

Executive Summary – Enforcement Matter – Case No. 41331
Krebs Utilities, Inc. d/b/a K Estates Water System
RN101257806
Docket No. 2011-0417-UTL-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
UTL

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
Harris County Appraisal District KEY MAP 418T, near 10810 Stephens Lane and 15503 Long Road,
Harris County

Type of Operation:
Retail public utility - Public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	2011-0416-UTL-E, Padok Timbers Subdivision WS
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: July 8, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$813
Amount Deferred for Expedited Settlement:	N/A
Amount Deferred for Financial Inability to Pay:	N/A
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$813
SEP Conditional Offset:	N/A

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: February 22, 2011
Date(s) of NOV(s): November 15, 2010
Date(s) of NOE(s): February 22, 2011

Violation Information

Failed to adopt and submit to the Executive Director for approval by March 1, 2010, an emergency preparedness plan that demonstrates the Facility's ability to provide emergency operations [TEX. WATER CODE § 13.1395(b)(2) and 30 TEX. ADMIN. CODE §§ 290.39(o)(1), 291.162(a), and 291.162(j)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days, adopt and submit to the Executive Director for approval an emergency preparedness plan. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the emergency preparedness plan within 30 days after the date of such requests, or by any other deadline specified in writing.
2. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: May 4, 2011
Date(s) Green Card(s) Signed: May 6, 2011
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Contact Information

TCEQ Attorneys: Peipey Tang, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400

TCEQ Enforcement Coordinator: Roshondra Lowe, Air Enforcement Section, (713) 767- 3553

TCEQ Regional Contact: Stephen Smith, Houston Regional Office, (713) 767-3581

Respondent: Stephen P. Krebs, Chief Executive Officer, Krebs Utilities, Inc., 11700 Padok Rd., Houston, Texas 77044

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Feb-2011	Screening	17-Mar-2011	EPA Due	
	PCW	22-Mar-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	Krebs Utilities, Inc. dba K Estates Water System					
Reg. Ent. Ref. No.	RN101257806					
Facility/Site Region	12-Houston	Major/Minor Source	Minor			

CASE INFORMATION						
Enf./Case ID No.	41331	No. of Violations	1			
Docket No.	2011-0417-UTL-E	Order Type	1660			
Media Program(s)	Public Water Utilities	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Roshondra Lowe			
		EC's Team	Enforcement Team 5			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$650
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0% Enhancement	Subtotals 2, 3, & 7	\$163
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Notes	Enhancement for one NOV with a same/similar violation and one agreed order containing a denial of liability.		
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$28	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$328	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$813
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		Final Penalty Amount	\$813
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$813
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.		
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PAYABLE PENALTY	\$813
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Screening Date 17-Mar-2011

Docket No. 2011-0417-UTL-E

PCW

Respondent Krebs Utilities, Inc. dba K Estates Water System

Policy Revision 2 (September 2002)

Case ID No. 41331

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101257806

Media [Statute] Public Water Utilities

Enf. Coordinator Roshondra Lowe

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
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) 25%

>> 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 for one NOV with a same/similar violation and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 17-Mar-2011

Docket No. 2011-0417-UTL-E

PCW

Respondent Krebs Utilities, Inc. dba K Estates Water System

Policy Revision 2 (September 2002)

Case ID No. 41331

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101257806

Media [Statute] Public Water Utilities

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1), 291.162(a) and (j), and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to adopt and submit to the Executive Director for approval by March 1, 2010, an emergency preparedness plan that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$450

\$50

Violation Events

Number of Violation Events 13 Number of violation days 381

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$650

Thirteen monthly events are recommended, calculated from the date the plan was due, March 1, 2010, to the date of screening, March 17, 2011

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$650

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$813

This violation Final Assessed Penalty (adjusted for limits) \$813

Economic Benefit Worksheet

Respondent Krebs Utilities, Inc. dba K Estates Water System
Case ID No. 41331
Req. Ent. Reference No. RN101257806
Media Public Water Utilities
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)	\$328	1-Mar-2010	21-Nov-2011	1.73	\$28	n/a	\$28

Notes for DELAYED costs

The delayed cost includes the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop an submit an emergency preparedness plan. Date required is the deadline the plan was due. 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$28

Compliance History

Customer/Respondent/Owner-Operator: CN600655302 Krebs Utilities, Inc. Classification: Rating:
Regulated Entity: RN101257806 K ESTATES WATER SYSTEM Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1012868
Location: KM 418T
10810 Stephens Lane & 15503 Long Road
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: March 17, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 17, 2006 to March 17, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Roshondra Lowe Phone: (713) 767-3553

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? Krebs Utilities, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s)? K Lake Water System & Padok Utility
5. When did the change(s) in owner or operator occur? 11/04/2010

Components (Multimedia) for the Site:

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

1660-1

Effective Date: 05/25/2007

ADMINORDER 2006-1015-MLM-E

Classification: Moderate

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

Description: Failure to maintain an intruder-resistant fence around Well Nos. 1 and 2 that includes three strands of barbed wire installed on support arms that angle outward from the top of the fence at a 45 degree angle.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain the pressure tank at Well No. 2 in a watertight condition to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Moderate

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

Description: Failure to seal the wellheads at both Wells 1 and 2 with gaskets or a pliable crack-resistant caulking compound.

Classification: Minor

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

Description: Failure to cover the casing vent of Well No. 2 with 16-mesh or finer corrosion-resistant screening material.

Classification: Moderate

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

Description: Failure to post a legible sign at Well No. 1 that is located in plain view of the public and provides the name of the water supply and an emergency telephone number where a responsible official can be contacted.

Classification: Moderate

Citation: 30 TAC Chapter 291, SubChapter F 291.93(3)

Description: Failure to submit a planning report to the TCEQ Executive Director that explains how the public water utility that has reached 85% of its capacity will provide the expected service demands to the remaining areas within the boundaries of its certified area.

Classification: Moderate

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

Description: Failure to provide an operable flow meter on the pump discharge line of Well No. 1 to measure production yields and provide for the accumulation of water production data.

Classification: Moderate

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

Description: Failure to maintain the concrete sealing block surrounding Well No. 1 such that the integrity of the water supply is not compromised by cracks or holes in the sealing block.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to conduct an annual inspection of the pressure tanks at the water supply.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
5A THC Chapter 341, SubChapter A 341.033(a)

Description: Failure to have all production, treatment, and distribution facilities at the public water system, which serves no more than 250 connections and only uses groundwater, operated at all times under the direct supervision of water works operator holding a valid Class D or higher license.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)

Description: Failure to submit a Disinfectant Level Quarterly Operating Report (DLQOR) to the Commission each quarter by the tenth day of the month following the end of the quarter.

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 06/26/2006 (464178)

2 11/15/2010 (876929)

3 02/24/2011 (884820)

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

SIM-1

Date: 11/15/2010 (876929)

CN600655302

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(o)(1)

Description: Failure to submit an Emergency Preparedness Plan by the required deadline.

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
KREBS UTILITIES, INC. D/B/A
K ESTATES WATER SYSTEM;
RN101257806**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-0417-UTL-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Krebs Utilities, Inc. d/b/a K Estates Water System ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates for compensation a public water system located at Harris County Appraisal District KEY MAP 418T, near 10810 Stephens Lane and 15503 Long Road, Harris County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 21 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66). The Facility involves equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public or for the resale of potable water to the public for any use. Therefore, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13 and TEX. HEALTH & SAFETY CODE ch. 341.
2. During a record review conducted on February 22, 2011, a TCEQ Central Office investigator documented that Respondent failed to adopt and submit to the Executive Director for approval by March 1, 2010, an emergency preparedness plan that demonstrates the Facility's ability to provide emergency operations.
3. Respondent received notices of the violation on or about November 20, 2010 and February 27, 2011.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Krebs Utilities, Inc. d/b/a K Estates Water System" (the "EDPRP") in the TCEQ Chief Clerk's office on May 4, 2011.

5. By letter dated May 4, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on May 6, 2011, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP provided by the Executive Director. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent failed to adopt and submit to the Executive Director for approval by March 1, 2010, an emergency preparedness plan that demonstrates the Facility's ability to provide emergency operations, in violation of TEX. WATER CODE § 13.1395(b)(2), and 30 TEX. ADMIN. CODE §§ 290.39(o)(1), 291.162(a), and 291.162(j).
3. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 13.4151, 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.
6. An administrative penalty in the amount of eight hundred thirteen dollars (\$813.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 13.4151.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of eight hundred thirteen dollars (\$813.00) 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 Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Krebs Utilities, Inc. d/b/a K Estates Water System; Docket No. 2011-0417-UTL-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondent shall adopt and submit to the Executive Director for approval an emergency preparedness plan in accordance with 30 TEX. ADMIN. CODE § 290.39(o) using the template in 30 TEX. ADMIN. CODE § 290.47 or another emergency preparedness plan that meets the requirements of 30 TEX. ADMIN. CODE § 290.45. Respondent shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the emergency preparedness plan within 30 days after the date of such requests, or by any other deadline specified in writing. The emergency preparedness plan shall be submitted to:

Technical Review and Oversight Team, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, Respondent shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately

responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Stephen Smith, Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEY TANG

STATE OF TEXAS

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§
§

COUNTY OF TRAVIS

"My name is Peipey Tang. 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 behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Krebs Utilities, Inc. d/b/a K Estates Water System" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 4, 2011.

The EDPRP was mailed to Respondent's last known address on May 4, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on May 6, 2011, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference."

Peipey Tang
Peipey Tang, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, 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 14th day of June, A.D. 2011.

Margaret Jackson
Notary Signature

