

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 6 2015 MAY 27 PM 2:29 EPA REGION 06

In the Matter of
GEORGE W. JACKSON,
d/b/a Fort Jackson Mobile Estates
Respondent
PWS ID Number: TX 1520064

DOCKET NO. SDWA-06-2015-1205

DEFAULT MOTION FOR LIABILITY AND PENALTY

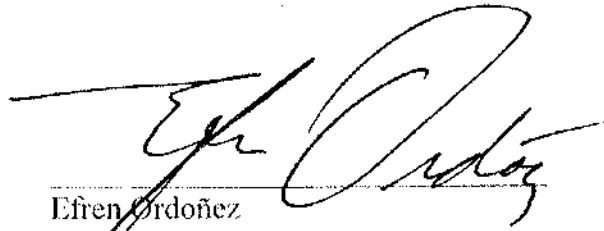
Comes now, Complainant, the Director of the Compliance Assurance and Enforcement Division of the U.S. Environmental Protection Agency ("EPA"), Region 6, by its undersigned counsel, files this DEFAULT MOTION FOR LIABILITY AND PENALTY pursuant to 40 C.F.R. § 22.17. Complainant seeks a Default Order finding George W. Jackson ("Respondent") liable for the violations alleged in the Administrative Complaint filed in this case on January 22, 2015. Complainant also seeks the assessment of a penalty in the amount of Seven Thousand (\$7,000) dollars, as proposed in the Administrative Complaint.

In support of this DEFAULT MOTION FOR LIABILITY AND PENALTY, Complainant files the attached MEMORANDUM IN SUPPORT OF DEFAULT MOTION FOR LIABILITY AND PENALTY, incorporated by reference as if fully stated herein.

Respectfully submitted,

Date:

5/27/15



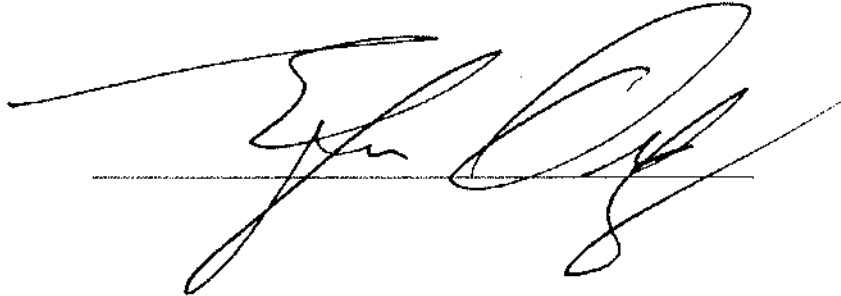
Efrén Ordoñez  
Senior Enforcement Attorney  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75002  
(214)665-2181  
ordonez.cfren@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 27<sup>th</sup> day of May, 2015, the original of the foregoing  
DEFAULT MOTION FOR LIABILITY AND PENALTY was hand delivered to the Regional  
Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas  
75202-2733, and that a true and correct copy was placed in the United States mail, in the manner  
specified and addressed to the following:

Certified Mail/Return Receipt Requested  
And First Class U.S. Mail:

Mr. George W. Jackson  
P.O. Box 53733  
Smyer, Texas 79453-3733

A handwritten signature in black ink, appearing to read "George W. Jackson", is written over a horizontal dashed line. The signature is stylized and cursive.

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of	§	
	§	
GEORGE W. JACKSON,	§	
d/b/a Fort Jackson Mobile Estates	§	
	§	DOCKET NO. SDWA-06-2015-1205
	§	
Respondent	§	
	§	
PWS ID Number: TX 1520064	§	

**MEMORANDUM IN SUPPORT OF DEFAULT MOTION  
FOR LIABILITY AND PENALTY**

This memorandum is filed in support of DEFAULT MOTION FOR LIABILITY AND PENALTY for finding that Respondent violated the environmental requirements specified in the Administrative Complaint, which was filed on January 27, 2015, and for an order finding Respondent liable for a penalty in the amount of seven thousand (\$7,000) dollars, pursuant to 40 C.F.R. § 22.17.

**I. STATUTORY BACKGROUND**

The Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*, is a federal statute designed to ensure that the nation's public drinking water supply and its sources (lakes, rivers, reservoirs, etc.) are protected. Pursuant to the Part C of the SDWA, 42 U.S.C. § 300g *et seq.*, the U.S. Environmental Protection Agency (EPA) enforces this statute to ensure that public drinking water systems comply with health-based federal standards for contaminants, including compliance with monitoring and reporting requirements. The SDWA regulates public water systems that provide water to the public for human consumption. Pursuant to SDWA Section 1401(4), a "public water system" (PWS) is a system that has at least fifteen (15) service

connections or regularly serves at least twenty-five (25) individuals on a daily basis for at least sixty (60) days out of the year.

Pursuant to SDWA Section 1401(5), a “community water system” is a PWS that serves at least fifteen (15) service connections by year-round residents served by the system or that at least twenty-five (25) year-round residents. A “supplier of water” is a person who owns or operates a PWS. SDWA Section 1401(5).

A supplier of water that owns or operates a PWS are subject to the regulations promulgated by EPA pursuant to Section 1412 of the SDWA, 42 U.S.C. § 300g-1, entitled “National Public Drinking Water Regulations” (“NPDWR”). The regulations implementing NPDWR are specified in 40 C.F.R. Part 141.

Pursuant to NPDWR, suppliers of water are subject to the maximum contaminant level (MCL) requirements specified in 40 C.F.R. 141, Subpart G, and the water being conveyed to the public by the PWS must not exceed MCL requirements. Suppliers of water are required to conduct monitoring to determine compliance with the MCLs for specified pollutants. The MCL relevant to this case is 4 mg/L for fluoride. See 40 CFR § 141.62(b)(1).

When a person is in violation of NPDWR, EPA may issue an administrative order pursuant to SDWA Section 1414(g) to require compliance with SDWA requirements. If the violator, does not comply with the administrative order, EPA may issue an administrative complaint seeking to assess penalties for violation of the administrative order. See SDWA Section 1414((g)(3)(B).

## **II. PROCEDURAL BACKGROUND**

On February, 2014, EPA issued an Administrative Order, Docket No. SDWA 06-2014-1306 (Attached and incorporated herein as Attachment A, Administrative Order) to George W.

Jackson (“Respondent”), doing business as Fort Jackson Mobile Estates. The Administrative Order was sent to Respondent, via certified mail with return receipt requested, on February 14, 2014. Attached and incorporated herein as Attachment B, Administrative Order Return Receipt Card, indicating receipt and service of Respondent regarding the Administrative Order. Pursuant to SDWA Section 1414(g)(2), EPA provided notice and opportunity to confer to the Texas Commission of Environmental Quality (TCEQ) as required by SDWA Section 1414(g)(2).

On January 20, 2015, EPA issued an Administrative Complaint, Docket No. 06-2015-1205 (Attached and incorporated herein as Attachment C, Administrative Complaint) to Respondent. The Administrative Complaint was sent to Respondent, via certified mail with return receipt requested, on January 27, 2015. Attached and incorporated herein as Attachment D, Administrative Complaint Green Receipt Card, indicating receipt and service of Respondent regarding the Administrative Complaint. Respondent has failed to submit an Answer to the Administrative Complaint as required by 40 C.F.R. § 22.15.

**III. FACTUAL ALLEGATIONS SPECIFIED IN ADMINISTRATIVE COMPLAINT**

The following are the factual allegations specified in the Administrative Complaint and the Declaration of Medhi Taheri, Attachment G (herein incorporated as if fully stated):

Respondent owned or operated a PWS in Lubbock County, Texas that provides water to the public for human consumption, and as such, Respondent’s PWS regularly serves at least 25 residents year-round residents. Therefore, Respondent’s PWS is a “community water system, and Respondent is a “supplier of water.” Respondent and Respondent’s PWS are subject to National Primary Drinking Water Regulations promulgated pursuant to the SDWA, including compliance with fluoride MCL requirement of 4 mg/l. as specified in 40 C.F.R. § 141.62(b)(1).

The water provided to residents by Respondent's PWS exceeded the 4 mg/L fluoride MCL when sampling results indicated an average of 7.14 mg/L for fluoride at Respondent's PWS for the 4<sup>th</sup> quarter of 2008, the 1<sup>st</sup> quarter of 2011, and the 2<sup>nd</sup> and 3<sup>rd</sup> quarter of 2013, in violation in of 40 C.F.R. § 141.62(b)(1). As a result of the fluoride MCL violation, EPA issued an Administrative Order on February 14, 2014 and ordered Respondent to do the following:

A. "If Respondent has not provided public notice, as required by 40 C.F.R. § 141.201 regarding the violations specified in paragraph 6, the Respondent shall, within thirty (30) days of the issuance of this Order, provide a public notice of the violations as set forth in 40 C.F.R. § 141.201. Respondent shall submit a copy of the public notice to EPA and TCEQ within forty (40) days of the effective date of this Order."

B. "Within one hundred and twenty (120) days of the effective date of this Order, Respondent shall submit to EPA a detailed plan to bring the System into compliance with the MCL for fluoride. The plan shall include: 1) a system modification proposal, 2) a cost analysis of system modifications, and 3) a construction schedule for the project. The schedule shall include specific milestone dates and a final compliance date that is no later than 18 months from the effective date of this Order. The plan must be submitted to EPA for concurrence before construction can commence."

C. "Respondent must achieve and maintain compliance with 40 C.F.R. § 141.62(b)(1) by the date specified in the approved plan, or not later than 18 months after the effective date of this Order, whichever is earliest."

D. "Within ninety (90) days of the effective date of this Order, Respondent shall submit to EPA an initial report on the progress made to bring the PWS into compliance with the uranium MCL. Following the initial report, a quarterly progress report shall be to EPA within ten (10) days after the end of each calendar quarter. Respondent shall notify EPA when all improvements have been completed."

The issuance date of the Administrative Order was August 7, 2012, and the effective date of the Order was August 13, 2012. Respondent failed to comply with each and every item required by the Administrative Order and has continued to fail to comply up to the date of this

Motion:

Respondent failed to submit a copy of the public notice to EPA and TCEQ within forty (40) days of the effective date of the Administrative Order and has yet to submit a copy;

Respondent failed to submit to EPA a detailed plan to bring the System into compliance with the MCL for fluoride within 120 of the effective date of the Administrative Order and has yet to submit a detailed plan.

Respondent failed to achieve and maintain compliance with the fluoride MCL as specified in 40 C.F.R. § 141.62(b(1) since before or after the issuance of the Administrative Order.

Within ninety (90) days of the effective date of this Order, Respondent failed to submit to EPA an initial report on the progress made to bring the PWS within 90 days of the effective date of the Administrative Order and has yet to submit the initial report and has failed to submit any progress reports.

EPA has communicated by telephone and mail with Respondent in an attempt to get Respondent to comply with the Administrative Order and to comply with the MCL requirements; however, these efforts have not been successful. See Attachment E, EPA Communication Efforts with Respondent.

#### **IV. STANDARD FOR FINDING DEFAULT**

Pursuant to the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation/Termination or Suspension of Permits”, a party may be found to be in default, after a motion, upon failure to file a timely answer to the complaint. “Default by respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the complaint and a waiver of respondent’s right to contest such factual allegations.” See 40 § C.F.R. 22.17(a).

Pursuant to 40 C.F.R. § 22.17( c), “[w]hen the Presiding Officer finds that default occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued. If the order resolves all outstanding issues and claims in the proceeding, it shall constitute the initial decision . . . The relief proposed in the complaint . . . shall be ordered unless the requested relief is clearly inconsistent with the Act.”



## **V. ARGUMENT**

### **A. RESPONDENT FAILED TO FILE AN ANSWER**

Pursuant to 40 CFR § 22.17(a), a party may be found to be in default, after motion, upon failure to file a timely answer to the complaint. Furthermore, 40 C.F.R. § 22.15(a) specifies that an answer to the complaint must be filed with the Regional Hearing Clerk within 30 days after service of the complaint. EPA issued the Administrative Complaint on January 27, 2015, which was served on Respondent via certified mail return receipt. See Attachment D, Administrative Complaint Return Receipt Card. Respondent failed to file a timely Answer within 30 days and in fact never filed an Answer.

In the transmittal letter containing the Administrative Complaint, EPA stressed that failure to request a hearing within 30 days of receipt will result in a waiver of the right to a hearing and that the proposed civil penalty of \$7,000 may be assessed against Respondent. EPA also attempted to contact Respondent on March 25, 2015, by telephone and by calling Respondent's assistant's telephone number, leaving messages requesting to discuss the Administrative Complaint. Respondent did not return the telephone calls. See Attachment E, EPA Communication Efforts with Respondent.

### **B. RESPONDENT'S DEFAULT IS WILFUL**

The facts in this case provide sufficient support to find that Respondent's default is willful. Starting with the Administrative Order issued on August 7, 2012, Respondent was informed that his PWS was not meeting the fluoride MCL, and Respondent was ordered to take

specific steps to address his noncompliance with the SDWA. Respondent failed to comply with the requirements of the Administrative Order despite the fact that EPA called and left voice mail messages on six occasions. See Attachment E, EPA Communication Efforts with Respondent.

**C. PRIMA FACIE CASE OF LIABILITY**

In order for a default order to be entered against the Respondent, the Presiding Officer must conclude the Complainant has established a prima facie case of liability against the Respondent. *See In re Atkinson*, 1998 WL 422231, Docket No. RCRA-9006-VIII-97-02 (PA Region VIII). Under 40 C.F.R. § 22.17(a), to establish a prima facie case, the Complainant must establish by a preponderance of the evidence that each element of the violation has occurred. *See In re Haydel*, 2000 WL 436240, Docket No. CWA-VI-99-1618 (EPA Region VI).

In order for the Complainant to prevail in the instant motion, Complainant must show that it has met its prima facie burden of establishing the elements of the violations alleged in the Administrative Complaint. For SDWA violations, EPA must prove: (1) that the Respondent is a person that owns or operates a public water system (2) in violation of the National Primary Drinking Water Regulations promulgated pursuant to the SDWA; and (3) that the Respondent violated an Administrative Order requiring Respondent to get back into compliance. In the present case, the factual allegations in the Administrative Complaint comprise the elements of proof and are admitted by Respondent by his failure to file an Answer to the Administrative Complaint.

As per the factual allegations specified in the Administrative Complaint: Respondent is a "person" and "supplier of water" who owned or operated a PWS in Lubbock County Texas the PWS that is a "community water system" and that provides water to the public for water consumption serving at least 25 individuals year-round. Respondent's PWS provided water to

its residents that exceeded the fluoride MCL. EPA issued an Administrative Order to Respondent requiring specific steps needed to return to compliance with the SDWA.

Respondent failed to comply with any of the requirements specified in the Administrative Order. As specified in 40 C.F.R. § 22.17(a), failure to file a timely answer to the complaint upon default constitutes an admission of all facts alleged in the complaint and constitutes a waiver of Respondent's right to contest such factual allegations.

Therefore, pursuant to 40 C.F.R. § 17( c), Complainant requests that the Presiding Judicial Officer issue a Default Order finding Respondent in violation of Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. 300g-3(g)(3)(B), for failure to comply with the terms of the Administrative Order.

**D. LEGAL AND FACTURAL GROUNDS IN SUPPORT OF THE PENALTY SOUGHT**

Pursuant to the Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. 300g-3(g)(3)(B), EPA seek to assess a penalty of up to \$7,000<sup>1</sup> for violations of an administrative order. In considering a penalty, EPA takes into account the seriousness of the violation, the population at risk, and other appropriate factors. See 42 U.S.C. 300g-3(b). Given these statutory factors regarding a penalty, Complainant requests that the Presiding Judicial Officer assesses a penalty in the amount of \$7,000 against Respondent.

In the present case, Respondent has exceeded its fluoride MCL in 2008, 2011, 2013, 2014, and 2015. See Attachment F, Sampling Results. Given that Respondent's PWS serves approximately 61 residents, Respondent has provided inadequate water for human consumption that does not meet national drinking water standards to these residents.

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<sup>1</sup> Pursuant to the Monetary Penalty Inflation Adjustment Rule, the amount authorized for the SDWA penalty was raised from \$5,000 to \$7,000. See 78 Fed.Reg. 66643 (Nov. 6, 2013).

In issuing the Administrative Order, EPA sought to require Respondent to take steps to comply with the fluoride MCL so that Respondent would not subject persons receiving water from the PWS to possible adverse health effects. As specified in 40. C.F.R. Part 141, Subpart O, Appendix A, regarding health effects of fluoride:

“Some people who drink water containing fluoride in excess of MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children’s teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.”

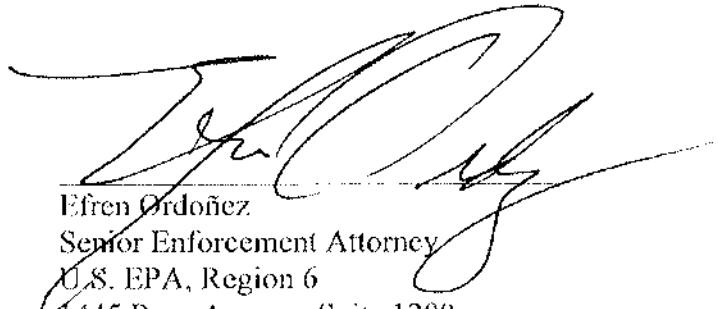
Complainant considers Respondent’s noncompliance with the fluoride MCL and the Administrative Order a very serious violations of the SDWA. Respondent has shown a gross disregard of recipients of water from his PWS and has disregarded efforts by EPA to correct the situation. Given the length of time that Respondent has been in violation of the fluoride MCL, the number of people exposed to inadequate water, the lack of any good-faith effort by Respondent to comply with the Administrative Order or to react to the Administrative Complaint, Complainant asserts that a penalty of \$7,000 is reasonable and supported by the facts and law. Therefore, Complainant requests that the Presiding Judicial Officer order Respondent to pay a penalty of \$7,000, as proposed in the Administrative Complaint.

### CONCLUSION

Respondent failed to file an Answer to the Administrative Complaint, failed to comply with the fluoride MCL, failed to comply with the Administrative Order, failed to take steps to comply with the fluoride MCL despite multiple efforts by EPA directed at Respondent designed to have Respondent comply with the SDWA. Therefore, Complainant requests that the Presiding Officer to find Respondent in default and issue a default order assessing a penalty of \$7,000.

Respectfully submitted,

Date: 5/27/15



Efrén Ordoñez  
Senior Enforcement Attorney  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75002  
(214)665-2181  
ordonez.cfren@epa.gov

Att 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

FEB 14 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7004 1160 0003 0356 9924

Mr. George Jackson  
d/b/a Fort Jackson Mobile Estates  
P.O. Box 53733  
Smyer, TX 79453-3733

Re: Administrative Order, Docket Number: SDWA-06-2014-1306  
PWS ID Number: TX1520064

Dear Mr. Jackson:

Enclosed is an Order issued to you, doing business as Fort Jackson Mobile Estates, for violation of the Safe Drinking Water Act (Act), 42 U.S.C. § 300f, et seq., and its implementing regulations, 40 C.F.R. Part 141. The Environmental Protection Agency (EPA) finds that you own or operate the public water system (PWS) identified in the Order and are therefore subject to these regulations. This Order requires certain actions and information demands.

The Order requires immediate compliance with the maximum contaminant level (MCL) for fluoride as set forth in Section 1412 of the Act, 42 U.S.C. § 300g-1. If immediate compliance is not possible, you must submit a treatment alternative with a construction and/or repair schedule that will achieve compliance no later than eighteen (18) months from the effective date of the enclosed Order. Compliance with the fluoride MCL is based on a running annual average. As described in the enclosed Order, you are required to deliver drinking water that meets the national standard for fluoride and to conduct quarterly monitoring to ensure compliance with the MCL. Please be aware that failure to comply with this Order may subject you to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

EPA also wants you to be aware of a new process in Texas that was created to help facilities secure technical assistance and funding to address these types of issues. The Texas Water Infrastructure Coordination Committee (TWICC) was formed with representation from stakeholders, funding entities, and federal and state partners to identify water and wastewater infrastructure and compliance issues and to seek affordable, sustainable and innovative funding strategies for the protection of public health. If you feel your system could benefit from the TWICC, please let us know so that we can discuss the matter with you.


Re: Administrative Order  
Fort Jackson Mobile Estates

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The PWS is also required to comply with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC) Chapter 290, Subchapter D. Most treatment options require the submittal of engineering plans and specifications to the Texas Commission on Environmental Quality (TCEQ) for review and approval as indicated in 30 TAC § 290.39(j). The engineering plans and specifications and any pilot study report must be prepared by a Texas licensed professional engineer as required in 30 TAC §§ 290.39(d)(1) and 290.42(g), respectively. Please send engineering submittals to the TCEQ's Public Drinking Water Section addresses, as referenced in paragraph J of the Order and include the EPA Docket Number.

If you need assistance, or have questions regarding the Order, please contact Mr. Mehdi Taheri, of my staff, at (214) 665-2298.

Sincerely,



John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

cc: Mr. Bryan Sinclair  
Director, Enforcement Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Ms. Linda Brookins  
Director, Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087





U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6  
FINDINGS OF VIOLATION, COMPLIANCE ORDER, AND  
INFORMATION DEMAND

In the Matter of: Fort Jackson Mobile Estates Water System  
Owned/Operated by George Jackson, Respondent  
Docket No. SDWA-06-2014-1306, PWS ID # TX1520064

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Sections 1414(g) and 1445 of the Safe Drinking Water Act ("the Act"), 42 U.S.C. §§ 300g-3(g) and 300j-4. The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6 who further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Mr. George Jackson ("Respondent"), doing business as Fort Jackson Mobile Estates, is a "person," as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

2. At all times relevant to the violations alleged herein ("relevant time period"), Respondent owned or operated the Fort Jackson Mobile Estates water system, a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Lubbock, Lubbock County, Texas ("facility"), designated as PWS number TX1520064.

3. As a PWS and a "supplier of water," Respondent is subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 U.S.C. § 300g-1, entitled National Primary Drinking Water Regulations ("NPDWR").

4. During the relevant time period, Respondent's PWS served as a "community water system," as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15).

5. The Texas Commission on Environmental Quality ("TCEQ") and the EPA have enforcement authority for the PWS provisions of the Act in the State of Texas. TCEQ and EPA have consulted regarding this Order, and it has been agreed that EPA would initiate this enforcement action.

6. During the relevant time period, Respondent's PWS was subject to NPDWR requirements for the fluoride maximum contaminant level ("MCL") as set forth in 40 C.F.R. § 141.62(b). Respondent monitored for fluoride for the 4<sup>th</sup> quarter of 2008, 1<sup>st</sup> quarter of 2011, and from the 2<sup>nd</sup> through the 3<sup>rd</sup> quarters of 2013, resulting in a running annual average of 7.14 mg/L that exceeded the fluoride MCL of 4 mg/L in violation of 40 C.F.R. § 141.62(b)(1).

7. Respondent is required to comply with the fluoride requirements of the Act, as set forth in Section 1412 of the Act, 42 U.S.C. § 300g-1.

SECTION 1414(g) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), EPA orders Respondent to take the following actions:

A. Respondent shall comply with 40 C.F.R. § 141.31(b) and notify both TCEQ and EPA within forty-eight (48) hours in the event of fluoride MCL violations.

B. If Respondent has not provided public notice, as required by 40 C.F.R. § 141.201, regarding the violations specified in paragraph 6, Respondent shall, within thirty (30) days of issuance of this Order, provide a public notice of the violations as set forth in 40 C.F.R. § 141.201. Respondent shall submit a copy of the public notice to EPA and TCEQ within forty (40) days of the effective date of this Order.

C. Within fifteen (15) calendar days of the effective date of this Order, Respondent shall contact Mr. Mehdi Taheri, in writing, informing him whether Respondent will comply with the terms of this Order.

D. Respondent shall immediately comply with 40 C.F.R. § 141.62(b)(1) regarding the fluoride MCL. If immediate compliance is not technically feasible, then the Respondent must comply with E through J below.

E. Respondent shall achieve and maintain compliance with the MCL for fluoride set forth at 40 C.F.R. § 141.62(b)(1) no later than eighteen (18) months after the effective date of this Order.

SECTION 1445 INFORMATION DEMAND

Based on these findings and pursuant to the authority of Section 1445 of the Act, 42 U.S.C. § 300j-4, Respondent is required to do the following:

Within ninety (90) days of the effective date of this Order, Respondent shall submit to EPA an initial report on the progress made to bring the PWS into compliance with the fluoride MCL. Following the initial report, a quarterly progress report shall be submitted to EPA within ten (10) days after the end of each calendar quarter. Respondent shall notify EPA when all improvements have been completed.

G. Within one hundred and twenty (120) days of the effective date of this Order, Respondent shall submit to EPA a detailed plan to bring the system into compliance with the MCL for fluoride. The plan shall include: 1) a system modification proposal; 2) a cost analysis of system modifications; and 3) a construction schedule for the project. The schedule shall include specific milestone dates and a final compliance date that is no later than eighteen (18) months from the effective date of this Order. The plan must be submitted to EPA for approval before construction can commence.

H. The approved schedule for construction and completion of modifications will be incorporated into this Order or an Amended Administrative Order will be issued incorporating the approved schedule for construction and completion of modifications.

I. The reporting required by this Order must be provided by the Respondent to EPA at the following address:

Mr. Mehdi Taheri  
Water Enforcement Branch (6EN-W)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

J. Regarding Parts A and B in the Order Section, Respondent shall submit a copy of the public notice to TCEQ at the following addresses:

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

and

Public Drinking Water Section  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

## GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5-section706&num=0&edition=prelim>, states the scope of such review.

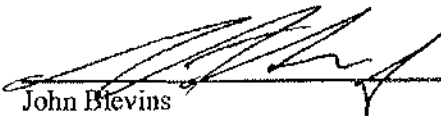
This Section 1414(g) Compliance Order and the Section 1445 Information Demand do not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order and Section 1445 Information Demand is not an election by EPA to forego any civil or any criminal action otherwise authorized under the Act.

Violation of any term of this Section 1414(g) Compliance Order and the Section 1445 Information Demand or the Act may subject Respondent to an administrative civil penalty of up to \$32,500 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$37,500 per day per violation, assessed by an appropriate United States District Court under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A).

This Order shall be binding on the PWS cited herein and all its successors and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

FEB 14 2014

Date

  
John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

~~117~~ B

Fluoride  
AO

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Mr. George Jackson  
 Street, Apt. No. or PO Box No. P.O. Box 53733  
 City, State, ZIP+4 Smyer, TX 79453

PS Form 3800, June 2002 See Reverse for Instructions

2/27/14

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Mr. George Jackson  
4101a Fort Jackson Mobile  
Estates  
P.O. Box 53733  
Smyer, TX 79453-3733

2. Article Number  
*(Transfer from service label)* 7004 1160 0003 0356 9924

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature [Signature]  Agent  Addressee

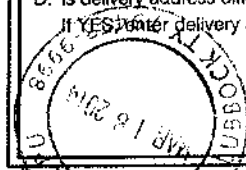
B. Received by (*Printed Name*) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

D. Is delivery address different from Item 1?  Yes  
 If YES, enter delivery address below:  No

Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (*Extra Fee*)  Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



1977 C.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

JAN 20 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 4780

Mr. George W. Jackson  
d/h/a Fort Jackson Mobile Estates  
P.O. Box 53733  
Lubbock, TX 79453-3733

Re: Notice of Proposed Assessment of Safe Drinking Water Act Civil Penalty  
Docket Number: SDWA-06-2015-1205  
PWS ID Number: TX1520064

Dear Mr. Jackson:

Enclosed is an Administrative Complaint (Complaint) issued to George W. Jackson (Respondent), doing business as Fort Jackson Mobile Estates, for violation of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300 et seq., and its implementing regulations, 40 C.F.R. Part 141. The alleged violation was for exceedance of the maximum contaminant level for fluoride.

You, as the representative of Fort Jackson Mobile Estates, have the right to request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. Please refer to the enclosed Part 22, "Consolidated Rules of Practice," for information regarding hearing and settlement procedures. Note that should you fail to request a hearing within thirty days of your receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of \$7,000.00 may be assessed against you without further proceedings.

Whether or not you request a hearing, we invite you to confer informally with the Environmental Protection Agency (EPA). You may represent Fort Jackson Mobile Estates, or be represented by an attorney at any conference, whether in person or by telephone. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference.

EPA is committed to ensuring compliance with the requirements of the National Primary Drinking Water regulations ("NPDWR") program, and my staff will assist you in any way possible. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Mr. Mehdi Taheri, of my staff, at (214) 665-2298.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

Re: Fort Jackson Mobile Estates-fluoride  
Administrative Penalty Order

2

cc: Mr. Bryan Sinclair  
Director, Enforcement Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Ms. Linda Brookins  
Director, Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

FILED

2015 JAN 27 PM 1:35

Region 6, 1400 F Street, N.W.  
EPA REGION VI

In the Matter of § Docket No. SDWA-06-2015-1205  
§  
§  
GEORGE W. JACKSON, § Proceeding to Assess a Class I Civil Penalty  
d/b/a Fort Jackson Mobile Estates, § under Section 303g-3(g)(3) of the  
§ Safe Drinking Water Act  
Respondent §  
§  
§ ADMINISTRATIVE COMPLAINT  
PWS ID Number: TX1520064 §

I. Statutory Authority

This Administrative Complaint (“Complaint”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 1414(g)(3) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g)(3). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division of EPA Region 6 (“Complainant”). This Complaint is issued in accordance with, and this action will be conducted under, the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits,” including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedure Act, 40 C.F.R. §§ 22.50 through 22.52.

Based on the following Findings, Complainant finds that Respondent violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty.

II. Findings of Fact and Conclusions of Law

1. Mr. George Jackson, doing business as Fort Jackson Mobile Estates (“Respondent”), is a “person,” as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).



2. According to Section 1401(4) of the Act, 42 U.S.C. § 300f (4), a public water system ("PWS") provides water to the public for human consumption, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

3. According to Section 1401(15) of the Act, 42 U.S.C. § 300f (15), a "community water system" means a PWS that serves at least fifteen (15) service connections used by year-round residents served by the system or that regularly serves at least twenty-five (25) year-round residents.

4. According to Section 1401(5) of the Act, 42 U.S.C. § 300f (5), a "supplier of water" is a person who owns or operates a PWS.

5. At all times relevant to the violations alleged herein, Respondent owned or operated the Fort Jackson Mobile Estates water system, a PWS as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f (4), located in Lubbock, Lubbock County, Texas ("facility"), and designated as PWS number TX1520064.

6. The facility serves over 25 residents year-round and is therefore a community water system.

7. As an owner or operator of a PWS, Respondent is a supplier of water pursuant to Section 1401(5) of the Act, 42 U.S.C. § 300f(5).

8. Respondent, as a supplier of water, and the facility, as a community PWS, are subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 U.S.C. § 300g-1, entitled National Primary Drinking Water Regulations ("NPDWR").

9. Pursuant to Section 1413(a) of the Act, 42 U.S.C. Section 300g-2(a), the State of Texas, acting through the Texas Commission on Environmental Quality ("TCEQ"), has primary

enforcement responsibility, to ensure that suppliers of water within the State comply with the requirements of the Act.

10. TCEQ and the EPA have enforcement authority for the PWS provisions of the Act in the State of Texas. TCEQ and EPA have consulted regarding this Order, and it has been agreed that EPA would initiate this enforcement action.

11. At all times relevant to the violations alleged herein, Respondent's facility was subject to the maximum contaminant level requirements for fluoride as described by 40 C.F.R.

§ 141.62(b)(1).

12. During the relevant time period, Respondent's facility was required to conduct monitoring to determine compliance regarding fluoride levels. Respondent is required to comply with a Maximum Contaminant Level ("MCL") of 4 mg/L for fluoride as specified in 40 C.F.R.

§ 141.62(b)(1).

13. Respondent monitored for fluoride during the 4<sup>th</sup> quarter of 2008, the 1<sup>st</sup> quarter of 2011, and from the 2<sup>nd</sup> through the 3<sup>rd</sup> quarters of 2013, resulting in an annual average of 7.14 mg/L for fluoride in violation of the MCL specified in 40 C.F.R. § 141.62(b)(1).

14. On February 14, 2014, EPA issued Administrative Order Docket No. SDWA-06-2014-1306 ("Order") (Attached and incorporated herein at Attachment A) to Respondent, pursuant to EPA's authority under Section 1414(g) of the Act, 42 U.S.C.

§ 300g-3(g), citing MCL violations during the 4<sup>th</sup> quarter of 2008, the 1<sup>st</sup> quarter of 2011, and during the 2<sup>nd</sup> through the 3<sup>rd</sup> quarters of 2013, and ordered the following:

- A. "If Respondent has not provided public notice, as required by 40 C.F.R. § 141.201 regarding the violations specified in paragraph 13, Respondent shall, within thirty (30) days of the issuance of this Order, provide a public notice of the violations as set forth in 40 C.F.R. § 141.201. Respondent shall submit a copy of the public notice to EPA and TCEQ within forty (40) days of the effective date of this Order."

- B. "Within one hundred and twenty (120) days of the effective date of this Order, Respondent shall submit to EPA a detailed plan to bring the System into compliance with the MCL for fluoride. The plan shall include: 1) a system modification proposal; 2) a cost analysis of system modifications; and 3) a construction schedule for the project. The schedule shall include specific milestone dates and a final compliance date that is no later than eighteen (18) months from the effective date of this Order. The plan must be submitted to EPA for concurrence before construction can commence."
- C. "Respondent must achieve and maintain compliance with 40 C.F.R. § 141.62(b)(1) by the date specified in the approved plan, or not later than eighteen (18) months after the effective date of this Order, whichever is earliest."
- D. "Within ninety (90) days of the effective date of this Order, Respondent shall submit to EPA an initial report on the progress made to bring the PWS into compliance with the fluoride MCL. Following the initial report, a quarterly progress report shall be to EPA within ten (10) days after the end of each calendar quarter. Respondent shall notify EPA when all improvements have been completed."

15. The issuance date of the Order was February 14, 2014, and the effective date of the Order was March 18, 2014.

16. Respondent failed to comply with each Order requirement specified in paragraph 14 above, and is therefore liable for a civil penalty pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).

17. Pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300f et seq., Respondent is liable for an administrative civil penalty in an amount not to exceed \$37,500.00 for violation of the Order.

### III. Proposed Penalty

18. Based on these Findings and Conclusions, having taken into account the serious nature of the violations, the population at risk, and other appropriate factors including with respect to the violator, ability to pay, the past history of such violations, degree of culpability, and other matters as justice may require, and pursuant to the authority of Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), EPA proposes to assess against Respondent a penalty of seven thousand dollars (\$7,000.00).

19. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this matter, and the administrative proceedings shall not be governed by Section 554 of the Administrative Procedure Act.

IV. Failure to File an Answer

20. If Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, Respondent must file an Answer to this Complaint within thirty (30) days after service of this Complaint whether or not Respondent requests a hearing as discussed below.

21. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15 (copy enclosed). Failure to file an Answer to this Complaint within thirty (30) days of service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

22. If Respondent does not file an Answer to this Complaint within thirty (30) days after service, a Default Order may be issued against Respondent pursuant to 40 C.F.R. § 22.17. A Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by Respondent without further proceedings thirty (30) days after a final Default Order is issued.

23. Respondent must send its Answer to this Complaint, including any request for a Hearing, and all other pleadings to:

Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

24. Respondent shall also send a copy of its Answer to this Complaint to the following EPA attorney assigned to this case:

Mr. Efren Ordoñez (6RC-EW)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

25. The Answer must be signed by Respondent, Respondent's counsel, or other representative on behalf of Respondent and must contain all information required by 40 C.F.R. §§ 22.05 and 22.15, including the name, address, and telephone number of Respondent and Respondent's counsel. All other pleadings must be similarly signed and filed.

#### V. Notice of Opportunity to Request a Hearing

26. Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B). The procedures for hearings are set out at 40 C.F.R. Part 22, including 40 C.F.R. §§ 22.50 through 22.52.

27. Any request for hearing should be included in Respondent's Answer to this Complaint; however, as discussed above, Respondent must file an Answer meeting the requirements of 40 C.F.R. § 22.15 in order to preserve the right to a hearing or to pursue other relief.

#### VI. Settlement

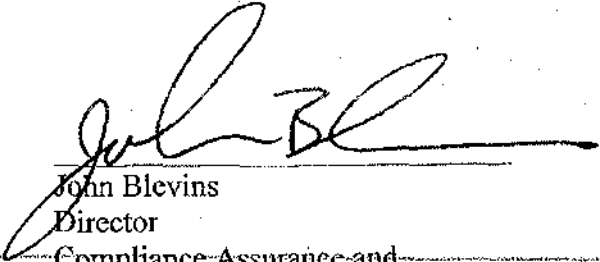
~~28. EPA encourages all parties against whom civil penalties are proposed to pursue the~~  
possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal

conference on the matters described in this Complaint, please contact Mr. Mehdi Taheri, of my staff, at (214) 665-2298.

29. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b). The issuance of a CAFO would waive Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted and a hearing held only if the evidence presented by the petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

30. Neither assessment nor payment of a penalty in resolution of this action will affect Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B).

1.20.15  
Date

  
John Blevins  
Director

Compliance Assurance and  
Enforcement Division

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Complaint was sent to the following persons,  
in the manner specified, on the date below:

Original hand-delivered: Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Copy by certified mail, Mr. Bryan Sinclair  
Director, Enforcement Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Copy by certified mail, Ms. Linda Brookins  
Director, Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Copy hand-delivered: Mr. Efrén Ordoñez (6RC-EW)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Dated: \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

JAN 20 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 4773

Mr. Bryan Sinclair  
Director, Enforcement Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Ms. Linda Brookins  
Director, Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Notice of Proposed Assessment of Safe Drinking Water Act Civil Penalty  
Docket Number: SDWA-06-2015-1205; PWS ID Number: TX1520064

Dear Mr. Sinclair and Ms. Brookins:

Enclosed is a copy of the Administrative Complaint (Complaint) which the Environmental Protection Agency (EPA) is issuing to George W. Jackson (Respondent), doing business as Fort Jackson Mobile Estates, pursuant to Section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). EPA is issuing the Complaint to administratively assess a Class I civil penalty of \$7,000.00 against Respondent for violation of the fluoride maximum contaminant level. Because the violation has occurred in the State of Texas, I am offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference, or if you have any comments or questions regarding the matter, please contact Mr. Mehdi Taheri, of my staff, at (214) 665-2298.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure





Fluoride

SDWA-06-2015-1205  
Fort Jackson Mobile Estates  
Attorney: Efen Ordonez

FILED  
2015 FEB 10 AM 10:58  
REGIONAL HEARINGS CLERK  
REGION VI

SDWA-06-2015-1205/Adm. Complaint (SDWA)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>GEORGE JACKSON</p>
<p>1. Article Addressed to:</p> <p>Mr. George W. Jackson d/b/a Fort Jackson Mobile Estates P.O. Box 53733 Lubbock, TX 79453-3733</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (transfer from service label)</p>	<p>7005 3820 0003 7453 4780</p>

ATT E

## **EPA Communication efforts with Respondent George W. Jackson**

**3/17/2014** I, Mehdi Taheri, called Ms. Donna Vaught, the person listed as the contact person for the PWS owned/operated by George W. Jackson, regarding the PWS violations. Ms. Vaught stated that she informed Mr. Jackson of the violations, and she suggested that I call Mr. Jackson from now on. She provided Mr. Jackson's cell, and Mehdi Taheri called him. Mr. Jackson did not answer, so Mehdi Taheri left him a message.

**3/18/2014** Mehdi Taheri called Mr. Jackson's cell phone again and he didn't answer. Mehdi Taheri left him a Message.

**5/1/2014** Mehdi Taheri called Mr. Jackson (his cell and his business phones) to discuss the EPA administrative order. Mr. Jackson did not answer, and Mehdi left him a message and explained to Mr. Jackson that his system is in violation of the federal administrative order and that Mr. Jackson is subject to a fine. Mr. Taheri specified in the message that this is very serious matter and that EPA needs to talk to him. Mehdi Taheri requested that Mr. Jackson to please please call back to discuss the matter. Mehdi Taheri also added that EPA would like to work with him to solve the problem.

**5/1/2014** Mehdi Taheri called Ms. Donna Vaught told her that Mr. Taheri had called Mr. Jackson several times and left messages but that Mr. Jackson had never returned my calls. Mr. Taheri also called Mr. Jackson(his cell and his business phones) and left him messages. Ms. Vaught said she cannot control him but that she would call Mr. Jackson and give him the messages.

**8/15/2014** Mehdi Taheri called the water system and Mr. Jackson, the owner one more time to discuss the EPA administrative order. Mehdi Taheri called Mr. Jackson's business and mobile phones and left a messages that EPA would still like to work with him and help him. Otherwise, EPA will issue an Administrative Penalty Order.

**8/15/2014** Mehdi Taheri called Ms. Donna Vaught to talk about this case. She did not answer, and Mehdi Taheri left her a message.

**8/15/2014** Mehdi Taheri called Mr. Jackson, but he was not in the office. Mehdi Taheri left him a message and said since he is in violation of the federal administrative ordre and not returning calls, Mr. Taheri is going to issue a penalty order.

**3/25/2015** Mehdi Taheri called Mr. Jackson one more time, but he was not in his office. Mehdi Taheri left a message and told him that we have not heard from him regarding the EPA Penalty Order. Mehdi Taheri offered to negotiate the penalty amount.

**3/25/2015** Mehdi Taheri called Ms. Donna Vaught and left her a message. Mehdi Taheri asked Ms. Vaught to call EPA to discuss the water system.

44 F

Texas Commission on Environmental Quality	Office of Water	Public Drinking Water Section
County Map of TX	Water System Search	Office of Compliance and Enforcement

Water System Detail			
Water System Facilities	Violations Enforcement	TCR Sample Results	TTHM HAA5 Summaries
Source Water Assessment Results	Actions		
Sample Points	Assistance Actions	Recent Positive TCR Results	PBCU Summaries
Sample Schedules / FANLs / Plans	Compliance Schedules	Other Chemical Results	Chlorine Summaries
Site Visits Milestones	TOC/Alkalinity Results	Chemical Results: Sort by: Name Code	Turbidity Summaries
Operators All POC	LRAA (TTHM/HAA5)	Recent Non-TCR Sample Results	TCR Sample Summaries
Glossary			

Water System Detail Information			
Water System No.:	TX1520064	Federal Type:	C
Water System Name:	FORT JACKSON MOBILE ESTATES	Federal Source:	GW
Principal County Served:	LUBBOCK	System Status:	A
Principal City Served:		Activity Date:	01-01-1913

Result List by Analyte										
Analyte Code	Analyte Name	Facility	Sample Point	Sample Collection Date	TCEQ Sample ID	Laboratory Sample ID	Concentration	Method	Detection Limit	Current Maximum Contaminant Level Allowed (MCL)
1025	FLUORIDE	EP001	TRT-TAP	03/03/2015	1535713	Q1507852004	6.52 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	12/02/2014	1430329	Q1457942002	6.43 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	09/03/2014	1430257	Q1440871001	6.5 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	06/03/2014	1430209	Q1418876003	6.44 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	03/05/2014	1429947	Q1407109003	6.53 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	12/03/2013	1328521	Q1315710002	6.6 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	09/04/2013	1328460	Q1306494002	6.81 MG/L	300		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	06/04/2013	1328387	Q1301820007	4.78 MG/L	300		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	03/01/2011	1125278	AB49530	10 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	12/08/2008	0830490	0812341001	6.97 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	09/08/2008	0830489	0809242001	6.71 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	06/17/2008	0830488	0806509001	7.15 MG/L	300.0		4 MG/L
			TRT-							

7.14

1025	FLUORIDE	EP001	TAP	03/18/2008	0830487	0803446002	6.15 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	12/04/2007	0728526	0712068001	5.86 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	08/02/2007	0728525	0708138001	5.78 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	05/17/2007	0728524	0705620001	6.28 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	01/18/2007	0728527	0701430001	6.22 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	10/19/2006	0601502	0610542001	6.2 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	07/13/2006	0601503	0607244001	6.05 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	04/05/2006	0601504	0604098001	5.89 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	01/05/2006	0601505	0601095002	6.08 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	10/19/2005	0526892	0510369002	6.06 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	07/12/2005	0526894	0507248002	6.36 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	05/23/2005	0526891	0505460007	6.36 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	01/19/2005	0526893	0501307002	6.34 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	12/07/2004	0328003	0412239001	6.32 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	09/28/2004	0328002	0410016001	6.14 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	04/14/2004	0328001	EP408359	6.5 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	02/23/2004	0328000	EP404049	6.1 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	12/01/2003		EP319850	6.6 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	07/23/2003		EP311230	6.4 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	03/18/2003		EP304402	6.5 MG/L	300.0		4 MG/L
1025	FLUORIDE	EP001	TRT-TAP	03/25/2002		EP205814	6.5 MG/L	300.0		4 MG/L

Total Number of Records Fetched = 33

**Notes:**

Analyte results are presented sorted by date then TCEQ Sample ID Number.  
Single Sample MCL Violations are noted in **Bold Red** in the Concentration column.

ATP 2



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of	§	
	§	
GEORGE W. JACKSON,	§	
d/b/a Fort Jackson Mobile Estates	§	
	§	DOCKET NO. SDWA-06-2015-1205
	§	
Respondent	§	
	§	
PWS ID Number: TX 1520064	§	

**DECLARATION OF MEHDI TAHERI**

I, Mehdi Taheri, declare and state as follows:

1. I am an environmental engineer and have been employed by the U.S. Environmental Protection Agency, Region 6 (EPA), for 25 years. For the past 7 years, I have been the Texas Enforcement Coordinator for the Water Resources Section. As the Texas Enforcement Coordinator, I monitor drinking water compliance regarding SDWA requirements by public water systems (PWSs) located in the state of Texas. I also participate in the issuance of administrative orders and administrative complaints against PWS that are not in compliance with SDWA requirements, including failure to comply with Maximum Contaminant Level (MCL) requirements. As the Enforcement Coordinator, I initiate enforcement in a timely and appropriate manner to obtain compliance and provide technical support to PWS that need assistance in returning to compliance.
2. In my capacity as the Texas Enforcement Coordinator and in coordination with the Texas Commission of Environmental Quality (TCEQ), I determined that George W. Jackson (Respondent), doing business as Fort Jackson Mobile Estates, owned or operated a PWS, located in Lubbock County, (hereinafter referred to as PWS) that provided water to the public for human

consumption, and, as such, Respondent's PWS regularly serves at least 25 residents year-round residents. The PWS serves approximately 61 persons year round. Therefore, Respondent's PWS is a "community water system, and Respondent is a "supplier of water." Respondent and Respondent's PWS are subject to National Primary Drinking Water Regulations promulgated pursuant to the SDWA, including compliance with fluoride MCL requirement of 4 mg/L as specified in 40 C.F.R. § 141.62(b)(1).

3. On February, 2014, EPA issued an Administrative Order, Docket No. SDWA 06-2014-1306 to Respondent. The Administrative Order was sent to Respondent, via certified mail with return receipt requested, on February 14, 2014, and the Administrative Order was served on Respondent. EPA received the return receipt of the certified mail. EPA also notified TCEQ of the Administrative Order.

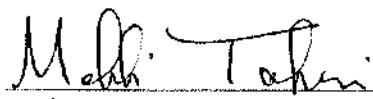
4. Respondent's PWS has provided water for human consumption to its recipients on numerous occasions that exceeded the fluoride MCL in 2008, 2011, 2012, 2014, and 2015. See Attachment F, Sampling Results.

5. The water provided to residents by Respondent's PWS exceeded the 4 mg/L fluoride MCL when sampling results indicated an average of 7.14 mg/L for fluoride at Respondent's PWS for the 4<sup>th</sup> quarter of 2008, the 1<sup>st</sup> quarter of 2011, and the 2<sup>nd</sup> and 3<sup>rd</sup> quarter of 2013, in violation in of 40 C.F.R. § 141.62(b)(1). As a result of the fluoride MCL violation, EPA issued an Administrative Order on February 14, 2014. Given that there are no sampling results other than the calendar quarters mentioned above, the four quarters that are specified are averaged to obtain the fluoride amounts as allowed by 40 CFR § 141.23(i)(2), resulting in an average of 7.14 mg/L, well above the required 4 mg/L.

6. The purpose of the Administrative Order was to get Respondent back into compliance SDWA MCL requirement for fluoride. In the Administrative Order, Respondent was ordered to comply with the fluoride MCL requirements and to take specific steps to demonstrate to EPA that Respondent was moving toward compliance. See Attachment A, Administrative Order. Respondent did not comply with any of the specific orders specified in the Administrative Order.
7. Respondent failed to comply with the requirements of the Administrative Order despite the fact that I called and left voice mail messages on six occasions. See Attachment E, EPA Communication Efforts with Respondent. All of the communication efforts specified in Attachment E were done by me in an attempt to communicate with Respondent regarding the Administrative Order. Attachment E is incorporated herein as if fully stated.
8. On January 20, 2015, EPA issued an Administrative Complaint, Docket No. 06-2015-1205 (Attached and incorporated herein as Attachment C, Administrative Complaint) to Respondent. The Administrative Complaint was sent to Respondent, via certified mail with return receipt requested, on January 27, 2015. Attached and incorporated herein as Attachment D, Administrative Complaint Green Receipt Card, indicating receipt and service of Respondent regarding the Administrative Complaint. Respondent has failed to submit an Answer to the Administrative Complaint as required by 40 C.F.R. 22.15.
9. Respondent failed to file an Answer to the Administrative Complaint despite two attempts by me to contact Respondent. See Attachment E, EPA Communication Efforts with Respondent.
10. In seeking to assess a penalty, EPA has considered the seriousness of the violation, the population at risk, and other appropriate factors. 42 U.S.C. 300g-3(b). Given these considerations, EPA requests that the Presiding Judicial Officer assesses a penalty in the amount

of \$7,000. Although EPA could have requested a higher penalty in an administrative complaint, EPA asserts that a \$7,000 penalty is appropriate.

11. The proposed penalty is justified given that Respondent has been in violation of the fluoride MCL for so many years and has not taken steps to return to compliance, that Respondent failed to comply with any of the requirements of the Administrative Order, that Respondent failed to react even after the Administrative Complaint was filed, and that Respondent has willfully provided water for human consumption to its PWS recipients that does not meet SDWA national standards. Given the seriousness of the violations and Respondent's failure to act to return to compliance with the SDWA, EPA asserts that a penalty of \$7,000 is justified.

  
Mehdi Taheri

Executed this 27 day of May 2015 in Dallas, Texas.

Subscribed and sworn to before me, the undersigned Notary Public,

This 27 day of May, 2015



