

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO. 2010-0785-PWS-E**

**RN101453561**

**CASE NO. 39692**

**RESPONDENT NAME: DIMITRIOUS GEORGOPOULOS D/B/A TECH CAFÉ**

|  |  |   |
|--|--|---|
| <b>ORDER TYPE:</b>                                     |  |   |
| <input type="checkbox"/> <b>AGREED ORDER</b>           | <input checked="" 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 type="checkbox"/> <b>EMERGENCY ORDER</b>                  |   |

|  |  |   |
|--|--|---|
| <b>CASE TYPE:</b>  |  |   |
| <input type="checkbox"/> <b>AIR</b>                            | <input type="checkbox"/> <b>MULTI-MEDIA</b> (check all that apply) | <input type="checkbox"/> <b>INDUSTRIAL 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>      |

**SITE WHERE VIOLATION(S) OCCURRED:** 11710 University Avenue, Lubbock, Lubbock County

**TYPE OF OPERATION:** restaurant/café

**SMALL BUSINESS:**  Yes  No  N/A

**OTHER SIGNIFICANT MATTERS:** There are no complaints related to this enforcement action. There is no record of additional pending enforcement action regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired January 24, 2011. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Sharesa Y. Alexander, Litigation Division, MC 175, (512) 239-3503

Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Water Enforcement Section, MC R-14, (361) 825-3425

**TCEQ Regional Contact:** Elston Johnson, Austin Regional Office, MC 155, (512) 239-6266

**Respondent:** Dimitrious Georgopoulos, Owner, Tech Café, 5615 84<sup>th</sup> Street, Lubbock, Texas 79424

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: DIMITRIOUS GEORGOPOULOS**  
**D/B/A TECH CAFÉ**  
**DOCKET NO. 2010-0785-PWS-E**

| <b>VIOLATION SUMMARY CHART:</b>  |   |  |
|--|---|--|
| <b>VIOLATION INFORMATION</b>   | <b>PENALTY CONSIDERATIONS</b>   | <b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>   |
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint:</b><br/> N/A</p> <p><b>Date of Investigation:</b><br/> March 1, 2010</p> <p><b>Date of NOE:</b><br/> April 16, 2010</p> <p><b>Background Facts:</b><br/> The EDRP was filed on October 6, 2010. The Agreed Order was signed on November 22, 2010.</p> <p><b>Current Compliance Status:</b><br/> No outstanding technical requirements.</p> <p><b>PWS:</b><br/> Failed to collect routine distribution water samples for coliform analysis for the months of May, August and October 2009 and January and February 2010; and failed to provide public notice of the failure to sample for the months of May, August and October 2009 and January 2010 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH &amp; SAFETY CODE § 341.033(d)].</p> | <p><b>Total Assessed:</b> \$1,994</p> <p><b>Total Deferred:</b> \$0<br/> <input type="checkbox"/> Expedited Order<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,994</p> <p>Respondent paid the administrative penalty in full.</p> <p><b>Compliance History Classifications:</b><br/> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b><br/> Three or more enforcement actions (NOVs) for the same violation in the preceding five-year period.</p> | <p><b>Corrective Action Taken:</b><br/> The Executive Director recognizes that as of September 1, 2010, Respondent has been compliant with monitoring requirements during the preceding 180-day compliance period.</p> |



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

|              |                 |             |                  |             |                |            |
|--------------|-----------------|-------------|------------------|-------------|----------------|------------|
| <b>DATES</b> | <b>Assigned</b> | 10-May-2010 | <b>Screening</b> | 11-May-2010 | <b>EPA Due</b> | 1-Jan-2011 |
|              | <b>PCW</b>      | 8-Nov-2010  |                  |             |                |            |

|  |                                      |
|--|--------------------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                      |
| <b>Respondent</b>                      | Dimitrios Georgopoulos dba Tech Café |
| <b>Reg. Ent. Ref. No.</b>              | RN101453561                          |
| <b>Facility/Site Region</b>            | 2-Lubbock                            |
| <b>Major/Minor Source</b>              | Minor                                |

|                                |                     |                              |                     |         |
|--------------------------------|---------------------|------------------------------|---------------------|---------|
| <b>CASE INFORMATION</b>        |                     |                              |                     |         |
| <b>Enf./Case ID No.</b>        | 39692               | <b>No. of Violations</b>     | 1                   |         |
| <b>Docket No.</b>              | 2010-0785-PWS-E     | <b>Order Type</b>            | Findings            |         |
| <b>Media Program(s)</b>        | Public Water Supply | <b>Government/Non-Profit</b> | No                  |         |
| <b>Multi-Media</b>             |                     | <b>Enf. Coordinator</b>      | Epifanio Villarreal |         |
|                                |                     | <b>EC's Team</b>             | Enforcement Team 2  |         |
| <b>Admin. Penalty \$ Limit</b> | <b>Minimum</b>      | \$50                         | <b>Maximum</b>      | \$1,000 |

## Penalty Calculation Section

|   |                   |         |
|---|-------------------|---------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$1,250 |
|---|-------------------|---------|

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

|                           |                   |                                |       |
|---------------------------|-------------------|--------------------------------|-------|
| <b>Compliance History</b> | 47.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$587 |
|---------------------------|-------------------|--------------------------------|-------|

**Notes**

Enhancement is due to five Notices of Violation ("NOVs") that contain violations that are the same or similar to those in the current enforcement action, one dissimilar NOV, and one prior enforcement order containing a denial of liability.

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

**Notes**

The Respondent does not meet the culpability criteria.

|  |                   |     |
|--|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|--|-------------------|-----|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

|                            |       |                                   |
|----------------------------|-------|-----------------------------------|
| Total EB Amounts           | \$161 | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$245 |                                   |

|                             |                       |         |
|-----------------------------|-----------------------|---------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$1,837 |
|-----------------------------|-----------------------|---------|

|   |      |                   |       |
|---|------|-------------------|-------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 8.5% | <b>Adjustment</b> | \$157 |
|---|------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

Enhancement recommended to recover avoided costs of compliance.

|                             |         |
|-----------------------------|---------|
| <b>Final Penalty Amount</b> | \$1,994 |
|-----------------------------|---------|

|                                   |                               |         |
|-----------------------------------|-------------------------------|---------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$1,994 |
|-----------------------------------|-------------------------------|---------|

|                 |      |           |                   |     |
|-----------------|------|-----------|-------------------|-----|
| <b>DEFERRAL</b> | 0.0% | Reduction | <b>Adjustment</b> | \$0 |
|-----------------|------|-----------|-------------------|-----|

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

**Notes**

No deferral is recommended for Findings Orders.

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$1,994 |
|------------------------|---------|

**Screening Date** 11-May-2010

**Docket No.** 2010-0785-PWS-E

**PCW**

**Respondent** Dimitrios Georgopoulos dba Tech Café

*Policy Revision 2 (September 2002)*

**Case ID No.** 39692

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN101453561

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

### Compliance History Worksheet

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

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )   | 5                 | 25%     |
|                               | Other written NOVs   | 1                 | 2%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 1                 | 20%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 0                 | 0%      |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

**Adjustment Percentage (Subtotal 2)** 47%

**>> Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes** Enhancement is due to five Notices of Violation ("NOVs") that contain violations that are the same or similar to those in the current enforcement action, one dissimilar NOV, and one prior enforcement order containing a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 47%

|                                |  |                   |                 |   |
|--------------------------------|--|-------------------|-----------------|---|
| <b>Screening Date</b>          | 11-May-2010  | <b>Docket No.</b> | 2010-0785-PWS-E | <b>PCW</b>                                |
| <b>Respondent</b>              | Dimitrios Georgopoulos dba Tech Café   |                   |                 | <i>Policy Revision 2 (September 2002)</i> |
| <b>Case ID No.</b>             | 39692  |                   |                 | <i>PCW Revision October 30, 2008</i>      |
| <b>Reg. Ent. Reference No.</b> | RN101453561  |                   |                 |   |
| <b>Media [Statute]</b>         | Public Water Supply  |                   |                 |   |
| <b>Enf. Coordinator</b>        | Epifanio Villarreal  |                   |                 |   |
| <b>Violation Number</b>        | 1  |                   |                 |   |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and Tex. Health and Safety Code § 341.033(d)  |                   |                 |   |
| <b>Violation Description</b>   | Failed to collect routine distribution water samples for coliform analysis for the months of May, August, and October 2009 and January and February 2010 and failed to provide public notice of the failure to sample for the months of May, August, and October 2009, and January 2010. |                   |                 |   |
| <b>Base Penalty</b>            | \$1,000  |                   |                 |   |

**>> Environmental, Property and Human Health Matrix**

|           |                |             |          |       |                    |
|-----------|----------------|-------------|----------|-------|--------------------|
| <b>OR</b> |                | <b>Harm</b> |          |       |                    |
|           | <b>Release</b> | Major       | Moderate | Minor |                    |
|           | Actual         |             |          |       |                    |
|           | Potential      | x           |          |       | <b>Percent</b> 25% |

**>> Programmatic Matrix**

|                     |  |       |          |       |                   |
|---------------------|--|-------|----------|-------|-------------------|
|                     | Falsification  | Major | Moderate | Minor |                   |
|                     |  |       |          |       | <b>Percent</b> 0% |
| <b>Matrix Notes</b> | Failure to collect coliform monitoring samples could expose consumers to a significant amount of undetected contaminants which would exceed levels protective of human health. |       |          |       |                   |
| <b>Adjustment</b>   | \$750  |       |          |       |                   |

\$250

**Violation Events**

|  |              |     |                          |
|--|--------------|-----|--------------------------|
| Number of Violation Events   | 5            | 152 | Number of violation days |
| <i>mark only one with an x</i>   | daily        |     |                          |
|  | weekly       |     |                          |
|  | monthly      | x   |                          |
|  | quarterly    |     |                          |
|  | semiannual   |     |                          |
|  | annual       |     |                          |
|  | single event |     |                          |
| <b>Violation Base Penalty</b>  | \$1,250      |     |                          |
| Five monthly events are recommended, calculated for the months in which no routine samples were collected. |              |     |                          |

**Good Faith Efforts to Comply** 0.0% Reduction \$0

|                           |  |                         |
|---------------------------|--|-------------------------|
|                           | Before NOV   | NOV to EDPRP/Settlement |
| Extraordinary             |  |                         |
| Ordinary                  |  |                         |
| N/A                       | x  | (mark with x)           |
| <b>Notes</b>              | The Respondent do not meet the good faith criteria for this violation. |                         |
| <b>Violation Subtotal</b> | \$1,250  |                         |

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

|  |       |                                      |         |
|--|-------|--------------------------------------|---------|
| <b>Estimated EB Amount</b>   | \$161 | <b>Violation Final Penalty Total</b> | \$1,994 |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |       | \$1,994                              |         |

## Economic Benefit Worksheet

**Respondent** Dimitrious Georgopoulos dba Tech Café  
**Case ID No.** 39692  
**Reg. Ent. Reference No.** RN101453561  
**Media** Public Water Supply  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### Delayed Costs

|                          |       |            |             |      |     |     |     |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$100 | 1-Mar-2010 | 15-Nov-2010 | 0.71 | \$4 | n/a | \$4 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided in a timely manner. The date required is the record review date. The final date is the estimated date of compliance.

### Avoided Costs

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

|                               |       |            |             |      |      |       |       |
|-------------------------------|-------|------------|-------------|------|------|-------|-------|
| Disposal                      |       |            |             | 0.00 | \$0  | \$0   | \$0   |
| Personnel                     |       |            |             | 0.00 | \$0  | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |            |             | 0.00 | \$0  | \$0   | \$0   |
| Supplies/equipment            |       |            |             | 0.00 | \$0  | \$0   | \$0   |
| Financial Assurance [2]       |       |            |             | 0.00 | \$0  | \$0   | \$0   |
| ONE-TIME avoided costs [3]    | \$125 | 1-May-2009 | 31-Jan-2010 | 1.67 | \$10 | \$125 | \$135 |
| Other (as needed)             | \$20  | 1-Sep-2009 | 1-May-2010  | 1.58 | \$2  | \$20  | \$22  |

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect a total of five routine samples (\$25 per sample) and provide public notice for the failure to collect the samples (\$5 per notice), calculated for the months in which no samples were collected and during the period that a public notice was required.

Approx. Cost of Compliance

\$245

**TOTAL**

\$161

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603589367 Dimitrious Georgopoulos Classification: Rating:  
Regulated Entity: RN101453561 TECH CAFÉ Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520184  
Location: 11710 UNIVERSITY AVE, LUBBOCK COUNTY, TX  
TCEQ Region: REGION 02 - LUBBOCK  
Date Compliance History Prepared: May 14, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: May 14, 2005 to May 14, 2010

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

Name: Epi Villarreal Phone: (361) 825-3425

## 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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Dimitrious Georgopoulos
4. If Yes, who was/were the prior owner(s)/operator(s) ? GOTSIS, FRANCES  
John Kiousis
5. When did the change(s) in owner or operator occur? 9/26/2008

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/13/2009

ADMINORDER 2008-1560-PWS-E

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)

Description: Failing to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions. Specifically, the hypochlorinator pump at the Facility was not connected to an electrical outlet, and there was not a solution tank located at the Facility.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

Description: Failing to provide the well with a suitable sampling cock on the discharge pipe. Specifically, the well did not have a water sample tap.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failing to install electrical wiring in compliance with a local or national code. Specifically, wiring at the well was not installed in securely mounted conduit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)

Description: Failing to keep on file and make available for Commission review records of all waterworks operations and maintenance activities. Specifically, the only records available were the bacteriological monitoring reports.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failing to provide a minimum pressure tank capacity of 220 gallons. Specifically, the pressure tank capacity was 65 gallons.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)

30 TAC Chapter 290, SubChapter F 290.110(d)(1)(C)

Description: Failing to monitor the free chlorine residual within the distribution system using a method that employs a diethyl-p-phenyldiamine colorimeter.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Specifically failed to provide an operable flow measuring device.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(3)

Description: failed to provide an enclosed well house, the door was off the hinges and there was a 30" opening in the roof.

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 02/09/2007 (539436)
- 2 03/06/2008 (616956)
- 3 08/12/2008 (685446)
- 4 12/23/2009 (786468)
- 5 01/13/2010 (788126)
- 6 01/13/2010 (788135)
- 7 01/13/2010 (788153)
- 8 04/14/2010 (797476)
- 9 04/14/2010 (799208)
- 10 05/04/2010 (801330)
- 11 05/06/2010 (800245)

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

Date: 07/14/2009 (788126)

CN603589367

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 05/2009 - Failure to collect any routine monitoring sample(s).

Self Report? NO

Classification: Moderate

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

Description: TCR PN Routine Monitoring Violation 05/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 10/02/2009 (788135)

CN603589367

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 08/2009 - Failure to collect any routine monitoring sample(s).

Self Report? NO

Classification: Moderate

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

Description: TCR PN Routine Monitoring Violation 08/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 12/08/2009 (788153)

CN603589367

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 10/2009 - Failure to collect any routine monitoring sample(s).

Self Report? NO

Classification: Moderate

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

Description: TCR PN Routine Monitoring Violation 10/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 12/23/2009 (786468)

CN603589367

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
 30 TAC Chapter 290, SubChapter D 290.46(v)  
 Description: Failure to provide adequate well construction, disinfection, and protection.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)  
 Description: Failure to provide an acceptable means of providing continuous and effective disinfection.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)  
 Description: Failure to maintain all records of water works operation and maintenance.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)  
 Description: Failure to provide a DPD method colorimeter accurate to within +/- 0.1 mg/L free chlorine.  
 Date: 03/16/2010 (797476) CN603589367  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 Description: TCR Routine Monitoring Violation 01/2010 - Failure to collect any routine monitoring sample(s).  
 Date: 03/29/2010 (799208) CN603589367  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 Description: TCR Routine Monitoring Violation 02/2010 - Failure to collect any routine monitoring sample(s).

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  
DIMITRIOS GEORGOPOULOS  
D/B/A TECH CAFÉ;  
RN101453561**

§  
§  
§  
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§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER**

**DOCKET NO. 2010-0785-PWS-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Dimitrios Georgopoulos d/b/a Tech Café ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent owns and operates a café with a public water system located at 11710 University Avenue in Lubbock, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has one service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on March 1, 2010, a TCEQ Central Office investigator documented that Respondent failed to collect routine distribution water samples for coliform analysis for the months of May, August and October 2009 and January and February 2010; and failed to provide public notice of the failure to sample for the months of May, August and October 2009 and January 2010.
3. Respondent received notice of the violations on or about April 21, 2010.

4. The Executive Director recognizes that as of September 1, 2010, Respondent has been compliant with monitoring requirements during the preceding 180-day compliance period.

### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent violated 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d), by failing to collect routine distribution water samples for coliform analysis for the months of May, August and October 2009 and January and February 2010; and failing to provide public notice of the failure to sample for the months of May, August and October 2009 and January 2010.
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of one thousand nine hundred ninety-four dollars (\$1,994.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049. Respondent paid one thousand nine hundred ninety-four dollars (\$1,994.00) of the administrative penalty.

### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here.
2. All relief not expressly granted in this Agreed Order is denied.
3. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions

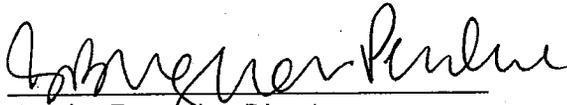
by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

1/7/2011

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Dimitrius Georgopoulos d/b/a Tech Café, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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



\_\_\_\_\_  
Dimitrius Georgopoulos, Owner

11-22-10

Date