

Control Number: 43890



Item Number: 4

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

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

43890  
RECEIVED

2014 DEC -5 PM 1:33

PUBLIC UTILITY COMMISSION  
FILING CLERK

May 25, 2007

**CERTIFIED MAIL 91 7108 2133 3933 9717 2188**  
**RETURN RECEIPT REQUESTED**

Mr. Glen Trimble, President  
Friendship WS  
P.O. Box 131945  
Tyler, TX 75713

2014 DEC -5 AM 8:07

Re: Comprehensive Compliance Inspection at:  
Friendship WS  
Located off FM 852 NW of SH 154 in (Upshur County), Texas  
PWS ID No.: 2300020

Dear Mr Trimble:

On May 4, 2007, Mr. Clayton Nicolardi of the Texas Commission on Environmental Quality (TCEQ) Tyler Region Office conducted an investigation of the above-referenced system to evaluate compliance with applicable requirements for public water 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 August 23, 2007, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for outstanding alleged violations Track No. (274541) and please submit a compliance plan by June 25, 2007 for violation Track No. (274588) and (274600). 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."

(Rev 2/25/05) **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)

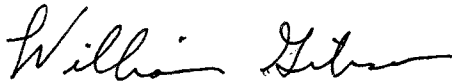
Printed on recycled paper, using soy based ink

Mr. Glen Trimble  
May 25, 2007  
Page 2

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 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 violation(s) documented in this notice. Should you choose to do so, you must notify the Tyler Region 5 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 Mr. Clayton Nicolardi in the Tyler Region Office at (903) 535-5162.

Sincerely,



William D. Gibson, Work Leader  
Tyler Region Office

WDG/pcn

Enclosures: Summary of Investigation Findings



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

6/25/07

William D. Gibson  
TCEQ Region 5  
2916 Teague Dr.  
Tyler, TX 75701-3734

RE: Compliance requirements for Inspection of May 2, 2007 Friendship WS, PWS,  
#2300020

Dear Mr. Gibson,

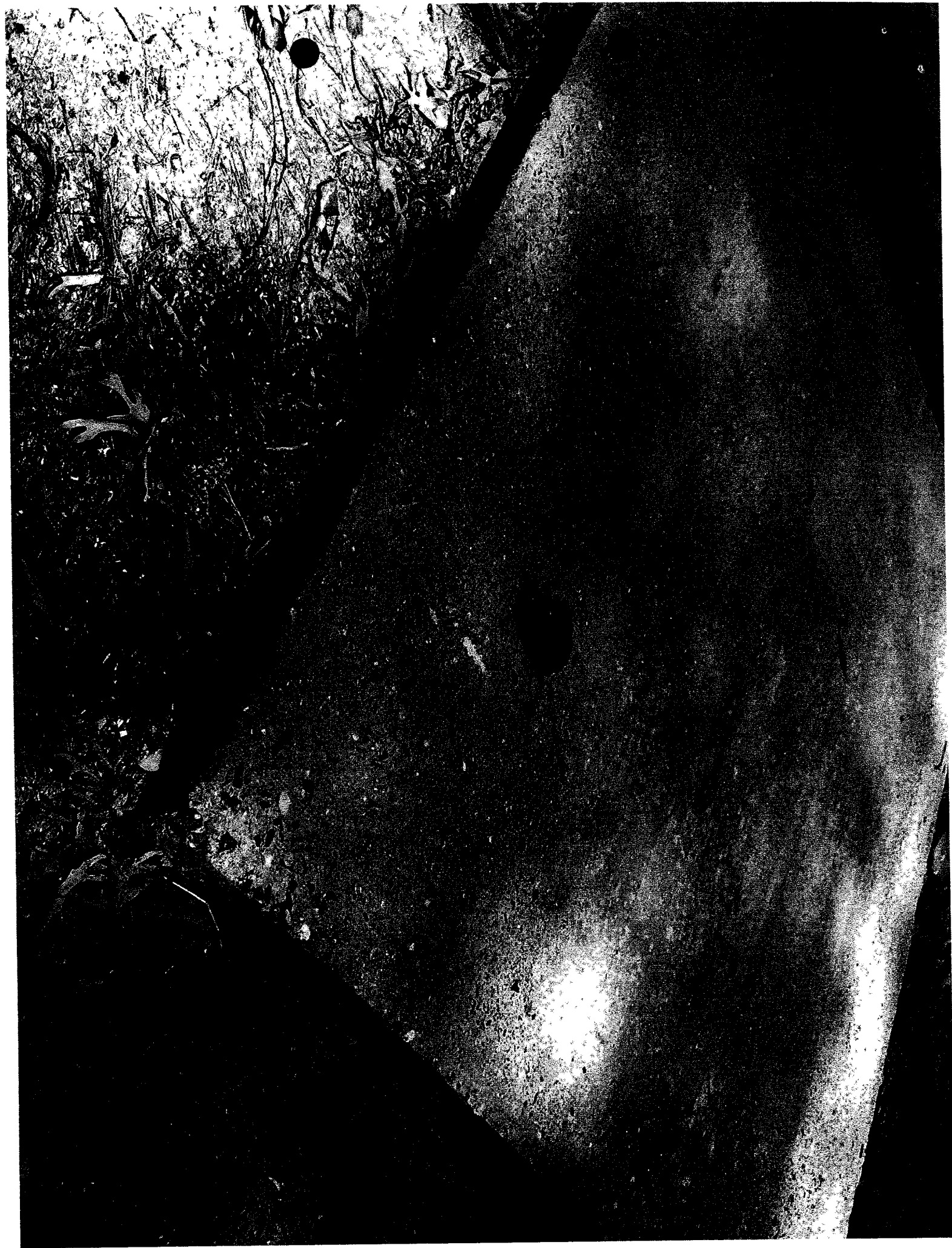
Our compliance plan by Track No. for involved issues is as follows:

- (a) Track No's 274588 and 274600: A conversion to gas chlorination is planned for this plant, which will cancel the presence of the current sodium hypochlorite drums and eliminate the need for both cover and containment. Requested compliance schedule deadline: May 31, 2008
- (b) Track No. 274604: The pressure tank here is a 1500 gal vertical tank, approx. 15 ft. tall. We plan to fabricate saddles, pour pads, and lay the tank horizontal, in order to locate a functional visiprobe assembly inside the existing pump house. Requested compliance schedule deadlines: June 30, 2008.

We shall await word on your review of our proposals and please contact us if additional input is required.

Sincerely,

Glenn Trimble  
President





# Summary of Investigation Findings

**FRIENDSHIP WATER SYSTEM**

**Investigation # 558295**

**Investigation Date: 05/04/2007**

**, UPSHUR COUNTY,**

**Additional ID(s): 2300020**

## OUTSTANDING ALLEGED VIOLATIONS

**Track No: 274541      Compliance Due Date: 08/23/2007**

**30 TAC Chapter 291.93(3)**

**Alleged Violation:**

Investigation: 558295

Comment Date: 05/14/2007

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area.

It was documented during the investigation on May 4, 2007 that Friendship Water System had exceeded the 85% rule for well production capacity and total storage capacity.

**Recommended Corrective Action:** Please submit compliance documentation by August 23, 2007. The documentation should demonstrate what actions have been taken and may include photographs, purchase orders, results of analyses, etc.

**Track No: 274588      Compliance Due Date: No Date Entered**

**30 TAC Chapter 290.42(f)(1)(E)(ii)(V)**

**Alleged Violation:**

Investigation: 558295

Comment Date: 05/15/2007

Failure to provide secondary containment for hypochlorite solution containers that are greater than 35 gallons.

It was observed during the investigation on May 4, 2007 that the 55 gallons of hypochlorite solution did not have secondary containment.

**Recommended Corrective Action:** Please submit a compliance plan by June 25, 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, photographs, purchase orders, results of analyses, etc., demonstrating what actions were taken.

**Track No: 274600      Compliance Due Date: No Date Entered**

**30 TAC Chapter 290.42(e)(5)**

**Alleged Violation:**

Investigation: 558295

Comment Date: 05/15/2007

Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions. The solution container lid must be properly covered and sealed to prevent the entry of dust, insects, and other contaminants.

It was observed during the investigation on May 4, 2007 that the hypochlorite solution at the plant was not covered and protected from adverse weather conditions and vandalism.

**Recommended Corrective Action:** Please submit a compliance plan by June 25, 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, photographs, purchase orders, results of analyses, etc., demonstrating what actions were taken.

Track No: 274604 Compliance Due Date: No Date Entered

30 TAC Chapter 290.43(d)(3)

**Alleged Violation:**

Investigation: 558295

Comment Date: 05/15/2007

Failure to provide the pressure tank with facilities for maintaining the air-water volume at the design water level and working pressure.

It was observed during the investigation on May 4, 2007 that the 1500 gallon pressure tank did not have a working visi-probe.

**Recommended Corrective Action:** Please submit a compliance plan by June 25, 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, photographs, purchase orders, results of analyses, etc., demonstrating what actions were taken.

### ALLEGED VIOLATIONS NOTED AND RESOLVED

Track No: 274624

30 TAC Chapter 290.46(d)(2)

30 TAC Chapter 290.46(d)(2)(A)

30 TAC Chapter 290.46(d)(2)(B)

**Alleged Violation:**

Investigation: 558295

Comment Date: 05/17/2007

Failure to maintain a free chlorine residual of at least 0.5 mg/L in the distribution at all times.

It was documented during the investigation on May 4, 2007 that Friendship Water Supply was not maintaining at least 0.5 mg/L free chlorine residual in the far reaches of their distribution system. The water system must maintain 0.5 mg/L because septic tank field lines are located within 150 feet of the well and in lieu of a sanitary control easement for the well. Free chlorine residuals taken in the distribution area were as follows: 1) 0.2 mg/L (Free) @ 928 Burrow 2) 0.4 mg/L (Free) @ 2066 Fawn Crossing.

**Recommended Corrective Action:**

**Resolution:** The operator for Friendship Water System flushed dead-end lines and took chlorine residuals which were above 0.5 mg/L respectively.