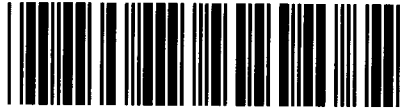


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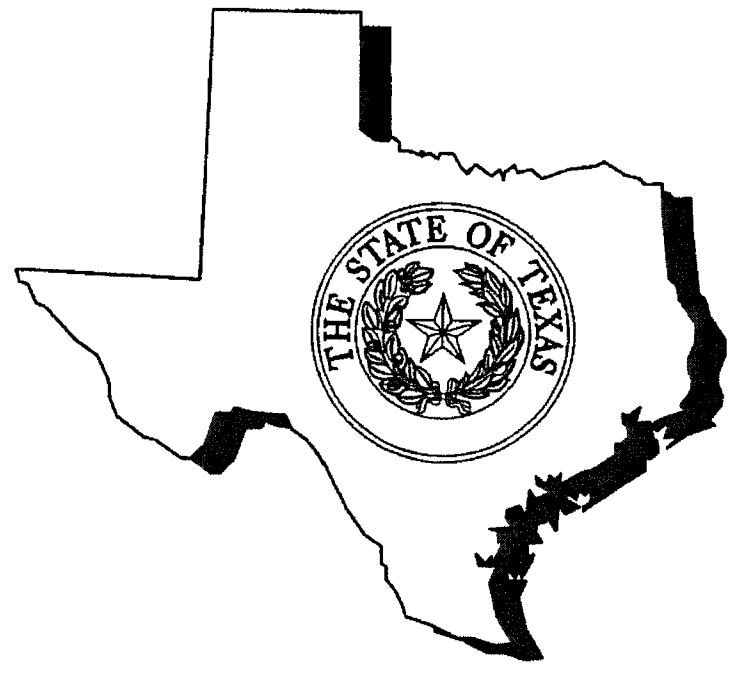
**SOAH DOCKET NO. 473-15-2274.WS  
PUC DOCKET NO. 43175**

2015 NOV -6 PM 1:06

**APPLICATION OF COMMUNITY  
WATER SERVICE INC. AND WALTER  
J. CARROLL FOR SALE, TRANSFER,  
OR MERGER OF FACILITIES AND  
CERTIFICATE RIGHTS IN ELLIS  
COUNTY (37981-S)**

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**BEFORE THE STATE OFFICE OF PUBLIC UTILITIES  
OF  
ADMINISTRATIVE  
HEARINGS**



**DIRECT TESTIMONY OF  
ELISABETH ENGLISH  
WATER UTILITY DIVISION  
PUBLIC UTILITY COMMISSION OF TEXAS  
NOVEMBER 2015**

000001

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**I. PROFESSIONAL QUALIFICATIONS**

**Q. Please state your name and business address.**

A. Elisabeth English, Public Utility Commission of Texas, 1701 N. Congress Avenue, Austin, Texas 78711-3326.

**Q. By whom are you currently employed and in what capacity?**

A. I have been employed by the Public Utility Commission of Texas (PUC or Commission) since December 1, 2014, as an Engineering Specialist IV in the Water Utilities Division.

**Q. What are your principal responsibilities at the Commission?**

A. My responsibilities include: reviewing and processing applications to obtain or amend certificates of convenience and necessity (CCN); reviewing rate filings and participating in negotiating settlements; preparing testimony and exhibits for contested case matters involving investor-owned, non-profit and governmental water and sewer utilities; and conducting rate-related inspections of water or sewer utility systems within the state.

**Q. Please state your educational background and professional experience.**

A. I have provided a summary of my educational background and professional regulatory experience in attachment EE-1.

**Q. Please explain how your previous experience relates to this docket.**

A. My previous experience directly relates to the regulatory oversight of public water systems (PWS) in Texas. From March 2009 to August 2012, I was a PWS regional investigator for the Texas Commission on Environmental Quality (TCEQ), and from August 2013 until November 2014 I worked in the TCEQ's central office in the Public Drinking Water Division. As an investigator, I conducted Comprehensive Compliance Investigations (CCI)

1 which evaluated PWS's compliance with 30 Tex. Admin. Code § 290, Subchapter D (TAC).

2 My role while working at the TCEQ in its central office included working on multiple  
3 drinking water compliance programs which evaluated PWS's compliance with 30 TAC §  
4 290, Subchapter F. Pursuant to the PUC's rules in 16 TAC §24.102(a)(1), the review and  
5 processing of applications to obtain or amend a water CCN requires the PUC to ensure that  
6 the applicant has a TCEQ approved PWS, or a contract for purchased water, and that the  
7 applicant is capable of providing drinking water that meets the requirements of Tex. Health  
8 and Safety Code §341 (HSC). In turn, the HSC requires that PWSs comply with the standards  
9 set forth in 30 TAC §290, Subchapters D and F.

10 **Q. On whose behalf are you testifying?**

11 A. I am testifying on behalf of the Staff of the PUC (Staff).

12 **II. PURPOSE AND SCOPE OF TESTIMONY**

13 **Q. What is the purpose of your testimony?**

14 A. I will provide a recommendation in regards to the Walter J. Carroll Water Company, Inc.'s  
15 ("Carroll Water" or "Purchaser") and Community Water Service, Inc.'s ("Community" or  
16 "Seller") (collectively called "Applicants") joint application to amend their respective water  
17 CCNs via a Sale, Transfer, or Merger (STM) as filed on July 11, 2014.

18 **Q. Please explain the scope of your participation in the present proceeding.**

19 A. My participation regarding State Office of Administrative Hearings (SOAH) Docket No.  
20 473-15-2274.WS may be summarized as follows:

- 1 1. I reviewed the STM application in accordance with 16 TAC §24.109 and Tex.
- 2 Water Code § 13.30 (TWC) and with respect to the criteria necessary to obtain or
- 3 amend a CCN, as found in the TWC § 13.246 and 16 TAC §§ 24.102 and 24.105.
- 4 2. I reviewed the information provided by all parties during formal discovery.
- 5 3. I reviewed the other parties' pre-filed testimonies.

6 **Q. What are the specific criteria that you considered in your review?**

7 A. The review of an STM application is considered under 16 TAC § 24.109 *Report of Sale,*  
8 *Merger, Etc.; Investigation; Disallowance of Transaction;* 16 TAC § 24.102 *Criteria for*  
9 *Considering and Granting Certificates or Amendments;* and 16 TAC § 24.112 *Transfer of*  
10 *Certificate of Convenience and Necessity.* My review was focused on the technical  
11 capabilities of the Purchaser's ability to acquire the system as well as on whether the  
12 transaction will serve the public interest.

13 **Q. What are the Applicants requesting through this application?**

14 A. The Applicants are requesting that the Commission approve the transfer of a portion of the  
15 service area of water CCN No. 10091 held by Community to Carroll Water, as well as  
16 approve the purchase of facilities and the acquisition of existing customers in the applicable  
17 service area. As a result of the proposed transaction, water CCN No. 11543, held by Carroll  
18 Water, will be expanded to include the requested area and CCN No. 10091, held by  
19 Community, will be amended to remove the requested area. The requested area is currently  
20 dually certified to Community and the City of Red Oak (City). Consequently, the application  
21 requests for continuation of the dual certification. As a result of the proposed transaction,  
22 dual certification will change from Community and the City to dual certification between  
23 Carroll Water and the City. The proposed transaction includes approximately 63 acres of

1 certified area, the facilities associated with the PWS known as Red Oak Community  
2 Water Service (PWS ID 0700056) and 90 service connections.

3 **Q. Did anyone protest this application?**

4 A. Yes, the application was protested by the City. The City is currently dually certified with  
5 Community. If the transaction is approved, the City will be dually certificated with Carroll  
6 Water.

7 **Q. What is the effective date of the proposed sale?**

8 A. The Applicants provided public notice of the proposed sale on December 19, 2014, per the  
9 affidavit provided by Carroll Water. Notice was provided to current customers by regular  
10 mail and to neighboring utilities and affected parties, including the City of Lancaster, Rocket  
11 Special Utility District, City of Glenn Heights, City of Ovilla, Cozy Waterworks, City of  
12 Red Oak, City of Oak Leaf, City of Waxahachie, Trinity River Authority of Texas and Ellis  
13 County. Based on my review of the notices, I believe proper notice was provided regarding  
14 the proposed transaction. Pursuant to 16 TAC § 24.109(a), on or before the 120<sup>th</sup> day before  
15 the effective date of a proposed STM, the utility shall file a STM application with the  
16 Commission and give proper notice of the proposed transaction. The 120-day period begins  
17 on the last day that the Applicants provided the required notices of the proposed transaction.  
18 For this application, the Applicants' affidavit states that notice was provided on December  
19 19, 2014. 16 TAC § 24.109(e) states that prior to the expiration of the 120-day notification  
20 period, which started December 19, 2014, the Commission shall either approve the sale  
21 administratively or require a public hearing to determine if the transaction will serve the  
22 public interest. In this case, the Commission referred the application to SOAH for a hearing  
23 prior to the expiration of the 120-day period. Had the Commission not referred the

1 application to SOAH, the effective date could have been at the end of the 120-day period  
2 (which was April 18, 2015) or at any time after the Commission notifies the utility that a  
3 hearing was not going to be requested [TWC § 13.301(f)]. However, because the  
4 Commission referred the STM to SOAH to hold a hearing, the STM may not be completed  
5 unless the Commission determines that the proposed transaction serves the public interest as  
6 required by TWC § 13.301(g). Based on this criteria, there is no effective date of the sale at  
7 this time until a determination regarding the public interest has been made by the  
8 Commission.

9 **Q. Has the Commission approved the sale?**

10 A. No. A hearing was requested and therefore the sale has not been completed as proposed.

11 **Q. In your opinion, has the Purchaser demonstrated the technical capability to provide**  
12 **continuous and adequate service to the requested area and any areas currently**  
13 **certificated to the Purchaser?**

14 A. The Purchaser, Carroll Water, is the responsible utility for CCN No. 11543 which includes  
15 the following four PWSs in Ellis County:

<b>PWS ID</b>	<b>Name</b>	<b>Last Inspected</b>
0700057	LAKEVIEW RANCHETTES	09/19/2013
0700058	EMERALD FOREST	09/19/2013
0700063	GRANDE CASA	09/19/2013
0700064	SPANISH GRANT SUBDIVISION	09/19/2013



1 During the last Comprehensive Compliance Investigation<sup>1</sup> (CCI) conducted by the TCEQ,  
2 violations of 30 TAC § 290, Subchapter D were cited, which were subsequently resolved by  
3 the Purchaser as of April, 2015 as per the TCEQ's Central Registry Database. At this time,  
4 all Carroll Water PWS's are in compliance with the applicable rules<sup>2</sup>.

5 The PWSs are operated by Ricky L. Reeder (License No. WG0008722), who is Ground  
6 Water Class C certified operator. PWSs that treat groundwater and serve no more than 250  
7 customers must employ an operator with a Class "D" or higher license, pursuant to 30 TAC  
8 § 290.46(e)(4)(A). All PWSs, including the PWSs involved in the proposed transaction, are  
9 groundwater systems and have less than 250 service connections. Additionally, the Purchaser  
10 is managed by Mr. Walter J. Carroll, who held a Water Operator Class D (No. WO0004726)  
11 license from 1981-2003.

12 It is my professional opinion that the Purchaser demonstrates the technical capability to  
13 provide continuous and adequate service to its existing area plus the area requested in this  
14 transaction. This is supported by the compliance standing of the PWSs operated by the  
15 Purchaser and the license held by its certified operator.

16 **Q. In your opinion, is the water service currently provided in the area adequate?**

17 A. The proposed purchased area receives service from PWS 0700056. PWS 0700056 is owned  
18 and operated by the Seller and is located within the certificated area of CCN No. 10091, held  
19 by the Seller. The PWS is a ground water system that serves 90<sup>3</sup> service connections. The  
20 PWS is required to provide 0.6 Gallons per minute (GPM) per connection (conn.) of

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<sup>1</sup> See attachment EE-2.

<sup>2</sup> See attachment EE-2.

<sup>3</sup> The application states that the total connection count is 84 (page 16 of 22); the TCEQ database Drinking Water Watch (DWW) and the most recent CCI states that the system has 90 connections, which is the official record for compliance determinations.

1 production capacity, 200 Gallons per conn. (GPC) of total storage capacity, 20 GPC of  
2 pressure tank capacity, and 2 GPM per conn. of service pump capacity pursuant to 30 TAC  
3 § 290.45. Minimum capacity requirements can be calculated by multiplying the connection  
4 count by the TCEQ prescribed capacity requirements, as previously stated. Therefore, the  
5 following are the required PWS capacities for PWS 0700056:

6 Production = 54 GPM

7 Total Storage = 18,000 G

8 Pressure tank = 1,800 G

9 Service Pump = 180 GPM

10 The provided capacities of PWS 0700056 are as follows:

11 Production = 110 GPM

12 Total Storage = 55,000 G

13 Pressure tank = 2,500 G

14 Service Pump = 300 GPM

15 The above provided capacities are based upon the TCEQ CCI dated April 7, 2015.<sup>4</sup>

16 As illustrated above, the facilities serving the purchased area meet the TCEQ minimum  
17 capacity requirements and are therefore adequate. Additionally, the CCI did not find any  
18 violation of 30 TAC Subchapter D, and is therefore in compliance at this time and it is my  
19 opinion that the service currently provided in the area is adequate.

20 **Q. In your opinion, is additional service needed in the requested area?**

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<sup>4</sup> Attachment EE-3.

1 This application is for the STM of existing facilities, customers and service area. No  
2 landowners, prospective landowners, tenants, or residents have requested service and the  
3 Applicants did not apply to add additional uncertificated area to the CCNs. Therefore, the  
4 need for additional service in the requested area was not considered.

5 **Q. In your opinion , what is the effect of the granting a CCN amendment on the Applicants,**  
6 **on the landowners in the area, and on any retail public utility of the same kind already**  
7 **servicing the proximate area?**

8 A. The effect of the proposed transaction is that it would amend the existing CCNs of both the  
9 Purchaser and the Seller. The Seller's CCN service area would be decreased by the 63 acres  
10 to be transferred to the Purchaser. In turn, the Purchaser's CCN service area would increase  
11 by 63 acres to acquire the existing service area. Because the requested area is currently  
12 dually certified to the City and the Seller, the transaction would shift the dual certification  
13 between the City and the Purchaser if the transaction is approved by the Commission. The  
14 facilities and existing customers of the Seller that are currently in the 63 acres would be  
15 transferred to the Purchaser; however, the retail rates would not change for these customers  
16 due to the transfer. Currently, the customers and landowners in the proposed area can seek  
17 service from either the City or the Seller, since the area is dually certificated to both. If the  
18 transaction is approved, the customers and landowners in the area will be able to seek service  
19 from either the City or the Purchaser. There are no other retail public utilities of the same  
20 kind that would be affected by the proposed transaction.

21 **Q. In your opinion, and taking into consideration the current and projected density and**  
22 **land use of the area, does the purchaser have the ability to provide adequate service**  
23 **and meet the standards of the TCEQ?**

1 A. Yes. As explained earlier in my testimony, the Purchaser demonstrates the technical  
2 capability to provide retail water utility service to the proposed area. The Applicants did not  
3 provide any detail on the projected density or land use of the area; however, those factors are  
4 not being analyzed because the Applicants are not seeking to expand the service area outside  
5 of currently certificated boundaries. Furthermore, PWS 0700056 is currently in compliance  
6 with TCEQ capacity regulations and is capable of providing adequate service to the existing  
7 customers.

8 **Q. In your opinion, is it feasible to obtain service from an adjacent retail public utility?**

9 A. Yes, it is possible that the area could be served by the City. In fact, the City is already dually  
10 certified to serve in the area. However, the facilities, including the water distribution lines  
11 that serve the proposed area, are not owned by the City. If the City were to serve the existing  
12 customers, additional infrastructure and capital investment would be needed in order to  
13 provide the service.

14 **Q. In your opinion, what is the effect of approving the sale on environmental integrity?**

15 A. Because the area is served with existing infrastructure, the transfer of the facilities from  
16 Community to Carroll Water does not require any construction or disruption of the  
17 environment and will maintain the environmental integrity of the area.

18 **Q. In your opinion, what is the probable improvement of service resulting from the  
19 proposed sale?**

20 A. The service will be maintained in accordance with the way in which it is currently operated.  
21 Based on the application, the Applicants did not anticipate any needed upgrades or changes  
22 in the operation of the PWS which would indicate an improvement in service. It should be

1 noted that the Applicants stated in the application, and in testimony, that Community no  
2 longer desires to operate and maintain the facilities associated with the certificated area.

3 **Q. Was the notice required by TWC § 13.301(k) provided?**

4 A. Yes. TWC § 13.301 (k) requires that the seller notify the purchaser of the STM requirements  
5 prior to signing an agreement. The agreement (provided in the application) that the Buyer  
6 and Seller entered into, and the joint filing of this application, serve as notice of the regulatory  
7 requirements. The agreement states that the transaction cannot be completed until the  
8 Commission approves the sale, and that the Seller is responsible for the operation of the PWS  
9 up until that point.

10 **Q. Was the notice required by 16 TAC § 24.112(c) provided?**

11 A. Yes. As previously stated in my testimony, the Applicants provided proper notice of the  
12 application on December 19, 2014. The Applicants filed an affidavit supporting the mailed  
13 notice on January 26, 2015. The notice included an accurate description of the applicable  
14 area, the anticipated effect of the acquisition on the rates and the services provided to  
15 customers being transferred, and information about commenting to the Commission on the  
16 application. The notice was provided in accordance with 16 TAC § 24.112(c).

17 **Q. In your opinion, does the water system being purchased have any deficiencies or  
18 problems that need correction to be in compliance with the TCEQ or the Commission?**

19 A. No. As stated above, the PWS being purchased does not have any outstanding violations,  
20 which supports compliance with TCEQ regulations. In the pre-filed testimony of John W.  
21 Birkhoff, P.E. (representing the City), potential deficiencies or problems were raised.  
22 Specifically, Mr. Birkhoff states that the water distribution lines of the PWS are 2 inch lines.  
23 Mr. Birkhoff refers to the distribution map provided by the Applicants, which does not

1 specify the size of any of the distribution lines. The TCEQ administers regulation that  
2 pertains to minimum waterline size, which is evaluated during the engineering review prior  
3 to a water system becoming TCEQ approved. At this time, the TCEQ has not made a  
4 determination that there are deficiencies or problems with the lines; furthermore, the PWS  
5 being purchased is a TCEQ approved PWS.

6 **Q. Have the conditions of any judicial decree, compliance agreement, or other**  
7 **enforcement order not been substantially met by the Purchaser?**

8 A. The Purchaser does not have a known history of non-compliance with a judicial decree,  
9 compliance agreement, or an enforcement orders. As stated previously, the utility does not  
10 have any outstanding compliance concerns.

11 **Q. What is the experience of the Purchaser as a utility service provider?**

12 A. Information provided by the Purchaser in the application shows that the Purchaser has been  
13 in operation since 1986 as a retail water utility provider. The Purchaser currently maintains  
14 and operates four PWSs. Mr. Walter Carroll, stockholder of the water utility, was a licensed  
15 water operator from 1981 through 2003.

16 **Q. Does the Purchaser have a history of noncompliance with the requirements of the**  
17 **TCEQ, the Commission, or the Texas Department of State Health Service or continuing**  
18 **mismanagement or misuse of revenues as a utility service provider?**

19 A. The Purchaser, as stated previously, does not currently have any outstanding violations with  
20 TCEQ. An enforcement action was enacted by TCEQ as a result of CCI's conducted on  
21 February 7 and 8, 2001 on each of the Purchaser's aforementioned PWS's. On July 23, 2003

1 the Purchaser entered into an Agreed Order (Docket No. 2001-1379-PWS-E)<sup>5</sup> with the  
2 TCEQ to address the matter. The Purchaser implemented corrective measures, and paid the  
3 TCEQ prescribed administrative penalty, which completely resolved the violations set forth  
4 in the enforcement action. The final order was included in the application attachments.

5 Mr. Fred Bednarski addresses the financial and managerial capability of the Purchaser, on  
6 behalf of Staff, in his pre-filed testimony. Moreover, the Purchaser is in compliance with the  
7 Commission and the Texas Department of Health.

8 **III. CONCLUSION**

9 **Q. Do you believe the proposed transaction serves the public interest? Why or why not?**

10 A. Yes, based on the testimony provided by Mr. Fred Bednarski and the information in my  
11 testimony, I believe the proposed transaction will serve the public interest. The husband of  
12 Community's president has been experiencing health issues and has had difficulty  
13 maintaining the PWS to be transferred as part of this proposed transaction; consequentially,  
14 the PWS well pump failed. The Purchaser agreed to aid the PWS by installing a new pump  
15 for partial compensation towards the proposed purchase of the system involved in this  
16 transaction. This is supported by the agreement filed by the Applicants in their pre-filed  
17 testimony, as well as statements made in the original application.

18 The failure to maintain the PWS in good working order by the current owner is not in the  
19 public interest. Because of actions of the Purchaser, the customers are continuing to receive  
20 continuous and adequate water via the replaced well pump. Therefore, I believe the

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<sup>5</sup> *In the Matter of an Enforcement Action against Walter J. Carroll Water Company, Inc. TCEQ PWS NOs 0700057, 0700058, and 0700063, 0700064 CCN NO. 11543 Before the Texas Commission on Environmental Quality Docket No. 2001-1379-PWS-E (July 23, 2003) Attachment EE-4.*

1 transaction will serve the public interest.

2 **Q. What is your recommendation in regard to the Purchaser's request to purchase a**  
3 **portion of CCN No. 10091 from the Seller and to amend the respective water CCNs for**  
4 **both the Purchaser (CCN No. 11543) and the Seller (CCN No. 10091)?**

5 A. Based on my review and analysis of the application, and the analysis of Mr. Fred Bednarski  
6 regarding the financial and managerial capability of the Purchaser, I recommend that the  
7 application be granted as proposed.

8 **Q. Does this conclude your direct, pre-filed testimony?**

9 A. Yes, but I reserve the right to supplement this testimony before the hearing or during the  
10 course of the hearing as new evidence is presented.



Attachment EE-1: Elisabeth English Resume

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ELISABETH M. ENGLISH

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Professional Experience

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**Engineering Specialist IV**

Public Utility Commission of Texas (PUC)

December 2014- Present

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A technical expert on a broad range of water and sewer utility issues. Work involves the analysis of applications and appeals received by the PUC, and providing recommendations regarding the applicability and sufficiency of those filing to legal staff.

- Review water and sewer utility rate, Certificate of Convenience and Necessity (CCN), Sale Transfer Merger (STM), and Streamline Expedited Release applications and petitions pursuant to the procedural schedules set forth by an Administrative Law Judge (ALJ).
- Providing technical assistance and rule interpretations to the public related to water and sewer utilities.
- Assisting in the creation of staff guidance for CCN rule analysis and form revisions for water rates.
- Preparing written technical reports and memo's supporting PUC staff conclusions regarding the merits of water and sewer filings that seek relief from the PUC.

**Natural Resource Specialist**

University of Texas – Arlington (TCEQ division)

August 2013- November 2014

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A representative for the University of Arlington Business Development Division working with the Texas Commission on Environmental Quality (TCEQ) in the Public Drinking Water Section (PDWS) to meet the demands of approximately 7000 water systems in Texas, specializing in rule interpretation and writing regulatory guidance material for the Drinking Water Quality (DWQ) team.

- Refining the management of an ongoing drinking water quality program and reorganizing the data flow to meet the most current needs of the section, and TCEQ as a whole.
- Generating regulatory guidance material and tools to assist the regulated community with compliance.
- Performed an in depth analysis of all drinking water quality regulations.

Other roles within the PDWS:

- Boil Water Notice program: Improved upon the Standard Operating Procedures (SOP) to standardize workflow to increase the efficiency of the program. Reduced the number of outstanding incidents from 350 to 190 during this time (approximately 45 days).
- Enforcement: Researched and created enforcement cases to be referred to TCEQ enforcement division. Average weekly production of 4-5 cases, maximum output of 10 during one week. Regional background enabled efficiency and productivity with little training.
- Extensive use of Safe Drinking Water Information System (SDWIS), Consolidated Compliance and Enforcement Data System (CCEDS) and the Water Utility Database (WUD).
- Chemical compliance: Created and modified chemical sampling schedules based on exceedances and inventory changes.

**Environmental Investigator III**

Texas Commission of Environmental Quality (TCEQ)

March 2009- August 2012

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A government agent responsible for inspecting and investigating public water systems in Houston and the surrounding counties Houston Region was responsible for approximately 3500 systems to be investigated every 3-5 years to verify compliance with the Safe Drinking Water Act (SDWA).

Direct Testimony of Elisabeth English

November 2015

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- 5-10 investigations were conducted monthly. The region completes over 50% of the states workload per year for investigations conducted.
  - Worked independently from field to desk for all assigned tasks.
  - Evaluated, analyzed and summarized evidence and investigative findings into written reports regarding complex water systems and complaints related to public water systems. The reports are published for public record.
  - Provided professional and administrative support to water consumers, and investigated any claims of misconduct within TCEQ jurisdiction.

**Training:** OSHA/HAZMAT 40hr certified, Witness Training, EPA Sanitary Survey Training, NIMS Emergency Response

### Additional Experience

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**Bachelor of Science:** Texas State University, San Marcos August 2003- December 2008

**Major:** BIOLOGY

**Minor:** English (technical writing focus).

#### Undergraduate Research Assistant

San Marcos National Fish Hatchery  
2007-August 2007

May

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Assisted with the execution of a research proposal, under the supervision of Dr. C. Phillips (San Marcos National Fish Hatchery) and Dr. T. Bonner (Texas State University) and coordinated by the San Marcos National Fish Hatchery. The study was a comparative marker (acrylic paint vs. VIE) analysis on the San Marcos salamander and fountain darter (*Eurycea nana* & *Etheostoma fonticola*) to establish the retention and effectiveness of marks. It was determined that the method was useful for management and did not hamper growth or survival of the animal. (*An Evaluation of Visible Implant Elastomer for Marking the Federally Listed Fountain Darter and the San Marcos salamander. Catherine T. Phillips; North American Journal of Fisheries Management; Vol 29, Issue 3*).

#### Biology Computer Lab Supervisor and Tutor

Texas State University  
2005-May 2007

Sept

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Managed the operation of the Biology Computer Lab (Texas State University) including work schedules, bi-yearly reports, and supervising up to four other student assistants. Provided tutoring to biology undergraduate students which usually involved the development of research skills required for biology classes.

Attachment EE-2: TCEQ Central Registry Database

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## Central Registry

Detail of: **Public Water System/Supply Registration 0700064**

For: **SPANISH GRANT SUBDIVISION (RN102681970)**

11.4 MI W OF I35 ON FM 1446

Registration **ACTIVE**

Status:

Held by: **WALTER J CARROLL WATER COMPANY INC (CN600666507)**

**RESPONSIBLE PARTY** Since 08/17/2003

Mailing Address: Not on file

### Notice of Violations Current TCEQ Rules

NOV Date	Status	Citation/Requirement Provision	Allegation	Classification	Self Reporting Indicator
09/30/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(1) (Not applicable to CH)	Failure to calibrate raw water meters for Well#1 (G0700064A) and Well#2 (G0700064B).	MINOR	NO
09/30/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) (Not applicable to CH)	Failure to check the accuracy of the manual disinfectant residual analyzer.	MINOR	NO

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## Central Registry

Detail of: **Public Water System/Supply Registration 0700063**

For: **GRANDE CASA (RN102688041)**

531 GRANDE CASA RD, WAXAHACHIE

Registration **ACTIVE**

Status:

Held by: **WALTER J CARROLL WATER COMPANY INC (CN600666507)**

**RESPONSIBLE PARTY**

Mailing Address: Not on file

### Notice of Violations Current TCEQ Rules

NOV Date	Status	Citation/Requirement Provision	Allegation	Classification	Self Reporting Indicator
11/05/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii) (Not applicable to CH)	Failure to compile and maintain records of complaints received by the facility and the results of any subsequent investigation.	MINOR	NO
11/05/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(1) (Not applicable to CH)	Failure to calibrate raw water meters for Well#1 (G0700063A).	MINOR	NO
11/05/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) (Not applicable to CH)	Failure to check the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.	MINOR	NO
06/28/2011	RESOLVED	30 TAC Chapter 290, SubChapter D 290.42(a) (Not applicable to CH)	Failure to protect chlorine cylinders from adverse weather conditions at the Grande Casa pump station.	MINOR	NO
11/05/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.42(a) (Not applicable to CH)	Failure to protect chlorine cylinders from adverse weather conditions at the Grande Casa pump station.	MINOR	NO
06/28/2011	RESOLVED	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv) (Not applicable to CH)	Failure to have a pressure tank capacity of 20 gallons per connection.	MINOR	NO
11/05/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv) (Not applicable to CH)	Failure to have a pressure tank capacity of 20 gallons per connection.	MINOR	NO

---

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### Central Registry

Detail of: **Public Water System/Supply Registration 0700057**

For: **LAKEVIEW RANCHETTES (RN101266682)**

4111 MILLER RD, MIDLOTHIAN

Registration **ACTIVE**

Status:

Held by: **WALTER J CARROLL WATER COMPANY INC (CN600666507)**

**RESPONSIBLE PARTY** Since 10/15/2009

Mailing Address: Not on file

### Notice of Violations Current TCEQ Rules

NOV Date	Status	Citation/Requirement Provision	Allegation	Classification	Self Reporting Indicator
10/31/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i) (Not applicable to CH)	Failure to provide a well capacity of 0.6 gallons per minute per connection.	MINOR	NO
10/31/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A) (Not applicable to CH)	Failure to maintain 20,000-gallon ground storage tank at Pump station #1 in a corrosive free state.	MINOR	NO
10/31/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(1) (Not applicable to CH)	Failure to calibrate well meter, on Well #1 (G0700057A).	MINOR	NO
10/31/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) (Not applicable to CH)	Failure to check the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.	MINOR	NO

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### Central Registry

Detail of: **Public Water System/Supply Registration 0700058**

For: **EMERALD FOREST (RN101193431)**

5 MI W OF I35 ON FM 1446

Registration **ACTIVE**

Status:

Held by: **WALTER J CARROLL WATER COMPANY INC (CN600666507)**

**OWNER OPERATOR** Since 01/09/2006

Mailing Address: Not on file

### Notice of Violations Current TCEQ Rules

NOV Date	Status	Citation/Requirement Provision	Allegation	Classification	Self Reporting Indicator
10/30/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(1) (Not applicable to CH)	Failure to calibrate raw water meter for Well#1 (G0700058A).	MINOR	NO
10/30/2013	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(I) (Not applicable to CH)	Failure to check the accuracy of the manual disinfectant residual analyzers.	MINOR	NO

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Attachment EE-3: TCEQ Investigation Report

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 5, 2015

Mrs. Bonnie Frame, Owner  
Community Water Service Inc.  
P O Box 850155  
Mesquite, Texas 75185-0155

Re: Comprehensive Compliance Investigation at:  
Red Oak Community Water Service, 100 Block Carson St., Red Oak, Ellis County, Texas  
RN101282762, PWS ID No. 0700056, Investigation No. 1240249

Dear Mrs. Frame:

On April 7, 2015, Mr. Imran Khawaja of the Texas Commission on Environmental Quality (TCEQ) Dallas Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply. No violations are being alleged as a result of the investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Khawaja in the D/FW Region Office at (817) 588-5806.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Marshall".

Charles Marshall  
Team Leader, Public Water Supply Program  
D/FW Region Office

CM/ik

COPY

PWS/070-056/CO/04-07-15/CCI

**Texas Commission on Environmental Quality  
Investigation Report**

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

**Customer: Community Water Service, Inc.  
Customer Number: CN600652952**

**Regulated Entity Name: RED OAK COMMUNITY WATER SERVICE**

**Regulated Entity Number: RN101282762**

<p><b>Investigation #</b> 1240249</p> <p><b>Investigator:</b> IMRAN KHAWAJA</p> <p><b>Conducted:</b> 04/07/2015 -- 04/07/2015</p> <p><b>Program(s):</b> PUBLIC WATER SYSTEM/SUPPLY</p> <p><b>Investigation Type:</b> Compliance Investigation</p> <p><b>Additional ID(s):</b> 0700056</p> <p><b>Address:</b> , , ,</p>	<p><b>Incident Numbers</b></p> <p><b>Site Classification</b> GW 51-250 CONNECTION</p> <p><b>SIC Code:</b> 4941</p> <p><b>Location:</b> INTERSECTION OF OVERLOOK AND CARSON ST</p> <p><b>Local Unit:</b> REGION 04 - DFW METROPLEX</p> <p><b>Activity Type(s):</b> PWSCCIGWCM - CCI GW PURCHASE - COMMUNITY MANDATORY</p>
--	--

**Principal(s):**

<b>Role</b>	<b>Name</b>
RESPONDENT	COMMUNITY WATER SERVICE INC

**Contact(s):**

Role	Title	Name	Phone
Regulated Entity Contact	PRESIDENT	MRS BONNIE FRAME	
Regulated Entity Mail Contact	PRESIDENT	MRS BONNIE FRAME	Work (972) 286-8051
Participated in Investigation	PRESIDENT	MRS BONNIE FRAME	
Notified	PRESIDENT	MRS BONNIE FRAME	Work (972) 286-8051

COPY

**Other Staff Member(s):**

<b>Role</b>	<b>Name</b>
QA Reviewer	CHARLES MARSHALL
Supervisor	CHARLES MARSHALL

**Associated Check List**

Checklist Name

PWS EMERGENCY POWER INITIATIVE  
PWS INVESTIGATION - EQUIPMENT  
MONITORING AND SAMPLING revised 06/2013  
PWS STANDARD FIELD

Unit Name

Emergency Power  
Equipment Monitoring  
Red Oak Community

Investigation Comments:

**INTRODUCTION**

On April 7, 2015, Mr. Imran Khawaja, Texas Commission on Environmental Quality (TCEQ) Environmental Investigator, conducted a mandatory Comprehensive Compliance Investigation (CCI) at Red Oak Community Water Service (ROCWS). The purpose of the investigation was to determine compliance with applicable public water system regulations.

Mr. Khawaja contacted Mrs. Bonne Frame, Owner, on March 17, 2015, to schedule the investigation. A list of records required for the investigation was emailed the same day.

On April 7, 2015, Mr. Khawaja arrived at ROCWS and met with Mrs. Frame to begin the investigation. At the conclusion of the investigation, an exit interview was conducted with Ms. Frame. A TCEQ Exit Interview Form, Customer Satisfaction Survey, and a Texas Water Development Board Financial Assistance Program document were provided to Mrs. Frame.

No alleged violations were cited during the investigation and a General Compliance letter was mailed to the water system as a result of the investigation.

**GENERAL FACILITY AND PROCESS INFORMATION**

ROCWS is a community water system located in Ellis County, Texas. The water system serves 90 connections with an approximate population of 270 based on three persons per connection.

**Pump Station #1**

Water from Well #2 (G0700056B), produced 110 GPM on the day of the investigation, is disinfected with a hypo-chlorine solution prior to entering a 55,000-gallon ground storage tank. The water is then pumped into the distribution system by three service pumps, rated 5 HP / 100 GPM each. Pressure is maintained by a 2,500-gallon pressure tank.

**Exception/Alternative Capacity Requirement**

In a letter dated August 24, 2001, the water system was granted an exception to the sanitary control easement rule, contingent on the collection and submission of one raw water bacteriological sample from Well #2 (G0700056B) each month.

**BACKGROUND**

The last CCI, Investigation Number 989603, was conducted at ROCWS on March 26, 2012. No violations were alleged as a result of the investigation.

No complaints have been received against the water system in the last five years.

**Enforcement Case**

On December 4, 2013, ROCWS was issued Agreed Order No. 2013-0738-PWS-E. Ordering provisions included failed to mail the copy of the Consumer Confidence Report (CCR), failed to timely provide the results of annual nitrate sampling, failed to timely provide public notification regarding the failure to collect on triggered source monitoring sample from the facility's well within 24 hours. The system has paid full fine and in compliance with the terms and conditions of the Agreed Order.

ADDITIONAL INFORMATION

Records Review

During the investigation, the following records were reviewed: plant operations manual, monitoring plan, drought contingency plan, distribution map, customer service agreements, NSF certification, equipment calibration records, public notices, monthly operating reports, disinfectant level quarterly operating reports, flushing records, disinfectant residual monitoring records, customer complaint records and bacteriological sampling records for the previous twelve months.

All documents were organized and maintained in a central location. No areas of noncompliance were noted at this time.

Operation and maintenance

For information on the licensed operators employed by the water system, see the attached Operator's Certification Report.

An evaluation of the water production and distribution facilities was conducted next. No areas of noncompliance were noted at this time.

Capacity

During the investigation, the water system capacities were evaluated. No areas of noncompliance were noted at this time. See the investigation attachments for a copy of the Water System Diagram, Water System Summary Sheet, and PWS Database Printout for further information.

Field Monitoring Activities


During the investigation, the disinfectant residual and distribution pressure were monitored at the following location with the following result:

305 Carson Street - 1.02 milligrams per liter (mg/l) free chlorine and a pressure of 70 pounds per square inch (psi)

Attachments

- 1) Water System Diagram, Water System Summary Sheet, and PWS Database Printout
- 2) Certification and Employment Report
- 3) Exit Interview Form

No Violations Associated to this Investigation

Signed   
 Environmental Investigator

Date 4/23/15

Signed   
 Supervisor

Date 4/30/15

**Attachments: (in order of final report submittal)**

Enforcement Action Request (EAR)

Letter to Facility (specify type): Complaint

Investigation Report

Sample Analysis Results

Manifests

Notice of Registration

Maps, Plans, Sketches

Photographs

Correspondence from the facility

Other (specify):

WS Diagram, WS Summary

PWS Database Printout -

Employment Certification

Exit Interview Form

**PUBLIC WATER SYSTEM DATA**

<b>Name of System:</b> Red Oak Community Water Service	
<b>CCN Number:</b> 10091	<b>PWS ID:</b> 700056
<b>Classification:</b> Not Applicable	<b>Type:</b> Community
<b>Region Number:</b> 4	

<b>Interconnect with Other PWS:</b> Yes	<b>Name of PWS I/C:</b> City of Red Oak
<b>Type I/C:</b> Emergency	

<b>Retail Service Connections:</b> 90	<b>Retail Meters:</b> 90
<b>Retail Population:</b> 270	

<b>Wholesale Master Meters:</b> 0	<b>Wholesale Service Connections:</b> 0
<b>Wholesale Population:</b>	

<b>Total Well Capacity:</b> 110.00 GPM 0.158 MGD
<b>Raw Capacity:</b> 0 GPM MGD

<b>Total Elevated Storage:</b> 0 MG	<b>Total Storage Capacity:</b> 0.055 MG
<b>Pressure Tank Capacity:</b> 0.0025	

<b>Maximum Daily Usage:</b> 0.048 MGD	<b>Date:</b> 09/03/2014
<b>Average Daily Usage:</b> 0.0217 MGD	<b>Time Period:</b> 04/01/2014 to 03/31/2015
<b>Wholesale Contract:</b> No	<b>Maximum Purchase Rate :</b>
<b>No. of Samples Required:</b> 1	<b>No. of Samples Submitted:</b> 1
<b>No. of Raw Samples Required:</b> 1	<b>No. of Raw Samples Submitted:</b> 1
<b>Non-Comm Dates of Operation:</b>	09/09/9999 to 09/09/9999

**WATER STORAGE TANKS**

Type	Capacity	Material	Location
HD	0.0025 MG	ST	Pump Station (100 BLk of Carson Street)
GR	0.055 MG	ST	Pump Station (100 BLk of Carson Street)

**WATER SOURCES**



EP No.	Source Code	Owner's Des	Location	Status	Pump Type	Tst. GPM	Est. GPM	Ts/Est. Date
1	G0700056B	Well#2	100 Blk Carson	Active	Submersible	110.00		04/07/2015

### SERVICE PUMPS

Pump Number	Output	Location
1	5 HP / 100 GPM	Pump Station (100 BLk of Carson Street)
2	5 HP / 100 GPM	Pump Station (100 BLk of Carson Street)
3	5 HP / 100 GPM	Pump Station (100 BLk of Carson Street)

### SYSTEM CAPACITIES

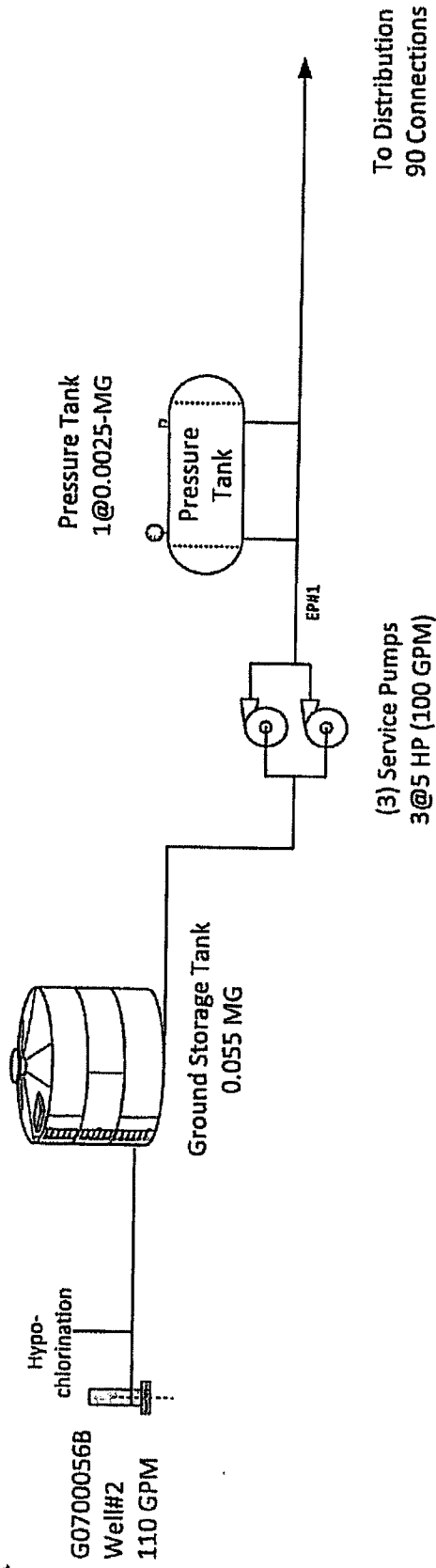
Pressure Plane Number: 1      Name: Entire System

System Capacities	Required	Provided
Well Production	0.6 GPM Conn X 90 Conn = 54	GPM 110
Elevated Pressure Storage	20 Gal/Conn X 90 Conn = 0.00182	MG 0.0025
Ground/Total Storage	200 Gal/Conn X 90 Conn = 0.0182	MG 0.055
Service Pump Capacity	2.0 GPM/Conn X 90 Conn = 180	GPM 300
Service Pump Peaking Factor	MDD/1440 X **	GPM
Tested PSI: 70    Tested CL2: 1.02    Free Location: 305 Carson Street		



Red Oak Community Water  
TCEQ ID # 0700056  
Survey Conducted on 04/07/2015  
Investigation# 1240249  
Investigator: Imran Khawaja

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
PUBLIC WATER SYSTEM DIAGRAM  
TCEQ REGION 04



**TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested**

Regulated Entity/Site Name	Red oak Community Water		TCEQ Add: ID No. RN No. (optional)	0700056
Investigation Type	CC	Contact Made In-House (Y/N)	Comprehensive Compliance	
Regulated Entity Contact	Bonnie Frame	Telephone No.	972/206-8001	Date Contacted
Title	Owner	Fax No.		Date Faxed
				4/7/15

NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and does not represent final TCEQ findings related to violations. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		Description of Issue
No.	Type	
		No Violations
		At the time of the investigation

Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?  Yes  No

Did the investigator advise the regulated entity representative that continued operation is not authorized?  Yes  No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

*[Signature]* 4/7/15 *[Signature]* 4-7-15

Investigator Name (Signed & Printed) \_\_\_\_\_ Date \_\_\_\_\_

Regulated Entity Representative Name (Signed & Printed) \_\_\_\_\_ Date \_\_\_\_\_

If you have questions about any information on this form, please contact your local TCEQ Regional Office. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512-239-3282.

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

03/10/2015  
03:03:50

Texas Commission on Environmental Quality  
DWW Water System Summary Sheet

PWS ID	PWS Name	Central Registry RN
TX0700056	RED OAK COMMUNITY WATER SERVICE	RN101282762

Organization/Customer *	Central Registry CN
COMMUNITY WATER SERVICE INC	CN600652952

\*Regulatory mail will be addressed to this organization/person

All Water System Contacts			
Type	Contact	Communication	
AC - Administrative Contact - PRESIDENT	FRAME, BONNIE PO BOX 850155 MESQUITE, TX 75185-0155	Phone Type BUS - Business	Value 972-286-8051
OW - Owner	COMMUNITY WATER SERVICE INC PO BOX 850155 MESQUITE, TX 75185-0155		

Operator Grade	Number
----------------	--------

Water Operator Licenses	
No Licensing Data for this PWS	

Owner Type	Owner Type Options: COUNTY, DISTRICT, FEDERAL GOVERNMENT, INVESTOR OWNED, MUNICIPALITY, NATIVE AMERICAN, PRIVATE, STATE GOVERNMENT, WATER SUPPLY CORPORATION
Investor Owned	

System Type	System Type Options: COMMUNITY, TRANSIENT/NON-COMMUNITY, NON-PUBLIC, NON-TRANSIENT/NON-COMMUNITY
C - Community	

Population Type	Population Served	# of Connect	# I/C w/other PWS
Residential	252 270	84	1

Emergency City of Red Oak  
Pressure

Total Product (MGD)	Average Daily Consump.	Max Daily Demand (MGD)	Total Storage (MG)	Elev. Storage (MG)	Service Pump Cap.	Max. Purchase Cap. (MGD/GPM)	Tank Cap. (MG)
0.158	0.021	0.048	0.055	9	0.432	—	0.0025

Activity Status	Deactivation Date	Reason
A - ACTIVE		

Last Survey Date	Surveyor	Survey Type	Region	County
03/26/2012	BRITTANY PETTITT	Sanitary Survey	ARLINGTON	ELLIS
02/11/2009	IMRAN, A KHAWAJA	Sanitary Survey	ARLINGTON	ELLIS
11/09/2006	IMRAN, A KHAWAJA	Sanitary Survey	ARLINGTON	ELLIS

4/7/2015 IMRAN KHAWAJA

(Treatment Plant)							
Entry Point	EP Name/Source Summation (Activity Status)	Plant Name (Activity Status)	Plant Num	Chemical Mon Type	Chem Sample Point	Distribution Mon Type	Dist Sample Point
EP001	TRT-TAP / Ground Water(A)	100 BLOCK OF CARSON ST(A)	TP3464		NO		NO

Train:	Unnamed
--------	---------

(Treatments)				
Disinfection Zone	Treatment Sequence	Objective	Process	Treatment
null	null	D	423	HYPOCHLORINATION, PRE

(Active Sources)						
Source Number	Source Name (Activity Status)	Operational Status	Source Type	Depth	Tested GPM	Rated GPM
G0700056B	2 - PS / CARSON ST (A)	P	G	1112	95 GPM	110 GPM
Drill Date		Source Summary				
06/03/1988		WOODBINE				
GPS Latitude (decimal)	GPS Longitude (decimal)	GPS Elevation	GPS Date	Seller		
32.531101	-96.82491	652	11/09/2006	Not Purchasing		

(Inactive/Offline Sources)			
SourceNumber	Name	Status	Depth

G0700056A	1	0	900
-----------	---	---	-----

Code Explanations
Monitoring Type Codes: (GW) GROUNDWATER, (GUP) GROUNDWATER UNDER THE INFLUENCE - PURCHASED, (SWP) SURFACE WATER - PURCHASED, (GU) GROUNDWATER UNDER THE INFLUENCE OF SURFACE WATER, (N) NO SOURCES, (SW) SURFACE WATER
Activity Status Codes: (A) ACTIVE, (D) DELETED/DISSOLVED, (I) INACTIVE, (P) PROPOSED,
Operational Status Codes: (E) EMERGENCY, (I) INTERIM/PEAK (O) OTHER, (P) PERMANENT, (S) SEASONAL
Source Types: (G) GROUND WATER, (S) SURFACE WATER, (U) GROUND WATER UNDER THE INFLUENCE

- End of Report -

At the time of your query this data was the most current information available from our database, which is in real time. Every effort was made to retrieve it according to your query. Thank-you for using DWW.
---

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
CERTIFICATION AND EMPLOYMENT REPORT  
TCEQ REGION 04

ID#:	0700056	SYSTEM INFO:	Red Oak Community Service
------	---------	--------------	---------------------------

Last Name	First Name	License Number	License Type	Exp. Date
Darr	Cecil	WS0002518	C-Surface Water	10/13/2015

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 30, 2013

**E-SIGNATURE CONFIRMATION #91 3408 2133 3931 8616 0920**

Mr. Walter Carroll, Owner  
Emerald Forest  
513 Winding Creek Trail  
Red Oak, Texas 75154

COPY

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Emerald Forest, Pioneer Court & FM 1446, Waxahachie, Ellis County, Texas  
RN101193431, TCEQID.: 0700058, Investigation No.: 1120476

Dear Mr. Carroll:

On September 19 & 25, 2013, Imran Khawaja of the Texas Commission on Environmental Quality (TCEQ) D/FW 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 certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **January 30, 2014** a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations.

In the listing of the alleged violations, 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.state.tx.us> 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 D/FW Region Office at (817)-588-5806 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.

TCEQ Region 4-Dallas/Fort Worth • 2309 Gravel Dr. • Fort Worth, Texas 76118-6951 • 817-588-5800 • Fax 817-588-5700

Austin Headquarters: 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov) • How is our customer service? [tceq.texas.gov/customer survey](http://tceq.texas.gov/customer survey)

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0000039

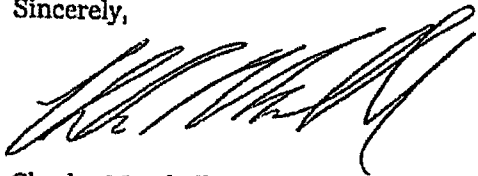


Mr. Walter Carroll, Owner  
Page 2  
October 30, 2013

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 D/FW Region Office within 10 days from the date of this letter. At that time, Mr. Charles Marshall, Team Leader 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 any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Imran Khawaja in the D/FW Region Office at (817) 588-5806.

Sincerely,



Charles Marshall  
Team Leader, Public Water Supply Section  
D/FW Region Office

CLM/ik

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

EMERALD FOREST

, ELLIS COUNTY,

Additional ID(s): 0700058

Investigation #

1120476

Investigation Date: 09/19/2013

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

Track No: 516461      Compliance Due Date: 01/30/2014  
30 TAC Chapter 290.46(s)(2)(C)(i)

**Alleged Violation:**

Investigation: 1120476

Comment Date: 10/09/2013

Failure to check the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations. On the day of the investigation, the system had gone an unknown amount of time without check the accuracy their Hach colorimeter.

30 TAC 290.46(s)(2)(C)(i) states that chemical disinfectant residual analyzers shall be properly calibrated and accuracy of manual disinfectant residual analyzers shall be verified at least once every 90 days using chlorine solutions of known concentrations.

**Recommended Corrective Action:** Submit a copy of the accuracy check records to the regional office that verifies that the accuracy of the manual disinfectant residual analyzers is occurring at least every 90 days and that a record is being maintained of these results.

Track No: 516466      Compliance Due Date: 01/30/2013  
30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1120476

Comment Date: 10/09/2013

Failure to calibrate well meters, on Well #1 (G0700058A) as required by 30 TAC 290.41(c)(3) (N) at least once every three years. On the day of the investigation, the system had gone an unknown time without calibrating their well raw water meter.

**Recommended Corrective Action:** Submit calibration certificate for Well#1 (G0700058A) raw water meter.

PWS/0700058 J/09-25-13/CCI/NOV

**Texas Commission on Environmental Quality**  
**Investigation Report**  
**Walter J. Carroll Water Company, Inc.**  
**CN600666507**

**EMERALD FOREST**

RN101193431

Investigation # 1120476	Incident #
Investigator: IMRAN KHAWAJA	<u>Site Classification</u> GW 51-250 CONNECTION
Conducted: 09/19/2013 -- 09/25/2013	SIC Code: 4941
Program(s): PUBLIC WATER SYSTEM/SUPPLY	

Investigation Type : Compliance Investigation	Location : 5 MI W OF I35 ON FM 1446
Additional ID(s) : 0700058	
Address: ; ,	Activity Type : REGION 04 - DFW METROPLEX PWSCCIGWCM - CCI GW PURCHASE - COMMUNITY MANDATORY

**Principal(s) :**

Role	Name
RESPONDENT	WALTER J CARROLL WATER COMPANY INC

**Contact(s) :**

Role	Title	Name	Phone
Notified	OWNER/OPERATOR	MR WALTER J CARROLL	Work (972) 617-0817
Participated in Investigation	FACILITY OPERATOR	MR RICK REEDER	Work (972) 617-0817 Cell (214) 808-0274
Regulated Entity Contact	OWNER/OPERATOR	MR WALTER J CARROLL	(972) 617-0817
Regulated Entity Mail Contact	OWNER/OPERATOR	MR WALTER J CARROLL	Work (972) 617-0817 Work (972) 617-0817

**Other Staff Member(s) :**

Role	Name
QA Reviewer	CHARLES MARSHALL
Supervisor	CHARLES MARSHALL

COPY

**Associated Check List**

<u>Checklist Name</u>	<u>Unit Name</u>
PWS EMERGENCY POWER INITIATIVE	Emergency Power
PWS INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING revised 06/2013	Equipment Monitoring
PWS STANDARD FIELD	Emerald Forest

**Investigation Comments :**

INTRODUCTION

Mr. Walter Carroll, Owner Carroll Water Company, received prior notification of the investigation

**EMERALD FOREST -**

9/19/2013 to 9/25/2013 Inv. # - 1120476

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by Imran Khawaja on September 5, 2013. A list of required records was faxed to Mr. Carroll which outlined records to be provided during the investigations of four systems scheduled for September 19, 2013. The document reviews for all four systems (owned by Mr. Carroll) were conducted on September 19, 2013 with Mr. Carroll. The inspections of the all four system's facilities including Emerald Forest (PWS ID#0700058) were conducted on September 25, 2013 with Mr. Rick Reeder, Operator.

The exit interview explaining the result of the investigations for all four systems, were conducted with Mr. Reeder on September 25, 2013. Two alleged violations were cited at the time of the current investigation and a Notice of Violation letter was sent to the system.

**GENERAL FACILITY AND PROCESS INFORMATION**

\*Specific facility information, such as tank volumes, pump capacities, etc. can be found in the PUBLIC WATER SYSTEM DATA SHEET attached to the end of this compliance investigation report.

Emerald Forest water system serves 54 connections through 54 meters with an approximate population of 162 people, based on three persons per connection, and secures water from one well (Well #1-G0700058C) which produced 35 GPM on the day of the investigation. Emerald Forest also possesses an emergency interconnection with Buena Vista-Bethel SUD at a contracted rate of 80 GPM.

The water from Well #1 (G0700058C) is injected with a gaseous chlorine prior to entering a 20,000-gallon ground storage tank and the distribution via 2 service pumps (one at 7.5 HP / 150 GPM and one at 10 HP / 200 GPM). Pressure is maintained by a 2,000-gallon pressure tank.

**EXCEPTION / ALTERNATIVE CAPACITY REQUIREMENT**

None

**BACKGROUND**

The last compliance investigation at Emerald Forest was conducted on June 13, 2011. No violations were documented during the investigation.

**RECORD REVIEW**

The following records were reviewed during the investigation:

- ~~Bacteriological-sampling-results~~
- Quarterly disinfection reports
- Monthly Operating Reports
- Monitoring Plans
- Tank Inspection Reports
- Plumbing Ordinances or Service Agreements
- Customer Service Inspections
- Drought Contingency Plans
- Plant Operations Manual
- Complaint Records
- Consumer Confidence Reports
- Meter Calibration Records

**RESOLVED VIOLATION COMMENTS**

None

**ADDITIONAL ISSUES**

None

**ADDITIONAL COMMENTS**

None

**OUTSTANDING ALLEGED VIOLATIONS**

EMERALD FOREST -

9/19/2013 to 9/25/2013 Inv. # - 1120476

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Tracking # 516461

§290.46(s)(2)(C)(i) - Failure to check the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations. On the day of the investigation, the system had gone an unknown amount of time without check the accuracy their Hach colorimeter.

Tracking # 516466

§290.46(s)(1) - Failure to calibrate raw water meter for Well#1 (G0700058A)  
Failure to calibrate well meters, on Well #1 (G0700058A) as required by 30 TAC 290.41(c)(3)(N) at least once every three years. On the day of the investigation, the system had gone an unknown time without calibrating their well raw water meter.

NOV. Date	Method
10/30/2013	WRITTEN

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

Track No: 516461

Compliance Due Date: 01/30/2014

Violation Start Date: Unknown

30 TAC Chapter 290.46(s)(2)(C)(i)

**Alleged Violation:**

Investigation: 1120476

Comment Date: 10/09/2013

Failure to check the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations. On the day of the investigation, the system had gone an unknown amount of time without check the accuracy their Hach colorimeter.

30 TAC 290.46(s)(2)(C)(i) states that chemical disinfectant residual analyzers shall be properly calibrated and accuracy of manual disinfectant residual analyzers shall be verified at least once every 90 days using chlorine solutions of known concentrations.

**Recommended Corrective Action:** Submit a copy of the accuracy check records to the regional office that verifies that the accuracy of the manual disinfectant residual analyzers is occurring at least every 90 days and that a record is being maintained of these results.

Track No: 516466

Compliance Due Date: 01/30/2013

Violation Start Date: Unknown

30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1120476

Comment Date: 10/09/2013

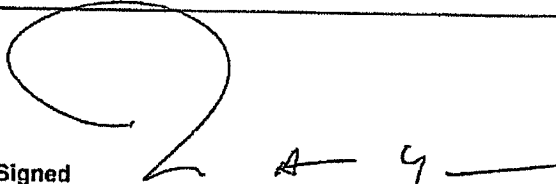
Failure to calibrate well meters, on Well #1 (G0700058A) as required by 30 TAC 290.41(c)(3)(N) at least once every three years. On the day of the investigation, the system had gone an unknown time without calibrating their well raw water meter.

**Recommended Corrective Action:** Submit calibration certificate for Well#1 (G0700058A) raw water meter.

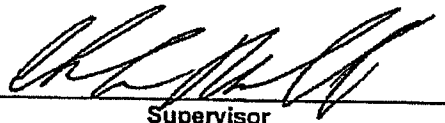
EMERALD FOREST -

9/19/2013 to 9/25/2013 Inv. # - 1120476

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Signed   
Environmental Investigator

Date 10/9/13

Signed   
Supervisor

Date 10/16/13

**Attachments: (in order of final report submittal)**

Enforcement Action Request (EAR)

Letter to Facility (specify type) : NOV

Investigation Report

Sample Analysis Results

Manifests

NOR

Maps, Plans, Sketches

Photographs

Correspondence from the facility

Other (specify) :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PUBLIC WATER SYSTEM DATA**

Name of System: Emerald Forest	
CCN Number: 11543	PWS ID: 700058
Classification: Not Applicable	Type: Community
Region Number: 4	

Interconnect with Other PWS:	Yes	Name of PWS I/C:	Buena Vista Bethel
Type I/C:	Emergency		

Retail Service Connections:	54	Retail Meters:	54
Retail Population: 162			

Wholesale Master Meters:	0	Wholesale Service Connections:	
Wholesale Population:			

Total Well Capacity:	35 GPM	0.050 MGD
Raw Capacity:	GPM	MGD

Total Elevated Storage:	0 MG	Total Storage Capacity:	0.02 MG
Pressure Tank Capacity:	0.002		

Maximum Daily Usage:	unknown MGD	Date:	09/09/9999
Average Daily Usage:	0.0122 MGD	Time Period:	09/01/2013 to 08/31/2013
Wholesale Contract:	Yes	Maximum Purchase Rate :	80 gpm
No. of Samples Required:	1	No. of Samples Submitted:	1
No. of Raw Samples Required:		No. of Raw Samples Submitted:	
Non-Comm Dates of Operation:	09/09/9999 to 09/09/9999		

**WATER STORAGE TANKS**

Type	Capacity	Material	Location
HD	0.002 MG	ST	Pioneer & FM 1446
ST	0.02 MG	ST	Pioneer & FM 1446

**WATER SOURCES**

EP No	Source Code	Owner's Des	Location	Status	Pump Type	Tst. GPM	Est. GPM	Tst/Est. Date
1	G0700058C	Well#1	Pioneer & FM 1446	O	Submersible	35		09/25/2013

### SERVICE PUMPS

Pump Number	Output	Location
1	10 HP / 200 GPM	Pump Station 1 (Pioneer & FM 1446)
2	7.5 HP / 150 GPM	Pump Station 1 (Pioneer & FM 1446)

### SYSTEM CAPACITIES

Pressure Plane Number: 1      Name: Pressure Plane#1

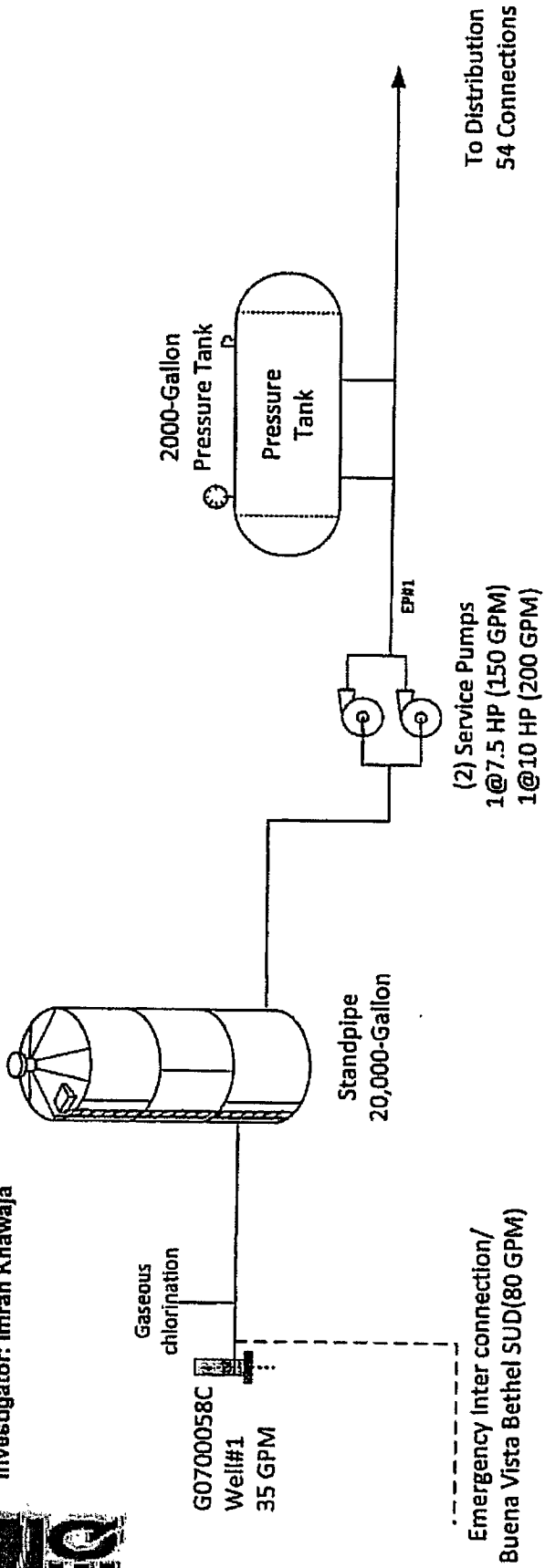
System Capacities	Required	Provided
Well Production	0.6 GPM Conn X 54 Conn = 32.4	GPM 35.0
Elevated Pressure Storage	20 Gal/Conn X 54 Conn = 0.00108	MG 0.002
Ground/Total Storage	200 Gal/Conn X 54 Conn = 0.0108	MG 0.02
Service Pump Capacity	2.0 GPM/Conn X 54 Conn = 108	GPM 350
Service Pump Peaking Factor	MDD/1440 X **	GPM
Tested PSI: 65    Tested CL2: 1.74    Free Location: 346 Oak Hill CT		





**Emerald Forest**  
**TCEQ ID # 0700058**  
**Survey Conducted on 09/19 & 25/2013**  
**Investigator: Imran Khawaja**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**PUBLIC WATER SYSTEM DIAGRAM**  
**TCEQ REGION 04**



Emergency Inter connection/  
 Buena Vista Bethel SUD(80 GPM)

# TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name		Emerald Forest		TCEQ Add. ID No. RN No. (optional)	0700058
Investigation Type	CCI	Contact Made In-House (Y/N)	Y	Purpose of Investigation	Comprehensive Compliance Inspected
Regulated Entity Contact	Rick Redler	Telephone No.	214/802-0274	Date Contacted	9/25/13
Title	Operator	Fax No.		Date Faxed	

**NOTICE:** The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and does not represent final TCEQ findings related to violations. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		Description of Issue	
No.	Rule/Citation (if known)	Type	Description of Issue
(1)	290.46(s)(1)	AV	Failure to Calibrate Well (G0700058A) every three years.
(2)	290.46(s)(2)(a)	AV	Failure to verify accuracy of the mercury analyzer once 90 days.

Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?  Yes  No

Did the investigator advise the regulated entity representative that continued operation is not authorized?  Yes  No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

Ayz	9/25/13	Rick Redler	Date
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date
			9-25-13

If you have questions about any information on this form, please contact your local TCEQ Regional Office. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512-239-3282.

White Copy: Regulated Entity Representative Yellow Copy: TCEQ TCC-2005 (rev. 06/1)

(Note: Use additional pages as necessary) Page \_\_\_\_\_ of \_\_\_\_\_