



Control Number: 42998



Item Number: 5

Addendum StartPage: 0

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



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91 7199 9991 7031 8277 8360

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 6, 2014

BY CERTIFIED MAIL

Ms. Valeria Lynn Raub
15507 Cypress Gardens Drive
Tomball, Texas 77377

Re: Application from Valeria Lynn Raub dba Cypress Gardens Mobile Home Subdivision, A2097, to Acquire Facilities from Certificate of Convenience and Necessity (CCN) No. 12999 held by Valeria Raye Raub dba Cypress Gardens Homes, in Harris County; Application No. 37759-S

CN: 601458516; RN: 102879285 (Valeria Raye Raub dba Cypress Gardens Homes)

CN: pending; RN: pending (Valeria Raub Lynn dba Cypress Gardens Mobile Home Subdivision)

Dear Ms. Raub:

We have reviewed the criteria in Texas Water Code (TWC), Section 13.301(e) and determined that a public hearing will not be requested. You may complete your proposed transaction as scheduled, or any time after you receive this notification. Please note that the transaction must comply with the requirements of TWC Section 13.301(d) and therefore cannot be completed prior to the issuance of this letter.

The next step in the application process, transfer of the CCN, will occur after receipt of the following:

- a copy of the signed contract or bill of sale, and
- documents supporting the disposition of customer deposits.

The application cannot be approved nor the CCN transferred and issued until evidence is received that the transaction was completed. These items must be received within 45 days after the effective date of the transaction. Effective September 1, 2014, responsibility for regulating water and wastewater rates and CCNs will transfer to the Public Utility Commission of Texas (PUC). If responding before September 1, 2014, please submit your information to the TCEQ at the address shown on the letterhead. After September 1, 2014, please submit your written response to the address below:

Public Utility Commission
Water Utilities Division
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customer-survey

Printed on recycled paper using vegetable-based ink

RECEIVED
2014 SEP 11 AM 9:39
PUBLIC UTILITY COMMISSION
FILING CLERK

5

Ms. Valeria Lynn Raub
August 6, 2014
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Finally, please note that until the CCN is issued, it is the applicants' (buyer and seller) responsibility to report any changes in the financial, managerial, or technical information provided in the application.

If you have any questions, please contact Ms. Mary Damron by phone at (512)239-4667, by fax at (512)239-0030, by email at mary.damron@tceq.texas.gov, or if by correspondence, include MC 153 in the letterhead address below.

Sincerely,

A handwritten signature in black ink, appearing to read "Cari-Michel La Caille". The signature is fluid and cursive, with the first name "Cari" and last name "La Caille" clearly distinguishable.

Cari-Michel La Caille, Assistant Director
Water Supply Division
Texas Commission on Environmental Quality

TB/MD/lf

cc: Mailing List

Mailing List
Application No. 37759-S

Mr. Anthony T. Sortino
Clifton Dodson Sortino, LLP
500 W. Main St.
Tomball, Texas 77375

Attorney for James E. Raub, Independent
Executor of the Estate of Raye Valeria Raub

Mary Damron

From: Mary Damron
Sent: Friday, August 01, 2014 12:18 PM
To: 'lynnraub@yahoo.com'
Subject: tariff
Attachments: irgw55@tceq.state.tx.us_20140801_112408.pdf

Ms. Raub,

It is my understanding that you do not have a copy of Cypress Garden Homes current tariff. I have attached a copy of the tariff for your convenience. Please ensure what you are charging matches the current tariff. Please contact me if there are any differences.

Thank you,

Mary Damron
512/239-4667

-----Original Message-----

From: irgw55@tceq.state.tx.us [<mailto:irgw55@tceq.state.tx.us>]
Sent: Friday, August 01, 2014 12:24 PM
To: Mary Damron
Subject: Scanned image from MX-M453N

Reply to: irgw55@tceq.state.tx.us <irgw55@tceq.state.tx.us> Device Name: Not Set Device Model: MX-M453N
Location: Not Set

File Format: PDF MMR(G4)
Resolution: 300dpi x 300dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.
Adobe(R)Reader(R) can be downloaded from the following URL:

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<http://www.adobe.com/>

**WATER UTILITY TARIFF
FOR**

Valeria Raub dba Cypress Gardens Homes
(Utility Name)

P.O. Box 1513
(Business Address)

Cleveland, Texas 77328
(City, State, Zip Code)

(713) 740-7740
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate(s) of Convenience and Necessity:

12999

This tariff is effective in the following county:

Harris

This tariff is effective in the following cities or unincorporated towns (if any):

N/A

This tariff is effective in the following subdivisions or systems:
Cypress Garden Mobile Home Subdivision (PWS #1012048)

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE	2
SECTION 2.0 -- SERVICE RULES AND POLICIES	3
SECTION 3.0 -- EXTENSION POLICY	12
SECTION 4.0 -- DROUGHT CONTINGENCY PLAN	16
APPENDIX A -- SAMPLE SERVICE AGREEMENT	

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12999 JUL 26 2000

APPROVED TARIFF BY SP/SP

SECTION 1.0--RATE SCHEDULE (Continued)

RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non payment of bill (Maximum \$25.00) \$20.00
b) Customer's request that service be disconnected NA

TRANSFER FEE NA
THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL) \$5.00
TNRCC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE \$5.00
RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50) \$35.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT 1/6TH OF ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE NA
WHEN AUTHORIZED IN WRITING BY TNRCC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [30 TAC 291.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:
REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

RATES LISTED ARE EFFECTIVE ONLY
IF THIS PAGE HAS TNRCC APPROVAL STAMP

UTILITY RATE OF INTEREST COMMISSION

336650 CON 12999 MAR 22 02

APPROVED TARIFF BY *Am/JS*

Mary Damron

From: Mary Hopkins
Sent: Friday, July 25, 2014 7:59 AM
To: Mary Damron
Subject: FW: Attached Image
Attachments: 0287_001.pdf

Hello Mary

I scanned the investigation report which is attached above.

Two investigations were combined into one report, one conducted on May 8, 2013 and the other conducted on October 15, 2013

From: TCEQ_R12@tceq.texas.gov [mailto:TCEQ_R12@tceq.texas.gov]
Sent: Friday, July 25, 2014 7:23 AM
To: Mary Hopkins
Subject: Attached Image

PWS/1012048/CO/10-15-2015/Investigation Report
Texas Commission on Environmental Quality
Investigation Report
RAUB, VALERIA
CN600666705

CYPRESS GARDENS MOBILE HOME SUBDIVISION

RN101226066

Investigation # 1085726

Incident # 181768

Investigator: MARY HOPKINS

Site Classification

GW <=50 CONNECTION

Conducted: 05/08/2013 -- 10/15/2013

No Industry Code Assigned

Program(s): PUBLIC WATER
SYSTEM/SUPPLY

Investigation Type : Compliance Investigation

Location : END OF CYPRESS
GARDENS DR
KEY MAP 287

Additional ID(s) : 1012048

Address: ; ,

Activity Type : REGION 12 - HOUSTON
PWSCMPL - PWS Complaint
PWSCCIGWCM - CCI GW PURCHASE -
COMMUNITY MANDATORY

Principal(s) :

Role	Name
RESPONDENT	VALERIA RAUB

Contact(s) :

Role	Title	Name	Phone
Notified	OPERATOR	MR RAY HARLOW	
Participated in Investigation	MEMBER	MS VALERIA L RAUB	
Regulated Entity Mail Contact	MEMBER	MS VALERIA L RAUB	Work (281) 351-7373
Participated in Investigation	OPERATOR	MR RAY HARLOW	Work (832) 349-4465
Notified	MEMBER	MS VALERIA L RAUB	Work (281) 351-7373
Regulated Entity Contact	OPERATOR	MR RAY HARLOW	

Other Staff Member(s) :

Role	Name
Supervisor	DARLA BRANCH
Investigator	MAGGIE WRIGHT
QA Reviewer	DARLA BRANCH
QA Reviewer	BARRY PRICE
Supervisor	LETICIA DELEON

Associated Check List

Checklist Name

PWS EMERGENCY POWER INITIATIVE
PWS INVESTIGATION - EQUIPMENT MONITORING
AND SAMPLING
PWS STANDARD FIELD
PWS COMPLAINT INVESTIGATION

Unit Name

Emergency Power
Equipment

PWS Standard Field
Complaint

CYPRESS GARDENS MOBILE HOME SUBDIVISION -

5/8/2013 to 10/15/2013 Inv. # - 1085726

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Investigation Comments :

1) Introduction Summary/General Information

Two announced Comprehensive Compliance Investigations (CCI) of:
Cypress Garden Mobile Home Subdivision PWS ID: 1012048 CCN: 12999
Area Served: Cypress Garden Mobile Home Subdivision Key Map: 287 V

The first Investigation:

Notification Date: 04/26/2013

Notified: Ms. Valeria Lynn Raub, Member, Cypress Garden Mobile Home Subdivision LLC

Investigation Date: 05/08/2013

Surveyed with: Ms. Valeria Lynn Raub, Member, Cypress Garden Mobile Home Subdivision LLC
and Mr. Ray Harlow, Operator with Arch Utilities.

Name of Operations Company: Arch Utilities

TCEQ Investigators: Mary Hopkins and Maggie Wright

Exit interview conducted: Violations were discussed with: Ms. Lynn Raub, Member, Cypress
Garden Mobile Home Subdivision, LLC and Ray Harlow, Operator, Arch Utilities. Written Exit
Interview Form was received by Ray Harlow.

Violations cited: Yes

Compliance due date: 10/7/2013

Type of Letter Sent: NOV postponed until the follow-up investigation was completed.

The second Investigation:

Notification Date: 10/03/2013

Notified: Mr. Ray Harlow, Operator, Arch Utilities

Investigation Date: 10/15/2013

Surveyed with: Mr. Ray Harlow, Operator.

Name of Operations Company: Arch Utilities

TCEQ Investigators: Mary Hopkins

Exit interview conducted: Violations were discussed with: Ray Harlow, Operator, Arch Utilities.
Written Exit Interview Form was received by Ray Harlow.

Violations cited: Yes

Compliance due date: 01/14/2014; Compliance Plan due 3/14/2014

Type of Letter Sent: NOV

Nearest PWS: Telge Terrace Mobile Home Subdivision approximately 0.3 miles away

Total # cert. Ops.: 1

Grade/Type: Grade C Ground water

2) General Facility and Process Information:

Location of Plant: At the end of Cypress Gardens near 15507 Cypress Gardens Drive

System Description: 1 submersible well and 1 hydropneumatic tank (HD) and distribution

Treatment: Hypochlorination always injected prior to HD.

Exceptions/Variations: No

Emergency Power: Yes, at the time of the investigation.

Type: gas

What does it operate? The whole plant

Approved EPP: Yes Date: August 6, 2010

EPP Option: 4

Has EPP Option been implemented: At the time of the investigation, Yes

Microbiological/Chemical Monitoring:

Number of Bacteriological Samples per Month: 1

Acceptable Monitoring Plan on File: Yes.

CYPRESS GARDENS MOBILE HOME SUBDIVISION -

5/8/2013 to 10/15/2013 Inv. # - 1085726

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Disinfection Level Quarterly Operating Report (DLQOR) on file: Yes

Plant Operation Manual on file: A Plant Operation Manual was on file but it needed to be updated at the time of the first inspection. A violation was noted. It was updated before the second investigation.

Interconnection (I/C): No

Chemical Analysis:

Type	Latest Date	Compliant	Exceedance
Min	07/30/10	Yes	No
Metals	11/06/12	Yes	No
NO2/NO3	10/13/11	Yes	No
Radio Chems	11/06/12	Yes	No
VOCs	11/06/12	Yes	No
SOC 5	10/13/11	Yes	No
THMs	07/30/10	Yes	No
HAAs	07/30/10	Yes	No

3) Background:

Are there Current Enforcement Actions: No

Are there Outstanding Violations from a previous CCI that have not been resolved?: No

4) Additional Information:

This investigation began as a complaint, Incident 181768, which alleged that the owner of the water system was not operating the system in compliance with TCEQ rules. The complainant requested that the TCEQ investigate the system to determine compliance with the TCEQ rules. On May 8, 2013, the TCEQ conducted a Comprehensive Compliance Investigation of the system.

The owner at the time of the previous investigation, Valeria K. Raub is deceased. Her will was probated but the ownership of the utility and water plant is being disputed by the heirs. The previous owner's daughter, Valeria (Lynn) Raub, inherited the property where the water plant resides and the son Gene Raub inherited the utility and water plant. The daughter has claimed ownership of the property, utility and the water treatment plant.

The son had arranged to sell the utility and water plant to Quadvest, but Quadvest withdrew its offer to purchase when Ms. Raub's attorney notified Quadvest by letter dated January 28, 2013, that the agreement made with anyone other than Ms. Raub to sell the property, utility and plant was void or terminated. At the time of the investigation, the legal owner of the water plant was not known, but Valeria Lynn Raub was the individual notified by the TCEQ of its investigation and findings based on Ms. Raub's claims of ownership and responsibility for the utility and water plant.

At the time of the investigation, the CN number associated with the Public Water System (PWS) and ownership of the Certificate of Convenience and Necessity (CCN) was that of the deceased previous owner. Ms. Raub had not filed change of ownership documents with the TCEQ at the time of the CCI conducted on April 26, 2013. She stated originally, that it was not necessary since she and her mother, the previous owner, have the same name. She was informed that she must have her own CN number since she is a different, separate individual from her mother. The change of ownership, Core Data Form, application for Sale, Transfer, Merger, and application to amend the CNN were submitted prior to the October 15, 2013 investigation according to Ms. Raub. The transfer of ownership has not yet been completed.

Please see attached T-NET documentation for system specifics. Attached for review are: Water System, Water Storage Tanks, Water Sources, Service Pumps, System Capacities, Treatment Plants, Field Checklist, and Exit Interview.

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NOV Date	Method
12/12/2013	WRITTEN
OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION	

Track No: 505200

Compliance Due Date: 01/14/2014

Violation Start Date: Unknown

30 TAC Chapter 290.41(c)(1)(F)

Alleged Violation:

Investigation: 1085726

Comment Date: 12/04/2013

Failure to make available sanitary control easements for well #1 or a substitute authorized in §290.41(c)(1)(F). At the time of investigation, no sanitary control easements or executive director approval for a substitute was provided when requested.

A sanitary easement, or approved substitute, covering all property within 150 feet of the well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in the well area. Residential type wells within the easement must be constructed to public water well standards. A copy of the recorded document must be submitted for our records. Acceptance and approval for all easements and substitutes to an easement is determined by the Technical Review and Oversight Team in Austin.

According to 290.41(c)(1)(F)(iv), with the approval of the executive director, the public water system may submit any of the following as a substitute for obtaining, recording, and submitting a copy of the recorded sanitary control easements covering land within 150 feet of the well:

290.41(c)(1)(F)(iv)(I) a copy of the recorded deed and map demonstrating that the public water system owns all real property within 150 feet of the well;

290.41(c)(1)(F)(iv)(II) a copy of the recorded deed and map demonstrating that the public water system owns a portion of real property within 150 feet of the well, and a copy of the sanitary control easements that the public water system has obtained, recorded, and submitted to the executive director applicable to the remaining portion of real property within 150 feet of the well not owned by the public water system;

290.41(c)(1)(F)(iv)(III) for a political subdivision, a copy of an ordinance or land use restriction adopted and enforced by the political subdivision which provided an equivalent or higher level of sanitary protection to the well as a sanitary control easement.

The water system may request an exception to this requirement in writing to the:

Texas Commission on Environmental Quality, Technical Review and Oversight Team (MC-159), P.O. Box 13087, Austin, Texas 78711-3087, phone (512)239-4691.

Please be aware that all requests for exceptions must be in writing and supported with adequate documentation.

Recommended Corrective Action: Submit a photocopy of the Sanitary Control Easement, the property deed, the exception granted by the TCEQ's Technical Review and Oversight Team, or an approved substitute to verify compliance.

Track No: 505207

Compliance Due Date: To Be Determined

Violation Start Date: Unknown

30 TAC Chapter 290.45(b)(1)(A)(i)

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Alleged Violation:

Investigation: 1085726

Comment Date: 12/04/2013

At the time of the first investigation, Ms. Raub stated the system had a total of 44 connections. The system is required to provide 1.5 gallons per minute (gpm) per connection (conn). Your well produced a total of 44 gpm and is short a total of 22 gpm. This is calculated in the following manner:

(Required Calculation) the amount of water a system is required to provide
 $1.5 \text{ gpm /conn} \times 44 \text{ conn.} = 66 \text{ gpm Required}$

(Short Calculation) the amount of water the system is short
 $66 \text{ gpm Required} - 44 \text{ gpm Produced} = 22 \text{ gpm Short}$

At the time of the second investigation the operator stated that several residents were using water from their own private wells and the connection count dropped to 38 connections.

(Required Calculation) the amount of water a system is required to provide
 $1.5 \text{ gpm /conn} \times 38 \text{ conn.} = 57 \text{ gpm Required}$

(Short Calculation) the amount of water the system is short
 $57 \text{ gpm Required} - 43 \text{ gpm Produced} = 14 \text{ gpm Short}$

Your water system must be modified to meet this requirement to assure an adequate supply of water at all times.

Please be advised that public water systems shall notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, or distribution facilities. Public water systems shall submit plans and specifications for the proposed changes upon request.

The water system may request an exception to these requirements by writing to TCEQ, Water Supply Division, Public Drinking Water Section, Technical Review & Oversight, MC 159, P.O. Box 13087, Austin, TX 78711-3087; phone: (512) 239-4691.

Recommended Corrective Action: : Submit a compliance plan, engineering report or certification OR a copy of a letter requesting an exception in addition to a compliance plan for final compliance, OR a copy of a letter granting an exception to verify compliance.

Track No: 505336

Compliance Due Date: 01/14/2014

Violation Start Date: Unknown

30 TAC Chapter 290.44(h)

Alleged Violation:

Investigation: 1085726

Comment Date: 06/28/2013

Failure, by the regulated entity, to prohibit a water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the public water facilities and the actual or potential contamination or system hazard.

Private/ Individual/ Unmonitored wells are identified in 30 TAC 290.47(i) as a Health Hazards. A Reduced Pressure Backflow Assembly (RPBA) or an Air Gap on a residence that has a connection to a Public Water Supply is required to protect the PWS from a cross connection with a hazard. Ms. Raub stated that there were 2 known unmonitored

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5/8/2013 to 10/15/2013 Inv. # - 1085726

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wells in the system.

Recommended Corrective Action: Submit documentation that a Reduced Pressure Backflow Assembly(RPBA) or an Air Gap has been installed to isolate the private, unmonitored wells from the Public Water System (PWS).

Track No: 506420

Compliance Due Date: 01/14/2014

Violation Start Date: Unknown

30 TAC Chapter 290.46(i)

Alleged Violation:

Investigation: 1085726

Comment Date: 06/28/2013

Failure to establish a program to provide protection against backflow and siphonage, potential contamination and health hazards. When a potential contamination or a system hazard is identified within the public water system, an air-gap or approved Backflow Prevention Device must be installed. All testable backflow prevention assemblies must be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Assemblies protecting against health hazards must be tested and certified to be operating within specifications upon installation, and also at least annually by a recognized backflow prevention assembly tester.

Recommended Corrective Action: Provide a copy of the program which has been established to protect the PWS from backflow and backsiphonage.

Track No: 506423

Compliance Due Date: 01/14/2014

Violation Start Date: Unknown

30 TAC Chapter 290.46(j)

Alleged Violation:

Investigation: 1085726

Comment Date: 07/01/2013

Failure to promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity. The existence of a health hazard, as identified in §290.47(i) of this title, shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the health hazard no longer exists, or has been isolated from the public water system in accordance with §290.44(h) of this title (relating to Water Distribution). Ms. Raub stated that there were two known unmonitored wells in the PWS. In this respect, the two unmonitored wells at known locations must be eliminated or the water service terminated.

Recommended Corrective Action: Provide documentation that the unmonitored wells have been isolated from the PWS.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 505179

Resolution Status Date: 6/13/2013

Violation Start Date: Unknown

Violation End Date: 5/9/2013

30 TAC Chapter 290.44(d)

30 TAC Chapter 290.46(r)

Alleged Violation:

Investigation: 1085726

Comment Date: 06/13/2013

CYPRESS GARDENS MOBILE HOME SUBDIVISION -

5/8/2013 to 10/15/2013 Inv. # - 1085726

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Failure to maintain the water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection. At the time of the investigation, the water pressure at the distribution sample site was 30 psi. The distribution pressure must be at least 35 psi throughout the distribution system at all times.

Recommended Corrective Action: Submit documentation that the distribution pressure was increased to and maintained at a minimum of 35 psi throughout the distribution system.

Resolution: On June 3, 2013, the TCEQ Region 12 Office received the operator's log sheet from the month of May 2013 showing system pressure above 35 psi for the remaining 3 weeks of May.

Track No: 505186

Resolution Status Date: 6/13/2013

Violation Start Date: Unknown

Violation End Date: 6/1/2013

30 TAC Chapter 290.46(f)(3)(D)(ii)
30 TAC Chapter 290.46(m)(1)(B)

Alleged Violation:

Investigation: 1085726

Comment Date: 06/13/2013

Failure to inspect the pressure tank annually, to determine that the pressure release device and pressure gauge are working properly, the air-water ratio is being maintained at the proper level, the exterior coating systems are continuing to provide adequate protection to all metal surfaces, and that the tank remains in a watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

The results of these inspections must be recorded and maintained for at least five years, per §290.46(f)(3)(D)(ii). The records must be available for review by Commission staff during annual sanitary surveys of the system. At the time of the investigation, there was no documentation that the pressure tank had been inspected annually.

At the time of the investigation, a pressure tank inspection was provided for March 2009 but no annual tank inspection records were provided for 2010, 2011, or 2012.

Recommended Corrective Action: Submit to the Region 12 Office, a copy of the pressure tank inspection that was conducted within the past year.

Resolution: On June 3, 2013, the Region 12 Office received copies of pressure tank inspections dated June 1, 2013.

Track No: 505201

Resolution Status Date: 6/17/2013

Violation Start Date: Unknown

Violation End Date: 6/17/2013

30 TAC Chapter 290.121(d)(2)

Alleged Violation:

Investigation: 1085726

Comment Date: 06/14/2013

Failure to develop and maintain an up to date system monitoring plan. The plan shall identify all bacteriological and chemical locations, describe the sampling frequency, and specify the analytical procedures and laboratories to be used to comply with monitoring requirements.

At the time of the investigation, a monitoring plan was on file, but the plan contained some outdated information and phone numbers for laboratory, operation and emergency personnel and needed to be updated with correct information. The completed plan must be kept updated with current information and retained at each water plant, and made available for review during succeeding investigations.

Recommended Corrective Action: Submit an up to date copy of Monitoring Plan to verify

CYPRESS GARDENS MOBILE HOME SUBDIVISION -

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compliance.

Resolution: On June 17, 2013, the Region 12 Office received a copy of the updated system monitoring plan.

Track No: 505202

Resolution Status Date: 6/17/2013

Violation Start Date: Unknown

Violation End Date: 6/17/2013

30 TAC Chapter 290.46(l)

Alleged Violation:

Investigation: 1085726

Comment Date: 06/14/2013

Failure to compile and maintain current a thorough plant operation manual for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedure as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

At the time of the investigation, an Operations Manual was available, but it contained outdated information for operations and emergency personnel and needed to be updated. The Operations Manual contains important information and must be kept updated in order to provide correct information to operations personnel when needed.

Recommended Corrective Action: Submit to the Region 12 Office an updated Operation Manual.

Resolution: On June 17 2013, the Region 12 Office received an updated Plant Operation Manual.

Track No: 506419

Resolution Status Date: 12/4/2013

Violation Start Date: Unknown

Violation End Date: 10/15/2013

30 TAC Chapter 290.45(b)(1)(A)(ii)

Alleged Violation:

Investigation: 1085726

Comment Date: 12/04/2013

At the time of the first investigation the facility had a total of 44 connection (conn.) and is required to provide pressure capacity of 50 gallons per connection. You have a total of 2014 gallons and are short a total of 186 gallons. This is calculated in the following manner:

Required 50 gal/conn. X 44 conn. = 2200 Total Gallons

Short 2200 gallons Required - 2014 gallons Provided = 186 Total Gallons

At the time of the second investigation the system had a total connection count of 38 connections (due to the use of private wells by several residents) and is required to provide 50 gallons per conn. You have provided a total of 2014 gallons. 1900 gallons of pressure capacity are required. This is calculated in the following manner:

Required 50 gal/conn. X 38 conn. = 1900 gallons. Adequate pressure capacity of 2014 gallons is provided.

Recommended Corrective Action: Submit a compliance plan, engineering report or certification OR a copy of a letter requesting an exception in addition to a compliance plan for final compliance, OR a copy of a letter granting an exception to verify compliance.

Resolution: At the time of the second investigation, it was noted that the connection count had decreased due to the use of private wells by some residents. Using the new lower connection count in the pressure capacity calculation indicated sufficient pressure capacity is provided for the number of connections now being served.

CYPRESS GARDENS MOBILE HOME SUBDIVISION -

5/8/2013 to 10/15/2013 Inv. # - 1085726

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Track No: 506443

Resolution Status Date: 12/2/2013

Violation Start Date: Unknown

Violation End Date: 10/15/2013

30 TAC Chapter 290.46(p)(1)

Alleged Violation:

Investigation: 1085726

Comment Date: 06/28/2013

Failure by the regulated entity to submit a written notice of ownership change to the executive director at least 120 days before the date of the transaction.

When water system ownership changes, a written notice of the transaction must be provided to the executive director at least 120 days before the date of the transaction. The notice must include the names of the current and the prospective owner or responsible official, the proposed date of the transaction, the address and phone number of the new owner or responsible official, and any other information necessary to properly identify the transaction. When applicable, notification shall be in accordance with Chapter 291 of this title (relating to Water Rates).

Once ownership of the property and water plant appurtenances is legally established, the new owner must submit a Core Data Sheet to the TCEQ with the new owner's information in order to be issued a new CN number if the new owner does not have one. The new owner must submit a Sale Transfer Merger application and apply for a Certificate of Convenience and Necessity (CNN) amendment to associate the new owner with the CNN.

Recommended Corrective Action: Submit a copy of the written notice of change of ownership, the Core Data Sheet with the new owner's information, a new CN number, a Sale Transfer Merger application and an application for a Certificate of Convenience and Necessity (CNN) amendment to associate the new owner with the CNN.

Resolution: During the investigation conducted on October 15, 2013, it was noted that Ms. Raub had notified the TCEQ of a change of ownership.

Additional Issues

Description **Item 12**

Additional Comments

When water system ownership changes, a written notice of the transaction must be provided to the executive director at least 120 days before the date of the transaction. The notice must include the names of the current and the prospective owner or responsible official, the proposed date of the transaction, the address and phone number of the new owner or responsible official, and any other information necessary to properly identify the transaction. When applicable, notification shall be in accordance with Chapter 291 of this title (relating to Water Rates).

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Signed Mary Hopkins
Environmental Investigator

Date 12-4-2013

Signed Darla J. Bral
Supervisor

Date 12-5-13

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : NOR

Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☐ Maps, Plans, Sketches

☒ Photographs

☒ Correspondence from the facility

☐ Other (specify) :

TNet, IWUD, Central Registry