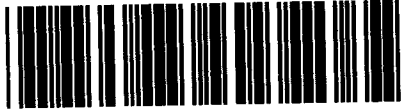


Control Number: 44001



Item Number: 13

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

Appendix



APPLICATION FOR A
RATE/TARIFF CHANGE

APPLICATION FOR A RATE/TARIFF CHANGE

SECTION IA - GENERAL INFORMATION

Applicant Community Utility Company
(Individual, Corporation, or Other Legal Entity)

Utility Name: _____
(If different than above)

Legal form of Application:

- Individual
 Partnership
 Corporation Provide Charter Number 0800689273
 Sub Chapter-S Corporation
 Other

Utility Address: P.O. Box 58 Spring TX 77383
Street Address or Location City State Zip Code

County(ies) where services are provided: Harris & Montgomery

CCN Number(s): 10350

Contact Person: Les Romo Telephone Number: (512) 868-5600

Position: Attorney Fax Number: (512) 591-7815

Address: 307 Shannon Lane Georgetown Texas 78628
Street Address or Location City State Zip Code

If the applicant is a corporation, please provide a copy of the corporation's "Certificate of Account Status" (regarding the payment of franchise taxes) from the State Comptroller's Office. This "Certificate of Account Status" can be obtained from the website at: **(See Attachment A)**

Comptroller of Public Accounts, Office Management

P. O. Box 13528
Austin, Texas 78711
1-800-252-5555

307 Shannon Lane
Georgetown, Texas 78628
(512) 868-5600; Fax: (512) 591-7815

SECTION IB - MISCELLANEOUS INFORMATION

A. How often and on what dates are water meters typically read? Second week of the month

B. When are bills typically sent out? Last week of the month

C. Do you serve customers within the corporate limits of a municipality? If No, Go to D. Yes No

If yes, which municipalities? _____

Have you filed a request to change rates with the municipality? Yes No

If no, please explain:

D. Are you currently collecting the Regulatory Assessment Fee from your customers? Yes No

If yes, are you current in your payment of the Regulatory Assessment Fee to the Texas Commission on Environmental Quality or the predecessor agency, Texas Water Commission, for assessments payable beginning January 1, 1992? Yes No

E. Water Utilities: Please indicate the Public Water System Identification numbers for each of your systems:

System Name	TCEQ PWS ID #	County	Rate Increase Applicable?
Forest Manor Subdivision	1010264	Harris	Yes
Heathergate Public Utility	1011302	Harris	Yes
Sweetgum Forest	1700113	Montgomery	No

For each of the systems, please provide a copy of the most recent public water system annual inspection report letter from the Texas Commission on Environmental Quality and a written explanation detailing how and when you will comply with all noted deficiencies. (See Attachment B)

F. Sewer Utilities: Please indicate the discharge permit number for each Wastewater Treatment Plant you operate:

Wastewater Treatment Plant Name	TCEQ Discharge Permit Number	County	Rate Increase Applicable?
None			

For each of the plants, please provide a copy of the most recent inspection report letter from the Texas Commission on Environmental Quality and a written explanation detailing how and when you will comply with all noted deficiencies

NOTE:

The Applicant is requesting a surcharge the pay for capital improvements mandate by the Texas Commission on Environmental Quality (TCEQ) and to bring the utility's facilities into compliance with TCEQ minimum standards. Attached are a copy of a Compliance Agreement Comprehensive Improvements Plan and a calculation of surcharge amount. (See Attachment C)

SECTION VII - CUSTOMER INFORMATION - WATER

NUMBER OF CUSTOMERS

How many customers (active connections) did you have at the beginning and at the end of the twelve month test year?

TABLE VII

Connection Type	Line	Beginning of period ①	End of period ②	Equivalency Factor ③	Meter Equivalents ④=②*③
Non-Metered Connections:					
Residential	[A]			1	
Commercial	[B]			1	
Standby	[C]			1	
Metered Connections:					
5/8" x 3/4"	[D]	191	191	1	191
3/4"	[E]			1.5	
1"	[F]			2.5	
1 1/2"	[G]			5	

AFFIDAVIT

STATE OF TEXAS

COUNTY OF MONTGOMERY

I, MITCHELL M. MARTIN, JR. being duly sworn, file this **NOTICE OF PROPOSED RATE CHANGE** as PRESIDENT
(indicate relationship to Utility, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Utility); that, in such capacity, I am qualified and authorized to file and verify such NOTICE; and that all statements made and matters set forth herein are true and correct.

I further represent that a copy of the attached NOTICE was provided by MAIL
(mail or hand delivery)
to each customer or other affected party on or about JAN 29th, 20 13

Mitchell M. Martin Jr.
AFFIANT
(Utility's Authorized Representative)

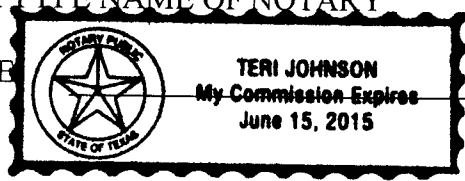
If the Affiant to this form is any person other than the sole owner, partner, officer of the Utility, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME,
this the 24th day of JANUARY, 20 13, to certify
which witness my hand and seal of office.

SEAL

[Signature]
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
TERI JOHNSON
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES



NOTICE OF PROPOSED RATE CHANGE

Community Utility Company

10350

Company Name

CCN Number

has submitted a rate change application to the Texas Commission on Environmental Quality (Commission). If the Commission receives protests to the proposed increase from 10 percent of the ratepayers or from any affected municipality before the 91st day after the proposed effective date, a public hearing will be scheduled to determine if the proposed rates are reasonable. Protests should be mailed to:

Texas Commission on Environmental Quality

Water Supply Division

Utilities & Districts Section, MC 153

P. O. Box 13087

Austin, Texas 78711-3087

Unless protests are received from 10 percent of the ratepayers or the Commission staff requests a hearing, no hearing will be held and rates will be effective as proposed. Please read the following information carefully:

Forest Manor and Heathergate Subdivisions

Subdivisions or Systems Affected by Rate Change

P.O. Box 58	Spring	TX	77383	281-367-4460
Company Address	City	State	Zip	Telephone

\$ 137,520

Annual Revenue Increase

January 29, 2013

Date Customer Notice Mailed

January 21, 2009

Date of Last Rate Change

Second week of the month

Date Meters Typically Read

EFFECTIVE DATE OF PROPOSED INCREASE: April 1, 2013

MONTHLY SURCHARGE: \$ 60.00 per connection per month (Monthly fee to be collected for 120 months)

This fee is being requested to collect sufficient revenues the pay for capital improvements mandated by the Texas Commission on Environmental Quality (TCEQ) and to bring the utility's facilities into compliance with TCEQ minimum standards. This surcharge can be increased or decrease based on the amount necessary to make required TCEQ approved capital improvements, thirty (30) days after notice of any change in the surcharge is sent to all effected customers and the filing of notice with the TCEQ as required by 30 TAC 291.21 (I)

The proposed rates will apply to all service rendered after the effective date and will be reflected on the bill you receive approximately 30 to 45 days after the effective date.

In the event that the application is set for hearing, the specific rates requested by the utility may be decreased or increased by order of the Commission. If the Commission orders a lower rate to be set, the utility may be ordered to refund or credit against future bills all sums collected during the pendency of the rate proceeding in excess of the rate finally ordered plus interest. You may inspect a copy of the rate change application at your utility's office or at the Commission's office at Park 35 - Building F, 12015 Park 35 Circle, Suite 3101, Austin, Texas, west side of IH-35, south of Yager Lane. Additional information about the application can be obtained by contacting the Utilities and Districts Section at 512/239-4691. Information about how you can participate in the rate setting process can be obtained by contacting the Public Interest Counsel at 512/239-6363.

Si desea informacion en Espanol, puede llamar al 512-239-0200

B & D ENVIRONMENTAL, INC.

P.O. BOX 500264

AUSTIN, TEXAS 78750

PHONE NO: (512) 264-9124

FAX NO: (512) 692-1967

EMAIL: bretfenner@yahoo.com

July 3, 2013

RECEIVED

OCT 22 2013

DEPT FAX FILE ROOM

2013 JUL 8 PM 17:33

WATER SUPPLY DIV.

RECEIVED

TCEQ

Ms. Tammy Benter, Manager
Texas Commission on Environmental Quality
Utilities & Districts Section, MC 153
Water Supply Division
P.O. Box 13087
Austin, Texas 78711-3087

Re: Water Rate/Tariff Change Application for Community Utility Company (Community) in Harris and Montgomery Counties, Certificate of Convenience and Necessity (CCN) No. 10350; Application No. 37628-R

Dear Ms. Benter:

Per your Notice of Deficiency letter and our meeting on June 27, 2013, enclosed please find an original and three copies of the following information requested:

1. Enclosed are the copies of notices from the City of Houston (City) for rate increases for Ground Water Reduction Plan (GRP) customer from 2011 until 2013. Also, enclosed are copies of Community's pass through notice as mailed to customer on April 1, 2011 and letter submitting this notice to your Commission on March 31, 2011. During our meeting, it was discovered that your staff never processed Community's pass through rate adjustment submitted in 2011. It was agreed that Community could submit copies of its invoices from the City for the GRP fee and copies of checks showing Community had paid this fee since 2011. Enclosed are copies of monthly invoices and paid checks for the GRP fee from May, 2011 until June 2013. The City increased the GRP fee on April 1, 2012 which the utility did not pass this increase thru to the customers. The City has also increased the rate as of April 1, 2013 which is reflected as a known and measurable change in the application.
2. The customer notice as submitted with the application on Pages 21 and 22 was not the actual notice sent to the customer by the utility. Enclosed are copies of the actual notices mailed to customers along with the signed and notarized affidavit. The correct notice sent to customer did include the 10,000 gallon and 30,000 gallon calculation of the billing comparison for the current and proposed rates.

NOTICE OF PROPOSED RATE CHANGE

MAILED THIS DATE
M/R

Community Utility Company 10350
Company Name CCN Number

has submitted a rate change application to the Texas Commission on Environmental Quality (Commission). If the Commission receives protests to the proposed increase from 10 percent of the ratepayers or from any affected municipality before the 91st day after the proposed effective date, a public hearing will be scheduled to determine if the proposed rates are reasonable. Protests should be mailed to:

Texas Commission on Environmental Quality
Water Supply Division
Utilities & Districts Section, MC 153
P. O. Box 13087
Austin, Texas 78711-3087

Unless protests are received from 10 percent of the ratepayers or the Commission staff requests a hearing, no hearing will be held and rates will be effective as proposed. Please read the following information carefully:

Forest Manor and Heathergate Subdivisions

Subdivisions or Systems Affected by Rate Change

P.O. Box 58	Spring	TX	77383	281-367-4460
Company Address	City	State	Zip	Telephone

\$ 170,179	June 10, 2013
Annual Revenue Increase	Date Customer Notice Mailed
January 21, 2009	Second week of the month
Date of Last Rate Change	Date Meters Typically Read

EFFECTIVE DATE OF PROPOSED INCREASE: August 10, 2013

MONTHLY SURCHARGE: \$ 60.00 per connection per month (Monthly fee to be collected for 120 months)
 This fee is being requested to collect sufficient revenues the pay for capital improvements mandated by the Texas Commission on Environmental Quality (TCEQ) and to bring the utility's facilities into compliance with TCEQ minimum standards. This surcharge can be increased or decrease based on the amount necessary to make required TCEQ approved capital improvements, thirty (30) days after notice of any change in the surcharge is sent to all effected customers and the filing of notice with the TCEQ as required by 30 TAC 291.21 (l)

BILLING COMPARISON: Water

Existing 10,000 gallons:	\$ <u>60.47</u> /mo	Existing 30,000 gallons:	\$ <u>122.27</u> /mo
Proposed 10,000 gallons:	\$ <u>124.63</u> /mo	Proposed 30,000 gallons:	\$ <u>184.63</u> /mo

The proposed rates will apply to all service rendered after the effective date and will be reflected on the bill you receive approximately 30 to 45 days after the effective date.

In the event that the application is set for hearing, the specific rates requested by the utility may be decreased or increased by order of the Commission. If the Commission orders a lower rate to be set, the utility may be ordered to refund or credit against future bills all sums collected during the pendency of the rate proceeding in excess of the rate finally ordered plus interest. You may inspect a copy of the rate change application at your utility's office or at the Commission's office at Park 35 - Building F, 12015 Park 35 Circle, Suite 3101, Austin, Texas, west side of IH-35, south of Yager Lane. Additional information about the application can be obtained by contacting the Utilities and Districts Section at 512/239-4691. Information about how you can participate in the rate setting process can be obtained by contacting the Public Interest Counsel at 512/239-6363.

Si desea informacion en Espanol, puede llamar al 512-239-0200

2013 JUL 8 AM 11:54
RECEIVED
TCEQ
WATER SUPPLY DIV.

NOTICE OF PROPOSED RATE CHANGE

MAILED THIS DATE
MJK

Community Utility Company	10350
Company Name	CCN Number

has submitted a rate change application to the Texas Commission on Environmental Quality (Commission). If the Commission receives protests to the proposed increase from 10 percent of the ratepayers or from any affected municipality before the 91st day after the proposed effective date, a public hearing will be scheduled to determine if the proposed rates are reasonable. Protests should be mailed to:

Texas Commission on Environmental Quality
Water Supply Division
Utilities & Districts Section, MC 153
P. O. Box 13087
Austin, Texas 78711-3087

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Forest Manor and ~~Heathergate~~ Subdivisions

Subdivisions or Systems Affected by Rate Change

P.O. Box 58	Spring	TX	77383	281-367-4460
Company Address	City	State	Zip	Telephone
\$ 170,179		June 10, 2013		
Annual Revenue Increase		Date Customer Notice Mailed		
January 21, 2009		Second week of the month		
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AFFIDAVIT

STATE OF TEXAS

COUNTY OF MONTGOMERY

I, MICHAEL M. MARTIN, JR. being duly sworn, file this NOTICE OF PROPOSED RATE CHANGE as PRESIDENT (indicate relationship to Utility, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Utility); that, in such capacity, I am qualified and authorized to file and verify such NOTICE; and that all statements made and matters set forth herein are true and correct.

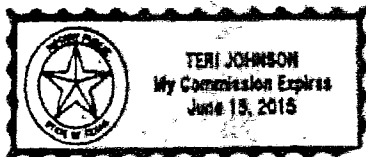
I further represent that a copy of the attached NOTICE was provided by MAIL (mail or hand delivery) to each customer or other affected party on or about June 10, 20 13

Michael M. Martin, Jr.
AFFIANT
(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Utility, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, this the 5th day of JUNE, 20 13, to certify which witness my hand and seal of office.

SEAL



[Signature]
NOTARY PUBLIC AND FOR THE STATE OF TEXAS
TERI JOHNSON
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES JUNE 15, 2015



APPLICATION FOR A
RATE/TARIFF CHANGE

APPLICATION FOR A RATE/TARIFF CHANGE

SECTION IA - GENERAL INFORMATION

Applicant Community Utility Company
(Individual, Corporation, or Other Legal Entity)

Utility Name: _____
(If different than above)

Legal form of Application:

- Individual
 Partnership
 Corporation Provide Charter Number 0800689273
 Sub Chapter-S Corporation
 Other

Utility Address: P.O. Box 58 Spring TX 77383
Street Address or Location City State Zip Code

County(ies) where services are provided: Harris & Montgomery

CCN Number(s): 10350

Contact Person: Les Romo Telephone Number: (512) 868-5600

Position: Attorney Fax Number: (512) 591-7815

Address: 307 Shannon Lane Georgetown Texas 78628
Street Address or Location City State Zip Code

If the applicant is a corporation, please provide a copy of the corporation's "Certificate of Account Status" (regarding the payment of franchise taxes) from the State Comptroller's Office. This "Certificate of Account Status" can be obtained from the website at: **(See Attachment A)**

Comptroller of Public Accounts, Office Management

P. O. Box 13528
Austin, Texas 78711
1-800-252-5555

307 Shannon Lane
Georgetown, Texas 78628
(512) 868-5600; Fax: (512) 591-7815

SECTION IB - MISCELLANEOUS INFORMATION

A. How often and on what dates are water meters typically read? Second week of the month

B. When are bills typically sent out? Last week of the month

C. Do you serve customers within the corporate limits of a municipality? If No, Go to D. Yes No

If yes, which municipalities? _____

Have you filed a request to change rates with the municipality? Yes No

If no, please explain:

D. Are you currently collecting the Regulatory Assessment Fee from your customers? Yes No

If yes, are you current in your payment of the Regulatory Assessment Fee to the Texas Commission on Environmental Quality or the predecessor agency, Texas Water Commission, for assessments payable beginning January 1, 1992? Yes No

E. Water Utilities: Please indicate the Public Water System Identification numbers for each of your systems:

System Name	TCEQ PWS ID #	County	Rate Increase Applicable?
Forest Manor Subdivision	1010264	Harris	Yes
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Sweetgum Forest	1700113	Montgomery	No

For each of the systems, please provide a copy of the most recent public water system annual inspection report letter from the Texas Commission on Environmental Quality and a written explanation detailing how and when you will comply with all noted deficiencies. **(See Attachment B)**

F. Sewer Utilities: Please indicate the discharge permit number for each Wastewater Treatment Plant you operate:

Wastewater Treatment Plant Name	TCEQ Discharge Permit Number	County	Rate Increase Applicable?
None			

For each of the plants, please provide a copy of the most recent inspection report letter from the Texas Commission on Environmental Quality and a written explanation detailing how and when you will comply with all noted deficiencies

NOTE:

The Applicant is requesting a surcharge the pay for capital improvements mandate by the Texas Commission on Environmental Quality (TCEQ) and to bring the utility's facilities into compliance with TCEQ minimum standards. Attached are a copy of a Compliance Agreement Comprehensive Improvements Plan and a calculation of surcharge amount. (See Attachment C)

SECTION VII - CUSTOMER INFORMATION - WATER

NUMBER OF CUSTOMERS

How many customers (active connections) did you have at the beginning and at the end of the twelve month test year?

TABLE VII

Connection Type	Line	Beginning of period ①	End of period ②	Equivalency Factor ③	Meter Equivalents ④=②*③
Non-Metered Connections:					
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Standby	[C]			1	
Metered Connections:					
5/8" x 3/4"	[D]	191	191	1	191
3/4"	[E]			1.5	
1"	[F]			2.5	
1 1/2"	[G]			5	

AFFIDAVIT

STATE OF TEXAS

COUNTY OF MONTGOMERY

I, METCHELL M. MARTIN, JR. being duly sworn, file this **NOTICE OF PROPOSED RATE CHANGE** as PRESIDENT
(indicate relationship to Utility, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Utility); that, in such capacity, I am qualified and authorized to file and verify such NOTICE; and that all statements made and matters set forth herein are true and correct.

I further represent that a copy of the attached NOTICE was provided by MAIL
(mail or hand delivery)
to each customer or other affected party on or about JAN 29th, 20 13

Mitchell M. Martin Jr.
AFFIANT
(Utility's Authorized Representative)

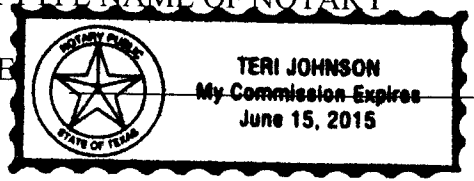
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SUBSCRIBED AND SWORN TO BEFORE ME,
this the 24th day of JANUARY, 20 13, to certify
which witness my hand and seal of office.

SEAL

[Signature]
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
TERI JOHNSON
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRE



NOTICE OF PROPOSED RATE CHANGE

Community Utility Company

Company Name

10350

CCN Number

has submitted a rate change application to the Texas Commission on Environmental Quality (Commission). If the Commission receives protests to the proposed increase from 10 percent of the ratepayers or from any affected municipality before the 91st day after the proposed effective date, a public hearing will be scheduled to determine if the proposed rates are reasonable. Protests should be mailed to:

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Water Supply Division
Utilities & Districts Section, MC 153
P. O. Box 13087
Austin, Texas 78711-3087**

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Subdivisions or Systems Affected by Rate Change

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Annual Revenue Increase

January 29, 2013

Date Customer Notice Mailed

January 21, 2009

Date of Last Rate Change

Second week of the month

Date Meters Typically Read

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Si desea informacion en Espanol, puede llamar al 512-239-0200

ATTACHMENT A



TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

October 19, 2012

CERTIFICATE OF ACCOUNT STATUS

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, Susan Combs, Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY that according to the records of this office

COMMUNITY UTILITY COMPANY

is, as of this date, in good standing with this office having no franchise tax reports or payments due at this time. This certificate is valid through the date that the next franchise tax report will be due May 15, 2013.

This certificate does not make a representation as to the status of the entity's registration, if any, with the Texas Secretary of State.

This certificate is valid for the purpose of conversion when the converted entity is subject to franchise tax as required by law. This certificate is not valid for any other filing with the Texas Secretary of State.

GIVEN UNDER MY HAND AND
SEAL OF OFFICE in the City of
Austin, this 19th day of
October 2012 A.D.

Susan Combs
Texas Comptroller

Taxpayer number: 32020333137
File number: 0800689273

Form 05-304 (Rev. 12-07/17)

ATTACHMENT B

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

PWS11010204100

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 25, 2008

**CERTIFIED MAIL #7002 2030 0003 4747 9301
RETURN RECEIPT REQUESTED**

Mr. Mitchell Martin, President
Community Utility Company
P.O. Box 58
Spring, Texas 77383-0058

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Forest Manor Subdivision, 1615 Beckman Drive, Harris County, Texas
RN101198554, Investigation No. 681126, TCEQ Additional ID. 1010264

RECEIVED
JUN 13 2009
TCEQ
CENTRAL FILE ROOM

Dear Mr. Martin:

On July 22, 2008, Ms. Leticia De Leon of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, the investigator resolved some apparent instances of noncompliance noted during previous investigations. Information has been provided which appears to indicate that these problems have been corrected. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by March 25, 2009 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

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, David W. Livings, Team Leader, will schedule a violation review meeting to be conducted *within 21 days from the date of this letter*. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

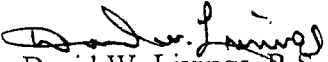
REPLY TO: REGION 12 • 5425 POLK ST., STE. H • HOUSTON, TEXAS 77023-1452 • 713-767-3500 • FAX 713-767-3520

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

Mr. Mitchell Martin, President
September 25, 2008
Page 2

If you or members of your staff have any questions, please feel free to contact Ms. Leticia De Leon in the Houston Region Office at 713/767-3650

Sincerely,


David W. Livings, R.S., Sr.
PWS Team Leader
Houston Region Office

DWL/LD/ra

cc: Harris Co. Public Health and Environmental Services

Enclosures: Summary of Investigation Findings

Summary of Investigation Findings

FOREST MANOR SUBDIVISION

Investigation # 681126

, HARRIS COUNTY,

Investigation Date: 07/22/2008

Additional ID(s): 1010264

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

Track No: 344934 Compliance Due Date: 03/09/2009

30 TAC Chapter 290.45(b)(1)(C)(ii)

Alleged Violation:

Investigation: 681126

Comment Date: 08/28/2008

Capacity Requirements

Failure to meet this Agency's "Minimum Water System Capacity Requirement." This requirement includes a total storage capacity of 200 gallons per connection. Your water system must be modified to meet this requirement to assure an adequate supply of water at all times.

The facility is required to provide a minimum of 17,000 gallons of ground storage tank capacity. This is calculated in the following manner:

$200\text{Gal./Conn} \times 85 \text{ Conn.} = 17,000 \text{ Gallons}$

At the time of this inspection the facility did not have a ground storage tank installed, the facility was forced to disconnect the existing ground storage tank due to poor structural integrity.

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 this requirement 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.

Track No: 344965 Compliance Due Date: 03/09/2009

30 TAC Chapter 290.39(j)

Alleged Violation:

Investigation: 681126

Comment Date: 08/26/2008

Examination of Plans and Specifications

Failure to notify the executive director in writing of any changes in existing system or supplies. 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.

At the time of the inspection the facility had installed an 80 gallon per minute service pump between the well and the pressure tank which was not approved. Furthermore, because the ground storage tank was in such poor condition it had to be removed and the service pumps for the ground storage tank have also been removed. This facility is required to have this

equipment onsite because the facility provides water for 85 connections.

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) 239-4691.

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.

ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 96250

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 147128

Comment Date: 07/28/2003

Failed to provide required maintenance.

Investigation: 614431

Comment Date: 01/12/2008

Failed to provide required maintenance.

Investigation: 681126

Comment Date: 08/20/2008

Failed to provide required maintenance.

Resolution: Facility is performing required maintenance as of the July 22, 2008 inspection.

Track No: 96251

30 TAC Chapter 290.46(m)(1)

Alleged Violation:

Investigation: 147128

Comment Date: 07/28/2003

Failed to inspect ground storage and/or pressure tanks annually and maintain records.

Investigation: 614431

Comment Date: 01/12/2008

Failed to inspect ground storage and/or pressure tanks annually and maintain records.

Investigation: 681126

Comment Date: 08/20/2008

Failed to inspect ground storage and/or pressure tanks annually and maintain records.

Resolution: Facility provided an inspection report for both the pressure tank and ground storage tank at the July 22, 2008 inspection.

Track No: 96269

30 TAC Chapter 290.46(t)

Alleged Violation:

Investigation: 147128

Comment Date: 07/28/2003

Failed to provide legible signs.

Investigation: 614431

Comment Date: 01/12/2008

Failed to provide legible signs.

Investigation: 681126

Comment Date: 08/19/2008

Failed to provide legible signs.

Resolution: There was a legible sign posted at the facility as of the July 22, 2008 inspection.

Track No: 96271

30 TAC Chapter 290.44(d)(4)

Alleged Violation:

Investigation: 147128

Comment Date: 07/28/2003

Failed to provide accurate metering devices for the accumulation of water usage data.

Investigation: 614431

Comment Date: 01/12/2008

Failed to provide accurate metering devices for the accumulation of water usage data.

Investigation: 681126

Comment Date: 08/19/2008

Failed to provide accurate metering devices for the accumulation of water usage data.

Resolution: Facility is providing meters to all retail connections as of the July 22, 2008 inspection.

Track No: 142894

30 TAC Chapter 290.46(m)(4)

Alleged Violation:

Investigation: 152119

Comment Date: 09/04/2003

Water Leakage

Failure to maintain the ground storage tank in a watertight condition. In your system, the ground storage tank has large open rust holes and is very poor overall condition.

Investigation: 614431

Comment Date: 01/12/2008

Failure to maintain the GST.

Investigation: 681126

Comment Date: 08/26/2008

Water Leakage

Failure to maintain the ground storage tank in a watertight condition. In your system, the ground storage tank has large open rust holes and is in very poor overall condition.

Recommended Corrective Action: Submit letter to verify compliance.**Resolution:** At the July 22, 2008 inspection this tank was disconnected and had been completely removed from service, therefore, it is no longer leaking. This tank cannot be placed back into service because a large portion of the top is gone. This violation is now resolved.

Track No: 142897

30 TAC Chapter 290.46(m)(1)(B)

Alleged Violation:

Investigation: 152119

Comment Date: 09/04/2003

Design and Construction of Pressure Tanks

Failure to inspect the pressure tank annually, to determine that the pressure release device and pressure gauge are working properly, the air-water ratio is being maintained at the proper level, the exterior coating systems are continuing to provide adequate protection to all metal surfaces, and that the tank remains in a watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

The results of these inspections must be recorded and maintained for at least five years, per §290.46(f)(3)(D)(ii). The records must be available for review by Commission staff during annual sanitary surveys of the system.

Investigation: 614431

Comment Date: 01/12/2008

Failure to inspect the pressure tank internally.

Investigation: 681126

Comment Date: 08/19/2008

Failure to inspect the pressure tank internally, at least every five years.

Recommended Corrective Action: Submit tank inspection form to verify compliance.

Resolution: Facility provided a copy of the interior pressure tank inspection report at the July 22, 2008 inspection.

Track No: 142898

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

Alleged Violation:

Investigation: 152119

Comment Date: 09/04/2003

Capacity Requirements

Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include a well capacity of 0.6 gallons per minute per connection. Specifically, with 90 connections, your system is required to provide at least 54 gallons per minute of well capacity. Currently, your system provides 50 gallons per minute of well capacity.

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, Surveillance and Technical Assistance, MC 155, P.O. Box 13087, Austin, TX 78711-3087; phone: (512) 239-6020.
Investigation: 614431
Comment Date: 01/12/2008

Failure to provide adequate well capacity.

Investigation: 681126

Comment Date: 08/20/2008

Failure to provide adequate well capacity.

Recommended Corrective Action: Submit letter to verify compliance.

Resolution: Facility had 85 connections at the time of the July 22, 2008 inspection and is required to provide 0.6GPM/Conn. $0.6\text{Gal/Conn} \times 85 \text{ Conn} = 51\text{GPM}$
The facility well was timed at 61GPM which is adequate well capacity for 85 connections.

ADDITIONAL ISSUES**Description**

Other violations noted during the investigation? (If non-compliant then describe violation in the comment section.)

Additional Comments

Please be aware that the facility still has an outstanding violation for the following:

Track #142899

30 Tex. Admin. Code §290.45(b)(1)(C)(iii)

Capacity Requirement

Failure to meet this Agency's "Minimum Water System Capacity Requirement." This requirement includes a service pump capacity such that each pump station or pressure plane must have two or more pumps with a total capacity of 2.0 gallons per minute per connection.

At the time of this inspection this facility did not have any service pumps and is required to provide a minimum of 170 gallons per minute of service pump capacity. This is calculated in the following manner.

2.0GPM/ Conn X 85 Conn = 170GPM

This violation is part of your compliance agreement please continue working towards resolving this issue.

Other violations noted during the investigation? (If non-compliant then describe violation in the comment section.)

Please be aware that this facility still has an outstanding violation for the following:

Track #142895

30 Tex. Admin. Code §290.46(v) Operating Practices for Public Water Systems

Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

This violation is part of your compliance agreement please continue working towards resolving this issue.

Texas Commission on Environmental Quality
Investigation Report
COMMUNITY UTILITY COMPANY
CN600643779

HEATHERGATE ESTATES

RN101204303

Investigation # 866703

Incident #

Investigator: MARGARITA SALCEDO

Site Classification

Conducted: 10/07/2010 -- 10/07/2010

No Industry Code Assigned

Program(s): PUBLIC WATER
SYSTEM/SUPPLY

Investigation Type : Compliance Invest File Review

Location : End of Heathergate of FM2100;
Key Map 339E

Additional ID(s) : 1011302

Address: ; ,

Activity Type :

Principal(s) :

Role	Name
RESPONDENT	COMMUNITY UTILITY COMPANY INC
RESPONDENT	COMMUNITY UTILITY COMPANY

Contact(s) :

Role	Title	Name	Phone
Regulated Entity Contact	CO-OWNER	MR MICHAEL MARTIN	
Regulated Entity Contact	PRESIDENT	MR MITCHELL MARTIN	

Other Staff Member(s) :

Role	Name
Supervisor	ERIC REESE

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
COMPLIANCE WITH RESOLUTION RECORD REVIEW	1996-1015-PWS-E

Investigation Comments :

Investigation to resolve duplicate violations.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 119884

Resolution Status Date: 10/7/2010

Violation Start Date: Unknown Violation End Date: 10/7/2010

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 152121 Comment Date: 08/28/2003
 Operating Practices for Public Water Systems
 Failure to properly maintain the regulated entities by not fixing the barbed wire along the right side of the plant.

Investigation: 614432 Comment Date: 01/12/2008
 Failure to fix the barbed wire along the right side of the plant.

Investigation: 866703 Comment Date: 10/07/2010
 Failure to fix the barbed wire along the right side of the plant.

Recommended Corrective Action: Submit letter, photo or work-order to verify compliance.

Resolution: This violation is a duplicate of violation track No. 401147; therefore, this violation is being resolved.

Track No: 119887 **Resolution Status Date: 10/7/2010**
Violation Start Date: Unknown **Violation End Date: 10/7/2010**

30 TAC Chapter 290.46(v)

Alleged Violation:
 Investigation: 152121 Comment Date: 08/28/2003
 Operating Practices for Public Water Systems
 Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

Investigation: 614432 Comment Date: 01/12/2008
 Failed to provide all plant wiring in an approved electrical conduit.

Investigation: 866703 Comment Date: 10/07/2010
 Failure to provide all plant wiring in an approved electrical conduit.

Recommended Corrective Action: Submit letter, photo or work-order to verify compliance.

Resolution: This violation is a duplicate of violation track No. 401148; therefore, this violation is being resolved.

Signed *Marguerite S. Sanchez* Date 10/7/10
 Environmental Investigator

Signed *in Rev* Date 10/7/10
 Supervisor

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

Letter to Facility (specify type) : _____

Investigation Report

Sample Analysis Results

Manifests

NOR

Maps, Plans, Sketches

Photographs

Correspondence from the facility

Other (specify) :

ATTACHMENT C