

2015 NOV -5 PM 3: 25

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY, RECEIVING CLERK
REGION 6 EPA REGION VI

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

DOCKET NO. SDWA-06-2015-1204

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 February 5, 2015. Complainant also seeks the assessment of a penalty in the amount of Seven Thousand (\$7,000) dollars, as proposed in the Administrative Penalty.

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:

11/5/15



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

CERTIFICATE OF SERVICE

I hereby certify that on the 5 day of November, 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, by certified mail/return receipt, and addressed to the following:

Mr. George W. Jackson
P.O. Box 53733
Lubbock, TX 79453-3733

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

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of §
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GEORGE W. JACKSON, §
d/b/a Fort Jackson Mobile Estates §
§ DOCKET NO. SDWA-06-2015-1204
§
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 February 5, 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. § 300 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 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), “public water system” (PWS) is a system that 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 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 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 Primary 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 30 µg/L for combined Uranium as specified in 40 C.F.R. § 141.66(e).

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 August 7, 2012, EPA issued an Administrative Order, Docket No. SDWA 06-2012-1255 (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 August 7, 2012. Attached and incorporated herein as Attachment B, Administrative Order Green 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 February 5, 2015, EPA issued an Administrative Complaint, Docket No. 06-2015-1204 (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 February 5, 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 Mehdi Taheri, Attachment I (herein incorporated as if fully stated):

Respondent owned or operated a PWS in Lubbock County, Texas that provided water to the public for human consumption, and 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 combined uranium MCL requirement of 30 µg/L as specified in 40 C.F.R. § 141.66(e).

The water provided to residents by Respondent's PWS exceeded the for Combined Uranium MCL when sampling results indicated an average of 197 µg/L at Respondent's PWS for four quarters from 2nd quarter 2007 through 1st quarter 2008 in violation of 40 C.F.R. § 141.66(e). As a result of the uranium MCL violation, EPA issued an Administrative Order on August 7, 2012, 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 uranium. 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. § 141.66(e) 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 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 uranium 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 uranium MCL as specified in 40 C.F.R. § 141.66(e) 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 into compliance with the uranium MC and failed to submit any quarterly 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 February 5, 2015, which was served on Respondent via certified mail return receipt. See Attachment D, Administrative Complaint Green 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 by calling Respondent's telephone number 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 WILLFUL

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 uranium 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 at least ten occasions and sent one warning letter specifying the noncompliance with the Administrative Order and the possibility of penalties for noncompliance. See Attachment E, EPA Communication Efforts with Respondent, and Attachment F, EPA Warning Letter.

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 WS 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) that the Respondent is 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 is a “community water system” that provides water to the public for water consumption

and serves at least 25 individuals year-round. Respondent's PWS provided water to its residents that exceeded the uranium 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 FACTUAL GROUNDS IN SUPPORT OF THE PENALTY SOUGHT

Pursuant to the SDWA 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 \$7,000¹ 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. 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 uranium MCL in 2008. See Attachment G, Sampling Results In 2008. Furthermore, Respondent has exceeded its uranium MCL in 2009, 2010, 2011, 2012, 2013, and 2014. See Attachment H, Sampling Results from 2009 – 2014.

¹ Pursuant to the Monetary Penalty Inflation Adjustment Rule, the amount authorized for the SDWA penalty was raised from \$5000 to \$7000. See 78 Fed.Reg. 66643 (Nov. 2013).

Given that Respondent's PWS serves approximately 61 residents, Respondent has provided inadequate water that does not meet national standards to these residents.

In issuing the Administrative Order, EPA sought to require Respondent to take steps to comply with the uranium 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 uranium:

“Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.” “

Complainant considers Respondents noncompliance with the uranium 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 uranium 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 supports 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 uranium MCL, failed to comply with the Administrative Order, failed to take steps to comply with the uranium 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: _____

Efren Ordoñez
Senior Enforcement Attorney
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75002
(214)665-2181

ATT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

August 7, 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7010 2780 0002 4356 4528

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

Re: PWS ID Number: TX1520064
Docket Number: SDWA-06-2012-1255

Dear Mr. Jackson:

Enclosed is an Administrative Order (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 immediate compliance with the Maximum Contaminant Level (MCL) for uranium 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 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 standards for combined uranium 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.

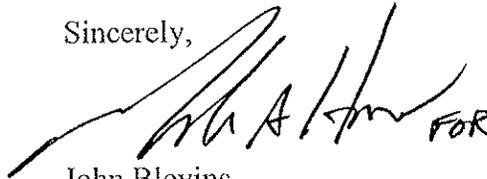
Re: Fort Jackson Mobile Estates
Administrative Order

2

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 address referenced in paragraph G 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,

A handwritten signature in black ink, appearing to read "John Blevins" followed by "FOR" in a smaller, less legible script.

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 AND COMPLIANCE ORDER

In the Matter of: Fort Jackson Mobile Estates Water System
Owned/Operated by George Jackson d/b/a Fort Jackson Mobile Estates, Respondent
Docket No. SDWA-06-2012-1255, 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 Section 1414(g) of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300g-3(g). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6 who delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

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. At all times relevant to the violations alleged herein ("relevant time period"), Respondent owned or operated 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 was 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 required to conduct monitoring to determine compliance regarding uranium which is a radionuclide. Respondent is required to comply with a Maximum Contaminant Level ("MCL") of 30µg/L for uranium as specified in 40 C.F.R.

§ 141.66(e). Respondent monitored for uranium during the last four quarters, the 2nd quarter of 2007 through 1st quarter of 2008, resulting in an annual average of 197µg/L for uranium in violation of the MCL specified in 40 C.F.R § 141.66(e).

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

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. 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 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 for uranium 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 uranium. 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. Once EPA accepts, in writing, the plan submitted by Respondent, the accepted plan shall be incorporated into this Order, including the schedule for construction, and Respondent shall comply with the terms specified in the plan.

D. Respondent must achieve and maintain compliance with 40 C.F.R § 141.66(e) by the date specified in the plan, or not later than eighteen (18) months after the effective date of this Order.

P. 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 submitted to EPA within ten (10) days after the end of each calendar quarter. Respondent shall notify EPA when all improvements have been completed.

F. 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

G. Regarding Part A 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

H. 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.

GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

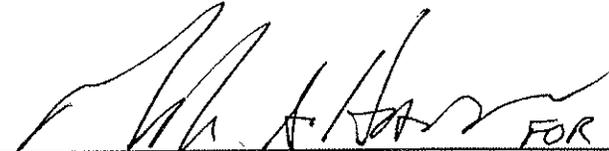
This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Order is not an election by EPA to forego any civil or any criminal action otherwise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

Violation of any term of this Order 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 assigns. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

07 AUG 2012

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division

ATT B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 	A. Signature X <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Mr. George Jackson Fort Jackson Mobile Estates P.O. Box 53733 Lubbock, TX 79453-3733 Packet # SDPA-06-2012-1255	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number: (Transfer from service label)	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
7010 2780 0002 4356 4528	4. Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811 February 2004 Domestic Return Receipt 102595-02-M-1540		

A77 C

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2015 FEB -5 PM 2: 28
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of § Docket No. SDWA-06-2015-1204
§
§
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 No. 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 further 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” is a PWS that has 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 twenty-five (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 Radionuclide requirements of Combined Uranium as described by 40 C.F.R. § 141.66(e).

12. During the relevant time period, Respondent's facility was required to conduct monitoring to determine compliance regarding Combined Uranium. Respondent is required to comply with a Maximum Contaminant Level ("MCL") of 30 µg/L for Combined Uranium as specified in 40 C.F.R. § 141.66(e).

13. Respondent monitored for Combined Uranium during the first four quarters, the 2nd quarter of 2007 through the 1st quarter of 2008, resulting in an annual average of 197 µg/L for uranium in violation of the MCL specified in 40 C.F.R. § 141.66(e).

14. On August 7, 2012, EPA issued Administrative Order Docket No. SDWA-06-2012-1255 ("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), which cited violation of the 2nd quarter of 2007 through the 1st quarter of 2008, 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 Combined Uranium. 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(e) 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 Combined Uranium MCL. Following the initial report, a quarterly progress report shall be sent 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 August 7, 2012, and the effective date of the Order was August 13, 2012.

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 for violations 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

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).

7/3/15
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

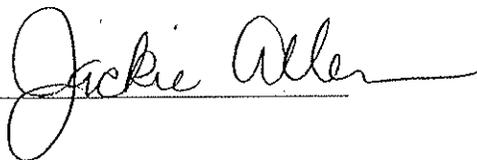
Copy by certified mail: Mr. Bryan Sinclair
Director, Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

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

Dated: _____

FEB 05 2015





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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

FEB 03 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 4827

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

Re: Notice of Proposed Assessment of Safe Drinking Water Act Final Civil Penalty
Docket Number: SDWA-06-2015-1204
PWS ID Number: TX1520064

Dear Mr. Jackson:

Enclosed is an Administrative Complaint (Complaint) issued to you for violation of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300f et seq., and its implementing regulations, (40 C.F.R. Part 141). The violations alleged are for failure to monitor and report sampling results for combined uranium and for exceedance of the maximum contaminant level for combined radium at Fort Jackson Mobile Estates. EPA previously sent you a Complaint on January 09, 2015 for your review. The enclosed Final Complaint has been filed with the Regional Hearing Clerk; therefore, EPA is sending you the filed Complaint which requires you to file an Answer to the Complaint within thirty (30) days after service of this Complaint by this letter whether or not Respondent requests a hearing. 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 shall constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

If Respondent does not file an Answer to this Complaint within thirty (30) days of service by this letter, 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.

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

Re: Fort Jackson Mobile Estates

Page 2

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

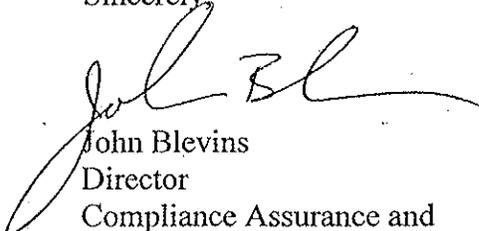
Efren Ordoñez (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

You 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 (30) days of your receipt of the Complaint by this letter, 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 yourself 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,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: w/complaint - Regional Hearing Clerk

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

Att. D

FILED

2015 FEB 19 AM 10:08

REGIONAL HEARING CLERK
EPA REGION VI

SDWA-06-2015-1204

Fort Jackson Mobile Estates

Attorney: Efrén Ordóñez

SDWA-06-2015-1204 / Complaint TX1520264

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</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 1820 0003 7451 4827</p>

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

977 E

EPA Communication efforts with Respondent George W. Jackson

1/9/2014 The system never responded to EPA Order. Mehdi Taheri, EPA enforcement officer, called system and nobody answered. Mehdi Taheri left a voice mail message for Mr. Jackson, Respondent.

1/10/2014 Ms. Donna Vaught, the person listed as the contact person for the PWS owned/operated by George W. Jackson, returned EPA's call of 1/9/14, and left a message for EPA.

1/16/2014 Mehdi Taheri called Ms. Vaught and explained to her that EPA issued Order to the system and as of today no one has responded and that the system is in violation of the federal Order. Ms. Vaught said she was not aware of this and does not know anything about the Order. She said George Jackson asked her to call EPA and find out what is going on. She said George Jackson never gave her a copy of the Order. Mehdi Taheri told Donna Vaught that the lab results from the PWS have not been reported to TCEQ data system since 2nd quarter of 2008. Donna Vaught was shocked and upset about this. She said that she has a license and, as the Manager of the Estates, she wants to do the right thing. She asked for a copy of the Order to be sent to her residence. Donna Vaught stated that she would discuss the matter with Mr. George Jackson.

1/17/2014 A copy of the AO was mailed to Donna Vaught.

3/17/2014 Mehdi Taheri called Donna Vaught regarding the system violations and Order. Donna Vaught stated that she informed George Jackson regarding the matter and that Mehdi Taheri should call George Jackson directly. Donna Vaught provided Mehdi Taheri with Mr. Jackson's cell telephone number. Mehdi Taheri called George Jackson, but Mr Jackson did not answer, so Mr. Taheri left a voice mail message asking Mr. Jackson to call EPA. .

3/18/2014 Mehdi Taheri called Mr. Jackson's cell phone again, but Mr. Jackson did not answer. Mr. Taheri left another voice mail message asking Mr. Jackson to call EPA.

5/1/2014 Mehdi Taheri called Mr. Jackson (his cell and his business phones) to discuss the EPA order and the PWS violations. Mr. Jackson did not answer, and Mr. Taheri left him a message and explained to Mr. Jackson that his system is in violation of the federal Order and that Mr. Jackson is subjects to a fine. Mr. Taheri added in his message that the Order is a serious matter and that EPA needed to talk to him. Mehdi Taheri also informed Mr. Jackson EPA still would like to work with him to solve this problem.

5/1/2014 Mehdi Taheri called Donna Vaught told her that Mr. Taheri had called Mr. Jackson several times and left messages but that Mr. Jackson never returned his calls. Ms. Vaught said that she cannot control Mr. Jackson but added that she would call Mr. Jackson and pass along EPA's messages. Mr. Taheri again called Mr. Jackson (his cell and his business phones) and left him messages.

6/20/2014 EPA sent a warning letter to Mr. Jackson specifying the requirements of the Order, mentioning the repeated attempts to contact Mr. Jackson, and stressing that Mr. Jackson may be subject to penalties if he does not comply with the Order. The letter also specified that the deadlines set in the Order have not been met by Mr. Jackson.

8/15/2014 Mehdi Taheri called Mr. Jackson at Mr. Jackson business telephone number and his cellular number and left messages asking to discuss the Order. In the messages, Mr. Taheri added that EPA is willing to work with him and assist him. Mr. Taheri also mentioned that if there is no response, EPA may need to issue an Administrative Penalty Order.

8/15/2014 Mehdi Taheri called Donna Vaught and left a voice mail message

8/15/2014 Mehdi Taheri called Mr. Jackson and left a message that because Mr. Jackson is not returning EPA's calls and is not returning to compliance, EPA is going to issue an Administrative Penalty Order.

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

3/25/2015 Mehdi Taheri called Donna Vaught and left her a message. Mehdi Taheri asked Vaught to call EPA.

Att. F



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

June 20, 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 3462

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

Re: Warning Letter-Non-Submittal of Progress Report & Detailed Compliance Plan
PWS ID Number: TX1520064
Administrative Order, Docket Number: SDWA-06-2012-1255

Dear Mr. Jackson:

On August 7, 2012, the Environmental Protection Agency (EPA) issued an administrative order (AO) to you, doing business as Fort Jackson Mobile Estates, for violation of the Safe Drinking Water Act (SDWA). The AO required you to comply with the uranium maximum contaminant level (MCL) requirements of the SDWA.

Paragraphs E and B of the "Order" Section of the AO referenced above required you to submit an initial report on progress made within ninety days, and a detailed compliance plan within one hundred and twenty days of the effective date of the AO. The initial report was due by November 13, 2012 and has not been submitted; the detailed compliance plan, due by December 13, 2012, has not been submitted. Paragraph D of the "Order" Section required you to achieve and maintain compliance within eighteen (18) months of the effective date of the AO. Compliance should have been achieved by February 13, 2014. Failure to submit the initial progress report and a detailed plan, and achieve compliance with the SDWA by the required deadline constitutes a violation of the SDWA and the AO. On February 14, 2014, EPA issued a second AO to you for continued violations of the fluoride MCL and you have not responded to that Order.

EPA has contacted your staff on several occasions and was told to contact you directly. Mr. Mehdi Taheri, of my staff, has attempted to contact you directly on several occasions and left you messages regarding the AO; as of the writing of this letter, you have not returned any of his calls.

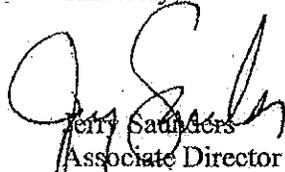
You have not met any of EPA's deadlines and are in violation of the AO. As such, you may be subject to an administrative civil penalty of up to \$32,500 or a civil penalty of not more than \$37,500 per day per violation, assessed by an appropriate United States District Court.

Re: Reminder Letter
Fort Jackson Mobile Estates

2

EPA remains concerned that your water system continues to violate the uranium and fluoride MCLs and that residents who consume drinking water from your system are adversely affected. For this reason, EPA requires that you submit the initial progress reports and the detailed compliance plan immediately upon receipt of this letter. Failure to respond to this letter or to submit the required plans may require that EPA take further action. Please respond immediately by contacting Mr. Mehdi Taheri at (214) 665-2298 or via email at taheri.mehdi@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,


Jerry Saunders
Associate Director
Water Enforcement Branch

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

A++ G

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 Source Water Assessment Results	Violations Enforcement Actions	TCR Sample Results	TTHM HAA5 Summaries
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)
4006	COMBINED URANIUM	EP001	TRT-TAP	03/18/2008	0830492	AA55620	164 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	12/04/2007	0728531	0712069001	217 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	08/02/2007	0728530	0708149001	195 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	05/17/2007	0728529	0705623001	211 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	01/18/2007	0728528	0701436001	180 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	10/19/2006	0615440	0610546001	190 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	07/13/2006	0615439	EP614323	154.6 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	07/13/2006	0615439	EP614323	116.5 PCI/L	7500-UC		No MCL for this Analyte
4006	COMBINED URANIUM	EP001	TRT-TAP	04/05/2006	0615438	EP607360	162.4 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	01/05/2006	0615441	EP600124	165.1 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	10/19/2005	0546114	EP528664	165.4 UG/L	7500-UC		30 UG/L
4006	COMBINED URANIUM	EP001	TRT-TAP	05/23/2005	0526878	EP512036	149.5 UG/L	7500-UC		30 UG/L
	COMBINED		TRT-					7500-		

ATY H

ATTACHMENT H

Sampling Results from 2008 to 2014.

PWS ID	PWS Name	Entry Point	Viol Type	Code	Analyte Name	Compliance Period	Collection Date	Result	Unit
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Fourth Quarter 2014	12/2/2014		ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Third Quarter 2014	9/3/2014	85.2	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Second Quarter 2014	6/3/2014	90.1	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	First Quarter 2014	3/5/2014	97	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Fourth Quarter 2013	12/3/2013	102	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Third Quarter 2013	9/23/2013	96.7	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Second Quarter 2013	6/4/2013	83.9	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	First Quarter 2013	3/5/2013	105	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Fourth Quarter 2012	12/4/2012	90.8	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Third Quarter 2012	9/4/2012	96.1	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Second Quarter 2012	6/5/2012	108	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	First Quarter 2012	3/13/2012	112	ug/L

TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Fourth Quarter 2011	12/14/2011	116	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Third Quarter 2011	9/13/2011	113	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Second Quarter 2011	6/1/2011	123	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	First Quarter 2011	3/1/2011	124	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Fourth Quarter 2010	11/30/2010	131	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Third Quarter 2010	9/9/2010	117	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Second Quarter 2010	6/16/2010	115	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	First Quarter 2010	3/10/2010	110	ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Fourth Quarter 2009	12/15/2009		ug/L
TX152006 4	Fort Jackson Mobile Estates	EP001	02	4006	Combined Uranium	Fourth Quarter 2008	12/8/2008	137	ug/L

Please let me know if you need any additional information.

Steven Swierenga
Team Leader, Drinking Water Quality Team
Public Drinking Water Section, Water Supply Division
Texas Commission on Environmental Quality
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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	
	§	
GEORGE W. JACKSON,	§	
d/b/a Fort Jackson Mobile Estates	§	
	§	DOCKET NO. SDWA-06-2015-1204
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 uranium MCL requirement of 30 µg/L as specified in 40 C.F.R. § 141.66(e).

3. On August 7, 2012, EPA issued an Administrative Order, Docket No. SDWA 06-2012-1255 to Respondent. The Administrative Order was sent to Respondent, via certified mail with return receipt requested, on August 7, 2012, 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 in 2008 that exceeded the uranium MCL. See Attachment G, Sampling Results for 2008. Furthermore, Respondent's PWS has provided water for human consumption to its residents in 2009, 2010, 2011, 2012, 2013, and 2014 that exceeded the uranium MCL. See Attachment H, Sampling Results from 2009-2014.

5. The water provided to residents by Respondent's PWS exceeded the 30 µg/L uranium MCL with sampling results that established an average of 197 µg/L for uranium at Respondent's PWS for samples taken in the 2nd quarter of 2007 through the 1st quarter of 2008 in violation in of 40 C.F.R. § 141.66(e). As a result of the uranium MCL violation established by the sampling results, EPA issued an Administrative Order on August 7, 2012

6. The purpose of the Administrative Order was to get Respondent in compliance with the SDWA MCL requirement for uranium. In the Administrative Order, Respondent was ordered to

comply with the uranium 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 at least ten 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. Furthermore, on June 20, 2014, EPA sent Respondent a warning letter specifying Respondent's noncompliance with the Administrative Order and the possibility of penalties for noncompliance. See Attachment F, EPA Warning Letter.

8. On February 5, 2015, EPA issued an Administrative Complaint, Docket No. 06-2015-1204 (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. 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 additional 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.

11. The proposed penalty is justified given that Respondent has been in violation of the uranium 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. It should be noted that EPA could have requested a higher penalty, but it believes that \$7,000 is appropriate.


Mehdi Taheri

Executed this 5 day of November 2015 in Dallas, Texas.

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

This 5 day of November, 2015

