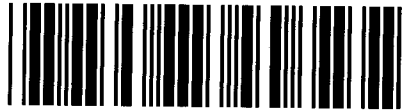


Control Number: 42949



Item Number: 7

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014.



## TCEQ Interoffice Memorandum

**From:** Tammy Benter, Section Manager  
Utilities Financial Review

**To:** Leila Guerrero, Auditor  
Utilities Financial Review Team

**Date:** March 11, 2014

**Subject:** Application from BC Humble Enterprises LLC (A2085) to acquire facilities and transfer Certificate of Conveniences and Necessity (CCN) No. 13174 held by BCWK LP, in Harris County; Application No. 37719-S

Application from BC Humble Enterprises LLC (A2086) to acquire facilities and transfer CCN No. 21037 held by BCWK LP, in Harris County; Application No. 37720-S

CN: pending; RN: pending (BC Humble Enterprises LLC)

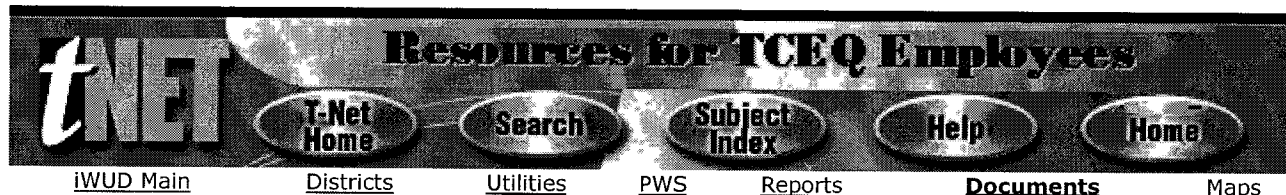
CN: 603110768; RN: 105630040 (water) 105630057 (sewer) (BCWK, LP)

In my opinion, the purchaser, BC Humble Enterprises, LLC, demonstrates it has adequate financial and managerial capability to provide continuous and adequate service to the area subject to this application. These conclusions are based on information provided by the applicant prior to this date and may not reflect any changes in the applicant's status subsequent to this review. Neither the purchaser nor the applicant, have a pending or prior enforcement action against the systems which are subject to this transaction.

The applicant proposes to purchase facilities and service areas that include the Bender Creek Apartments. The applicant has retained the services of Mr. Tracy Ragsdale of Aqua Industries to operate the systems. Mr. Ragsdale has already been operating the system for numerous years under the current owner and is familiar with the systems.

BC Humble Enterprises LLC provided a balance sheet, provided an income statement for FY2013 for the Bender Creek Apartments. BC Humble Enterprises, LLC also provided a statement indicating that the Bender Creek Apartments are owned by BC Humble Enterprises, LLC, the purchaser. The applicant's total debt to net position ratio at 12/17/2013 was 0.19 to 1.00. A ratio of less than 1 to 1 is preferred for analysis of financial/managerial capabilities. Net operating income was \$16,237.64. The applicant has no outstanding debt and has adequate income from rental properties of the Bender Creek Apartments to support the utility if needed.





## ? Documents for BCWK LP (13174)

\*Document Type: (Please select a Document Type)

Value Type:

Value:

Search List



Document Name	Received Date	Final Action Date
<u>REGULATORY ASSESSMENT FEE</u>	01/30/2014	
<u>ANNUAL REPORTS</u>	04/03/2013	05/10/2013
<u>REGULATORY ASSESSMENT FEE</u>	01/30/2013	08/13/2013
<u>ANNUAL REPORTS</u>	03/30/2012	04/10/2012
<u>REGULATORY ASSESSMENT FEE</u>	01/30/2012	02/15/2012
<u>ANNUAL REPORTS</u>	03/21/2011	05/24/2011
<u>REGULATORY ASSESSMENT FEE</u>	01/30/2011	02/01/2011
<u>ANNUAL REPORTS</u>	10/01/2010	10/21/2010
<u>REGULATORY ASSESSMENT FEE</u>	01/30/2010	02/26/2010
<u>UTILITY APPLICATION (CCN SALE)</u>	09/17/2008	09/14/2009
<u>UTILITY APPLICATION (RATE)</u>	04/19/2005	12/09/2005
<u>UTILITY APPLICATION (CCN)</u>	04/12/2004	11/08/2004
<u>UTILITY APPLICATION (CCN)</u>	08/25/2003	12/08/2003



Occurrences retrieved.

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## ? Public Water Systems Details/Data Sheet for BENDER CREEK APARTMENTS (1010180)

Affiliations	Comments	Samples	Schedules	Fee	Site Visits	Documents
Violations	Sources	Sold Source	Entry Points	Plants		

### Responsible Party

Organization: **BCWK LP**Address: **2134 N 7 HWY****BLUE SPRINGS , MO 64014-1657**Individual: **STEVEN Z WEINREB**

Occurrences were successfully retrieved.

### Customers

#### Reference Number

CN603110768  
CN603811365

#### Name

BCWK LP  
WEINREB, STEVEN Z

#### Role

RESPONSIBLE PARTY  
RESPONSIBLE PARTY

### Properties

Utility CCN/Reg: **(13174) BCWK LP**CR Regulated Entity Number: **RN101257525**CCEDS Status: **NO ACTIVE NOE EXISTS**Ownership Type: **INVESTOR**System Type: **COMMUNITY**County: **HARRIS (101)**Region: **HOUSTON (12)**All Monitoring Class: **GROUNDWATER**Owned Monitoring Class: **GROUNDWATER**

Out of Season:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Customer Groups

Class	Category	Population Count	Connection Count	Meter Count
RESIDENTIAL	RESIDENTIAL AREA	330	110	0

Occurrences retrieved.

### Capacity

**Total Storage:**

Total Storage: 0.044 MG

Elevated Storage: 0.000 MG

Pressure Tank Capacity: 0.00500 MG

**Production:**

Total Production: 0.302 MGD

Max Purchased Capacity: 0.000 MGD

Emergency Production: 0.000 MGD

Total Service Capacity: 0.000 MGD

Service Pump Capacity: 0.395 MGD

Emergency Service Capacity: 0.000 MGD

**Consumption:**

Avg Daily Consumption: 0.000 MGD

Max Daily Consumption: 0.000 MGD

**Activity**

Activity Status: ACTIVE

**Operator Grades****Grade**

WATER GRADE C GROUND

Total  
1

Occurrences retrieved.

**Site Visits**

Survey Date	Visit Type	Deficiency Score	Inspector
11/18/1999	SURVEY	11	HEATHER BURKET
12/10/2003	SURVEY	8	TOM LAMB
02/21/2006	SURVEY	14	DESHAUNE BLAKE
04/20/2010	SURVEY	9	CHRISTINA BERNAL
04/04/2013	CCI-RCVD	2	DAVID LIVINGS



Site Visit occurrences retrieved.

**Comments****Comment  
Date****Staff  
Name**

01/08/2014	TRACKING: RETURNMAIL: DBP/SIA,N,LD11/14/2013,RD12/31/2013,RTSUTF. COMPDT07/29/2013;REVIEWED;DWQ;PWSINVEN: Received request from DWQ to update ownership. Per comment 06/28/2013 and 02/27/2013 CCN is still owned by the previous property owner BCWK LP. SDWIS no changes made.	THEODORE BARRY
07/10/2013	TRACKING;RCVD06/28/2013;OW;DWQ;PWSINVEN: Batch 061381	



COMPDT06/28/2013;POCUPDATED;PWSREP;PHONE: Per phone call from Delora King, Accts Manager for BC Humble Enterprises LLC that she needs to get the ownership updated. In reading previous comments and looking into the Utilities database for a CCN transfer looks like the STM has not been done. She said that Hopkins Engineering was helping them to get the STM completed. She will be sending me the information she has received from TCEQ in regards to the transfer. I will forward the documentation and copy her at excellencepmt@att.net to Lisa Fuentes.

06/28/2013 CARMEN CARDENAS

COMPDT04/23/2013;REVIEWED;PWSREP;PWSINVEN: Received an email with a Core Data Form from Delora King to update AC to Charles Goldsmith. Per comments on 02/27/2013 CCN still owned by BCWK LP. BC Humble Enterprises LLC has an active customer number CN604283085. No changes made.

04/19/2013 THEODORE BARRY

TRACKING;RCVD04/18/2013;AFFIL;PWSREP;PWSINVEN: Batch 041368

04/18/2013 THERESA CISNEROS

REVIEWED;OW;PWSREP;PHONE: Rec'd phone call from Delaura King 713-699-8100 indicating ownership changed will submit a CDF to the PWSINVEN email address.

COMPDT03/11/2013;POCUPDATED;PHS;RETURNMAIL: Received returned invoice with a note saying the system has been sold. Per Harris CAD, property ID 0440250000151 sold by BCWK LP to BC Humble Enterprises LLC 5/14/12. Spoke to Rosetta Parker (816-228-8222) who confirmed sale. Ms. Parker is aware there is a CCN, however she has not submitted STM documents. She said all utility information has been forwarded to Charles Goldsmith of BC Humble. Per utilities, no STM has been applied for. Ms. Parker did not have a phone number for Mr. Goldsmith. Per SOS, BC Humble Enterprises LLC in existence (TID 32045800771), Charles Goldsmith governing person. Called and left messages for Mr. Goldsmith at phone number in SOS filing document, 281-374-0554. Updated Goldsmith as FC/PWS, 7115 W Tidwell Rd. Ste K Houston, TX 77092-2059. Requested A/R re-mail bill. Per Ms. Parker and verified by phone (713-823-3653), added operator Tracy Ragsdale as EC. Updated Ms. Parker from PWS to EC. Forwarded information to Lisa Fuentes. Scanned docs to eBusiness.

02/27/2013 YARDEN ZATLIN

TRACKING;RCVD02/26/2013;PHS;RETURNMAIL;INBOX: Batch 021389

POCUPDATED;DWP;POTHER: Per research in TX SOS inactivated OW Weinreb end date 04/11/2011. Based on SOS organization was forfeited from 08/28/2009-04/11/2011. From AC Weinreb removed C/O ROSETTA PARKER. Added PWS Rosetta Parker.

12/12/2011 MIA GONZALES

COMPDT02/21/2011;POCUPDATED;TROT;OTHER: Per enforcement case verified SOS TAX ID 32035181398, BCWK, LP forfeited existence, Steven Z Weinreb, Reg Agent. Antoine Village Apartments I LLC, Gen Part, Steven Z Weinreb, manager, forfeited existence. Harris CAD BCWK, LP, Acct 0440250000046, 0 Humble Rd, Humble, Tx 77396, ownership from BC Utilities inc. 12/14/1996 to BCWK LP effective 5/23/06. Acct 0440250000151 BCWK LP, 0 Humble Rd, ownership change from BC Utilities Inc., 12/14/1996 to BCWK LP 5/23/06. Called Rosetta Parker who managing the properties for Steve Weinreb, she stated she was not aware the organization was inactive and would get right on it. She said she would call me back when documentation was updated. Per Sally since SOS organization is inactive then create new CN for Steve Weinreb. SDWIS: Corrected AC name from Steve Weinreb to Steven Z Weinreb per SOS documentation and emailed CR to create CN. Scanned research to ebusiness.

02/21/2011 CARMEN CARDENAS

RETURN MAIL: NOV-CCR2006,N,LD 02/20/08;RD 06/25/08-"Not Deliverable as Addressed": Address has already been updated in WUD. However, I noticed in the comments dated 3/11/2009, Devon wrote that the city should have been Blue Springs, MO, but in WUD it was entered as Independence, MO. Also, in her comments she wrote C/O Rosetta Parker. I went ahead and made the changes in WUD after verifying that 2134 N 7 HWY BLUE SPRINGS, MO 64014-1657 was a valid address with USPS. I will not be resending letter, as we already received the 2007 CCR for this system.

03/19/2009 JACOLYN BOLDING

CO: Letter Rcvd from Victoria Richard Harkins, Ph.D., P.E. Pres. of Harkins Engineering Inc. Dated: 12/09/2008: Updated address from: 1776 Yorktown St Ste 600 Houston, TX to 2134 N 7 Hwy Blue Springs, MO C/O Ms. Rosetta Parker Premier Real Estate Mgmt Inc., verified in USPS. Added Phone: 816-228-8222 Fax: 816-228-1974 per letter. Resending the SCE2009M to updated address.

03/11/2009 DEVON COURTNEY

02/24/2009 RETURN MAIL: SCE2009M,LD01/20/2009,RD02/24/2009,NDA. AFFIL research not done.

06/18/2007 MIA GONZALES

Updated Org from BC UTILITIES INC to BCWK LP per CDF submitted by Victoria Harkins (512-291-8219). Forwarded the CDF to Central Registry to complete the update. Updated RP from Randy Williams to Steve Weinreb per Victoria's request via email.

04/28/2006 ALLISON MARSHALL

RP DATA CHANGED PER CCI DATED 2/21/2006. RP CHANGED FROM REGISTERED AGENT TRACY RAGSDALE TO TRUSTEE RANDY WILLIAMS.--JG

12/12/2002 ADDRESS CHANGED-RETURNED MAIL.--VS/TC.

Occurrences retrieved.

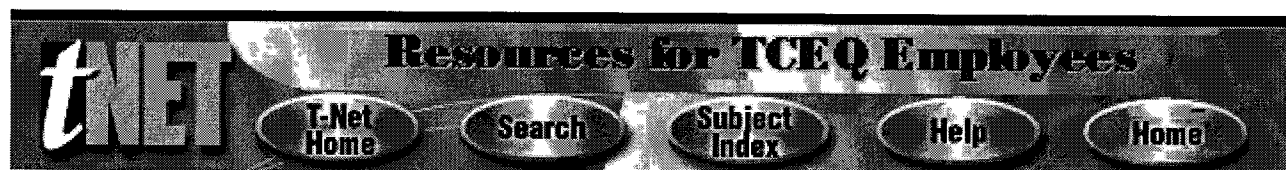
Run Water System Data Sheet Report

Occurrences retrieved.

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## ? Violations for BENDER CREEK APARTMENTS (PWSID: 1010180)

Violation Type	Violation Type Name	Analyte Type	Period Code	Year	Period Begin	Period End
71	<u>CCR COMPLETE FAILURE TO REPORT</u>	CONSUMER CONFIDENCE REPORTS RULE			07/01/2003	10/27/2004
71	<u>CCR COMPLETE FAILURE TO REPORT</u>	CONSUMER CONFIDENCE REPORTS RULE			07/01/2001	04/17/2002

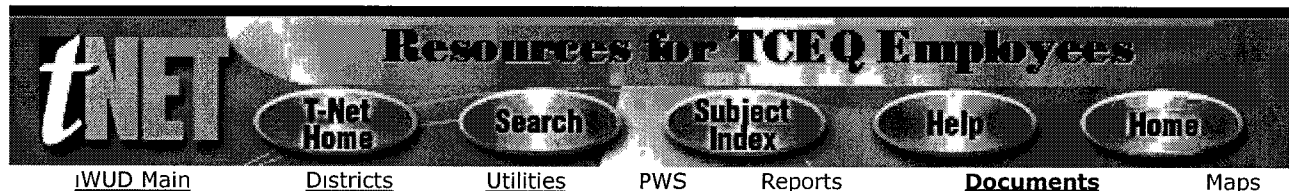
Occurrences retrieved.

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## ? Document for BCWK LP (13174)



### Document Type

Name: **ANNUAL REPORTS**

Description: **Annual Report**

Document Status: **Closed**



### Values

PROVIDE YEAR OF ANNUAL REPORT	2012
REVENUES WATER-UTILITY SERVICE/SALES	25717.89
REVENUES WATER-FEES (TAP, RECONNECTION)	\$0.00
OTHER REVENUES: PLEASE IDENTIFY	
OTHER REVENUES: WATER	\$0.00
TOTAL REVENUES WATER	\$25,717.89
REVENUES SEWER-UTILITY SERVICE/SALES	\$0.00
REVENUES SEWER-FEES (TAP, RECONNECTION)	\$0.00
OTHER REVENUES: SEWER	\$0.00
TOTAL REVENUES SEWER	\$0.00
TOTAL WATER & SEWER-UTILITY SERVICE/SALE	\$25,717.89
TOTAL WATER & SEWER: FEES (TAPS, RECON)	\$0.00
TOTAL WATER & SEWER: OTHER REVENUES	\$0.00
TOTAL WATER & SEWER: TOTAL REVENUES	\$25,717.89
WATER-SALARIES & WAGES	\$0.00
WATER-CONTRACT LABOR	\$0.00
WATER-PURCHASED WATER	\$3,854.00
WATER-CHEMICALS FOR TREATMENT	\$0.00
WATER-UTILITIES (ELECTRICITY)	\$0.00
WATER-REPAIRS/MAINTENANCE/SUPPLIES	\$0.00
WATER-OFFICE EXPENSES	\$0.00
WATER-PROFESSIONAL FEES (ACCOUNTING,LEG)	\$0.00
WATER-INSURANCE	\$0.00
WATER-DEPRECIATION & AMORTIZATION	\$0.00
WATER-MISCELLANEOUS	\$0.00
WATER-FEDERAL INCOME TAXES	\$0.00
WATER-PROPERTY AND OTHER TAXES (PAYROLL)	\$0.00
WATER-REGULATORY EXPENSES (RATE CASE)	\$0.00
WATER-OTHER	\$0.00
WATER-TOTAL EXPENSES	\$3,854.00
WASTEWATER-SALARIES & WAGES	\$0.00
WASTEWATER-CONTRACT LABOR	\$17,226.48

WASTEWATER-PURCHASED WATER	\$0.00
WASTEWATER-CHEMICALS FOR TREATMENT	\$138.00
WASTEWATER-UTILITIES (ELECTRICITY)	\$6,966.01
WASTEWATER-REPAIRS/MAINTENANCE/SUPPLIES	\$10,830.11
WASTEWATER-OFFICE EXPENSES	\$0.00
WASTEWATER-PROFESSIONAL FEES (ACCOUNTIN)	\$1,724.50
WASTEWATER-INSURANCE	\$0.00
WASTEWATER-DEPRECIATION & AMORTIZATION	\$0.00
WASTEWATER-MISCELLANEOUS	\$0.00
WASTEWATER-FEDERAL INCOME TAXES	\$0.00
WASTEWATER-PROPERTY & OTHER TAXES (PAYR)	\$1,136.11
WASTEWATER-REGULATORY EXPENSES (RATE CA)	\$3,162.00
WASTEWATER-OTHER	\$0.00
WASTEWATER-TOTAL EXPENSES	\$41,183.21
TOTAL WATER & WASTEWATER-TOTAL EXPENSES	\$45,037.21
ANNUAL INTEREST EXPENSE ON DEBT?	\$7,500.00
ANNUAL PRINCIPAL PAYMENT ON DEBT?	\$52,500.00
ANNUAL INTEREST RATE ON DEBT?	5.00000000



## Document

ID: 326466

Received Date: 04/03/2013

Final Action Date: 05/10/2013

Document Creation Date: 05/10/2013

## Document Affiliation

Type:

Individual:

Organization:

No occurrences retrieved

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## Leila Guerrero

---

**From:** Victoria Harkins <vharkins@harkinsengineering.com>  
**Sent:** Tuesday, February 04, 2014 9:49 AM  
**To:** Leila Guerrero  
**Subject:** STM Request for Information, BC Humble  
**Attachments:** Aqua Industries Response to 5-15 Violation.pdf; ATT00001.htm

Please see attached.





AQUA INDUSTRIES  
P.O. Box 5564  
Kingwood Texas 77325-5564  
Phone (281)359-3062  
Fax (281) 359-1228

August 22, 2013

TCEQ  
David Livings  
5425 Polk St, Ste. H  
Houston Texas 77023-1452

Re: Bender Creek

Permit # TCEQ ID # 1010180

Dear Mr. Livings

This letter is in response to your inspection of the above – referenced facility. At the time of the inspection there were some items of concern.

Item 1. Please see the enclosed photographs of the fence, barbwire, and gate repair

Should you or your staff have any questions please feel free to call at the number above.

Thank You,

Tracy Ragsdale





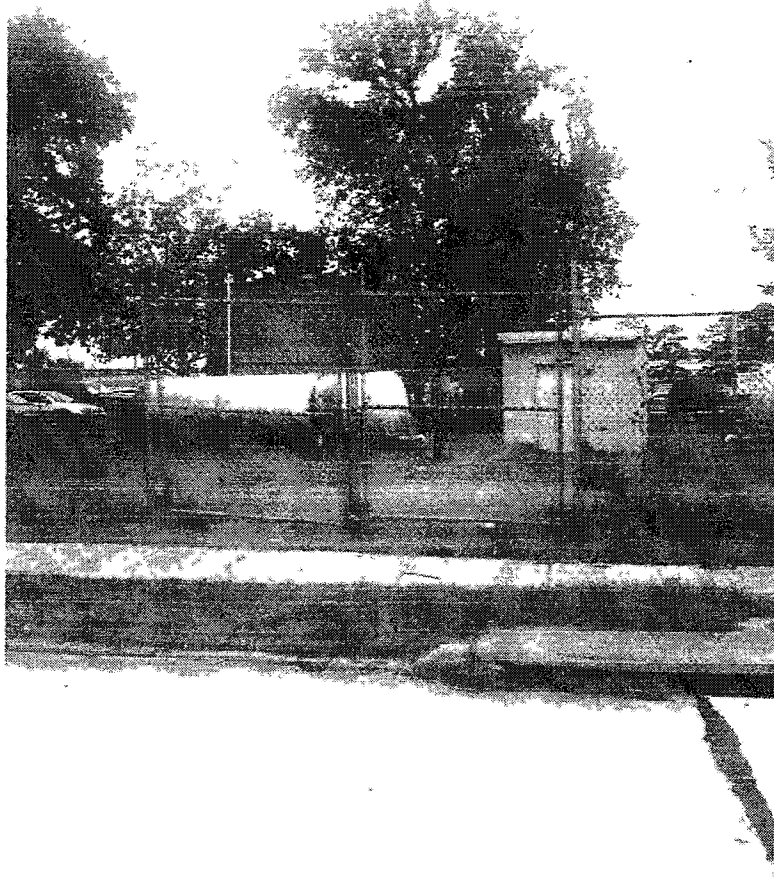
BENDER CREEK  
ID 1010180  
BARBWIRE REPAIR



BENDER CREEK  
ID 1010180  
BARBWIRE REPAIR



BENDER CREEK  
ID 1010180  
BARBWIRE REPAIR



BENDER CREEK  
ID 1010180  
GATE REPAIR  
GRASS CUT



BENDER Creek  
# 101257525  
ID 1016180  
fence Repair



Protecting Texas  
by Reducing and  
Preventing Pollution

# FAX TRANSMITTAL

DATE: 2014

NUMBER OF PAGES (Including this cover sheet): 7

TO: Name

LEILA GUERRERO

Organization

TCEQ

FAX Number

512-239-0030

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

DAVID LIVING

Division/Region

Water/Region 12

Telephone Number

713-767-3526

FAX Number

713/767-3691

## NOTES:

BENDER CREEK APT

RESPONSE to NOU





*PWS/1010180/00*

**AQUA INDUSTRIES**  
**P.O. Box 5564**  
**Kingwood Texas 77325-5564**  
**Phone (281)359-3062**  
**Fax (281) 359-1228**

**August 22, 2013**

**TCEQ**  
**David Livings**  
**5425 Polk St, Ste. H**  
**Houston Texas 77023-1452**

**Re: Bender Creek**

**Permit # TCEQ ID # 1010180**

**Dear Mr. Livings**

**This letter is in response to your inspection of the above – referenced facility. At the time of the inspection there were some items of concern.**

**Item 1. Please see the enclosed photographs of the fence, barbwire, and gate repair**

**Should you or your staff have any questions please feel free to call at the number above.**

Thank You,

Tracy Ragsdale

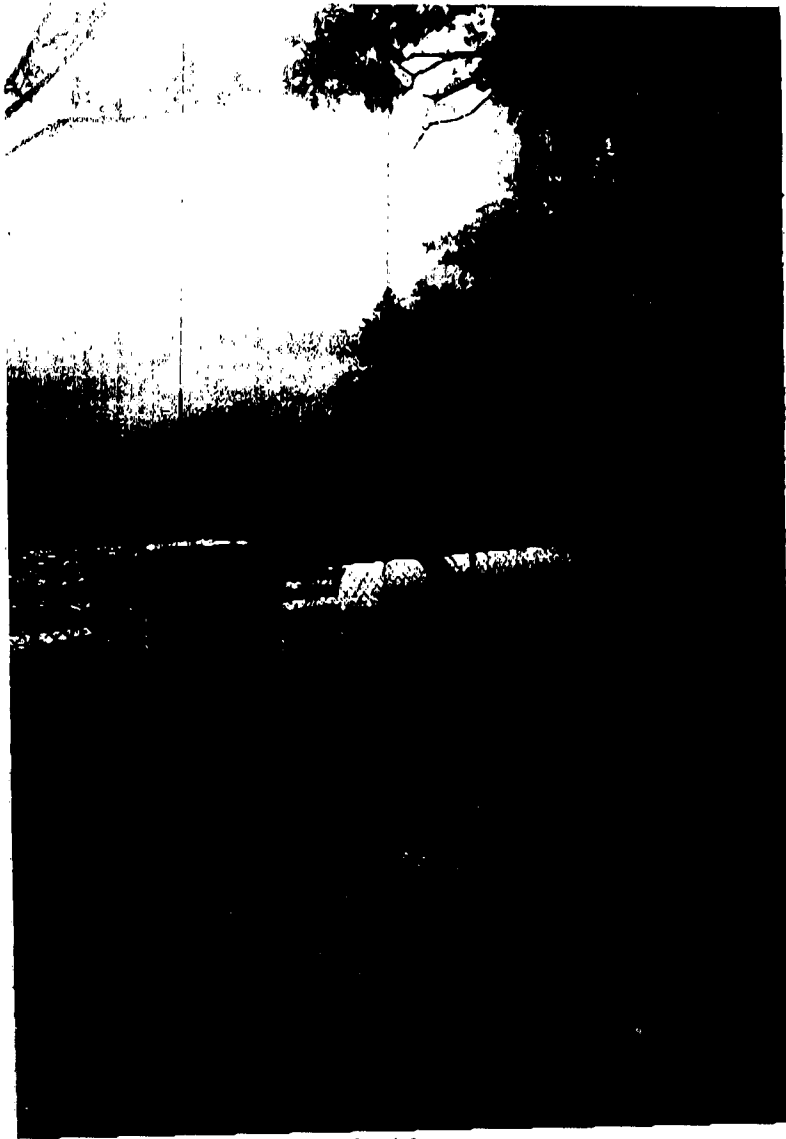


**RECEIVED**

**AUG 28 2013**

**REGION 12**





BENDER CREEK  
ID 1010180  
BARBWIRE REPAIR

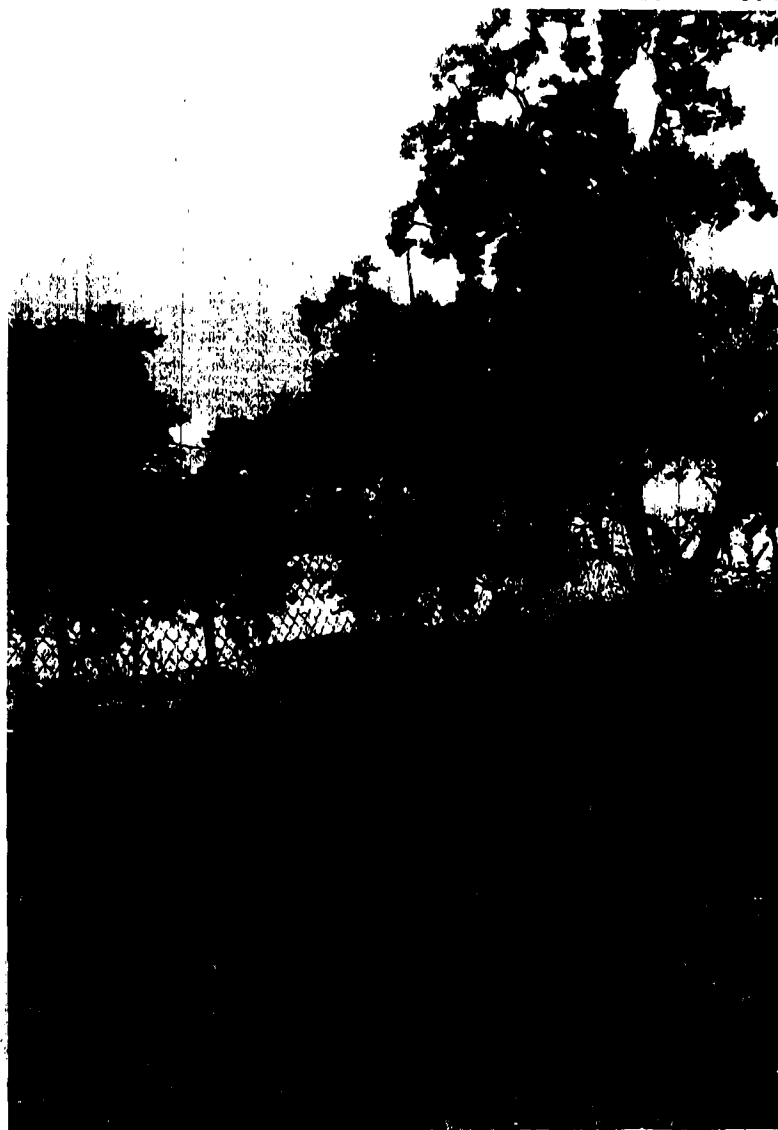
RECEIVED  
AUG 28 2013  
REGION 12





BENDER CREEK  
ID 1010180  
BARBWIRE REPAIR

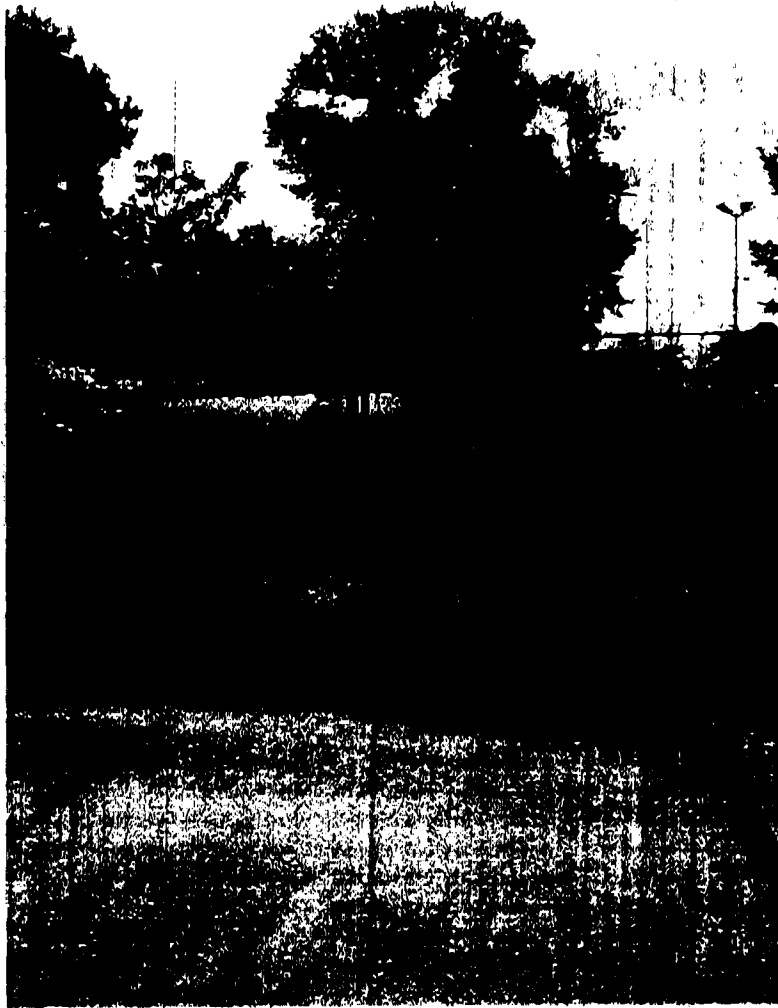




BENDER CREEK  
ID 1010180  
BARBWIRE REPAIR







BENDER CREEK  
ID 1010180  
GATE REPAIR  
GRASS CUT





BENDER CREEK  
# 101257525  
ID 1010180  
fence REPAIR



## Leila Guerrero

---

**From:** Leila Guerrero  
**Sent:** Tuesday, February 04, 2014 9:24 AM  
**To:** 'Victoria Richards Harkins, Ph.D., P.E., D.WRE.'  
**Subject:** RE: BC Humble Enterprises, L.L.P. Application No.s 37719-S & 37720-S  
**Attachments:** irgw55@tceq.state.tx.us\_20140204\_102630.pdf

Good morning Victoria,

Thank you for providing us copy of the utility's latest response to TCEQ for the "wastewater treatment plant". However, we also need copy of the response to the May 15, 2013, letter for compliance with applicable requirements for Public Water Supply, for investigation conducted on April 4, 2013.

Attached please find copy of the notice of violation of which description of corrective action taken was due last August 22, 2013.

Thank you.

Leila

---

**From:** Victoria Richards Harkins, Ph.D., P.E., D.WRE. [<mailto:vharkins@harkinsengineering.com>]  
**Sent:** Monday, February 03, 2014 9:25 PM  
**To:** Leila Guerrero  
**Subject:** RE: BC Humble Enterprises, L.L.P. Application No.s 37719-S & 37720-S

Please see attached for recent TCEQ response.

Victoria Richards Harkins, Ph.D., P.E., D.WRE.  
President  
Harkins Engineering, Inc.  
3300 Lost Oasis Hollow  
Austin, Texas 78739  
(512) 784-8511  
F (512) 280-1462

---

**From:** Leila Guerrero [<mailto:Leila.Guerrero@tceq.texas.gov>]  
**Sent:** Friday, January 31, 2014 3:08 PM  
**To:** Victoria Richards Harkins, Ph.D., P.E., D.WRE.  
**Subject:** RE: BC Humble Enterprises, L.L.P. Application No.s 37719-S & 37720-S

I appreciate your prompt response. Thanks, Leila.

---

**From:** Victoria Richards Harkins, Ph.D., P.E., D.WRE. [<mailto:vharkins@harkinsengineering.com>]  
**Sent:** Friday, January 31, 2014 3:05 PM  
**To:** Leila Guerrero  
**Subject:** RE: BC Humble Enterprises, L.L.P. Application No.s 37719-S & 37720-S

Good afternoon. I can answer some and will get the answers to the remaining ASAP.

1. Operate in the City of Houston ETJ, no city
2. The system was purchased as part of the apartment sale. There has not been a separate document referencing the asset costs of the systems. Only the \$200,000 was noted for the utilities' assets.
3. There were no deposits.
4. Will check on NOV response and get back to ASAP.

Thank you. Victoria

Victoria Richards Harkins, Ph.D., P.E., D.WRE.  
President  
Harkins Engineering, Inc.  
3300 Lost Oasis Hollow  
Austin, Texas 78739  
(512) 784-8511  
F (512) 280-1462

---

**From:** Leila Guerrero [<mailto:Leila.Guerrero@tceq.texas.gov>]  
**Sent:** Friday, January 31, 2014 2:36 PM  
**To:** [vharkins@harkinsengineering.com](mailto:vharkins@harkinsengineering.com)  
**Subject:** BC Humble Enterprises, L.L.P. Application No.s 37719-S & 37720-S

Hi Victoria,

How are you? I am working on the above subject STM applications and I need additional information on the following:

- 1) In what city or municipality is the utility operating? ( Q # 19 of the application);
- 2) Accumulated depreciation was left blank (Q # 13.A of the application). Are the facilities/system to be transferred brand new that's why accumulated depreciation is zero (0)?;
- 3) Did the seller utility collect deposits from customers? If there are customer deposits, will it be transferred to the buyer utility?; and
- 4) On May 15, 2013, the TCEQ Region 12 office sent a notice of violation letter to Mr. Charles Goldsmith, with a response due on August 22, 2013. Please provide me copy of the response/written description of corrective action taken.

Your immediate response will be greatly appreciated.

Sincerely,



*Leila G. Guerrero*

Auditor, Utilities Financial Review  
Utilities & Districts Section, Water Supply Division  
Texas Commission on Environmental Quality  
PO Box 13087, Austin, Texas 78711  
E-mail: [Leila.Guerrero@tceq.texas.gov](mailto:Leila.Guerrero@tceq.texas.gov)  
Tel No. (512) 239-2286 Fax No. (512) 239-0030

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 15, 2013

**CERTIFIED MAIL #701W0 2780 0002 1568 9532**  
**RETURN RECEIPT REQUESTED**

Mr. Charles Goldsmith, Owner  
BC Humble Enterprises LLC  
7115 W. Tidwell  
Houston, Texas 77092-2059

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Bender Creek Apartments, 14219 Old Humble, Humble, Harris Co., Texas  
Regulated Entity #101257525, TCEQ ID No. 1010180, Investigation No. 1085623

Dear Mr. Goldsmith:

On April 4, 2013, Mr. David W. Livings R.S., of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for Public Water Supply. Enclosed is a summary which lists the investigation findings. During the investigation, an outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by August 22, 2013 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at Phone #713/767-3650 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader MS Leticia Deleon, will schedule a violation review meeting to be conducted *within 21 days from the date of this letter*. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of the contested violation.

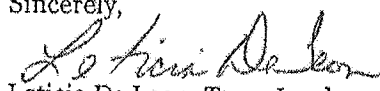
TCEQ Region 12 • 5425 Polk St., Ste. H • Houston, Texas 77023-1452 • 713-767-3500 • Fax 713 767-3520

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Mr. Mr. Charles Goldsmith  
May 15, 2013  
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If you or members of your staff have any questions, please feel free to contact Mr. David W. Livings in the Houston Region Office at (713)767-3650.

Sincerely,

  
Leticia De Leon, Team Leader  
Public Water Supply  
Houston Region Office

LD/DL/ra

Enclosures: Summary of Investigation Findings

cc: Harris County Public Health and Environmental Services



## Summary of Investigation Findings

BENDER CREEK APARTMENTS  
14400 HIGHWAY 59 N  
HUMBLE, HARRIS COUNTY, TX 77396

Investigation #  
1085623  
Investigation Date: 04/04/2013

Additional ID(s): 1010180

### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 499061 Compliance Due Date: 08/22/2013  
30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1085623

Comment Date: 05/14/2013

30 TAC, §290.46(m) Operating Practices for Public Water Systems

Failure to properly maintain the regulated entity by not:

cutting back and controlling the trees and other vegetation along the fence including maintaining the barb wire in a 45 degree angle and maintaining the grounds for proper security at the facility.

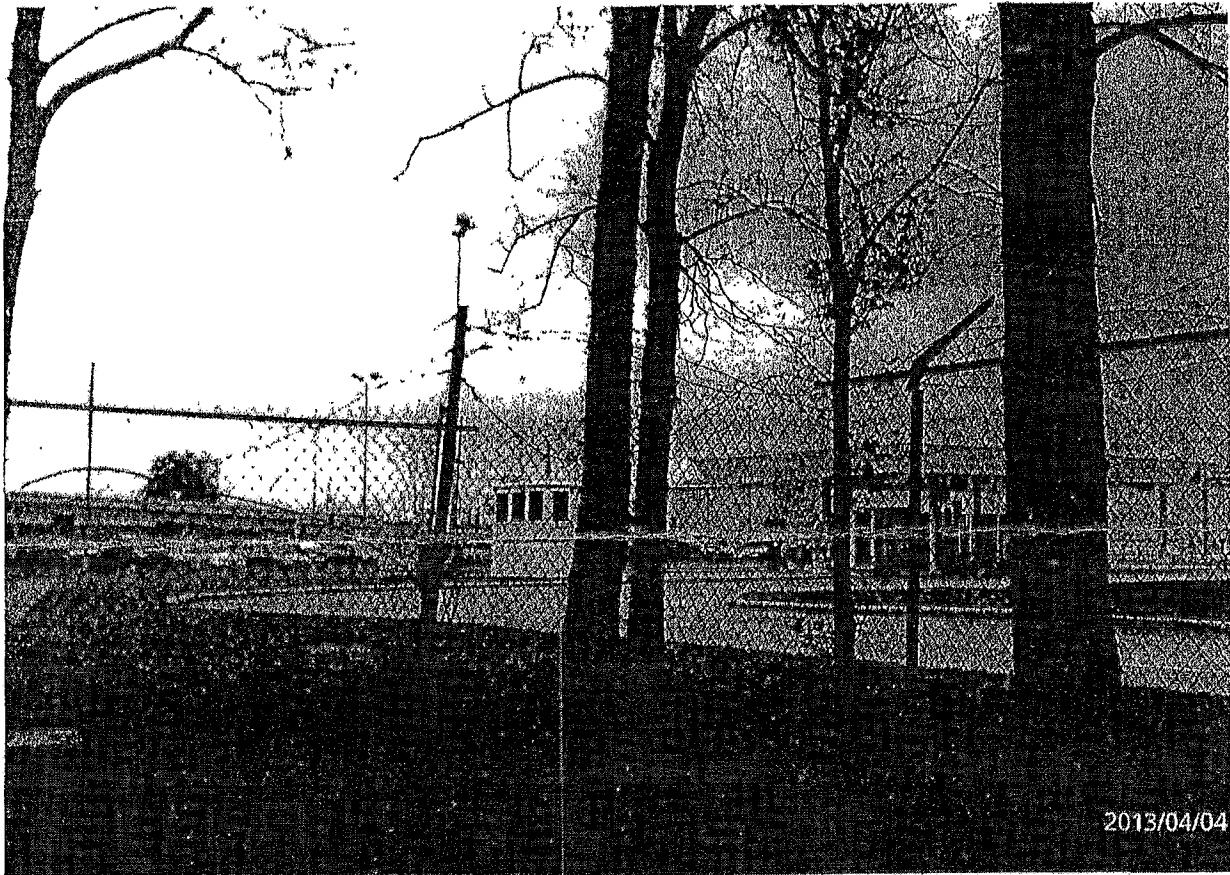
The Water System needs to:

A. Repair or replace fence post and poles along top and bottom of the fence, including the gate with three strands of barb wire extending outward from the top of the fence at a 45 degree angle with the smooth side of the fence on the outside of the wall. The fence must be maintained in good repair and close enough to surface grade to prevent intruder passage.

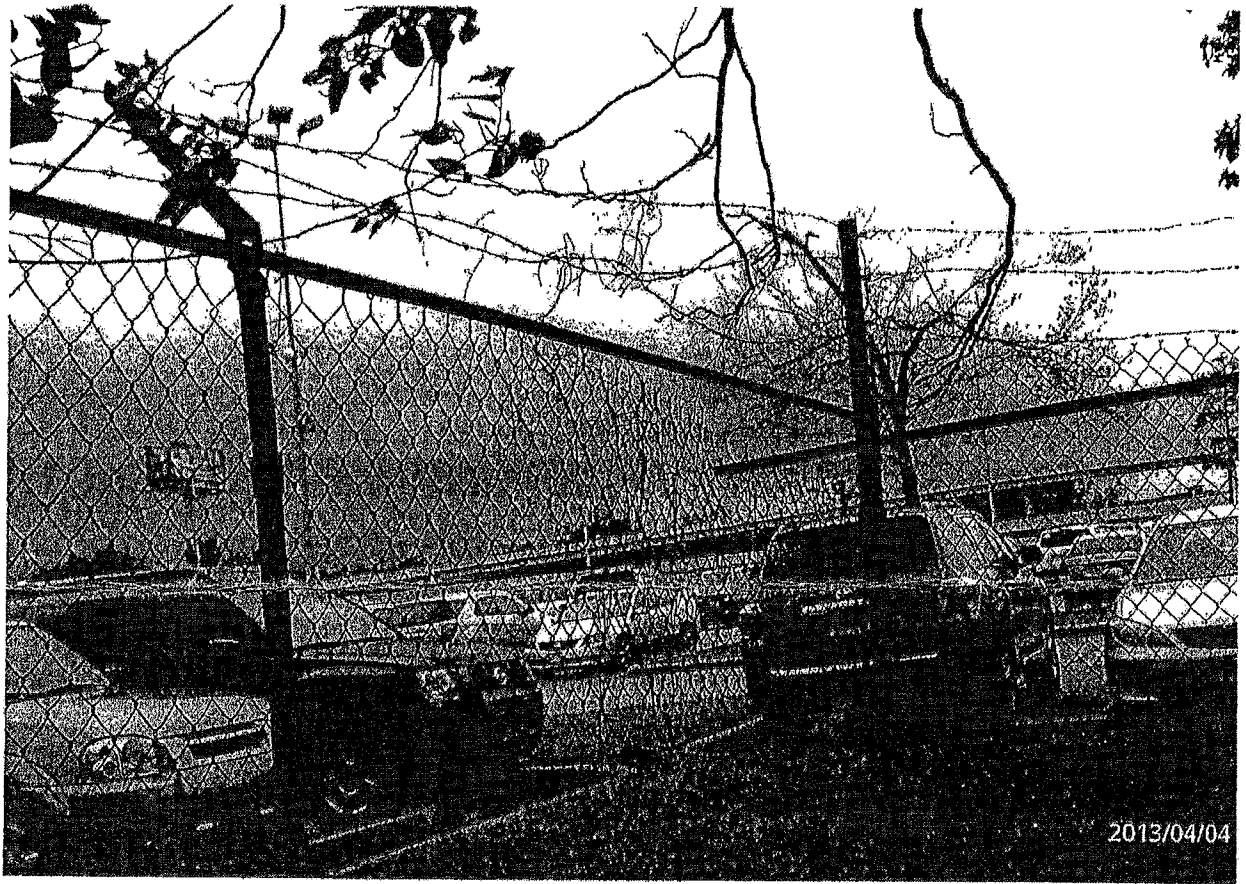
B. Remove heavy vegetation and trim tree branches from off the fence line. Cut the grass and maintain grounds inside the water plant.

The maintenance and housekeeping practices used by a public water system shall ensure the good working condition and general appearance of the system's facility and equipment. The grounds and facility shall be maintained in a manner so as to provide intruder resistance and to minimize the possibilities of the harboring of rodents

**Recommended Corrective Action:** Submit photo, receipt, invoice, or completed work order to verify compliance.



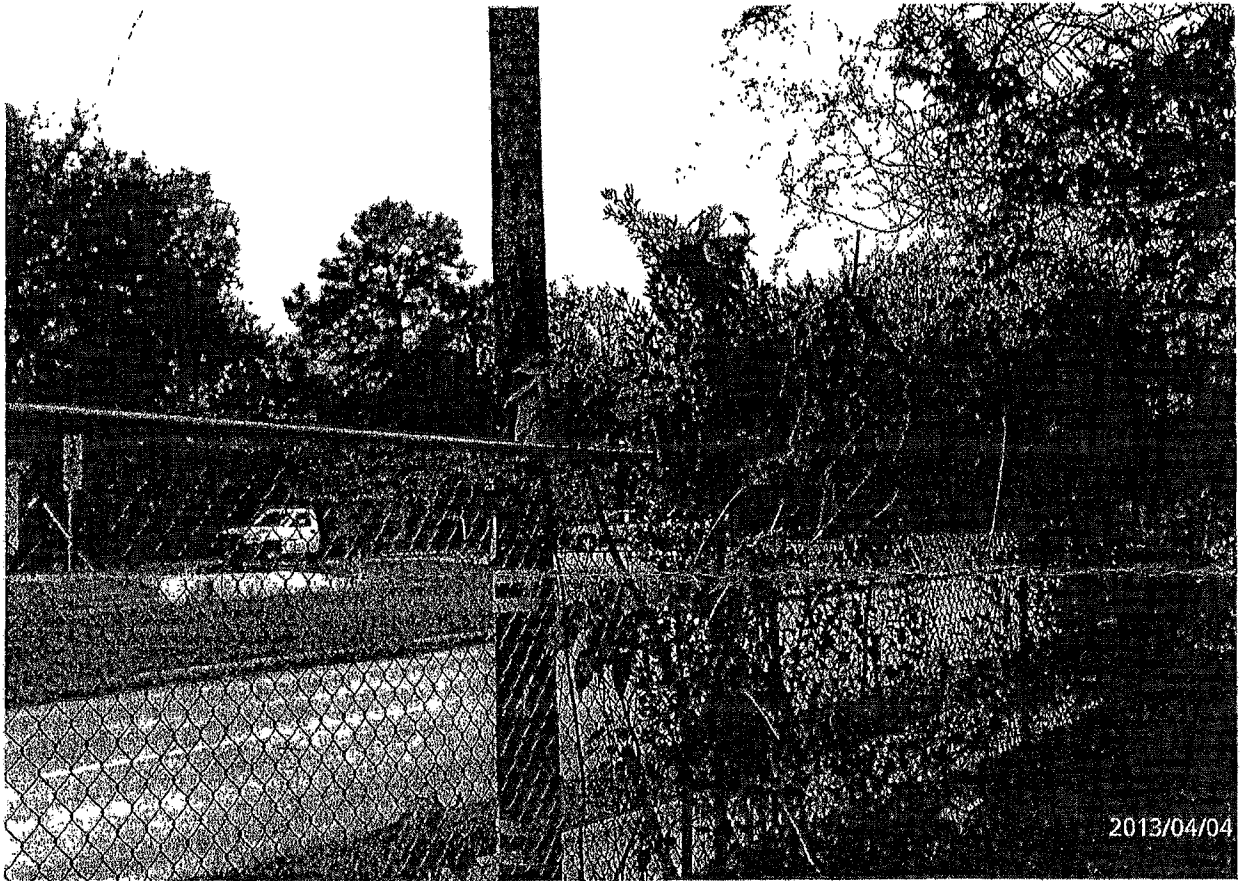
Fence poles disconnected



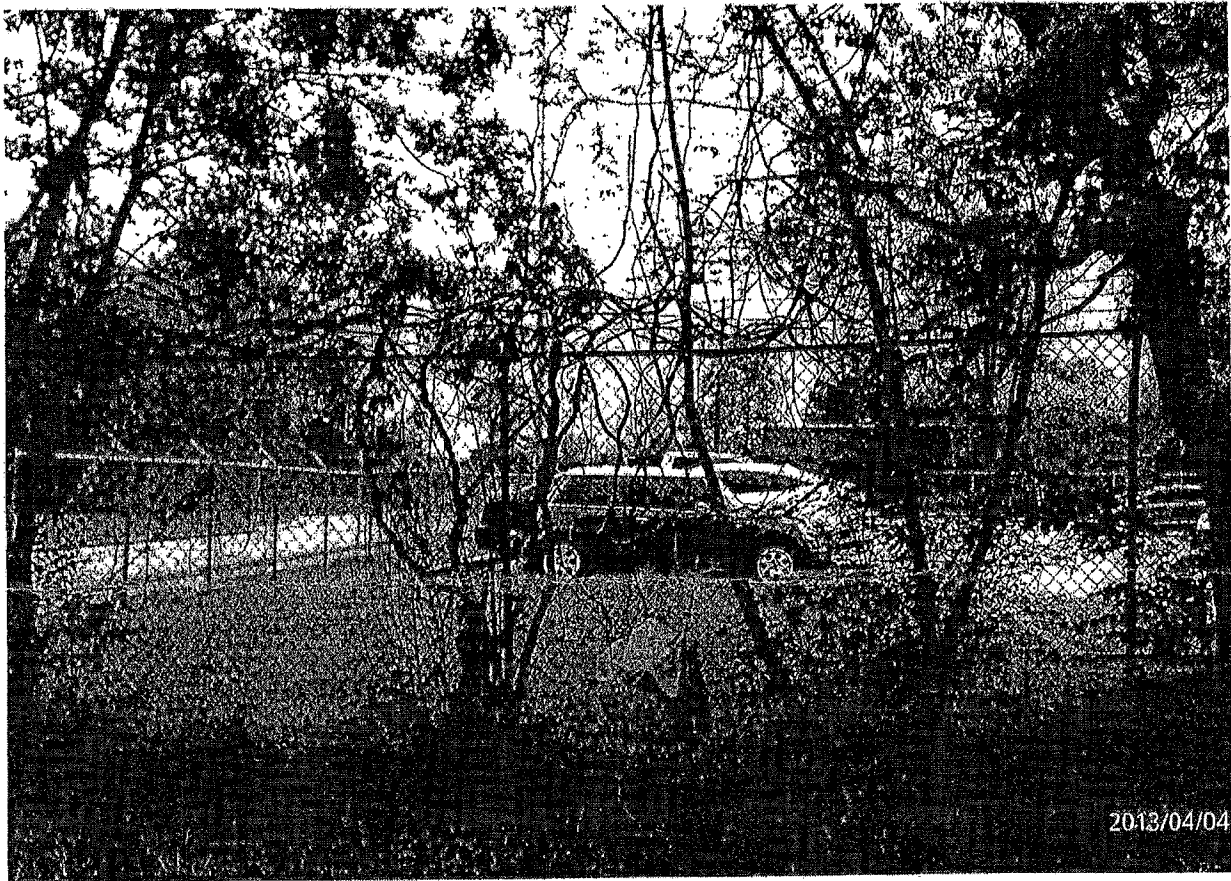
Fence poles disconnected & Barb wire  
in need of straighten or replace & restoring



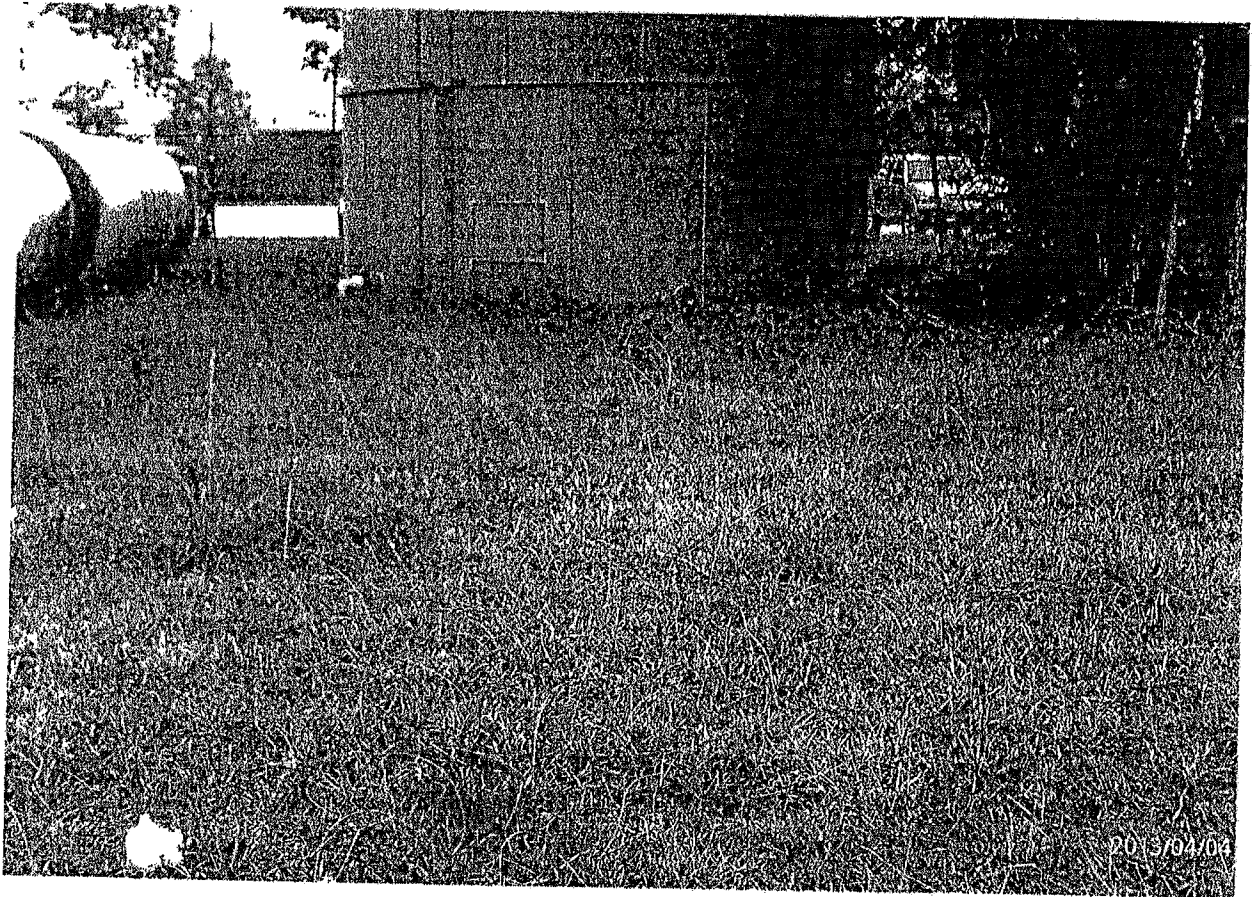
Fence poles disconnected.



No Barb wire

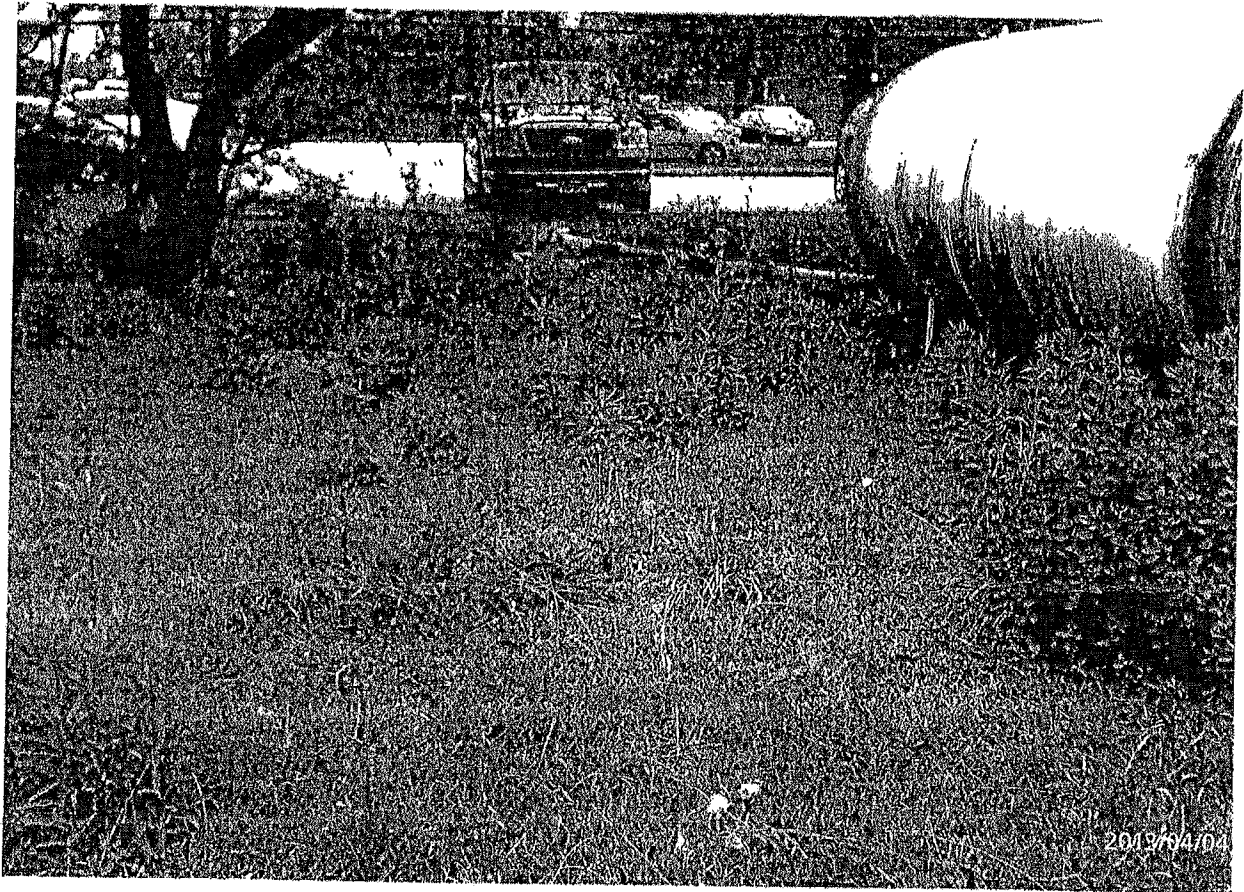


Vegetation Along Fence line in need of clearing



GRASS NEED CUTTING



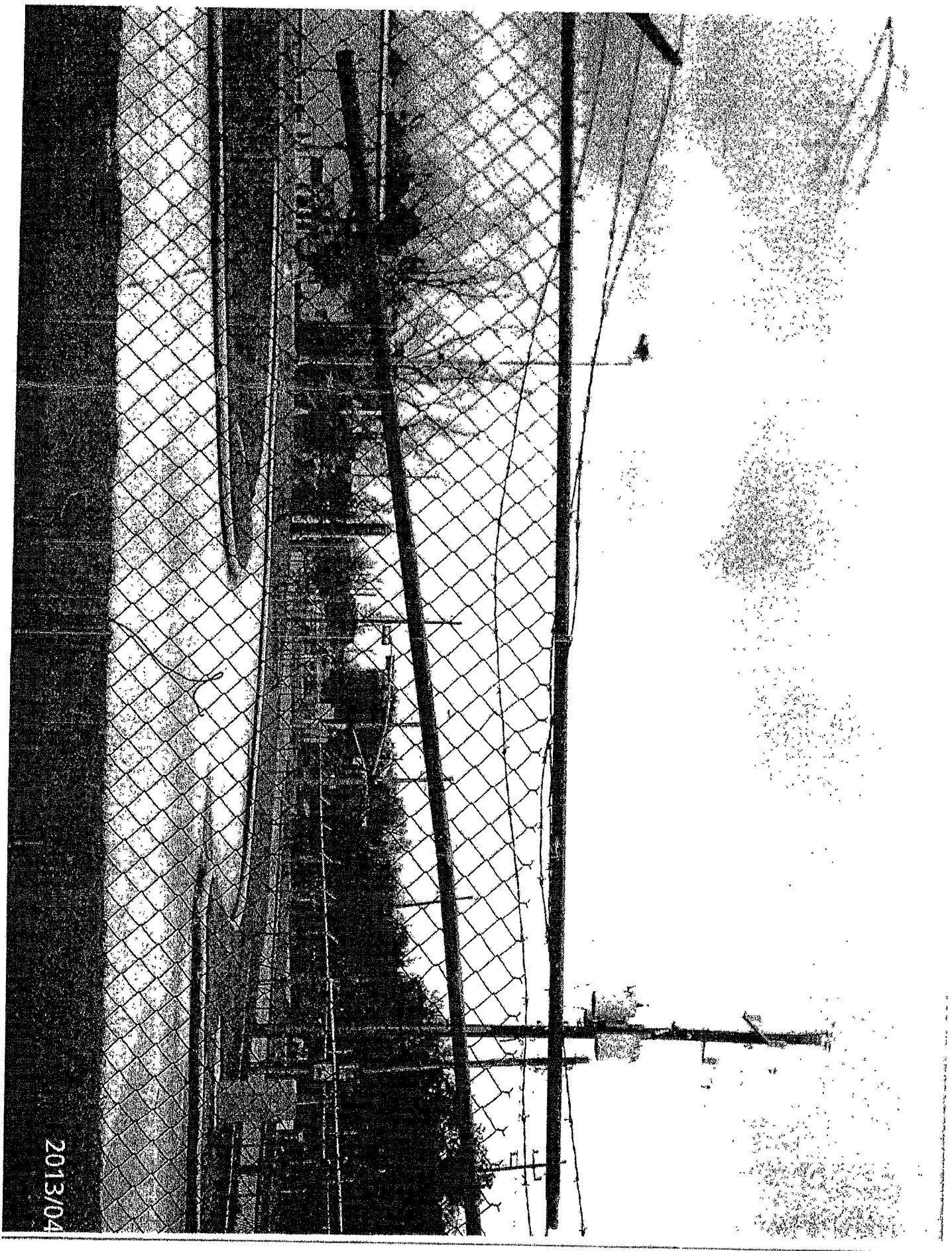


GRASS NEED CUTTING





2013/04



2013/04