

Executive Summary – Enforcement Matter – Case No. 62374
Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC
RN101240125
Docket No. 2022-0609-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Creek Water Utility, 509 Gorman Street, Jefferson, Marion County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 5, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,292

Amount Deferred for Expedited Settlement: \$2,658

Total Paid to General Revenue: \$309

Total Due to General Revenue: \$10,325

Payment Plan: 35 payments of \$295 each

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 1, 2022 through February 14, 2022

Date(s) of NOE(s): March 28, 2022

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Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC
RN101240125
Docket No. 2022-0609-PWS-E

Violation Information

1. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 60 connections requiring a well capacity of 36 gpm. However, only 15 gpm were provided, indicating a 58% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 60 connections requiring a pressure tank capacity of 1,200 gallons. However, only 525 gallons were provided, indicating a 56% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane. Specifically, the Facility had 60 connections requiring a total pump capacity of 120 gpm. However, only 75 gpm were provided, indicating a 38% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, Well No. 2 was inoperable and the barbed wire was loose on the fencing at the water plant [30 TEX. ADMIN. CODE § 290.46(m)].
5. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements. Specifically, the monitoring plan did not include radionuclides other than radon, analytical procedures, and laboratories specification documentation [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
6. Failed to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, a sequestering agent called "Make Your Own Buzz" was being used for the sequestering of iron, which does not conform to ANSI/NSF Standard 60 [30 TEX. ADMIN. CODE § 290.42(j)].
7. Failed to inspect the Facility's 20,000-gallon ground storage tank ("GST") annually. Specifically, the interior of the GST had not been inspected and the tank is equipped with an inspection port for interior inspections [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
8. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the 525-gallon pressure tank was not able to remain pressurized on its own and the 1,000-gallon pressure tank was inoperable [30 TEX. ADMIN. CODE § 290.46(m)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Begin using an approved chemical or media for the treatment of potable water that is ANSI/NSF Standard 60 certified for the sequestering of iron; and

ii. Conduct an inspection of the Facility's 20,000-gallon GST.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 60 days:

i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including Well No. 2, which was inoperable, and the loose barbed wire on the fencing at the water plant; and

ii. Maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

d. Within 75 days, submit written certification to demonstrate compliance with c.

e. Within 90 days, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including the 525-gallon pressure tank and the inoperable 1,000-gallon pressure tank.

f. Within 105 days, submit written certification to demonstrate compliance with e.

g. Within 180 days:

i. Provide a well capacity of at least 0.6 gpm per connection;

ii. Provide a pressure tank capacity of at least 20 gallons per connection; and

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iii. Provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane⁵.

h. Within 195 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ashley Lemke, Enforcement Division, Enforcement Team 4, MC R-12, (512) 239-1118; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Susan Janet Baker, Owner and Operator, Creek Water Utility LLC, 165 Stephen Street, Jefferson, Texas 75657

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Mar-2022		
	PCW	24-May-2022	Screening	24-May-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC			
Reg. Ent. Ref. No.	RN101240125			
Facility/Site Region	5-Tyler	Major/Minor Source	Minor	

CASE INFORMATION				
Enf./Case ID No.	62374	No. of Violations	8	
Docket No.	2022-0609-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Ashley Lemke	
		EC's Team	Enforcement Team 4	
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,250
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for Compliance History.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

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: \$2,622
Estimated Cost of Compliance: \$16,838
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.3%	Adjustment	\$42
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost associated with Violation No. 7.

Final Penalty Amount	\$13,292
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,292
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,658
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,634
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Screening Date

24-May-2022

Docket No.

2022-0609-PWS-E

PCW

Respondent

Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC

Case ID No.

62374

Reg. Ent. Reference No.

RN101240125

Media

Public Water Supply

Enf. Coordinator

Ashley Lemke

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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%
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)

0%

>> 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	No adjustment for Compliance History.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

Screening Date	24-May-2022	Docket No.	2022-0609-PWS-E	PCW
Respondent	Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62374			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101240125			
Media	Public Water Supply			
Enf. Coordinator	Ashley Lemke			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 60 connections requiring a well capacity of 36 gpm. However, only 15 gpm were provided, indicating a 58% deficiency.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			
			Percent	15.0%
>>Programmatic Matrix				
	Falsification	Major Moderate Minor		
			Percent	0.0%
Matrix Notes	Failure to provide adequate well capacity could expose persons served by the Facility to contaminants that would exceed levels protective of human health.			
		Adjustment	\$4,250	
			\$750	
Violation Events				
	Number of Violation Events	4	112	Number of violation days
	daily weekly monthly quarterly semiannual annual single event			
			Violation Base Penalty	\$3,000
	Four monthly events are recommended, calculated from the date of the investigation, February 1, 2022, to the date of screening, May 24, 2022.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Extraordinary Ordinary N/A			
	Notes	The Respondents do not meet the good faith criteria for this violation.		
		Violation Subtotal	\$3,000	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$818	Violation Final Penalty Total	\$3,010
	This violation Final Assessed Penalty (adjusted for limits)			\$3,010

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC
62374
RN101240125
Public Water Supply
1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	1-Feb-2022	3-Jun-2024	2.34	\$39	\$779	\$818
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a well capacity of at least 0.6 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$818
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Screening Date 24-May-2022		Docket No. 2022-0609-PWS-E		PCW	
Respondent Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 62374		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101240125					
Media Public Water Supply					
Enf. Coordinator Ashley Lemke					
Violation Number		<input type="text" value="2"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)"/>			
Violation Description		<input type="text" value="Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 60 connections requiring a pressure tank capacity of 1,200 gallons. However, only 525 gallons were provided, indicating a 56% deficiency."/>			
		Base Penalty		<input type="text" value="\$5,000"/>	
>> Environmental, Property and Human Health Matrix					
OR			Harm		
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Failure to provide adequate pressure tank capacity could expose persons served by the Facility to contaminants that would exceed levels protective of human health."/>				
				Adjustment	<input type="text" value="\$4,250"/>
					<input type="text" value="\$750"/>
Violation Events					
Number of Violation Events		<input type="text" value="4"/>	<input type="text" value="112"/>	Number of violation days	
	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text" value="x"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<input type="text" value="Four monthly events are recommended, calculated from the date of the investigation, February 1, 2022, to the date of screening, May 24, 2022."/>					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	<input type="text" value="x"/>	<input type="text"/>		
	Notes	<input type="text" value="The Respondents do not meet the good faith criteria for this violation."/>			
				Violation Subtotal	<input type="text" value="\$3,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$237"/>	Violation Final Penalty Total		<input type="text" value="\$3,010"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$3,010"/>	

Economic Benefit Worksheet

Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Violation No.

Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC
62374
RN101240125
Public Water Supply
2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,451	1-Feb-2022	3-Jun-2024	2.34	\$11	\$226	\$237
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a pressure tank capacity of at least 20 gpm per connection (\$2.15 per gallon x 675 gallons), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,451

TOTAL \$237

Screening Date		24-May-2022		Docket No.		2022-0609-PWS-E		PCW		
Respondent		Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC								
Case ID No.		62374								
Reg. Ent. Reference No.		RN101240125								
Media		Public Water Supply								
Enf. Coordinator		Ashley Lemke								
Violation Number		3								
Rule Cite(s)		30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)								
Violation Description		Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane. Specifically, the Facility had 60 connections requiring a total pump capacity of 120 gpm. However, only 75 gpm were provided, indicating a 38% deficiency.								
Base Penalty								\$5,000		
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor			
	Actual									
	Potential				x				Percent 5.0%	
>> Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
										Percent 0.0%
Matrix Notes		Failure to provide adequate pump capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.								
Adjustment								\$4,750		
								\$250		
Violation Events										
Number of Violation Events				2		112		Number of violation days		
		daily								
		weekly								
		monthly								
		quarterly		x				Violation Base Penalty \$500		
		semiannual								
		annual								
		single event								
Two quarterly events are recommended, calculated from the date of the investigation, February 1, 2022, to the date of screening, May 24, 2022.										
Good Faith Efforts to Comply				0.0%		Reduction		\$0		
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer						
Extraordinary										
Ordinary										
N/A		x								
Notes		The Respondents do not meet the good faith criteria for this violation.								
Violation Subtotal								\$500		
Economic Benefit (EB) for this violation					Statutory Limit Test					
Estimated EB Amount				\$408		Violation Final Penalty Total \$502				
This violation Final Assessed Penalty (adjusted for limits)								\$502		

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC 62374 RN101240125 Public Water Supply 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	1-Feb-2022	3-Jun-2024	2.34	\$19	\$389	\$408
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,500	TOTAL	\$408
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Screening Date		24-May-2022		Docket No.		2022-0609-PWS-E		PCW		
Respondent		Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC								
Case ID No.		62374								
Reg. Ent. Reference No.		RN101240125								
Media		Public Water Supply								
Enf. Coordinator		Ashley Lemke								
Violation Number		4								
Rule Cite(s)		30 Tex. Admin. Code § 290.46(m)								
Violation Description		Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, Well No. 2 was inoperable and the barbed wire was loose on the fencing at the water plant.								
Base Penalty								\$5,000		
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor			
	Actual									
	Potential						x		Percent 3.0%	
>> Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
										Percent 0.0%
Matrix Notes		Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.								
Adjustment								\$4,850		
								\$150		
Violation Events										
Number of Violation Events				2		112		Number of violation days		
		daily								
		weekly								
		monthly								
		quarterly								
		semiannual								
		annual								
		single event		x				Violation Base Penalty \$300		
Two single events are recommended, one for each issue.										
Good Faith Efforts to Comply				0.0%		Reduction		\$0		
				Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer				
Extraordinary										
Ordinary										
N/A		x								
Notes		The Respondents do not meet the good faith criteria for this violation.								
Violation Subtotal								\$300		
Economic Benefit (EB) for this violation										
Statutory Limit Test										
Estimated EB Amount				\$351		Violation Final Penalty Total \$301				
This violation Final Assessed Penalty (adjusted for limits)								\$301		

Economic Benefit Worksheet

Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Violation No.

Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC
62374
RN101240125
Public Water Supply
4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	1-Feb-2022	3-Feb-2024	2.01	\$17	\$334	\$351
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair Well No. 2 and the barbed wire at the water plant, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,500	TOTAL	\$351
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Screening Date		24-May-2022		Docket No. 2022-0609-PWS-E		PCW	
Respondent		Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC				<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.		62374				<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No.		RN101240125					
Media		Public Water Supply					
Enf. Coordinator		Ashley Lemke					
Violation Number		<input type="text" value="5"/>					
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.121(a) and (b)"/>					
Violation Description		<input type="text" value="Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements. Specifically, the monitoring plan did not include radionuclides other than radon, analytical procedures, and laboratories specification documentation."/>					
Base Penalty						<input type="text" value="\$5,000"/>	
>> Environmental, Property and Human Health Matrix							
OR	Release		Harm				
		Major	Moderate	Minor			
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>			
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>			
					Percent	<input type="text" value="0.0%"/>	
>> Programmatic Matrix							
		Falsification	Major	Moderate	Minor		
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>		
					Percent	<input type="text" value="1.0%"/>	
Matrix Notes		<input type="text" value="Less than 30% of the rule requirements were not met."/>					
Adjustment						<input type="text" value="\$4,950"/>	
						<input type="text" value="\$50"/>	
Violation Events							
Number of Violation Events		<input type="text" value="1"/>		<input type="text" value="112"/>		Number of violation days	
		daily	<input type="text"/>				
		weekly	<input type="text"/>				
		monthly	<input type="text"/>				
		quarterly	<input type="text"/>				
		semiannual	<input type="text"/>				
		annual	<input type="text"/>				
		single event	<input type="text" value="x"/>				
						Violation Base Penalty	<input type="text" value="\$50"/>
<input type="text" value="One single event is recommended."/>							
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>		Reduction		<input type="text" value="\$0"/>	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer				
Extraordinary		<input type="text"/>	<input type="text"/>				
Ordinary		<input type="text"/>	<input type="text"/>				
N/A		<input type="text" value="x"/>	<input type="text"/>				
Notes		<input type="text" value="The Respondents do not meet the good faith criteria for this violation."/>					
Violation Subtotal						<input type="text" value="\$50"/>	
Economic Benefit (EB) for this violation				Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$18"/>		Violation Final Penalty Total		<input type="text" value="\$50"/>	
This violation Final Assessed Penalty (adjusted for limits)						<input type="text" value="\$50"/>	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC 62374 RN101240125 Public Water Supply 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$180	1-Feb-2022	3-Feb-2024	2.01	\$18	n/a	\$18

Notes for DELAYED costs

The delayed cost includes the estimated amount to update and begin maintaining a chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$180	TOTAL	\$18
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Screening Date		24-May-2022		Docket No.		2022-0609-PWS-E		PCW	
Respondent		Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC							
Case ID No.		62374							
Reg. Ent. Reference No.		RN101240125							
Media		Public Water Supply							
Enf. Coordinator		Ashley Lemke							
Violation Number		6							
Rule Cite(s)		30 Tex. Admin. Code § 290.42(j)							
Violation Description		Failed to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, a sequestering agent called "Make Your Own Buzz" was being used for the sequestering of iron, which does not conform to ANSI/NSF Standard 60.							
Base Penalty								\$5,000	
>> Environmental, Property and Human Health Matrix									
OR	Release		Harm						
		Major	Moderate	Minor					
	Actual								
	Potential			x	Percent		3.0%		
>> Programmatic Matrix									
	Falsification	Major	Moderate	Minor	Percent		0.0%		
Matrix Notes	Failure to use approved chemicals or media could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.								
Adjustment								\$4,850	
								\$150	
Violation Events									
Number of Violation Events		1		112		Number of violation days			
	daily								
	weekly								
	monthly								
	quarterly								
	semiannual								
	annual								
	single event	x							
Violation Base Penalty								\$150	
One single event is recommended.									
Good Faith Efforts to Comply		0.0%		Reduction		\$0			
	Extraordinary	Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer					
	Ordinary								
	N/A	x							
Notes	The Respondents do not meet the good faith criteria for this violation.								
Violation Subtotal								\$150	
Economic Benefit (EB) for this violation					Statutory Limit Test				
Estimated EB Amount		\$12		Violation Final Penalty Total		\$150			
This violation Final Assessed Penalty (adjusted for limits)								\$150	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC 62374 RN101240125 Public Water Supply 6

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Item Description

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)	\$125	1-Feb-2022	4-Jan-2024	1.92	\$12	n/a	\$12

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that all chemicals used in treatment of water supplied by the public water system conforms to ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$125 TOTAL \$12

Screening Date		24-May-2022		Docket No.		2022-0609-PWS-E		PCW		
Respondent		Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC								
Case ID No.		62374		Policy Revision 5 (January 28, 2021)						
Reg. Ent. Reference No.		RN101240125		PCW Revision February 11, 2021						
Media		Public Water Supply								
Enf. Coordinator		Ashley Lemke								
Violation Number		7								
Rule Cite(s)		30 Tex. Admin. Code § 290.46(m)(1)(A)								
Violation Description		Failed to inspect the Facility's 20,000-gallon ground storage tank ("GST") annually. Specifically, the interior of the GST had not been inspected and the tank is equipped with an inspection port for interior inspections.								
Base Penalty								\$5,000		
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor			
	Actual									
	Potential				x				Percent 5.0%	
>> Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
										Percent 0.0%
Matrix Notes		Failure to inspect the interior of the Facility's GST annually could cause the non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.								
Adjustment								\$4,750		
								\$250		
Violation Events										
Number of Violation Events		1		112		Number of violation days				
		daily								
		weekly								
		monthly								
		quarterly								
		semiannual								
		annual								
		single event		x		Violation Base Penalty \$250				
One single event is recommended.										
Good Faith Efforts to Comply		0.0%		Reduction		\$0				
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer						
Extraordinary										
Ordinary										
N/A		x								
Notes		The Respondents do not meet the good faith criteria for this violation.								
Violation Subtotal								\$250		
Economic Benefit (EB) for this violation										
Statutory Limit Test										
Estimated EB Amount		\$46		Violation Final Penalty Total		\$251				
This violation Final Assessed Penalty (adjusted for limits)								\$251		

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC 62374 RN101240125 Public Water Supply 7

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Item Description

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)	\$41	1-Feb-2022	4-Jan-2024	1.92	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct the annual interior inspection of the 20,000-gallon GST, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$41	1-Feb-2022	24-May-2022	0.31	\$1	\$41	\$42
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct the annual interior inspection of the 20,000-gallon GST, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$82

TOTAL \$46

Screening Date		24-May-2022		Docket No.		2022-0609-PWS-E		PCW		
Respondent		Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC						Policy Revision 5 (January 28, 2021)		
Case ID No.		62374						PCW Revision February 11, 2021		
Reg. Ent. Reference No.		RN101240125								
Media		Public Water Supply								
Enf. Coordinator		Ashley Lemke								
Violation Number		8								
Rule Cite(s)		30 Tex. Admin. Code § 290.46(m)								
Violation Description		Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the 525-gallon pressure tank was not able to remain pressurized on its own and the 1,000-gallon pressure tank was inoperable.								
		Base Penalty						\$5,000		
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor			
	Actual									
	Potential		x						Percent 15.0%	
>> Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
										Percent 0.0%
Matrix Notes		Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to contaminants which would exceed levels protective of human health.								
		Adjustment						\$4,250		
								\$750		
Violation Events										
		Number of Violation Events		8		112		Number of violation days		
		daily								
		weekly								
		monthly		x						
		quarterly								
		semiannual								
		annual								
		single event								
		Violation Base Penalty								\$6,000
		Eight monthly events are recommended (four events per tank), calculated from the date of the investigation, February 1, 2022, to the date of screening, May 24, 2022.								
Good Faith Efforts to Comply		0.0%				Reduction		\$0		
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer						
		Extraordinary								
		Ordinary								
		N/A		x						
		Notes		The Respondents do not meet the good faith criteria for this violation.						
		Violation Subtotal						\$6,000		
Economic Benefit (EB) for this violation										
		Estimated EB Amount		\$732		Violation Final Penalty Total		\$6,019		
		This violation Final Assessed Penalty (adjusted for limits)						\$6,019		

Economic Benefit Worksheet

Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Violation No.

Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC
62374
RN101240125
Public Water Supply
8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	1-Feb-2022	5-Mar-2024	2.09	\$35	\$697	\$732
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the 525-gallon and 1,000-gallon pressure tanks, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$732



Compliance History Report

Compliance History Report for CN604014506, RN101240125, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604014506, Creek Water Utility LLC **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101240125, CREEK WATER UTILITY **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 509 Gorman Street near Jefferson, Marion County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1580020

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: November 27, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 27, 2018 to November 27, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Ashley Lemke **Phone:** (512) 239-1118

Site and Owner/Operator History:

- 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? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 12, 2019	(1550801)
Item 2	September 22, 2020	(1665408)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

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

Compliance History Report for CN605662188, RN101240125, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605662188, BAKER, SUSAN JANET **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101240125, CREEK WATER UTILITY **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 509 Gorman Street near Jefferson, Marion County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1580020

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: November 27, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 27, 2018 to November 27, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Ashley Lemke **Phone:** (512) 239-1118

Site and Owner/Operator History:

- 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? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 12, 2019	(1550801)
Item 2	September 22, 2020	(1665408)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

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

Compliance History Report for CN605662188, RN101240125, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605662188, BAKER, SUSAN JANET **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101240125, CREEK WATER UTILITY **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 509 Gorman Street near Jefferson, Marion County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1580020

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: November 27, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 27, 2018 to November 27, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Ashley Lemke **Phone:** (512) 239-1118

Site and Owner/Operator History:

- 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? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 12, 2019	(1550801)
Item 2	September 22, 2020	(1665408)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

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
CREEK WATER UTILITY LLC AND
SUSAN JANET BAKER DBA CREEK
WATER UTILITY LLC
RN101240125

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

AGREED ORDER DOCKET NO. 2022-0609-PWS-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC (the "Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a public water supply located at 509 Gorman Street near Jefferson, Marion County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 60 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(73).
2. The Executive Director and the Respondents agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondents are subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$13,292 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$309 of the penalty and \$2,658 is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$10,325 of the und deferred penalty shall be paid in 35 monthly payments of \$295 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later

than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondents fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondents agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
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.

II. ALLEGATIONS

During an investigation at the Facility conducted on February 1, 2022, through February 14, 2022, an investigator documented that the Respondents:

1. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 60 connections requiring a well capacity of 36 gpm. However, only 15 gpm were provided, indicating a 58% deficiency.
2. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 60 connections requiring a pressure tank capacity of 1,200 gallons. However, only 525 gallons were provided, indicating a 56% deficiency.
3. Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 60 connections requiring a total pump capacity of 120 gpm. However, only 75 gpm were provided, indicating a 38% deficiency.
4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation

of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, Well No. 2 was inoperable and the barbed wire was loose on the fencing at the water plant.

5. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b). Specifically, the monitoring plan did not include radionuclides other than radon, analytical procedures, and laboratories specification documentation.
6. Failed to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals, in violation of 30 TEX. ADMIN. CODE § 290.42(j). Specifically, a sequestering agent called "Make Your Own Buzz" was being used for the sequestering of iron, which does not conform to ANSI/NSF Standard 60.
7. Failed to inspect the Facility's 20,000-gallon ground storage tank ("GST") annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A). Specifically, the interior of the GST had not been inspected and the tank is equipped with an inspection port for interior inspections.
8. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, the 525-gallon pressure tank was not able to remain pressurized on its own and the 1,000-gallon pressure tank was inoperable.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC, Docket No. 2022-0609-PWS-E" to:

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

2. The Respondents are jointly and severally liable for the violations documented in this Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
3. The Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin using an approved chemical or media for the treatment of potable water that is ANSI/NSF Standard 60 certified for the sequestering of iron, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Conduct an inspection of the Facility's 20,000-gallon GST, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i and 3.a.ii.
 - c. Within 60 days after the effective date of this Order:
 - i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including Well No. 2, which was inoperable, and the loose barbed wire on the fencing at the water plant, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121.
 - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i and 3.c.ii.
 - e. Within 90 days after the effective date of this Order, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including the 525-gallon pressure tank and the inoperable 1,000-gallon pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 180 days after the effective date of this Order:
 - i. Provide a well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.g.i through 3.g.iii. The certification shall be signed by the Respondents and shall 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:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

- 4. All relief not expressly granted in this Order is denied.
- 5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondents. The Respondents are 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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

5/7/2024

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.


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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

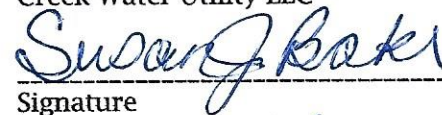
In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature


18 Apr 24
Date


Name (Printed or typed)
Authorized Representative of
Creek Water Utility LLC

18 Apr 24
Title


Signature

18 Apr 24
Date


Name (Printed or typed)
Authorized Representative of
Susan Janet Baker dba Creek Water Utility LLC

18 Apr 24
Title

☐ If mailing address has changed, please check this box and provide the new address below:

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