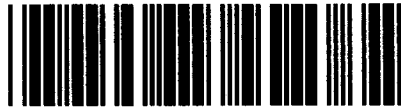


Control Number: 43890



Item Number: 3

Addendum StartPage: 0

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

43898

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



RECEIVED

2014 DEC -5 PM 1:32

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PUBLIC UTILITY COMMISSION  
FILING CLERK

*Protecting Texas by Reducing and Preventing Pollution*

December 20, 2007

**CERTIFIED MAIL 91 7108 2133 3933 8894 9300**  
**RETURN RECEIPT REQUESTED**

Mr. Glenn Trimble, President  
Garden Valley Resort Water System  
P.O. Box 131945  
Tyler, Texas 75713

**Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Garden Valley Resort WS, 22049 FM 1995, west of SH 110 in Smith Co.  
PWS ID No. 2120081**

Dear Mr. Trimble:

On December 7, 2007, Ms. Samantha Smith of the Texas Commission on Environmental Quality (TCEQ) Tyler Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required.

Please submit to this office by **January 21, 2008**, a compliance plan for Outstanding Alleged Violation Track Numbers **210747**, **296200**, and **296211**. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If the violation has already been corrected, please submit compliance documentation, such as a photograph, purchase order, etc., demonstrating what actions were taken.

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*.

2014 DEC -5 AM 8:06

REPLY TO: REGION 5 • 2916 TEAGUE DR. • TYLER, TEXAS 75701-3734 • 903-535-5100 • FAX 903-595-1562


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

Mr. Glenn Trimble  
December 20, 2007  
Page 2

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 Tyler Region Office within 10 days from the date of this letter. At that time, C. Noel Luper, P.E., Water Program Manager 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 Ms. Smith in the Tyler Region Office at (903) 535-5159.

Sincerely,



William D. Gibson, Work Leader  
Tyler Region Office

WDG/sss

Enclosures:    Summary of Investigation Findings  
                    *Obtaining TCEQ Rules*



**TEXAS WATER SYSTEMS Inc**  
*An Investor Owned Utility*

Samantha Smith  
TCEQ Region 5  
2916 Teague Dr  
Tyler, TX 75701-3756

12/17/07

RE: Exhibit document; Garden Valley Inspection of 12/7/07

Dear Ms. Smith:

Enclosed please find photos of the remedial work done on the overflow flap cover for the GST. A gasket of 50% thickness reduction solved the gap problem at the bottom.

We will soon forward pictures of the tape removal from the chlorine room vents.

Thank you,

A handwritten signature in cursive script, appearing to read "Glenn E. Trimble".

Glenn E. Trimble  
President

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

Regulated Entity/Site Name	GARDEN VALLEY RESORT		TCEQ Add. ID No. RN No. (optional)	2120081
Investigation Type	CCI	Contact Made In-House (Y/N)	Y	Purpose of Investigation
Regulated Entity Contact	GLENN TRIMBLE		Telephone No.	903 595-2128
Title	PRESIDENT		Fax No.	903 526-0076
			Date Contracted	12-3-07
			Date Faxed	12

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

Issue No.	Type <sup>1</sup>	Rule Citation (if known)	Description of Issue
1	AV		VENTS IN CHARLIE RICH WERE TAPED SHUT.
2	AV		GAP IN OVERFLOW PIPE OF GST AT PLAF COVERED.
3			BROUGHT FORWARD: FENCE TO BE CONSTRUCTED AROUND PLANT.

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

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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

Investigator Name (Signed & Printed)	Investigator Date	Regulated Entity Representative Name (Signed & Printed)	Regulated Entity Representative Date
Samanta Smith	12-7-07	[Signature]	



**TEXAS WATER SYSTEMS Inc**  
*An Investor Owned Utility*

Samantha Smith  
TCEQ Region 5  
2916 Teague Dr  
Tyler, TX 75701-3756

12/17/07

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Glenn E. Trimble  
President

# Summary of Investigation Findings

GARDEN VALLEY RESORT

Investigation # 610596

Investigation Date: 12/07/2007

, SMITH COUNTY,

Additional ID(s): 2120081

## OUTSTANDING ALLEGED VIOLATIONS

Track No: 210747 Compliance Due Date: No Date Entered

30 TAC Chapter 290.38(25)

30 TAC Chapter 290.43(e)

**Alleged Violation:**

Investigation: 399878

Comment Date: 07/12/2005

Failure to enclose the pressure maintenance facilities with an intruder-resistant fence with lockable gates or a locked, ventilated house. The gates and doors must be kept locked whenever the facility is unattended.

It was observed during the investigation on 05/20/2005 that the Garden Valley Resort failed to maintain in good condition the barbed wire at the top of the fence around the pressure tank at plant # 1.

Investigation: 465006

Comment Date: 07/13/2006

Above comments still apply. On 6/2/2006, TCEQ Tyler office was informed by telephone that the facility fencing for the new plant will be constructed as the final phase of the new plant's construction, estimated to be several months in the future.

Investigation: 610596

Comment Date: 12/10/2007

See descriptive wording from the previous investigation above.

The entire plant, including the pressure tank, has fairly recently been moved to a new location. The final phase of construction is to build a fence, which is estimated to be accomplished in May 2008.

**Recommended Corrective Action:** Please submit a compliance plan by January 21, 2007. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation such as photographs, purchase orders, results of analyses, etc., demonstrating what actions were taken.

Track No: 296200 Compliance Due Date: No Date Entered

30 TAC Chapter 290.42(e)(4)(C)

**Alleged Violation:**

Investigation: 610596

Comment Date: 12/10/2007

Failure to provide the chlorination room with both high level and floor level screened vents. If the room contains more than one operating 150 pound cylinder of chlorine, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent must be provided, with the fan switch located outside the enclosure.

During the investigation on December 7, 2007, the investigator observed that the floor level and high level vents were completely covered with tape, preventing the chlorination room from venting.

**Recommended Corrective Action:** Please submit a compliance plan by January 21, 2007. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation such as photographs, purchase orders, results of

analyses, etc., demonstrating what actions were taken.

Track No: 296211 Compliance Due Date: No Date Entered

30 TAC Chapter 290.43(c)(3)

**Alleged Violation:**

Investigation: 610596

Comment Date: 12/10/2007

Failure to provide an overflow pipe gravity-hinged and weighted cover on the ground storage tank with a good mechanical seal when closed in order to prevent the possible entrance of insects or other contaminants into the water supply. The cover must seat properly with a gap of no more than 1/16 inch.

During the investigation on December 7, 2007, the investigator observed that there was a gap of approximately 1/8 inch at the cover of the overflow pipe of the ground storage tank.

**Recommended Corrective Action:** Please submit a compliance plan by January 21, 2007. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation such as photographs, purchase orders, results of analyses, etc., demonstrating what actions were taken.

### ALLEGED VIOLATIONS NOTED AND RESOLVED

Track No: 210824

30 TAC Chapter 290.38(25)

30 TAC Chapter 290.41(c)(3)(O)

**Alleged Violation:**

Investigation: 399878

Comment Date: 07/13/2005

Failure to protect the well unit with an intruder-resistant fence with locked gates, or a locked, ventilated well houses to exclude possible contamination or damage to the facilities by trespassers. The gates or wellhouses shall be locked during periods of darkness and when the plant is unattended.

It was observed during the investigation on 05/20/2005 that Garden Valley Resort failed to maintain in good condition the barbed wire at the top of the fence at well # 2.

Investigation: 465006

Comment Date: 07/13/2006

Above comments still apply. On 6/2/2006, TCEQ Tyler office was informed by telephone that the well head fencing for the new plant will be constructed as the final phase of the new plant's construction, estimated to be several months in the future.

Investigation: 610596

Comment Date: 12/10/2007

See descriptive wording from the previous investigation above.

**Recommended Corrective Action:**

**Resolution:** During the investigation on December 7, 2007, the investigator observed that there was a locked, ventilated wellhouse protecting Well #2.