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**:

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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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

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

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



PAYABLE PENALTY

Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

\$10,634

DATES	Assigned	28-Mar-2022						
	PCW	24-May-2022	Screening	24-May-2022	EPA Due			
		-		-	-		-	
RESPO		TY INFORMATI						
	Respondent	Creek Water Util	ity LLC and S	usan Janet Bal	ker dba Creek V	Vater Utility LI	LC	
_	. Ent. Ref. No.							
Facilit	y/Site Region	5-Tyler			Major/N	linor Source	Minor	
	NFORMATION							
Ent	f./Case ID No.				No.	of Violations		
		2022-0609-PWS				Order Type		
Med		Public Water Sup	oply			t/Non-Profit		
	Multi-Media				Enf.		Ashley Lemke	
A -1	.! D		Φ ΕΟ	Na! I	÷E 000	EC's Team	Enforcement Tea	am 4
Aan	nin. Penaity \$ L	_imit Minimum	\$50	Maximum	\$5,000			
			Penalt	y Calcula	tion Secti	on		
TOTAL	DACE DENA	LTY (Sum of		•			Subtotal 1	\$13,250
IOIAL	L DASE PENA	LIT (Suill O	Violation	base penan	lies)		Subtotal 1	\$15,250
AD IUS	STMFNTS (+	/-) TO SUBT	ΌΤΔΙ 1					
AD300	Subtotals 2-7 are of	tained by multiplying	the Total Base	Penalty (Subtotal :	l) by the indicated	percentage.		
	Compliance His		•	0.0%	Adjustment		tals 2, 3, & 7	\$0
	•	,]	
	Notes		No adjustme	nt for Complia	nce History.			
				-				
	C l	NI -		0.00/			Codetatal 4	÷0
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Nata	The D	sanandanta da	not most the	culpability crite	ria		
	Notes	THE RE	espondents at	not meet the	culpability crite	ııa.		
							<u>l</u>	
	Good Faith Eff	ort to Comply T	otal Adjustn	nents			Subtotal 5	\$0
	Cood Faith Em	ore to comply i	otal Aajastii					Ψ0
	Economic Bene	efit		0.0%	Enhancement*		Subtotal 6	\$0
		Total EB Amounts	\$2,622	*Cappe	d at the Total EB \$	Amount		
	Estimated	Cost of Compliance	\$16,838					
CUM C	SE CURTOTAL					_		412.250
SUM C	OF SUBTOTAL	LS 1-/				F	inal Subtotal	\$13,250
							_	
OTHE	R FACTORS A	AS JUSTICE M	IAY REQUI	[RE	0.3%		Adjustment	\$42
Reduces o	or ennances the Final	Subtotal by the indi	cated percentage	2.			1	
		Enhancement t	o capture the	avoided cost a	ssociated with	Violation No.		
	Notes		·	7.				
							[]]	+12.202
						Final Pen	nalty Amount	\$13,292
0 - 4 - 1								112.222
SIATL	JIORY LIMIT	T ADJUSTMEN	N I			Final Asse	ssed Penalty	\$13,292
							_	
DEFER					20.0%	Reduction	Adjustment	-\$2,658
Reduces t	he Final Assessed Pe	enalty by the indicate	d percentage.				1	
				1.6				
	Notes		Deferral offere	ed for expedite	d settlement.			
							I	

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

disclosed)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2) Number Adjust. Component Number of... Written notices of violation ("NOVs") with same or similar violations as those in the 0 0% current enforcement action (number of NOVs meeting criteria) NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of 0 0% orders meeting criteria) **Orders** 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 0 0% any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or 0 0% **Judgments** consent decrees meeting criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated Decrees final court judgments or consent decrees without a denial of liability, of this state 0 0% or the federal government Any criminal convictions of this state or the federal government (number of Convictions 0 0% counts) **Emissions** Chronic excessive emissions events (number of events) 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 0 0% 1995 (number of audits for which notices were submitted) **Audits** Disclosures of violations under the Texas Environmental, Health, and Safety Audit

	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%
l	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%

Privilege Act, 74th Legislature, 1995 (number of audits for which violations were

Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) Adjustment Percentage (Subtotal 3) N/A 0% >> Compliance History Person Classification (Subtotal 7) N/A Adjustment Percentage (Subtotal 7) 0% >> Compliance History Summary **Compliance History** No adjustment for Compliance History. **Notes** Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0

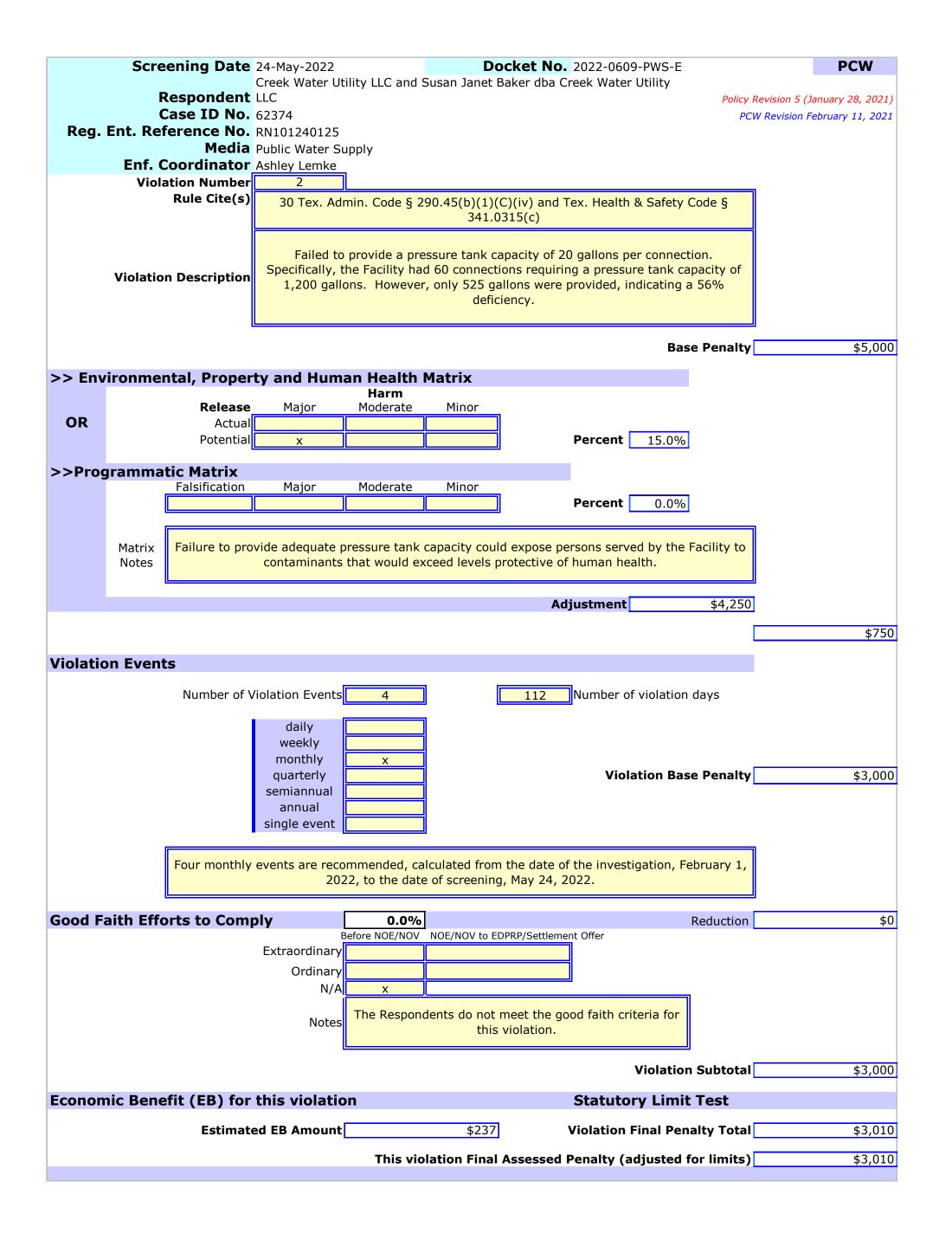
0%

0%

0%

	Screening Date				No. 2022-0609-PWS-E	PCW	
			lity LLC and S	Susan Janet Baker	dba Creek Water Utility		
	Respondent	_				Policy Revision 5 (January 28, 20)21)
	Case ID No.					PCW Revision February 11, 2	!021
Reg.	Ent. Reference No.	RN101240125					
	Media	Public Water Su	pply				
	Enf. Coordinator	Ashley Lemke					
	Violation Number	1					
	Rule Cite(s)	30 Tex. Adn	nin. Code § 2	290.45(b)(1)(C)(i) 341.0315(d	and Tex. Health & Safety Co	de §	
	Violation Description	Specifically, th	ne Facility had	d 60 connections r	per minute ("gpm") per congrequiring a well capacity of 36 indicating a 58% deficiency.	<mark>5 gpm. </mark>	
					Base	Penalty \$5,0	000
>> Env	vironmental, Proper	ty and Huma	an Health	Matrix			
OR	Release Actual		Harm Moderate	Minor			
	Potential	Х			Percent 15.0%		
>>Prog	grammatic Matrix						
	Falsification	Major	Moderate	Minor	Percent 0.0%		
	Matrix Failure to	•	•		persons served by the Facility tive of human health.	' to	
					Adjustment	\$4,250	
						ф-	750
						\$ 4	750
Violetia	F.v						
violatio	on Events						
	Number of \	/iolation Events	4	1	Number of violation da	ays	
		daily weekly monthly quarterly semiannual annual single event	X		Violation Base	Penalty \$3,0	000
	Four monthly			lculated from the o	date of the investigation, Feb 24, 2022.	ruary 1,	
Good F	aith Efforts to Com		0.0%			eduction	\$0
			efore NOE/NOV	NOE/NOV to EDPRP/S	Settlement Offer		
		Extraordinary					
		Ordinary					
		N/A	Х				
				<u></u>			
		Notes	The Respond	dents do not meet this violat	the good faith criteria for cion.		
					Violation S	Subtotal \$3,0	000
Econon	nic Benefit (EB) for	this violatio	n		Statutory Limit T	est	
	Estimate	ed EB Amount		\$818	Violation Final Penals	ty Total \$3,0	010
			Th:- :-:-!				
			i nis viol	acion rinai Asses	ssed Penalty (adjusted for	#3,0	010

	E	conomic	Benefit	Wor	ksheet		
Respondent	Creek Water L	Itility LLC and Sus	an Janet Baker	dba Cre	ek Water Utility Ll	_C	
Case ID No.	62374	•			·		
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.		, арр. у				Percent Interest	Depreciation
Violation ito:	-					5.0	15
	Itom Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Thoma Donovintion	Item Cost	Date Required	rillai Date	115	Interest Saveu	Costs Saveu	EB Alliount
Item Description							
Dolayed Costs							
Delayed Costs Equipment		Т		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)	\$5,000	1-Feb-2022	3-Jun-2024	2.34	\$39	\$779	\$818
Engineering/Construction	457000	1 100 2022	<u> </u>	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	connec	tion, calculated fro	om the date of	the inve	stigation to the es	pacity of at least 0. timated date of com	ppliance.
Avoided Costs	ANNU	ALIZE avoided co	osts before er		item (except for	one-time avoided	
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)		<u> </u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$5,000			TOTAL		\$818



	E	conomic	Benefit	Wor	'ksheet		
Respondent	Creek Water L	Itility LLC and Sus	an Janet Baker	dba Cre	ek Water Utility LI	_C	
Case ID No.	62374						
Reg. Ent. Reference No.	RN101240125						
	Public Water S					D	Years of
Violation No.		,				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
rem bescription							
Delayed Costs							
Equipment		1		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	•		675 gallons), ca	lculated	-	ink capacity of at leat the investigation to	
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	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

	Screeni	ing Date	24-May-2022			et No. 2022-0609-PWS-E		PCW
	Dee			ility LLC and	Susan Janet Bake	er dba Creek Water Utility		
		pondent e ID No.						Revision 5 (January 28, 2021)
Rea			RN101240125				PCV	V Revision February 11, 2021
iteg.	Liit. Keiere		Public Water Su	ınnly				
	Enf. Coo		Ashley Lemke	арргу				
		n Number						
	Ru	ıle Cite(s)	30 Tex. Adn	nin. Code § 2	.90.45(b)(1)(C)(ii	i) and Tex. Health & Safety Co	ode §	
				3	341.0315		J	
			Failed to pr	ovide two or	more pumps havi	ing a total capacity of 2.0 gpn	n per	
	Violation De	escription				e plane. Specifically, the Faci		
			60 connectio			acity of 120 gpm. However, o	nly 75	
				gpiii were	provided, indicati	ng a 38% deficiency.		
						Base	Penalty	\$5,000
>> Fm	.i	l Drana	what mad black	an Uaaltk	Matrix			
// ENV	vii oninenta	ii, Propei	rty and Hum	lan Health Harm	Matrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential		Х		Percent 5.0%		
>> Dro	arammatic	Matrix						
>>P10	grammatic Fa	dsification	Major	Moderate	Minor			
			. rager			Percent 0.0%		
	Matrix	Enilura ta n	rovido adoguat	o numn cana	sity sould avance	norsons comind by the English	, to a	
						persons served by the Facility dispersions served by the Facility dispersions from the persons are persons as the persons are persons are persons as the persons are persons are persons are persons as the persons are persons are persons are persons are persons are persons as the persons are persons a		
	Notes	orginirea i e		minanto triat	Would Hot exceed	a revers proceeding or marrian	Carcin	
						Adjustment	¢4.750	
						Adjustment	\$4,750	
								\$250
\	-							
violatio	on Events							
	N	lumber of V	iolation Events	2		Number of violation d	ays	
			_		<u> </u>		•	
			daily					
			weekly					
			monthly 			VI 1 1 1 5		+500
			quarterly	X	1	Violation Base	Penalty	\$500
			semiannual annual		4			
			single event		1			
			J		4			
	Ty	vo quarterly	v events are rec	ommended	calculated from th	ne date of the investigation, F	ehruary	
	l v	vo quarterry			ite of screening, N		cordary	
Good F	aith Efforts	s to Com	νlα	0.0%		R	eduction	\$0
			B		NOE/NOV to EDPRP/			
			Extraordinary					
			Ordinary					
			N/A	X				
				The Respond	dents do not mee	t the good faith criteria for		
			Notes	·	this viola			
			L					
						Violation S	Subtotal	\$500
Econon	nic Benefit	(EB) for	this violation	on		Statutory Limit	Test	
					1	-	_	
		Estimate	ed EB Amount		\$408	Violation Final Penal	ty Total	\$502
				This vio	lation Final Asse	essed Penalty (adjusted for	r limits)	\$502
						- 1 -	,	·

	E	conomic	Renefit	Wor	ksneet		
Respondent	Creek Water U	Itility LLC and Sus	an Janet Baker	dba Cre	ek Water Utility Ll	_C	
Case ID No.		•			,		
Reg. Ent. Reference No.							
							Years of
	Public Water S	suppry				Percent Interest	
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
Item Description							
Dolayed Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Equipment Buildings		<u> </u>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$2,500	1-Feb-2022	3-Jun-2024	2.34	\$0 \$19	\$389	\$408
Engineering/Construction	\$2,300	1-1-60-2022	3-Juli-2024	0.00	\$19 \$0	\$389	\$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
	The delayed	cost includes the	estimated amou	ınt to pr	ovide two or more	pumps having a to	tal capacity of
Notes for DELAYED costs						Iculated from the da	
		•			ited date of compl		
					<u> </u>		
Avoided Costs	ANNU	ALIZE avoided c	osts before er		item (except for	one-time avoided	l 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
-		, ,					'

	Screening Date				et No. 2022-0609-PWS-E	PCW
			ility LLC and S	Susan Janet Bak	ker dba Creek Water Utility	
	Respondent					Policy Revision 5 (January 28, 2021)
	Case ID No.					PCW Revision February 11, 2021
Reg.	Ent. Reference No.					
		Public Water Su	ıpply			
	Enf. Coordinator					
	Violation Number					
	Rule Cite(s)		30 T	ex. Admin. Cod	e § 290.46(m)	
		Failed to init	iate maintena	nce and housek	eeping practices to ensure the	good
	Violetian Description	working c			ance of the system's facilities an	
	Violation Description	equipment. Sp	• •		perable and the barbed wire wa	<mark>is loose</mark>
			on t	he fencing at th	e water plant.	
					Rase F	Penalty \$5,000
					buse r	\$3,000
>> Env	vironmental, Prope	rty and Hum	an Health	Matrix		
			Harm			
OR	Release		Moderate	Minor		
OK	Actual Potential				Percent 3.0%	
	Potential			X	Percent 3.0%	
>>Proc	grammatic Matrix					
, , , , ,	Falsification	Major	Moderate	Minor		
					Percent 0.0%	
	Failure to	maintain the goo	d working cor	ndition and gen	eral appearance of the Facility c	could
	Matrix Notes expose person				nount of contaminants which wo	<mark>ould not</mark>
	Notes	ex	ceed levels p	rotective of hur	nan health.	
					A -1:	+4.050
					Adjustment	\$4,850
						\$150
Violatio	on Events					
	Number of)	/iolation Events	2		Number of violation da	200
	Number of v	/iolation Events	2		Number of violation da	195
		daily				
		weekly				
		monthly				
		quarterly			Violation Base F	Penalty \$300
		semiannual				
		annual				
		single event	X			
		Two sinal	e events are r	recommended.	one for each issue.	
				,		
Good F	aith Efforts to Com		0.0%			duction \$0
			efore NOE/NOV	NOE/NOV to EDPRI	P/Settlement Offer	
		Extraordinary				
		Ordinary				
		N/A	Х			
		Nata	The Respond	ents do not me	et the good faith criteria for	
		Notes		this vio		
		L				
					Violation Su	ubtotal \$300
Econon	nic Benefit (EB) for	this violation	on		Statutory Limit T	est
	Estimat	ed EB Amount		\$351	Violation Final Penalt	y Total \$301
			TL! '- '		second Domalius /- discuss of C	limita) +201
			i nis viol	ation Final Ass	sessed Penalty (adjusted for	\$301

	E	conomic	Benefit	Wor	'ksheet		
Respondent	Creek Water L	Itility LLC and Sus	an Janet Baker	dba Cre	ek Water Utility LI	С	
Case ID No.		, === aa = a.			,		
Reg. Ent. Reference No.							
	Public Water S	Supply				Percent Interest	Years of
Violation No.	4						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		2000 110401100					
Item Description							
Delayed Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings		<u> </u> 		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$2,500	1-Feb-2022	3-Feb-2024	2.01	\$17	\$334	\$351
Engineering/Construction	\$2,300	1-1-60-2022	3-1 ED-2024	0.00	\$0	\$0 \$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	•				•	nd the barbed wire ated date of compli	
Avoided Costs	ANNII	ALTZE avoided o	nete hefore en	terina	item (except for	one-time avoided	L costs)
Avoided Costs Disposal	ANNO	The state of the s	bata before en	0.00			
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$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

	Screening Date	-		No. 2022-0609-PWS-E	PCW
	Deenendent	Creek Water Utility Ll	LC and Susan Janet Baker	dba Creek Water Utility	
	Respondent				Policy Revision 5 (January 28, 2021)
Dam	Case ID No.				PCW Revision February 11, 2021
Reg.	Ent. Reference No.				
		Public Water Supply			
	Enf. Coordinator				
	Violation Number				
	Rule Cite(s)	3	30 Tex. Admin. Code § 290	0.121(a) and (b)	
		Falled to maintain an			- H L
			•	microbiological monitoring plan	
		the analytical proced		e sampling frequency, and spec t the Facility will use to comply	
	Violation Description			e monitoring plan did not includ	
				al procedures, and laboratories	
			specification docum		
			-		
				Base Pe	nalty \$5,000
>> En	vironmental, Prope				
			arm		
00	Release		lerate Minor		
OR	Actual			Payant 0.00/	
	Potential			Percent 0.0%	
> > D##	auammatic Matrix				
>>PTC	ogrammatic Matrix Falsification	Major Mod	lerate Minor		
	Taisiicacion	Major Mod		Percent 1.0%	
			X	1.0%	
	Matrix	Loss than 300/	6 of the rule requirements	word not mot	
	Notes	Less than 30%	6 of the rule requirements	were not met.	
				Adjustment \$	4,950
				Aujustilielit	4,930
					\$50
Violati	ion Events				
	Number of \	Violation Events	1 1.	Number of violation days	S
		daily			
		weekly			
		monthly		Walakian Basa Ba	H
		quarterly		Violation Base Pe	nalty \$50
		semiannual			
		annual single event			
		single event	X		
		One	single event is recommer	nded.	
		5.1.5			
O 1		and the	0.0%	Redu	uction \$0
Good	Faith Efforts to Com	ipiy		Redi	
Good	Faith Efforts to Com		OE/NOV NOE/NOV to EDPRP/Se		
Good	Faith Efforts to Com		OE/NOV NOE/NOV to EDPRP/S		
Good	Faith Efforts to Com	Before No Extraordinary	OE/NOV NOE/NOV to EDPRP/S		
Good	Faith Efforts to Com	Before No Extraordinary Ordinary	OE/NOV NOE/NOV to EDPRP/Se		
Good	Faith Efforts to Com	Extraordinary Ordinary N/A	X	ettlement Offer	
Good	Faith Efforts to Com	Extraordinary Ordinary N/A	x Respondents do not meet t	ettlement Offer the good faith criteria for	
Good	Faith Efforts to Com	Extraordinary Ordinary N/A	X	ettlement Offer the good faith criteria for	
Good	Faith Efforts to Com	Extraordinary Ordinary N/A	x Respondents do not meet t	ettlement Offer the good faith criteria for	
Good	Faith Efforts to Com	Extraordinary Ordinary N/A	x Respondents do not meet t	ettlement Offer the good faith criteria for	ototal \$50
		Before Notes	x Respondents do not meet t	the good faith criteria forcion. Violation Sub	
	mic Benefit (EB) for	Before Notes	x Respondents do not meet t	the good faith criteria for cion.	
	mic Benefit (EB) for	Extraordinary Ordinary N/A Notes The R	X Respondents do not meet to this violat	the good faith criteria for ion. Violation Substitutory Limit Te	st
	mic Benefit (EB) for	Before Notes	x Respondents do not meet t	the good faith criteria forcion. Violation Sub	st
	mic Benefit (EB) for	Extraordinary Ordinary N/A Notes The R	X Respondents do not meet to this violate \$18	the good faith criteria for ion. Violation Substitutory Limit Te	st Total \$50

	E	conomic	Benefit	Wor	ksheet		
Respondent	Creek Water U	Itility LLC and Sus	an Janet Baker	dba Cre	ek Water Utility Ll	_C	
Case ID No.		•			•		
Reg. Ent. Reference No.							
							Years of
	Public Water S	supply				Percent Interest	
Violation No.	5						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
Item Description							
Delayed Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0 \$0	\$0 \$0	\$0
Land				0.00	\$0 \$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
		•				n maintaining a che	
Notes for DELAYED costs	microbiolog	ical monitoring pl	lan, calculated f	rom the complia		igation to the estim	ated date of
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided	
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							
•							
ı							
,							

	Scre	ening Date	,			2022-0609-PWS-E		PCW
	_			y LLC and Su	usan Janet Baker dba (Creek Water Utility		
		espondent						Revision 5 (January 28, 2021)
_		ase ID No.					PCV	V Revision February 11, 2021
кед.	Ent. Ket		RN101240125					
			Public Water Supp	Лy				
			Ashley Lemke					
	Viola	ition Number						
		Rule Cite(s)		30 T€	ex. Admin. Code § 290).42(j)		
					3	(3)		
	Violatio	n Description	that conforms to Foundation ("AN Specifically, a seq	o the Americal SI/NSF") Sta Juestering ag	nemical or media for th an National Standards andard 60 for Drinking Jent called "Make Your Phich does not conform	Institute/National Sa Water Treatment Ch Own Buzz" was bein	anitation nemicals. Ig used for	
						Bas	e Penalty	\$5,000
>> Fn	vironme	ntal Prope	rty and Human	ı Health N	Natriy			
LII		ital, Flope	cy and Human	Harm	INGIA			
		Release	Major M	Moderate	Minor			
OR		Actual						
		Potential			Х	Percent 3.0%		
						515.15		
>>Pro	gramma	tic Matrix						
		Falsification	Major M	Moderate	Minor			
						Percent 0.0%		
	Matrix Notes				a could expose person would not exceed leve	-		
					Ad	justment	\$4,850	
								\$150
	_							
Violati	ion Even	ts						
		Nicosale au a 6 N	Calabian Francis		110	7 Novembra - Code la La Lina	4	
		Number of \	/iolation Events	1	112	Number of violation	days	
			daily					
			weekly					
			monthly					
			quarterly			Violation Bas	e Penalty	\$150
			semiannual					
			annual					
			single event	Х				
			C)ne single ev	vent is recommended.			
0 - 1 -	F_ !!!			2.22				
Good I	raith Effo		DIV	0.0%			Reduction	\$0
		orts to Com			IOE/NOV/ +- EDDDD /C		_	
		orts to Com	Befor	re NOE/NOV N	IOE/NOV to EDPRP/Settleme			
		orts to Com	Befor Extraordinary	re NOE/NOV N	IOE/NOV to EDPRP/Settleme		•	
		orts to Com	Before Extraordinary Ordinary	re NOE/NOV N	IOE/NOV to EDPRP/Settleme		·	
		orts to Com	Befor Extraordinary	re NOE/NOV N	IOE/NOV to EDPRP/Settleme			
		orts to Com	Before Extraordinary Ordinary N/A	X		ent Offer		
		orts to Com	Before Extraordinary Ordinary N/A	X	nts do not meet the go	ent Offer		
		orts to Com	Before Extraordinary Ordinary N/A	X		ent Offer		
		orts to Com	Before Extraordinary Ordinary N/A	X	nts do not meet the go	ood faith criteria for		
		orts to Com	Before Extraordinary Ordinary N/A	X	nts do not meet the go	ood faith criteria for	ı Subtotal	\$150
Econo	mic Bene		Before Extraordinary Ordinary N/A	X	nts do not meet the go	ood faith criteria for		\$150
Econo	mic Bene	efit (EB) for	Extraordinary Ordinary N/A Notes Th	X	nts do not meet the go this violation.	ood faith criteria for Violation Statutory Limit	t Test	
Econo	mic Bene	efit (EB) for	Before Extraordinary Ordinary N/A The Notes	x ne Responde	nts do not meet the go this violation. \$12	violation Final Pen	t Test	\$150
Econo	mic Bene	efit (EB) for	Extraordinary Ordinary N/A Notes Th	x ne Responde	nts do not meet the go this violation.	violation Final Pen	t Test	\$150

	E	conomic	Benefit	Wor	ksheet		
Respondent	Creek Water L	Itility LLC and Sus	an Janet Baker	dba Cre	ek Water Utility Ll	-C	
Case ID No.		,			,		
Reg. Ent. Reference No.							
							Years of
	Public Water S	supply				Percent Interest	
Violation No.	6						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
rem bescription							
Delayed Costs							
Delayed Costs Equipment		1		0.00	# 0	40	# 0
Equipment Buildings		1		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Land				0.00	\$0	n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$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	ANNII	ALTZE avoided c	osts hefore en	terina	item (except for	one-time avoided	(nsts)
Disposal	Aitito	I I	osts before en	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$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	•	Docket No. 2022-0609-PWS-E	PCW
			Susan Janet Baker dba Creek Water Utility	
	Respondent			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			
	Rule Cite(s)	'	A L	
		30 Tex	x. Admin. Code § 290.46(m)(1)(A)	
	Violation Description	Specifically, the interior	y's 20,000-gallon ground storage tank ("GST" rof the GST had not been inspected and the an inspection port for interior inspections.	
			Bas	se Penalty \$5,000
				\$2,555
>> Env	vironmental, Prope	erty and Human Health	n Matrix	
		Harm		
	Release		Minor	
OR	Actua			
	Potentia	Х	Percent 5.0%	
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor	
			Percent 0.0%	
	Failure to	inspect the interior of the Fac	cility's GST annually could cause the non-dete	ection of
	Matrix Notes defects and		by the Facility to a significant amount of con	<mark>taminants </mark>
	Notes	which would not excee	d levels protective of human health.	
			Adjustment	\$4,750
				1959
				\$250
Violati	on Events			
Violati	on Events			
	Number of	Violation Events 1	112 Number of violation	n davs
		daily	1	
		weekly	1	
		monthly	1	
		quarterly	Violation Bas	se Penalty \$250
		semiannual	Violation Bas	\$250
		annual	-	
			-	
		single event X	≝	
		One single	event is recommended.	
		5.15 S.1.15		
			_	
Good F	aith Efforts to Con			Reduction \$0
			NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary		
		N/A X		
		-1 -5		
		Notes The Respon	dents do not meet the good faith criteria for	
			this violation.	
			Violation	1 Subtotal \$250
Econor	nic Benefit (EB) fo	r this violation	Statutory Limi	t Test
Econor				
Econor		r this violation ed EB Amount	Statutory Limi \$46 Violation Final Pen	
Econor		ed EB Amount		salty Total \$251

	E	conomic	Benefit	Wor	ksheet		
Respondent	nt Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC						
Case ID No.		tilley 220 and 545	arr sarree Barker	ubu 0.0	on tracer denicy Li	-0	
Reg. Ent. Reference No.							
	Public Water S	upply				Percent Interest	Years of
Violation No.	7						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	200 0000	zate Required	· ···········				
Item Description							
5 1 10 1							
Delayed Costs		<u> </u>		1 0 00	+ 2	+0	+0
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0 *0	\$0
Engineering/Construction				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Land Record Keeping System				0.00	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0 \$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-						
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l 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						interior inspection c the date of screenin	-
Approx. Cost of Compliance		\$82			TOTAL		\$46

	Scree	ning Date	24-May-2022			2022-0609-PWS-E		PCW
	Da		Creek Water U	tility LLC and	Susan Janet Baker dba	Creek Water Utility		
		spondent						evision 5 (January 28, 2021)
D = ==		se ID No.					PCW	Revision February 11, 2021
Reg.	ent. Kere		RN101240125	1				
	F., £ . C.		Public Water S	upply				
			Ashley Lemke	1				
		on Number						
	I	Rule Cite(s)		30 .	Tex. Admin. Code § 290).46(m)		
						` ,		
	Violation	Description	working (equipment.	condition and Specifically,	ance and housekeeping general appearance of the 525-gallon pressure and the 1,000-gallon pre	the system's facilities tank was not able to	and remain	
						Base	Penalty	\$5,000
>> Fn	vironmen	tal Prone	rty and Hum	an Health	Matriy			
// LII	VIIOIIIIEII	tai, Prope	ity and mun	Harm	I Matrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential				Percent 15.0%		
		, occirciai				19.070		
>>Pro	grammati	c Matrix						
77110		Falsification	Major	Moderate	Minor			
			a.je.		1	Percent 0.0%		
			<u> </u>			0.070		
		Failure to r	maintain the go	ad working so	andition and general and	acarange of the Engility	, could	
	Matrix				ondition and general app contaminants which wo			
	Notes	expose pers	ons served by ti		numan health.	uid exceed levels prote	ective of	
				'	iuman neam.			
						42	+4.250	
					A	djustment	\$4,250	
							Г	\$750
							_	\$7.50
Violati	ion Events							
		Number of \	/iolation Events	8	112	Number of violation	days	
			daily weekly monthly				,	
			quarterly semiannual annual	X		Violation Base	Penalty	\$6,000
			single event		1			
			Ingle Crone		4			
		-	•		(four events per tank), o 22, to the date of screer		te of the	
Good	Faith Effor	ts to Com		0.0%			Reduction	\$0
				Before NOE/NOV	NOE/NOV to EDPRP/Settlem	ent Offer		
			Extraordinary					
			Ordinary					
			N/A	Х	J			
			Notes	The Respond	dents do not meet the g this violation.	good faith criteria for		
						Violation	Subtotal	\$6,000
Econo	mic Benef	it (EB) for	this violation	on		Statutory Limit	Test	
		Estimate	ed EB Amount		\$732	Violation Final Pena	ilty Total	\$6,019
				This via	lation Final Assessed	Denalty (adjusted for	or limite)	¢ ፍ በ10
				i nis vio	iation Final Assessed	renalty (adjusted fo	or ilmits)	\$6,019

	E	conomic	Benefit	Wor	'ksheet		
Respondent	Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC						
Case ID No.		•					
Reg. Ent. Reference No.							
							Years of
	Public Water S	supply				Percent Interest	
Violation No.	8						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)	\$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
N. L. C. BELAVED	The delayed o	cost includes the e	stimated amou	nt to rep	pair the 525-gallor	n and 1,000-gallon p	pressure tanks,
Notes for DELAYED costs	C	alculated from the	date of the inv	estigati	on to the estimate	ed date of compliance	ce.
Avoided Costs	ANNII	ALTZE avoided of	osts boforo on	toring	itom (ovcont for	one-time avoided	L costs)
Avoided Costs Disposal	ANNO	The state of the s	osts before en	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0 \$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		¢E 000			TOTAL		¢722
Approx. Cost of Compliance		\$5,000			IUIAL		\$732

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



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, CN604014506, Creek Water Utility LLC

Classification: NOT APPLICABLE

Rating: N/A

or Owner/Operator: **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:

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:

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):

H. Voluntary on-site compliance assessment dates: $_{\mbox{\scriptsize N/A}}$

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



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, CN605662188, BAKER, SUSAN JANET Classification: NOT APPLICABLE Rating: N/A

or Owner/Operator:

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):

H. Voluntary on-site compliance assessment dates: $_{\mbox{\scriptsize N/A}}$

I. Participation in a voluntary pollution reduction program:

N/Δ

J. Early compliance:

N/A

Sites Outside of Texas:

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



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, CN605662188, BAKER, SUSAN JANET Classification: NOT APPLICABLE Rating: N/A

or Owner/Operator:

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):

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Name: Ashley Lemke Phone: (512) 239-1118

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G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates: $_{\mbox{\scriptsize N/A}}$

I. Participation in a voluntary pollution reduction program:

N/Δ

J. Early compliance:

N/A

Sites Outside of Texas:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	C	
CONCERNING	§	
CREEK WATER UTILITY LLC AND	§	TEXAS COMMISSION ON
SUSAN JANET BAKER DBA CREEK	C	
WATER UTILITY LLC	§	
RN101240125	§	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") consid	ered this agreement of the parties, resolving an enforcement
action regarding Creek Water Ut	tility LLC and Susan Janet Baker dba Creek Water Utility LLC (the
"Respondents") under the author	ority of Tex. Health & Safety Code ch. 341. The Executive
Director of the TCEQ, through t	he 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 undeferred 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.

Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC DOCKET NO. 2022-0609-PWS-E Page 6

- 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.
- This Order may be executed in separate and multiple counterparts, which together shall 8. 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.

Creek Water Utility LLC and Susan Janet Baker dba Creek Water Utility LLC DOCKET NO. 2022-0609-PWS-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ seeking other relief as authorized by law.

Susan Janet Baker dba Creek Water Utility LLC

For the Commission	Date
For the Executive Director	5/7/2024 Date
I, the undersigned, have read and understand the attached Order, and I do agree to the terms acknowledge that the TCEQ, in accepting payme on such representation.	and conditions specified therein. I further
I also understand that failure to comply with the and/or failure to timely pay the penalty amount	e Ordering Provisions, if any, in this Order t, may result in:
 A negative impact on compliance history; Greater scrutiny of any permit application Referral of this case to the OAG for conternand/or attorney fees, or to a collection age Increased penalties in any future enforcem 	npt, injunctive relief, additional penalties, ency;
Automatic referral to the OAG of any future	

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

Signature

Signature

Date

Signature

Date

18 Apr 24

Title

Name (Printed or typed)

Authorized Representative of

Creek Water Utility LLC

Swarf Bakl

Signature

Date

18 Apr 24

Title

18 Apr 24

Title

Name (Printed or typed)

Authorized Representative of

☐ 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.