

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

June 5, 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 7004 1350 0002 7561 3558

3333 Ancar Street
Orange, Texas 77630
Article Number 7004 1350 0002 7561 3565

3122 Texas Avenue
Bridge City, Texas 77611
Article Number 7004 1350 0002 7561 3572

Richard Hodges, Owner & Operator
Ancar Water System
3333 Ancar Street
Bridge City, Texas 77630-9115
Article Number 7004 1350 0002 7561 3589

3333 Ancar Street
Orange, Texas 77630
Article Number 7004 1350 0002 7561 3596

97 East Oregon Street
Orange, Texas 77630
Article Number 7004 1350 0002 7561 3602

Mr. David Dies, Attorney
1009 West Green Avenue
Orange, Texas 77630
Article Number 7003 0500 0003 2004 3900

P.O. Box 1467
Orange, Texas 77631
Article Number 7003 0500 0003 2004 3917

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 JUN -5 AM 10:39
CHIEF CLERKS OFFICE

Mr. Lester Saucier, Mr. Richard Hodges, and Mr. David Dies
June 5, 2009
Page 2

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

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

On May 15, 2009, 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 May 15, 2009. **Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on June 26, 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 June 26, 2009 an evidentiary hearing on issuance of the Emergency Order.** An Administrative Law Judge will be available to conduct a hearing at Agenda on **June 26, 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

ORDER TYPE:		
<input 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 checked="" type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: 3333 Ancar Street, Bridge City, Orange County</p> <p>TYPE OF OPERATION: Public water supply and retail public utility (Utility)</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: 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>INTERESTED PARTIES: 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>COMMENTS RECEIVED: Pursuant to TEX. WATER CODE § 7.075, publication is not required for an Emergency Order.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617 TCEQ Enforcement Coordinator: Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012 TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838 Respondents: 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 Respondent's Attorney: David Dies, Attorney for Lester Saucier, Dies & 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
 JUN - 5 AM 10:40
 CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</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>Date of Complaint Relating to this Case: October 2, 2008</p> <p>Dates of Investigations Relating to this Case: May 24, 2007 (Routine); June 10, 2008 (Records Review); and October 6, 2008 (Complaint)</p> <p>Date of NOVs Relating to this Case: July 20, 2007 and November 3, 2008</p> <p>Background Facts: 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> <p>During an inspection on October 6, 2008, a TCEQ Beaumont Regional Office Investigator documented that Mr. Hodges and</p>	<p>N/A</p>	<p>Ordering Provisions:</p> <ol style="list-style-type: none"> 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. November 11, 2009. 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. 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. 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). 5. Mr. Foust's compensation will come from Utility revenues in the amount of fifteen dollars (\$15.00) per month per connection. 6. Mr. Foust shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

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

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 existed as a result of the abandonment of the Utility. Immediate repairs on the Utility were 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.

On November 17, 2008, the Executive Director issued an Emergency Order appointing Mark Foust ("Mr. Foust") as the Temporary Manager of the Utility. On January 28, 2009, the Commission determined that the Executive Director appropriately issued the Emergency Order. On May 15, 2009, the Executive Director issued an Emergency Order Renewing the Appointment of Mark Foust as Temporary Manager.

The Executive Director is requesting approval of the Emergency Order renewing the appointment of Mr. Foust as the Temporary Manager for an additional 180 days.

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 June 26, 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 May 15, 2009. The Emergency Order and the notice of the June 26, 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 addresses of Mr. Hodges, Mr. Saucier, and Mr. David Dies, Mr. Saucier’s attorney, on May 15, 2009. The Emergency Order was also hand delivered to Mr. Hodges on June 1, 2009. 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 May 15, 2009 Emergency Order, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Exhibit A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY



2009 MAY 15 PM 2:46

CHIEF CLERKS OFFICE

TCEQ DOCKET NO. 2008-1634-UCR-E

IN THE MATTER OF	§	BEFORE THE
AN ENFORCEMENT ACTION AGAINST	§	
RICHARD HODGES DBA ANCAR	§	
WATER SYSTEM AND LESTER	§	TEXAS COMMISSION ON
SAUCIER DBA ANCAR WATER	§	
SYSTEM;	§	
RN105234819	§	ENVIRONMENTAL QUALITY

**EMERGENCY ORDER
RENEWING THE APPOINTMENT OF A TEMPORARY MANAGER
OF A WATER UTILITY**

On May 15, 2009, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued this 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 ("Mr. Hodges") and Lester Saucier dba Ancar Water System ("Mr. Saucier").

**I.
FINDINGS OF FACT**

1. Mr. Hodges and Mr. Saucier own and operate a public water system located at 3333 Ancar Street, Bridge City, Orange County, Texas (the "Utility").
2. The Utility provides potable water service for compensation to approximately 20 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. As such, the Utility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
3. Mr. Hodges and Mr. Saucier have abandoned the Utility by failing to provide appropriate water treatment as evidenced by the affidavit of Angela Hicks ("Attachment A").
4. The TCEQ alleges that Mr. Hodges and Mr. Saucier refuse to make necessary repairs to the Utility to ensure continuous and adequate water service.
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 to 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 currently serving as the temporary manager of the Utility through an Emergency Order issued on November 17, 2008 and affirmed by the Commission on January 28, 2009. A temporary manager is necessary to continue 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 for an additional 180 days 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.

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).

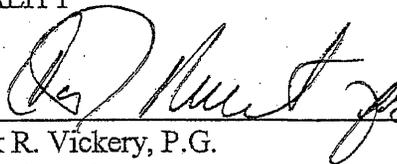
2. Findings of Fact Nos. 3, 4, 6, 7, 8, 9, 10, and 11, show that the Utility has been abandoned and that the appointment of temporary manager is justified as defined in TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c).
3. TEX. WATER CODE § 13.4132 authorizes the Commission 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. TEX. WATER CODE § 5.505 provides that the Commission may renew an emergency order once for a period not to exceed 180 days.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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. May 15, 2009.
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 180 days after the effective date of this Order i.e. November 11, 2009.
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 June 26, 2009, at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the June 26, 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



Mark R. Vickery, P.G.
Executive Director

Attachment A

AFFIDAVIT OF Angela Hicks

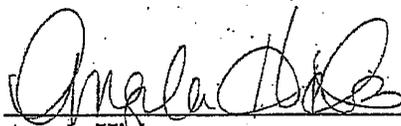
STATE OF TEXAS §
 §
COUNTY OF Jefferson §

BEFORE ME, the undersigned notary, on this day personally appeared Angela Hicks, an employee of the Texas Commission on Environmental Quality, whose identity is known to me. Upon being duly sworn she stated:

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 October 2, 2008, I spoke with Richard Hodges ("Mr. Hodges"). Mr. Hodges owns and at the time of the violations operated a public water system located at 3333 Ancar Street, Bridge City, Orange County, Texas (the "Utility"). Mr. Hodges stated that he turned off the well to the Utility and that he is disabled and unable to continue operating the Utility. On May 12 and May 14, 2009, I attempted to contact Mr. Hodges to verify that he continues to no longer want to operate the system. Mr. Hodges failed to return my telephone calls. Mr. Hodges has not shown any interest in resuming operation of the Utility.

On October 2, 2008, I spoke with Lester Saucier ("Mr. Saucier"). Mr. Saucier owns and at the time of the violations operated the Utility. Mr. Saucier stated that he disconnected electricity to the Utility. On October 14, 2008, Mr. Saucier stated that he will not maintain nor be responsible for the Utility. On May 12, 2009, I spoke with David Dies ("Mr. Dies"), Mr. Saucier's attorney. Mr. Dies stated that his client continues to not want to be liable for the Utility.

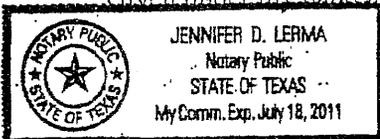


Angela Hicks

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Angela Hicks, 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 15th day of May, A.D., 2009.



Notary Stamp



Notary Signature

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

2009 MAY 15 PM 4:01

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

May 15, 2009

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 1646

Via Certified Mail Return Receipt Requested Article No. 7003 0500 0002 9936 5928

Via First Class Mail, Postage Pre-Paid

3122 Texas Avenue
Bridge City, Texas 77611

Via Hand Delivery

Via UPS Express Delivery, Tracking No. 1Z 894 9WR 22 1000 1655

Via Certified Mail Return Receipt Requested Article No. 7003 0500 0002 9936 5935

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 1664

Via Certified Mail Return Receipt Requested Article No. 7003 0500 0002 9936 5942

Via First Class Mail, Postage Pre-Paid

97 East Oregon Street
Orange, Texas 77630

Via Hand Delivery

Via UPS Express Delivery, Tracking No. 1Z 894 9WR 22 1000 1673

Via Certified Mail Return Receipt Requested Article No. 7003 0500 0002 9936 5959

Via First Class Mail, Postage Pre-Paid

Mr. David Dies, Attorney
P.O. Box 1467
Orange, Texas 77631

Via Certified Mail Return Receipt Requested Article No. 7003 0500 0002 9936 5966

Via First Class Mail, Postage Pre-Paid

1009 West Green Avenue
Orange, Texas 77630

Via Hand Delivery

Via UPS Express Delivery, Tracking No. 1Z 894 9WR 22 1000 1691

Via Certified Mail Return Receipt Requested Article No. 7003 0500 0002 9936 5973

Via First Class Mail, Postage Pre-Paid

Mr. Lester Saucier
Mr. Richard Hodges
Mr. David Dies
May 15, 2009
Page 2

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 May 15, 2009, 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, 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 May 15, 2009. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **June 26, 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**. 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 June 26, 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

AFFIDAVIT OF DINNIAH M. CHAHIN

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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 May 15, 2009, I, Dinniah M. Chahin on behalf of the Executive Director of the Texas Commission on Environmental Quality, sent via UPS Next Day Air (Tracking Nos. 1Z 894 9WR 22 1000 1646 and 1Z 894 9WR 22 1000 1655), via Certified Mail Return Receipt Requested (Article Nos. 7003 0500 0002 9936 5928 and 7003 0500 0002 9936 5935), and via First Class Mail, postage prepaid to Lester Saucier, the May 15, 2009 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the May 15, 2009 Emergency Order set for the June 26, 2009 Commission Agenda.

Additionally, on May 15, 2009, I, Dinniah M. Chahin, on behalf of the Executive Director of the Texas Commission on Environmental Quality, sent via UPS Next Day Air (Tracking Nos. 1Z 894 9WR 22 1000 1664 and 1Z 894 9WR 22 1000 1673), via Certified Mail Return Receipt Requested (Article Nos. 7003 0500 0002 9936 5942 and 7003 0500 0002 9936 5959), and via First Class Mail, postage prepaid, to Richard Hodges, the May 15, 2009 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the May 15, 2009, Emergency Order set for the June 26, 2009 Commission Agenda.

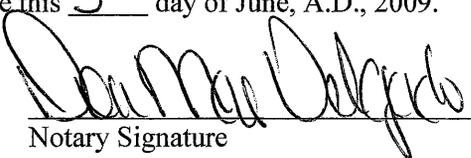
Additionally, on May 15, 2009, I, Dinniah M. Chahin on behalf of the Executive Director of the Texas Commission on Environmental Quality, sent via UPS Next Day Air (Tracking No. 1Z 894 9WR 22 1000 1691), via Certified Mail Return Receipt Requested (Article Nos. 7003 0500 0002 9936 5966 and 7003 0500 0002 9936 5973), and via First Class Mail, postage prepaid to David Dies, Attorney for Lester Saucier, the May 15, 2009 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the May 15, 2009 Emergency Order set for the June 26, 2009 Commission Agenda.



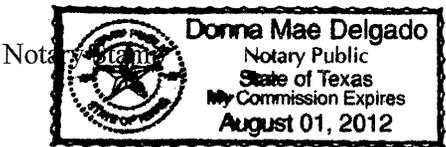
Dinniah M. Chahin
Attorney
Texas Commission on Environmental Quality

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 5th day of June, A.D., 2009.



Notary Signature



Notary