

Control Number: 43547



Item Number: 7

Addendum StartPage: 0

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

43547

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

2014 OCT 16 AM 9:57

PUBLIC UTILITY COMMISSION
FILING CLERK

FACSIMILE 512-435-2360

EMILY L. PUCKETT
(512) 435-2390
epuckett@abaustin.com

October 27, 2004

Hand-Delivery

Lisa Mejia
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality -MC 153
12100 Park 35 Circle
Austin, Texas 78753

Re: Application from Manville Water Supply Corporation to Decertify a Portion of
Certificate of Convenience and Necessity No. 11144 in Travis County;
Application No. 34656-C

Dear Ms. Mejia:

Pursuant to your request, I am enclosing the Summary of Investigative Findings dated May 19, 2004, Investigation # 273789, relating to the above-referenced Application to Decertify a Portion of the Manville Water Supply Corporation's CCN. You had also requested any response the utility may have made to the report. I am attaching a letter dated October 4, 2004 to Shawn Stewart of TCEQ from Tony Graf, Manager of Manville, which I'm told is the only response that was made.

Please acknowledge receipt of this information by file-stamping the copy of this letter and returning it to our office via the courier hand-delivering the same.

If you have any questions or need additional information please contact me or John J. Carlton, of the firm.

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OCT 27 2004

7

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ARMBRUST & BROWN, L.L.P.
Page 2

Sincerely,

ARMBRUST & BROWN, L.L.P.

A handwritten signature in cursive script, appearing to read "Cindy Arias".

Cindy Arias
Legal Assistant to
John J. Carlton

Enclosures

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 5, 2004

CERTIFIED MAIL 7002 0860 0000 9049 5183
RETURN RECEIPT REQUESTED

Mr. Atlan Pfluger, President
Manville Water Supply Corporation
PO Box 248
Coupland, Texas 78615

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Manville Water Supply Corporation, 108 North Commerce, Coupland (Williamson County),
Texas
PWS ID No.: 2270033, Regulated Entity No.: 101271088

Dear Mr. Pfluger:

On May 19, 2004, Mr. Shawn Stewart of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced Facility to evaluate compliance with applicable requirements for public water systems. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted which were alleged noncompliances that have been resolved through verbal notification and subsequent corrective action. In addition, an outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by **October 4, 2004**, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. Corrective action must be completed so your public water supply may be operated and maintained in accordance with the requirements for a "Superior" system.

In the listing of alleged violations, we have cited applicable requirements, including TCEQ rules. If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

The Texas Commission on Environmental Quality appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to

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OCT 27 2004

REPLY TO: REGION 11 • 1921 CEDAR BEND DR., STE. 150 • AUSTIN, TEXAS 78758-5336 • 512/339-2929 • FAX 512/339-3795

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

ATTENTION: For more information, please call 1-800-690-6868.

Mr. Atlan Pfluger

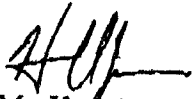
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August 5, 2004

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 violation documented in this notice. Should you choose to do so, you must notify Austin Region Office within 10 days from the date of this letter. At that time, Mr. Herschel Janus, PWS Work 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. Stewart in the Austin Region Office at 512-339-2929.

Sincerely,



Mr. Herschel E. Janus,
PWS Work Leader
Austin Region Office

HEJ/ss

Enclosures: Summary of Investigation Findings
Obtaining TCEQ Rules

Summary of Investigation Findings

MANVILLE WSC
PO BOX 248
ROUND ROCK, TRAVIS COUNTY, TX 78680
Additional ID(s): 2270033

Investigation # 273789
Investigation Date: 05/19/2004

OUTSTANDING ALLEGED VIOLATIONS

Track No: 168349 Compliance Due Date: 10/4/04
30 TAC Chapter 290.42(k)

Alleged Violation:
Investigation: 273789

Comment Date: 07/27/2004

Failed to compile a plant operations manual (30 TAC 290.42(l) formerly 30 TAC 290.42(k)).

A thorough plant operations manual must be compiled and kept up-to-date for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Recommended Corrective Action: To document compliance, certify in writing, the Facility has compiled a thorough plant operations manual, by the compliance due date.

ALLEGED VIOLATIONS NOTED AND RESOLVED

Track No: 168356
30 TAC Chapter 290.110(c)(5)(B)

Alleged Violation:
Investigation: 273789

Comment Date: 07/29/2004

Failed to monitor the chlorine residual at representative locations. Specifically, the Facility's distribution system consists of multiple pressure planes. The operators were monitoring the chlorine residuals from one pressure plane each day.

Public water systems that serve at least 250 connections or at least 750 people daily, and use only groundwater or purchased water sources must monitor the disinfectant residual at representative locations in the distribution system at least once per day.

Recommended Corrective Action: To document compliance, certify in writing, the Facility is monitoring the chlorine residuals at representative locations within the distribution system, by the compliance due date.

Resolution: The Respondent submitted a letter dated June 1, 2004, indicating that the Facility is monitoring the chlorine residuals at representative locations within the distribution system.

Track No: 168359
30 TAC Chapter 290.42(i)

MANVILLE WSC

Investigation # 273789

Alleged Violation:
Investigation: 273789

Comment Date: 07/27/2004

Failed to obtain a permit for wastewater discharge. Specifically, the Facility was discharging wastewater from an iron and manganese removal process, onto the property of the state of Texas, without a permit.

Any discharge of wastewater and other plant wastes shall be in accordance with all applicable state and federal statutes and regulations. Permits for discharging wastes from water treatment processes shall be obtained from the commission, if necessary

Recommended Corrective Action: To document compliance, certify in writing, the Facility has obtained a permit for the wastewater discharge, by the compliance due date.

Resolution: The Respondent submitted a letter dated June 1, 2004, indicating that the Facility is no longer discharging wastewater onto property of the State of Texas. Manville is currently discharging onto it's own property.

Manville Water Supply Corporation

P. O. Box 248
Coupland, TX 78615

(512) 272-4044 • (512) 365-7696
(512) 856-2488 • (Fax) 856-2029

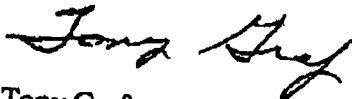
October 4, 2004

TCEQ
Shawn Stewart
P. O. Box 13087
Austin, Texas 78711-3087

Dear Shawn,

We know the dead line is today and we have been working on a plant operations manual. We have called to the County 911 address system for correct addresses through out our system. This is a very slow process and we have to get the meter numbers from the sites in order to get emergency service response. We are still working on the operations manual however we can send you what we have at this time.

Sincerely,



Tony Graf
Manager