

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*

PWS ID #0200083 CO

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 10, 2008

MS PEGGY PAUL  
ORBIT SYSTEMS INC  
1302 AIRLINE N  
ROSHARON TX 77583-7718

Re: Wilco Water Company (Bastrop Holiday Beach) - Public Water System I.D. #0200083  
85% Capacity Report--Bastrop Holiday Beach  
Contact Telephone: (281) 369-2041  
Plan Review Log Number 200808-072  
Brazoria County, Texas

CN600625198; RN101284453

Dear Ms. Paul:

The information received on October 6, 2008, with your letter dated October 2, 2008 requesting a waiver on the 85% reporting requirements has been reviewed.

Please note that the last sentence of our rule, §291.93(3)(A), states the following:

*Capacity is considered to be the overall rated capacity in number of residential connection equivalents based on the most restrictive criteria for production, treatment, storage or **pumping**.*

The data we received on October 6, 2008 did not include information on the existing pumping capacity. Your report, required under this rule, must not only evaluate the capacity according to well production, but, must also provide the capacity based on the most restrictive criteria of all other system equipment.

*Therefore, we are granting approval of your request for a waiver on the reporting requirements if the WWC service pumping capacity is more than 85% of the pumping requirements to serve 43 existing connections.*

The Wilco Water Co public water supply system provides water treatment.

An appointed engineer must notify the TCEQ's Region 12 Office at (713) 767-3500 when construction will start.

Please refer to the Utilities Technical Review Team's Log No. 200808-072 in all correspondence for this project. This will help complete our review and prevent it from being considered a new project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for future submittal to TCEQ for review of improvements to a Public Water System. Every blank on the form must

MS PEGGY PAUL

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November 10, 2008

be completed to minimize any delays in review of your project. The document is available on our WEB site at the address shown below.

<http://www.tceq.state.tx.us/assets/public/permitting/forms/10233.pdf>

For future reference, you can review part of the Utilities Technical Review Team's database to see if we have received your project. This is available on the TCEQ's homepage on the Internet at the following address:

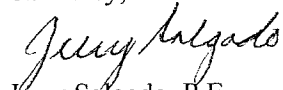
[http://www.tceq.state.tx.us/assets/public/permitting/watersupply/ud/planrev\\_list.pdf](http://www.tceq.state.tx.us/assets/public/permitting/watersupply/ud/planrev_list.pdf)

You can download checklists and the latest revision of Chapter 290 "Rules and Regulations for Public Water Systems" from this site:

[http://www.tceq.state.tx.us/permitting/water\\_supply/ud/planrev.html](http://www.tceq.state.tx.us/permitting/water_supply/ud/planrev.html)

If you have any questions please contact me at (512)239-6958 or the Internet address: "JSALGADO@tceq.state.tx.us" or if by correspondence, include MC 153 in the letterhead address below.

Sincerely,



Jerry Salgado, P.E.

Utilities Technical Review Team

Water Supply Division MC-153

Texas Commission on Environmental Quality

JAS/lm

ATTACHMENT 13  
ORBIT SYSTEMS, INC.  
EFFECT OF GRANTING A CERTIFICATE AMENDMENT

The developer, D&V Development LLC, has requested Orbit Systems, Inc. to provide service to the Bayou Colony Subdivision. There are no other retail public water utilities serving the proximate area. Landowners in the requested area will have the option to continue receiving water from their individual private well. They may also connect to the public water system if desired by paying a tap fee as listed in the TCEQ-approved tariff and after signing a customer service agreement allowing inspection to avoid any potential cross connection from existing private well.

ATTACHMENT 14

COST ANALYSIS

BAYOU COLONY SUBDIVISION PUBLIC WATER SYSTEM

ORBIT SYSTEMS, INC.

Orbit Systems, Inc.  
 1302 Airline North  
 Rosharon, Texas 77583  
 Phone:281-369-2041 Fax:281-369-0327

**COST ANALYSIS**

To: Bayou Colony PWS  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DATE 9/30/2013  
 Phone 281-369-2041  
 Job site Bayou Colony  
 email: peggy@orbitwater.net

Qty	Description	Unit Price	Total
1	5" public supply well up to 250 feet	\$10,000.00	\$10,000.00
	\$20 per foot past 250	\$20.00	\$0.00
	\$6 per foot for conduit to electrical supply	\$6.00	\$0.00
1	5.0 hp submersible pump & motor	\$5,000.00	\$5,000.00
1	2500-gallon pressure tank	\$23,600.00	\$23,600.00
1	Engineering for construction approval	\$800.00	\$800.00
1	Engineering for interim use	\$800.00	\$800.00
1	sampling for interim use-well construction	\$1,000.00	\$1,000.00
1	liquid chlorination system	\$1,000.00	\$1,000.00
1	61/2 'x 61/2' well surface slab	\$1,000.00	\$1,000.00
1	pressure tank slab	\$1,800.00	\$1,800.00
1	2" master meter	\$1,000.00	\$1,000.00
1	distribution system-5,000 ft 3" loop	\$17,500.00	\$17,500.00
14	Road bores	\$400.00	\$5,600.00
	SUBTOTAL		\$69,100.00
	TOTAL		\$69,100.00

## WATER UTILITY CONTRACT

This Agreement between D & V DEVELOPMENT, LLC, the real estate developer for Bayou Colony, and Orbit Systems, Inc. (OSI), the designated water utility company for Bayou Colony. The purpose of this agreement is to insure quality water production and service at a reasonable cost for the Bayou Colony Subdivision.

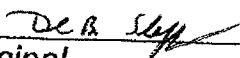
OSI will install the water system (water plant and distribution lines) in Bayou Colony (49 connections). Developer will pay OSI actual cost not to exceed \$69,100.00 for installation of the system in accordance with TCEQ Rules and Regulations. OSI will send invoices to developer upon completion of each phase of construction. Attached are the estimated costs of each requirement for the water system completion.

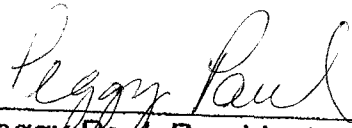
It is understood that the water distribution lines will be installed immediately upon approval by TCEQ, whereas the installation of the water taps and meters will occur as the meters are requested. There will not be any additional charges to the water utility customer for the subsequent installation of these taps and meters within the Bayou Colony Subdivision. Charges for hookup from the meter to the residence will be additional and optional at the water utility customer's request.

OSI will do required procedures to obtain approval of the system by TCEQ for inclusion in a CCN for OSI.

OSI will own and operate the system as required by the CCN.

Agreed to this 29<sup>th</sup> day of May, 2013.

  
Principal  
Developer

  
Peggy Paul, President  
Orbit Systems, Inc.

**ATTACHMENT 15  
BAYOU COLONY SUBDIVISION  
PROJECTED PROFIT AND LOSS STATEMENT**

	2013	2014	2015	2016	2017
EXISTING NUMBER OF TAPS	2	2	12	22	32
NEW TAPS PER YEAR	0	10	10	10	10
TOTAL METERS AT YEAR-END	2	12	22	32	42
AVERAGE ANNUAL FEES PER METER	660	660	660	660	660
AVERAGE ANNUAL COST PER METER	5,360	1,193	815	673	598
OPERATING REVENUE PER METER	-4,700	-533	-155	-13	62
GROSS WATER REVENUE	1,320	7,920	14,520	21,120	27,720
FEES	0	0	0	0	0
GROSS INCOME	1,320	7,920	14,520	21,120	27,720
OPERATING EXP-GEN & MAINTENANCE	720	4,320	7,920	11,520	15,120
OPERATING EXP-INTEREST					
OPERATING EXP-OTHER(DEPRECIATION)	10,000	10,000	10,000	10,000	10,000
total oper exp	10,720	14,320	17,920	21,520	25,120
NET INCOME	-9,400	-6,400	-3,400	-400	2,600
GEN & ADMINISTRATIVE EXPENSES					
SALARIES	59.19	355.15	651.10	947.06	1,243.02
OFFICE EXPENSE	19.20	115.18	211.17	307.15	403.14
COMPUTER EXPENSE	16.32	97.93	179.54	261.15	342.75
AUTO EXPENSE	16.80	100.79	184.77	268.76	352.75
INSURANCE EXPENSE	22.48	134.86	247.24	359.63	472.01
TELEPHONE EXPENSE	16.81	100.88	184.95	269.02	353.08
UTILITIES EXPENSE	12.11	72.69	133.26	193.83	254.40
PROPERTY TAXES	67.17	402.99	738.82	1,074.64	1,410.47
PROFESSIONAL FEES	5.86	35.18	64.50	93.82	123.14
OTHER	24.87	149.20	273.53	397.87	522.20
TOTAL	260.81	1,564.85	2,868.88	4,172.92	5,476.96
OPERATIONAL EXPENSES					
SALARIES	172.16	1,032.97	1,893.78	2,754.59	3,615.40
AUTO EXPENSE	67.05	402.29	737.53	1,072.77	1,408.01
UTILITIES EXPENSE	65.41	392.43	719.46	1,046.48	1,373.51
SUPPLIES	88.94	533.64	978.33	1,423.03	1,867.73
OTHER	66.19	397.17	728.14	1,059.11	1,390.09
TOTAL	460	2,758	5,057	7,356	9,655

**ATTACHMENT 16**

**PROPOSED RATE SCHEDULE**

**BAYOU COLONY SUBDIVISION PUBLIC WATER SYSTEM**

**ORBIT SYSTEMS, INC.**



ATTACHMENT 16

PROPOSED RATE SCHEDULE  
BAYOU COLONY SUBDIVISION PUBLIC WATER SYSTEM  
ORBIT SYSTEMS, INC.

Proposed rate schedule or tariff is same as current requested rate schedule for Orbit Systems, Inc. that goes into effect October 10, 2013. There is a 90-day notice period before rates are final. If rates change after the 90-day notice period, rate schedule for Bayou Colony Subdivision will reflect this change also as approved by TCEQ. Effective date of last rate change is October 10, 2013.

# WATER UTILITY TARIFF FOR

Orbit Systems, Inc.	1302 Airline North
(Utility Name)	(Business Address)
Rosharon TX 77583	(281) 369-2041
(City, State, Zip Code)	(Area Code/Telephone)

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

11982

This tariff is effective in the following county (ies):

Brazoria, Fort Bend, Matagorda

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

City of Manvel

This tariff is effective in the following subdivision or systems:

See attached list

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

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APPENDIX B- APPLICAION FOR SERVICE	

This tariff is effective in the following subdivisions or systems:

<b>PWS #</b>	<b>Subdivision/Facility Name</b>	<b>County</b>
0200244	Angle Acres Mobile Home Park	Brazoria
not yet assigned	Bayou Colony Subdivision	Brazoria
0200245	Beechwood	Brazoria
0200338	Bernard Oaks	Brazoria
0200323	Blue Sage Gardens	Brazoria
0200325	Brandi Estates*	Brazoria
0200639	Brazos Oaks Subdivision	Brazoria
0200410	Briar Meadows	Brazoria
0200324	Colony Cove	Brazoria
0200604	Colony Trails	Brazoria
0200275	Coronado Country	Brazoria
0200274	Country Acres Estates	Brazoria
0200273	Country Meadows	Brazoria
0790510	Crystal Lake Estates	Fort Bend
0200185	Demi-John Place	Brazoria
0200234	Demi-John Island	Brazoria
0200360	Grasslands (Airline Road Est.)	Brazoria
0200339	Larkspur	Brazoria
0200506	Lee Ridge	Brazoria
0200432	Mark V Subdivision	Brazoria
0200094	Mooreland	Brazoria
0200566	Oak Meadows	Brazoria
0200597	Paloma Acres Subdivision	Brazoria
0200592	Quail Valley Ranches Sec. IV	Brazoria
0790425	River Ranch Subdivision (723 Utility Co.)	Fort Bend
0200058	Riverside Estates	Brazoria
0200346	Rosharon Road Estates	Brazoria
0200036	Rosharon Township	Brazoria
0200108	Ryan Long II	Brazoria
0200460	San Bernard River Estates	Brazoria
0200335	Sandy Meadows	Brazoria
0200053	Snug Harbor	Brazoria
1610102	Spanish Bit Plantation	Matagorda
0200624	Stoneridge Lakes Subdivision	Brazoria
0790504	Tejas Lakes	Fort Bend
0790013	Televue	Fort Bend
0200638	Village Lakes	Brazoria
0200083	Wilco Water/Holiday Beach	Brazoria
0200370	Wolf Glen	Brazoria

\*Brandi Estates subject to City of Manvel approval

Orbit Systems, Inc.  
(Utility Name)

Water Tariff

**SECTION 1.0 -- RATE SCHEDULE**

Meter Size	Monthly Minimum Charge	Gallonage Charge
5/8" or 3/4"	\$ 35.00 (Includes 0 gallons)	\$ 3.00 per 1000 gallons, 1 <sup>st</sup> _____ gallons
1"	\$ 70.00	\$ _____ per 1000 gallons, next _____ gallons
1½ "	\$ 175.00	\$ _____ per 1000 gallons thereafter
2"	\$ 280.00	
3"	\$ 480.00	
4"	\$ 800.00	

**\*Brazoria County Groundwater Conservation District Production Fee...\$0.03 per 1,000 gallons of water usage**

**Section 1.01 - Rates**

**FORM OF PAYMENT:** The utility will accept the following forms of payment:

Cash \_\_\_\_\_ Check  Money Order  Credit Card  Other (specify) Online payment or Automatic Bank

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

**REGULATORY ASSESSMENT**

1.0%

TCEQ RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL.

**Section 1.02 - Miscellaneous Fee**

**TAP FEE**

\$ 600.00

TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

**TAP FEE (Unique Costs)**

Actual Cost

FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

**TAP FEE (Large Meter)**

Actual Cost

TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE INSTALLED.

**METER RELOCATION FEE** Actual Relocation Cost, Not to Exceed Tap Fee

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAT AN EXISTING METER BE RELOCATED

\_\_\_\_\_  
(Utility Name)

## SECTION 1.0 – RATE SCHEDULE (Continued)

### METER TEST FEE

\$ 25.00

THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

### 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) Nonpayment of bill (Maximum \$25.00)            | \$ <u>25.00</u> |
| b) Customer's request that service be disconnected | \$ <u>50.00</u> |
| c) _____   | \$ _____        |

### TRANSFER FEE

\$ 25.00

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

TCEQ 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

\$ 25.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

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

\$ 50.00

### COMMERCIAL & NON-RESIDENTIAL DEPOSIT

1/6TH OF ESTIMATED ANNUAL BILL

### GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE

WHEN AUTHORIZED IN WRITING BY TCEQ 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.

## **SECTION 2.0 -- SERVICE RULES AND POLICIES**

The utility will have the most current Texas Commission on Environmental Quality Rules, Chapter 291, Water Utility Regulation, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

### **Section 2.01 - Application for Water Service**

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff), will be signed by the applicant, any required fees (deposits, reconnect, tap, extension fees, etc. as applicable) will be paid and easements, if required, will be granted before service is provided by the utility. A separate application or contract will be made for each service location.

### **Section 2.02 - Refusal of Service**

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the TCEQ Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant that a complaint may be filed with the Commission.

### **Section 2.03 - Fees and Charges & Easements Required Before Service Can Be Connected**

#### **(A) Customer Deposits**

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 - Miscellaneous Fees of this tariff. The utility will keep records of the deposit and credit interest in accordance with TCEQ Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

## **SECTION 2.0 – SERVICE RULES AND POLICIES (Continued)**

Refund of deposit - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any residential customer who has paid 18 consecutive billings without being delinquent.

### **(B) Tap or Reconnect Fees**

A new customer requesting service at a location where service has not previously been provided must pay a tap fee as provided in Section 1. A customer requesting service where service has previously been provided must pay a reconnect fee as provided in Section 1. Any applicant or existing customer required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to request for payment and/or commencement of construction. If the applicant or existing customer does not believe that these costs are reasonable or necessary, the applicant or existing customer shall be informed of their right to appeal such costs to the TCEQ or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's or existing customer's property(ies) is located.

Fees in addition to the regular tap fee may be charged if listed specifically in Section 1 to cover unique costs not normally incurred as permitted by 30 T. A. C. 291.86(a)(1)(C). For example, a road bore for customers outside a subdivision or residential area could be considered a unique cost.

### **(C) Easement Requirement**

Where recorded public utility easements on the service applicant's property do not exist or public road right-of-way easements are not available to access the applicant's property, the Utility may require the applicant to provide it with a permanent recorded public utility easement on and across the applicant's real property sufficient to provide service to that applicant. Such easement(s) shall not be used for the construction of production, storage, transmission or pressure facilities unless they are needed for adequate service to that applicant.

## **SECTION 2.0 – SERVICE RULES AND POLICIES (Continued)**

### **Section 2.04 - Utility Response to Applications for Service**

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Except for good cause where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

### **Section 2.05 - Customer Responsibility**

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers will not be allowed to use the utility's cutoff valve on the utility's side of the meter. Existing customers may install cutoff valves on their side of the meter and are encouraged to do so. All new customers may be required to install and maintain a cutoff valve on their side of the meter.

No direct connection between a public water supply system and any potential source of contamination or between a public water supply system and a private water source (ex. private well) will be allowed. A customer shall not connect, or allow any other person or party to connect, onto any water lines on his premises.

### **Section 2.06 - Customer Service Inspections**

Applicants for new service connections or facilities which have undergone extensive plumbing modifications are required to furnish the utility a completed customer service inspection certificate. The inspection certificate shall certify that the establishment is in compliance with the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems, Section 290.46(j). The Utility is not required to perform these inspections for the applicant/customer, but will assist the applicant/customer in locating and obtaining the services of a certified inspector.



## **SECTION 2.0 – SERVICE RULES AND POLICIES (Continued)**

### **Section 2.07\_- Back Flow Prevention Devices**

No water connection shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination by either an approved air gap, backflow prevention assembly, or other approved device. The type of device or backflow prevention assembly required shall be determined by the specific potential hazard identified in §290.47(i) Appendix I, Assessment of Hazards and Selection of Assemblies of the TCEQ Rules and Regulations for Public Water Systems.

The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes. When a customer service inspection certificate indicates that an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required.

At any residence or establishment where it has been determined by a customer service inspection, that there is no actual or potential contamination hazard, as referenced in Section 290.47(i) Appendix I, Assessment of Hazards and Selection of Assemblies of the TCEQ Rules and Regulations for Public Water Systems, then a backflow prevention assembly or device is not required. Outside hose bibs do require, at a minimum, the installation and maintenance of a working atmospheric vacuum breaker.

All backflow prevention assemblies or devices shall be tested upon installation by a TCEQ certified backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a certified backflow prevention assembly tester.

If the utility determines that a backflow prevention assembly or device is required, the utility will provide the customer or applicant with a list of TCEQ certified backflow prevention assembly testers. The customer will be responsible for the cost of installation and testing, if any, of backflow prevention assembly or device. The customer should contact several qualified installers to compare prices before installation. The customer must pay for any required maintenance and annual testing and must furnish a copy of the test results demonstrating that the assembly is functioning properly to the utility within 30 days after the anniversary date of the installation unless a different date is agreed upon.

## **SECTION 2.0 -- SERVICE RULES AND POLICIES (Continued)**

### **Section 2.08 - Access to Customer's Premises**

The utility will have the right of access to the customer's premises at all reasonable times for the purpose of installing, testing, inspecting or repairing water mains or other equipment used in connection with its provision of water service, or for the purpose of removing its property and disconnecting lines, and for all other purposes necessary to the operation of the utility system including inspecting the customer's plumbing for code, plumbing or tariff violations. The customer shall allow the utility and its personnel access to the customer's property to conduct any water quality tests or inspections required by law. Unless necessary to respond to equipment failure, leak or other condition creating an immediate threat to public health and safety or the continued provision of adequate utility service to others, such entry upon the customer's property shall be during normal business hours and the utility personnel will attempt to notify the customer that they will be working on the customer's property. The customer may require any utility representative, employee, contractor, or agent seeking to make such entry identify themselves, their affiliation with the utility, and the purpose of their entry.

All customers or service applicants shall provide access to meters and utility cutoff valves at all times reasonably necessary to conduct ordinary utility business and after normal business hours as needed to protect and preserve the integrity of the public drinking water supply.

### **Section 2.09 - Meter Requirements, Readings, and Testing**

One meter is required for each residential, commercial, or industrial connection. All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers.

Meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

## **SECTION 2.0 -- SERVICE RULES AND POLICIES(Continued)**

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum \$25 for a residential customer. Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

### **Section 2.10 - Billing**

#### **(A) Regular Billing**

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next workday after the due date.

#### **(B) Late Fees**

A late penalty of either \$5.00 or 10.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

#### **(C) Information on Bill**

Each bill will provide all information required by the TCEQ Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a local or toll-free telephone number (or numbers) to which customers can direct questions about their utility service.

## **SECTION 2.0 -- SERVICE RULES AND POLICIES (Continued)**

### (D) Prorated Bills

If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

### **Section 2.11- Payments**

All payments for utility service shall be delivered or mailed to the utility's business office. If the business office fails to receive payment prior to the time of noticed disconnection for non-payment of a delinquent account, service will be terminated as scheduled. Utility service crews shall not be allowed to collect payments on customer accounts in the field.

Payment of an account by any means that has been dishonored and returned by the payor or payee's bank, shall be deemed to be delinquent. All returned payments must be redeemed with cash or valid money order. If a customer has two returned payments within a twelve month period, the customer shall be required to pay a deposit if one has not already been paid.

### **Section 2.12 - Service Disconnection**

#### (A) With Notice

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the TCEQ Rules.

#### B) Without Notice

Utility service may also be disconnected without notice for reasons as described in the TCEQ Rules.

## **SECTION 2.0 -- SERVICE RULES AND POLICIES (Continued)**

### **Section 2.13 - Reconnection of Service**

Utility personnel must be available during normal business hours to accept payments on the day service is disconnected and the following day unless service was disconnected at the customer's request or due to a hazardous condition.

Service will be reconnected within 36 hours after the past due bill, reconnect fees and any other outstanding charges are paid or the conditions which caused service to be disconnected are corrected.

### **Section 2.14 - Service Interruptions**

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

### **Section 2.15 - Quality of Service**

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems.

### **Section 2.16 - Customer Complaints and Disputes**

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through the Texas Commission on Environmental Quality complaint process. Pending resolution of a complaint, the commission may require continuation or restoration of service.

## **SECTION 2.0 -- SERVICE RULES AND POLICIES (Continued)**

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

### **Section 2.17 - Customer Liability**

Customer shall be liable for any damage or injury to utility-owned property shown to be caused by the customer.

## **SECTION 3.0--EXTENSION POLICY**

### **Section 3.01 - Standard Extension Requirements**

LINE EXTENSION AND CONSTRUCTION CHARGES: NO CONTRIBUTION IN AID OF CONSTRUCTION MAY BE REQUIRED OF ANY CUSTOMER EXCEPT AS PROVIDED FOR IN THIS APPROVED EXTENSION POLICY.

The Utility is not required to extend service to any applicant outside of its certified service area and will only do so under terms and conditions mutually agreeable to the Utility and the applicant, in compliance with TCEQ rules and policies, and upon extension of the Utility's certified service area boundaries by the TCEQ.

The applicant for service will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

The Utility is not required to extend service to any applicant outside of its certificated service area and will only do so under terms and conditions mutually agreeable to the Utility and the applicant, in compliance with TCEQ rules and policies, and upon extension of the Utility's certificated service area boundaries by the TCEQ.

### **Section 3.02 - Costs Utilities and Service Applicants Shall Bear**

Within its certified area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision.

However, if the residential customer requesting service purchased the property after the developer was notified in writing of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

### **SECTION 3.0 -- EXTENSION POLICY (Continued)**

Residential customers will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the additional cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Unless an exception is granted by the TCEQ's Executive Director, the residential service applicant shall not be required to pay for costs of main extensions greater than 2" in diameter for water distribution and pressure wastewater collection lines and 6" in diameter for gravity wastewater lines.

Exceptions may be granted by the TCEQ Executive Director if

- adequate service cannot be provided to the applicant using the maximum line sizes listed due to distance or elevation, in which case, it shall be the utility's burden to justify that a larger diameter pipe is required for adequate service;
- or larger minimum line sizes are required under subdivision platting requirements or building codes of municipalities within whose corporate limits or extraterritorial jurisdiction the point of use is located; or the residential service applicant is located outside the CCN service area.

If an exception is granted, the Utility shall establish a proportional cost plan for the specific extension or a rebate plan which may be limited to seven years to return the portion of the applicant's costs for oversizing as new customers are added to ensure that future applicants for service on the line pay at least as much as the initial service applicant.

For purposes of determining the costs that service applicants shall pay, commercial customers with service demands greater than residential customer demands in the certified area, industrial, and wholesale customers shall be treated as developers. A service applicant requesting a one inch meter for a lawn sprinkler system to service a residential lot is not considered nonstandard service.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection beyond 200 feet and throughout his property including the cost of all necessary transmission facilities.



### **SECTION 3.0 -- EXTENSION POLICY (Continued)**

The utility will bear the full cost of any over-sizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

#### **Section 3.03 - Contributions in Aid of Construction**

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with Texas Commission on Environmental Quality minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or Texas Commission on Environmental Quality minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the Texas Commission on Environmental Quality minimum design criteria for water production, treatment, pumping, storage and transmission.

Any service extension to a subdivision (recorded or unrecorded) may be subject to the provisions and restrictions of 30 TAC 291.86(d). When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge for facilities which must be committed to such extension compliant with the Texas Commission on Environmental Quality minimum design criteria. As provided by 30 T.A.C. 291.85(e)(3), for purposes of this section, commercial, industrial, and wholesale customers shall be treated as developers.

## **SECTION 3.0 -- EXTENSION POLICY (Continued)**

A utility may only charge a developer standby fees for unrecovered costs of facilities committed to a developer's property under the following circumstances:

- Under a contract and only in accordance with the terms of the contract; or
- if service is not being provided to a lot or lots within two years after installation of facilities necessary to provide service to the lots has been completed and if the standby fees are included on the utilities approved tariff after a rate change application has been filed. The fees cannot be billed to the developer or collected until the standby fees have been approved by the commission or executive director.
- for purposes of this section, a manufactured housing rental community can only be charged standby fees under a contract or if the utility installs the facilities necessary to provide individually metered service to each of the rental lots or spaces in the community.

### **Section 3.04 - Appealing Connection Costs**

The imposition of additional extension costs or charges as provided by Sections 3.0 - Extension Policy of this tariff shall be subject to appeal as provided in this tariff, TCEQ rules, or the rules of such other regulatory authority as may have jurisdiction over the utility's rates and services. Any applicant required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to payment and/or commencement of construction. If the applicant does not believe that these costs are reasonable or necessary, the applicant shall be informed of the right to appeal such costs to the TCEQ or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's property(ies) is located.

### **Section 3.05 - Applying for Service**

The Utility will provide a written service application form to the applicant for each request for service received by the Utility's business offices. A separate application shall be required for each potential service location if more than one service connection is desired by any individual applicant. Service application forms will be available at the Utility's business office during normal weekday business hours. Service applications will be sent by prepaid first class United States mail to the address provided by the applicant upon request. Completed applications should be returned by hand delivery in case there are questions which might delay fulfilling the service request. Completed service applications may be submitted by mail if hand delivery is not possible.

### **SECTION 3.0 -- EXTENSION POLICY (Continued)**

Where a new tap or service connection is required, the service applicant shall be required to submit a written service application and request that a tap be made. A diagram, map, plat, or written metes and bounds description of precisely where the applicant desires each tap or service connection is to be made and, if necessary, where the meter is to be installed, along the applicant's property line may also be required with the tap request. The actual point of connection and meter installation must be readily accessible to Utility personnel for inspection, servicing, and meter reading while being reasonably secure from damage by vehicles and mowers. If the Utility has more than one main adjacent to the service applicant's property, the tap or service connection will be made to the Utility's nearest service main with adequate capacity to service the applicant's full potential service demand. Beyond the initial 200 feet, the customer shall bear only the equivalent cost of extending from the nearest main. If the tap or service connection cannot be made at the applicant's desired location, it will be made at another location mutually acceptable to the applicant and the Utility. If no agreement on location can be made, the applicant may refer the matter to the TCEQ for resolution.

#### **Section 3.06 - Qualified Service Applicant**

A "qualified service applicant" is an applicant who has: (1) met all of the Utility's requirements for service contained in this tariff, TCEQ rules and/or TCEQ order, (2) has made payment or made arrangement for payment of tap fees, (3) has provided all easements and rights-of-way required to provide service to the requested location, (4) delivered an executed customer service inspection certificate to the Utility, if applicable, and (5) has executed a customer service application for each location to which service is being requested.

The Utility shall serve each qualified service applicant within its certified service area as soon as practical after receiving a completed service application. All service requests will be fulfilled within the time limits prescribed by TCEQ rules once the applicant has met all conditions precedent to achieving "qualified service applicant" status. If a service request cannot be fulfilled within the required period, the applicant shall be notified in writing of the delay, its cause and the anticipated date that service will be available. The TCEQ service dates shall not become applicable until the service applicant has met all conditions precedent to becoming a qualified service applicant as defined by TCEQ rules.

#### **Section 3.07 - Developer Requirements**

As a condition of service to a new subdivision, the Utility shall require a developer (as defined by TCEQ rule) to provide permanent recorded public utility easements as a condition of service to any location within the developer's property.

# DROUGHT CONTINGENCY PLAN FOR

**Orbit Systems, Inc.**  
(Name of Utility)

**1302 Airline North, Rosharon TX 77583**  
(Address, City, Zip Code)

**11982**  
(CCN#s)

**See Attachment**  
(PWS #s)

**10/01/2013**  
(Date)

## Section 1 Declaration of Policy, Purpose, and Intent

In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, temporary restrictions may be instituted to limit non-essential water usage. The purpose of the Drought Contingency Plan is to encourage customer conservation in order to maintain supply, storage, or pressure or to comply with the requirements of a court, government agency or other authority.

**Please note:** Water restriction is not a legitimate alternative if a water system does not meet the Texas Commission on Environmental Quality's (TCEQ) capacity requirements under normal conditions **or** if the utility fails to take all immediate and necessary steps to replace or repair malfunctioning equipment.

I Peggy Paul (print name), **being the responsible official for**  
Orbit Systems, Inc. (Name of Utility), **request a**  
**minor tariff amendment to include the enclosed Drought Contingency Plan.**

(Signature)

**October 1, 2012**

**DATE**

This tariff is effective in the following subdivisions or systems:

<b>PWS #</b>	<b>Subdivision/Facility Name</b>	<b>County</b>
0200244	Angle Acres Mobile Home Park	Brazoria
not yet assigned	Bayou Colony Subdivision	Brazoria
0200245	Beechwood	Brazoria
0200338	Bernard Oaks	Brazoria
0200323	Blue Sage Gardens	Brazoria
0200325	Brandi Estates*	Brazoria
0200639	Brazos Oaks Subdivision	Brazoria
0200410	Briar Meadows	Brazoria
0200324	Colony Cove	Brazoria
0200604	Colony Trails	Brazoria
0200275	Coronado Country	Brazoria
0200274	Country Acres Estates	Brazoria
0200273	Country Meadows	Brazoria
0790510	Crystal Lake Estates	Fort Bend
0200185	Demi-John Place	Brazoria
0200234	Demi-John Island	Brazoria
0200360	Grasslands (Airline Road Est.)	Brazoria
0200339	Larkspur	Brazoria
0200506	Lee Ridge	Brazoria
0200432	Mark V Subdivision	Brazoria
0200094	Mooreland	Brazoria
0200566	Oak Meadows	Brazoria
0200597	Paloma Acres Subdivision	Brazoria
0200592	Quail Valley Ranches Sec. IV	Brazoria
0790425	River Ranch Subdivision (723 Utility Co.)	Fort Bend
0200058	Riverside Estates	Brazoria
0200346	Rosharon Road Estates	Brazoria
0200036	Rosharon Township	Brazoria
0200108	Ryan Long II	Brazoria
0200460	San Bernard River Estates	Brazoria
0200335	Sandy Meadows	Brazoria
0200053	Snug Harbor	Brazoria
1610102	Spanish Bit Plantation	Matagorda
0200624	Stoneridge Lakes Subdivision	Brazoria
0790504	Tejas Lakes	Fort Bend
0790013	Televue	Fort Bend
0200638	Village Lakes	Brazoria
0200083	Wilco Water/Holiday Beach	Brazoria
0200370	Wolf Glen	Brazoria

\*Brandi Estates subject to City of Manvel approval

**Section 2 Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by:

**(check at least one of the following)**

scheduling and providing public notice of a public meeting to accept input on the Plan.

The meeting took place at:

**Date** \_\_\_\_\_ **Time** \_\_\_\_\_ **Location:** \_\_\_\_\_

mailed survey with summary of results (**attach survey and results**)

bill insert inviting comment (**attach bill insert**)

other method  telephone survey

**Section 3 Public Education**

The Orbit Systems, Inc. \_\_\_\_\_ (name of utility) will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage.

Drought plan information will be provided by: (check at least one of the following)

public meeting

press releases

utility bill inserts

Other: note on bill

**Section 4 Coordination with Regional Water Planning Groups (RWPG)**

The service area of the Orbit Systems, Inc. \_\_\_\_\_ (name of your utility) is located within RWPG H

Orbit Systems, Inc. \_\_\_\_\_ (name of your utility) has mailed a copy of this Plan to the RWPG.

**Section 5 Notice Requirements**

**Written notice will be provided to each customer prior to implementation or termination of each stage of the water restriction program. Mailed notice must be given to each customer 72 hours prior to the start of water restriction. If notice is hand delivered, the utility cannot enforce the provisions of the plan for 24 hours after notice is provided. The written notice to customers will contain the following information:**

1. the date restrictions will begin,
2. the circumstances that triggered the restrictions,
3. the stages of response and explanation of the restrictions to be implemented, and,
4. an explanation of the consequences for violations.

The utility must notify the TCEQ by telephone at (512) 239-4691, or electronic mail at [watermon@tceq.state.tx.us](mailto:watermon@tceq.state.tx.us) prior to implementing Stage III and must notify in writing the Public Drinking Water Section at MC - 153, P.O. Box 13087, Austin, Texas 78711-3087 within five (5) working days of implementation including a copy of the utility's restriction notice. The utility must file a status report of its restriction program with the TCEQ at the initiation and termination of mandatory water use restrictions (i.e., Stages III and IV).

#### **Section 6 Violations**

1. First violation - The customer will be notified by written notice of their specific violation.
2. Subsequent violations:
  - a. After written notice, the utility may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed \$50.00.
  - b. After written notice, the utility may discontinue service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility will apply for restoration of service.

#### **Section 7 Exemptions or Variances**

The utility may grant any customer an exemption or variance from the drought contingency plan for good cause **upon written request**. A customer who is refused an exemption or variance may appeal such action of the utility in writing to the Texas Commission on Environmental Quality. The utility will treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

#### **Section 8 Response Stages**

Unless there is an immediate and extreme reduction in water production, or other absolute necessity to declare an emergency or severe condition, the utility will initially declare Stage I restrictions. If, after a reasonable period of time, demand is not reduced enough to alleviate outages, reduce the risk of outages, or comply with restrictions required by a court, government agency or other authority, Stage II may be implemented with Stage III to follow if necessary.

## STAGE I – CUSTOMER AWARESS

Stage I will begin:

**Every April 1<sup>st</sup>, the utility will mail a public announcement to its customers.**

**No notice to TCEQ required.**

Stage I will end:

**Every September 30<sup>th</sup>, the utility will mail a public announcement to its customers. No notice to TCEQ required.**

Utility Measures:

This announcement will be designed to increase customer awareness of water conservation and encourage the most efficient use of water. A copy of the current public announcement on water conservation awareness shall be kept on file available for inspection by the TCEQ.

Voluntary Water Use Restrictions:

Water customers are requested to voluntarily limit the use of water for non-essential purposes and to practice water conservation.

## STAGE II-VOLUNTARY WATER CONSERVATION

**Target: Achieve a 10% percent reduction in total water use (example: total water use, daily water demand, etc.)**

The water utility will implement Stage II when any one of the selected triggers is reached:  
**Supply-Based Triggers: (check at least one and fill in the appropriate value)**

- Well level reaches \_\_\_\_\_ ft. mean sea level (m.s.l.)
- Overnight recovery rate reaches 4 ft.
- Reservoir elevation reaches \_\_\_\_\_ ft. (m.s.l.)
- Stream flow reaches \_\_\_\_\_ cfs at USGS gage # \_\_\_\_\_
- Wholesale supplier's drought Stage II \_\_\_\_\_
- Annual water use equals \_\_\_\_\_ % of well permit/Water Right/ purchased water contract amount.
- Other: Overnight recovery rate, water storage – 85%

Demand- or Capacity-Based Triggers:

**(check at least one and fill in the appropriate value)**

- Drinking water treatment as % of capacity \_\_\_\_\_ %
- Total daily demand as % of pumping capacity 85 %
- Total daily demand as % of storage capacity \_\_\_\_\_ %
- Pump hours per day \_\_\_\_\_ hrs.
- Production or distribution limitations.
- Other: \_\_\_\_\_



**Upon initiation and termination of Stage II, the utility will mail a public announcement to its customers. No notice to TCEQ required.**

**Requirements for Termination:**

Stage II of the Plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage II, Stage I becomes operative.

**Utility Measures:**

Visually inspect lines and repair leaks on a daily basis. Monthly review of customer use records and follow-up on any that have unusually high usage.

*Describe additional measures, if any, to be implemented directly by the utility to manage limited water supplies and/or reduce water demand. Examples include: reduced or discontinued flushing of water mains, activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes.*

The second water source for Orbit Systems, Inc. (name of utility) is:

**(check one)**

- Other well
  - Interconnection with other system
  - Purchased water
  - Other \_\_\_\_\_
- 

**Voluntary Water Use Restrictions:**

1. Restricted Hours: Outside watering is allowed daily, but only during periods specifically described in the customer notice; between 10:00 p.m. and 5:00 a.m. for example; or
2. Restricted Days/Hours: Water customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems. Customers are requested to limit outdoor water use to **Mondays for water customers with a street address ending with the numbers 1, 2, or 3, Wednesdays for water customers with a street address ending with the numbers 4, 5, or 6, and Fridays for water customers with a street address ending with the numbers 7, 8, 9, or 0.** Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system; or
3. Other uses that waste water such as water running down the gutter.

## STAGE III - MANDATORY WATER USE RESTRICTIONS:

Target: Achieve a 15% percent reduction in total water use  
(Example: total water use, daily water demand, etc.)

The water utility will implement Stage III when any one of the selected triggers is reached:

### Supply-Based Triggers:

**(check at least one and fill in the appropriate value)**

- Well level reaches \_\_\_\_\_ ft. (m.s.l.)
- Overnight recovery rate reaches 2 ft.
- Reservoir elevation reaches \_\_\_\_\_ ft. (m.s.l.)
- Stream flow reaches \_\_\_\_\_ cfs at USGS gage # \_\_\_\_\_
- Wholesale supplier's drought Stage III
- Annual water use equals \_\_\_\_\_ % of well Permit/Water Right/  
purchased water contract amount.
- Other: overnight recovery rate storage tank - 80%

### Demand- or Capacity-Based Triggers:

**(check at least one and fill in the appropriate value)**

- Drinking water treatment as % of capacity \_\_\_\_\_ %
- Total daily demand as % of pumping capacity 90 %
- Total daily demand as % of storage capacity \_\_\_\_\_ %
- Pump hours per day \_\_\_\_\_ hrs.
- Production or distribution limitations.
- Other: \_\_\_\_\_

**Upon initiation and termination of Stage III, the utility will mail a public announcement to its customers. Notice to TCEQ required.**

### Requirements for Termination:

Stage III of the Plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage III, Stage II becomes operative.

### Utility Measures:

Visually inspect lines and repair leaks on a regular basis. Flushing is prohibited except for dead end mains.

*Describe additional measures, if any, to be implemented directly by the utility to manage limited water supplies and/or reduce water demand. Examples include: activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes; offering low-flow fixtures and water restrictors.*

## **Mandatory Water Use Restrictions:**

The following water use restrictions shall apply to all customers.

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Mondays for water customers with a street address ending with the numbers 1, 2, or 3, Wednesdays for water customers with a street address ending with the numbers 4, 5, or 6, and Fridays for water customers with a street address ending with the numbers 7, 8, 9, or 0. Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.
3. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
4. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "Jacuzzi" type pool are prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
5. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
6. Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.
7. Use of water for the irrigation of golf courses, parks, and green belt areas are prohibited except by hand-held hose and only on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

The following uses of water are defined as non-essential and are prohibited:

- a. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- b. use of water to wash down buildings or structures for purposes other than immediate fire protection;
- c. use of water for dust control;
- d. flushing gutters or permitting water to run or accumulate in any gutter or street;
- e. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s);
- f. and any waste of water.

## STAGE IV – CRITICAL WATER USE RESTRICTIONS:

**Target: Achieve a 20 percent reduction in total water use (example: total water use, daily water demand, etc.)**

The water utility will implement Stage IV when any one of the selected triggers is reached:

### Supply-Based Triggers: (check at least one and fill in the appropriate value)

- Well level reaches \_\_\_\_\_ ft. (m.s.l.)
- Overnight recovery rate reaches 2 ft.
- Reservoir elevation reaches \_\_\_\_\_ ft. (m.s.l.)
- Stream flow reaches \_\_\_\_\_ cfs at USGS gage # \_\_\_\_\_
- Wholesale supplier's drought Stage IV \_\_\_\_\_
- Annual water use equals \_\_\_\_\_ % of well Permit/Water Right/ purchased water contract amount.
- Supply contamination
- Other overnight recovery rate, water storage – 75%

### Demand- or Capacity-Based Triggers:

**(check at least one and fill in the appropriate value)**

- Drinking water treatment as % of capacity \_\_\_\_\_ %
- Total daily demand as % of pumping capacity 95 %
- Total daily demand as % of storage capacity \_\_\_\_\_ %
- Pump hours per day \_\_\_\_\_ hrs.
- Production or distribution limitations.
- System outage
- Other \_\_\_\_\_

**Upon initiation and termination of Stage IV, the utility will mail a public announcement to its customers. Notice to TCEQ required.**

### Requirements for Termination:

Stage IV of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage IV, Stage III becomes operative.

### Operational Measures

The utility shall visually inspect lines and repair leaks on a daily basis. Flushing is prohibited except for dead end mains and only between the hours of 9:00 p.m. and 3:00 a.m. Emergency interconnects or alternative supply arrangements shall be initiated. All meters shall be read as often as necessary to insure compliance with this program for the benefit of all the customers. *Describe additional measures, if any, to be implemented directly to manage limited water supplies and/or reduce water demand.*

Mandatory Water Use Restrictions: (all outdoor use of water is prohibited)

1. Irrigation of landscaped areas is absolutely prohibited
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

## **SYSTEM OUTAGE OR SUPPLY CONTAMINATION**

Notify TCEQ Regional Office immediately.

## **APPENDIX A – SAMPLE SERVICE AGREEMENT**

From 30 TAC Chapter 290.47(b), Appendix B

### **SERVICE AGREEMENT**

- I. **PURPOSE.** The NAME OF WATER SYSTEM is responsible for protecting the drinking water supply from contamination or pollution which could result from improper private water distribution system construction or configuration. The purpose of this service agreement is to notify each customer of the restrictions which are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the NAME OF WATER SYSTEM will begin service. In addition, when service to an existing connection has been suspended or terminated, the water system will not re-establish service unless it has a signed copy of this agreement.
  
- II. **RESTRICTIONS.** The following unacceptable practices are prohibited by State regulations.
  - A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
  - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
  - C. No connection which allows water to be returned to the public drinking water supply is permitted.
  - D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
  - E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

III. SERVICE AGREEMENT. The following are the terms of the service agreement between the NAME OF WATER SYSTEM (the Water System) and NAME OF CUSTOMER (the Customer).

- A. The Water System will maintain a copy of this agreement as long as the Customer and/or the premises are connected to the Water System.
- B. The Customer shall allow his property to be inspected for possible cross-connections and other potential contamination hazards. These inspections shall be conducted by the Water System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the Water System's normal business hours.
- C. The Water System shall notify the Customer in writing of any cross-connection or other potential contamination hazard which has been identified during the initial inspection or the periodic reinspection.
- D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on his premises.
- E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Water System. Copies of all testing and maintenance records shall be provided to the Water System.

IV. ENFORCEMENT. If the Customer fails to comply with the terms of the Service Agreement, the Water System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

---

CUSTOMER'S SIGNATURE

DATE

**APPENDIX B -- APPLICATION FOR SERVICE  
(Utility Must Attach Blank Copy)**



APPLICATION FOR NEW SERVICE  
ORBIT SYSTEMS, INC.  
(281) 369-2041

Please fill in requested information below, read and sign service agreement on page 2,  
and send both pages to:

Orbit Systems, Inc.  
1302 Airline North  
Rosharon TX 77583

We will contact you with any applicable fees (Connect, deposit, tap, hookup, etc.) that  
will be required to provide service to the requested address and expected service  
connection date. If you have any questions, please contact us at 281-369-2041.

Date \_\_\_\_\_

Customer Name \_\_\_\_\_

Service Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Subdivision \_\_\_\_\_ Block/Lot \_\_\_\_\_

Billing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Telephone (\_\_\_\_) \_\_\_\_\_

Alternate Phone Number (\_\_\_\_) \_\_\_\_\_

Driver's License \_\_\_\_\_ DOB \_\_\_\_\_

Social Security Number \_\_\_\_\_

Requested Connection Date \_\_\_\_\_

Service Agreement

1. Orbit Systems, Inc. is responsible for protecting the drinking water supply from contamination or pollution which could result from improper plumbing practices. The purpose of this service agreement is to notify each customer of the plumbing restrictions which are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before Orbit Systems, Inc. will begin service. In addition when service to an existing connection has been suspended or terminated the water system will not re-establish service unless it has a signed copy of this agreement.
2. The following undesirable plumbing practices are prohibited by state regulations.
  - a. No direct connection between the public drinking water supply and potential source of contamination is permitted. Potential. Sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
  - b. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
  - c. No connection which allows water to be returned to the public drinking water supply is permitted.
  - d. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provided water for human use.
  - e. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.
3. The following are the terms of the service agreement between Orbit Systems, Inc. and \_\_\_\_\_.
  - a. Orbit systems, Inc. will maintain a copy of this agreement as long as the customer and/or the premises is connected to the water system.
  - b. The customer shall allow his property to be inspected for possible cross connections and other undesirable plumbing practices. These inspections will be conducted by the water system or its designated agent prior to initiating service and periodically thereafter. The inspections shall be conducted during the water systems normal business hours.
  - c. Orbit Systems, Inc. shall notify the customer in writing of any cross-connection or other undesirable plumbing practice which has been identified during the initial inspection or the periodic re-inspection.
  - d. The customer shall immediately correct any undesirable plumbing practice on his premises.
  - e. The customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the water system. Copies of all testing and maintenance records shall be provided by the water system.
  - f. One meter is required for each residential, commercial, and industrial connection. All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers. As per Section 2.09- Meter Requirements, Readings, and Testing of Orbit Systems, Inc. Water Tariff
4. The customer shall allow a 10 ft. utility easement on his property in line with existing Orbit Systems, Inc. distribution system property.
5. If the customer fails to comply with the terms of the service agreement, Orbit Systems, Inc. shall, at its option either terminate service or properly install, test, and maintain an appropriate backflow device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

CUSTOMER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

#31  
December 8, 2010

**CERTIFIED MAIL #7010 1060 0000 1279 5616**  
**RETURN RECEIPT REQUESTED**

Peggy Paul, President  
Orbit Systems, Inc.  
1302 Airline North  
Rosharon, Texas 77583-7718

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Paloma Acres Subdivision, 827 Wing Tip Court, Rosharon, Brazoria, Texas  
TCEQ ID No. 0200597, Investigation No. 866670

Dear Ms. Paul:

On October 14, 2010, Mr. Huyen D. Luu, P.E. of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with the applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation an outstanding Please submit to this office by June 14, 2011, a written description of the corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

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 violations as required in order to protect the State's environment.

If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, Leticia De Leon, Team Leader, will schedule a violation review meeting to be conducted *within 21 days from the date of this letter OR specified date at specific time*. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of the contested violation.

REPLY TO: REGION 12 • 5425 POLK ST., STE. H • HOUSTON, TEXAS 77023-1452 • 713-767-3500 • FAX 713-767-3520

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • Internet address: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)

Peggy Paul, President  
Page 2  
December 8, 2010

If you or members of your staff have any questions, please feel free to contact Mr. Huyen D. Luu in the Houston Region Office at 713/767-3650

Sincerely,



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

LD/HDL/ra

cc: Brazoria County Environmental Health Department

Enclosure: Summary of Investigation Findings

# Summary of Investigation Findings

PALOMA ACRES SUBDIVISION

Investigation # 866670

827 WING TIP CT

Investigation Date: 10/14/2010

ROSHARON, BRAZORIA COUNTY, TX 77583

Additional ID(s): 0200597

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

Track No: 418842 Compliance Due Date: 06/14/2011

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

### Alleged Violation:

Investigation: 866670

Comment Date: 12/6/2010

Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include:

Failure to provide minimum well capacity of 1.5 gallons per minute per connection.

At the time of the inspection the facility had a total of 42 active connections and is required to provide 1.5 gallons per minute (gpm) per connection (conn). Your well produced a total of 54 gpm and is short a total of 9 gpm. This is calculated in the following manner:

Required: 1.5gpm /conn X 42 conn. = 63gpm Total

Short: 63 gpm Required - 54 gpm Produced =9 gpm Total

Though not required for water system with less than 50 connections, your water system may elect to install a ground storage tank and service pumps. If that is the case your existing well capacity would meet the well capacity requirement.

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 155, P.O. Box 13087, Austin, TX 78711-3087; phone: (512) 239-4798.

**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.

# ORBIT SYSTEMS, INC.

Orbit Systems, Inc.  
1302 Airline North  
Rosharon TX 77583

May 18, 2011

Ms. Leticia De Leon  
TCEQ  
Region 12  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

Dear Ms. De Leon:

**Subject: Public Water Supply; Paloma Acres Subdivision; Brazoria County, Texas;  
TCEQ ID #0200597; Investigation No. 866670**

On October 14, 2010, a compliance evaluation investigation was conducted at the subject water system. The following action was taken as a result of the item of noncompliance:

1. **Failure to provide minimum well capacity of 1.5 gallons per minute per connection.**  
Engineering plans have been submitted as of May 12, 2011 to the TCEQ requesting approval to drill Well #2 at the Paloma Acres subdivision. Well will be drilled upon approval of engineering plans. This should increase well capacity sufficiently to meet agency's minimum water system capacity requirements.

If you have any questions or require further information regarding these actions, please contact me at the above address or telephone 281-369-2041.

Sincerely,



Peggy Paul  
Orbit Systems, Inc.

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



# 32

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 15, 2010

**CERTIFIED MAIL #7010 1060 0000 1279 5753  
RETURN RECEIPT REQUESTED**

Peggy Paul, President  
Orbit Systems, Inc.  
1302 Airline North  
Rosharon, Texas 77583-7718

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Colony Trails Subdivision, 3002 Trail Loop South, Rosharon, Brazoria, Texas  
TCEQ ID No. 0200604, Investigation No. 866672

Dear Ms. Paul:

On October 14, 2010, Mr. Huyen D. Luu, P.E. of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with the applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by June 14, 2011, a written description of the corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment.

If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, Leticia De Leon, Team Leader, will schedule a violation review meeting to be conducted *within 21 days from the date of this letter OR specified date at specific time*. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of the contested violation.

REPLY TO: REGION 12 • 5425 POLK ST., STE. H • HOUSTON, TEXAS 77023-1452 • 713-767-3500 • FAX 713-767-3520

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • Internet address: www.tceq.state.tx.us

Peggy Paul, President  
Page 2  
December 15, 2010

If you or members of your staff have any questions, please feel free to contact Mr. Huyen D. Luu in the Houston Region Office at 713/767-3650

Sincerely,

A handwritten signature in cursive script that reads "Leticia De Leon".

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

LD/HDL/ra

cc: Brazoria County Environmental Health Department

Enclosure: Summary of Investigation Findings



# Summary of Investigation Findings

COLONY TRAILS SUBDIVISION

Investigation # 866672

3002 TRAIL LOOP S

Investigation Date: 10/14/2010

ROSHARON, BRAZORIA COUNTY, TX 77583

Additional ID(s): 0200604

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

Track No: 418964

Compliance Due Date: 06/14/2011

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

### Alleged Violation:

Investigation: 866672

Comment Date: 12/14/2010

Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include:

Failure to provide minimum well capacity of 1.5 gallons per minute per connection.

At the time of the inspection the facility had a total of 43 active connections and is required to provide 1.5 gallons per minute (gpm) per connection (conn). Your well produced a total of 54 gpm and is short a total of 10.5 gpm. This is calculated in the following manner:

Required: 1.5gpm /conn X 43 conn. = 64.5gpm Total

Short: 64.5 gpm Required - 54 gpm Produced = 10.5 gpm Total

Though not required for water system with less than 50 connections, your water system may elect to install a ground storage tank and service pumps. If that is the case your existing well capacity would meet the well capacity requirement.

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 155, P.O. Box 13087, Austin, TX 78711-3087; phone: (512) 239-4798.

**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.

# ORBIT SYSTEMS, INC.

Orbit Systems, Inc.  
1302 Airline North  
Rosharon TX 77583

May 18, 2011

Ms. Leticia De Leon  
TCEQ  
Region 12  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

Dear Ms. De Leon:

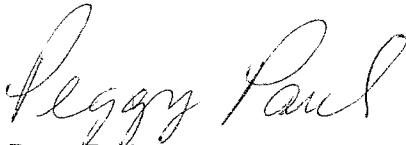
**Subject: Public Water Supply; Colony Trails Subdivision; Brazoria County, Texas;  
TCEQ ID #0200604; Investigation No. 866672**

On October 14, 2010, a compliance evaluation investigation was conducted at the subject water system. The following action was taken as a result of the item of noncompliance:

1. **Failure to provide minimum well capacity of 1.5 gallons per minute per connection.**  
Engineering plans have been submitted as of May 12, 2011 to the TCEQ requesting approval to drill Well #2 at the Colony Trails subdivision. Well will be drilled upon approval of engineering plans. This should increase well capacity sufficiently to meet agency's minimum water system capacity requirements.

If you have any questions or require further information regarding these actions, please contact me at the above address or telephone 281-369-2041.

Sincerely,



Peggy Paul  
Orbit Systems, Inc.