MC R-10  
Rebecca Clausewitz, Enforcement Coordinator, MC R-13  
Mr. Mark Foust, P.O. Box 5, Saratoga, Texas 77585-0005

Enclosures

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 8, 2009

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087

Re: Affidavits  
Richard Hodges dba Ancar Water System and Lester Saucier dba Ancar Water System  
TCEQ DOCKET NO. 2008-1634-UCR-E

Dear Ms. Castañuela:

Enclosed for filing are the original Affidavit of Angela Hicks and the original Affidavit of Dinniah M. Chahin ("Affidavits"). Enclosed please also find one copy of this letter to you and two copies of the Affidavits. Please file stamp these documents and return them to Dinniah M. Chahin, Attorney, Litigation Division, MC 175. If you have any questions or comments, please call me at (512) 239-0617.

Sincerely,

A handwritten signature in cursive script that reads "Dinniah M. Chahin".

Dinniah M. Chahin  
Attorney  
Litigation Division

Enclosures

cc: Rebecca Clausewitz, Enforcement Division, TCEQ, MC R-13  
David Dies, Attorney, Dies & Parkhurst, LLP, 1009 West Green Avenue, Orange, Texas  
77630  
Mark Foust, P.O. Box 5, Saratoga, Texas 77585-0005

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 JAN -8 PM 1:43  
CHIEF CLERKS OFFICE

AFFIDAVIT OF DINNIAH M. CHAHIN

STATE OF TEXAS §  
  §  
COUNTY OF TRAVIS §

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 JAN - 8 PM 4:43  
CHIEF CLERKS OFFICE

My name is Dinniah M. Chahin. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On November 17, 2008, I, Dinniah M. Chahin on behalf of the Executive Director of the Texas Commission on Environmental Quality, sent via UPS Next Day Air (Tracking No. 1Z 894 9WR 22 1000 1208), via Certified Mail Return Receipt Requested (Article No. 91 7108 2133 3935 2309 9815), and via First Class Mail, postage prepaid to Lester Saucier, the November 17, 2008 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the November 17, 2008 Emergency Order set for the January 28, 2009 Commission Agenda.

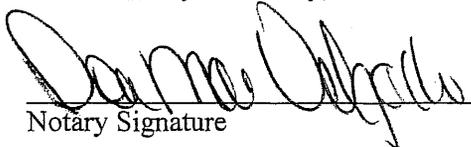
Additionally, on November 17, 2008, I, Dinniah M. Chahin, on behalf of the Executive Director of the Texas Commission on Environmental Quality, sent via UPS Next Day Air (Tracking No. 1Z 894 9WR 22 1000 1226), via Certified Mail Return Receipt Requested (Article No. 91 7108 2133 3935 2309 9822), and via First Class Mail, postage prepaid, to Richard Hodges, the November 17, 2008 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the November 17, 2008, Emergency Order set for the January 28, 2009 Commission Agenda.

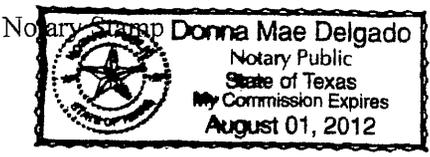
Additionally, on November 17, 2008, I, Dinniah M. Chahin on behalf of the Executive Director of the Texas Commission on Environmental Quality, sent via UPS Next Day Air (Tracking No. 1Z 894 9WR 22 1000 1217), via Certified Mail Return Receipt Requested (Article No. 91 7108 2133 3935 2309 9839), and via First Class Mail, postage prepaid to David Dies, Attorney for Lester Saucier, the November 17, 2008 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the November 17, 2008 Emergency Order set for the January 28, 2009 Commission Agenda.

  
\_\_\_\_\_  
Dinniah M. Chahin  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Dinniah M. Chahin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 8th day of January, A.D., 2009.

  
\_\_\_\_\_  
Notary Signature



AFFIDAVIT OF ANGELA HICKS

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

CHIEF CLERKS OFFICE

2009 JAN -8 PM 1:43

STATE OF TEXAS                   §  
   §  
COUNTY OF JEFFERSON       §

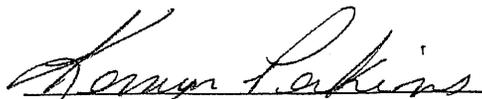
My name is Angela Hicks. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On Tuesday, November 18, 2008, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I personally hand delivered to Lester Saucier and Richard Hodges, the November 17, 2008 Emergency Order set for the January 28, 2009 Commission Agenda.

  
\_\_\_\_\_  
Angela Hicks  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day appeared Angela Hicks, personally known to me to be the person whose name is subscribed to the foregoing instrument and upon his oath acknowledged to me that the facts herein are true and correct.

Given under my hand and seal of office this 8<sup>th</sup> day of January, A.D., 2009.

  
\_\_\_\_\_  
Notary Signature

