

☛ **PLEASE ANSWER QUESTIONS 17 THROUGH 22 ON A DIFFERENT SHEET FOR EACH PHYSICALLY DISTINCT SYSTEM BEING TRANSFERRED OR ACQUIRED**

☛ **Sweet Gum Forest**

17. A. For Water Systems. TCEQ Public Water System Identification Number: PWS No. 1700113

Date of last inspection: 07/17/2008

B. For Wastewater Systems:

-TCEQ Discharge Permit Number: W Q -

-Name of Permittee: _____

-Date of application to transfer Discharge Permit submitted: _____

-Date of application to transfer Discharge Permit approved by TCEQ: _____

18. A. Are any improvements required to meet TCEQ standards? X Yes. If yes, please explain No

See Attached Compliance Agreement

B. Is there a moratorium on new connections? Yes. If yes, please explain X No

C. Provide details of each required major capital improvement to correct the deficiencies and meet the TCEQ standards (attach additional sheets if necessary):

Description of the Required Improvement	Schedule to Complete	Estimated Cost
<u>See Attached Compliance Agreement</u>		

19. Does the system being transferred operate within the city limits of a municipality or within district boundaries? Yes X No

If yes, indicate the number of customers within the city limits or district boundaries:

 Water Sewer

☛ Attach copy of franchise agreement or consent letter from the city or district.

20. Do you currently purchase water or sewer treatment capacity from another source? Yes X No

 Water Sewer Purchased on a Regular Seasonal Emergency Basis

• Source: _____ % of total supply: _____

21. List the number of existing connections to be effected by this transaction.

Water				Sewer	
	-Non Metered		-2"meter	-Residential Connection	
	-5/8" or 3/4" meter	22	-3" meter	-Commercial Connection	
	-1" meter		-4" meter	-Industrial Connection	
	-1 1/2" meter		-Other	-Other	
Total Water Connections:		22	Total Sewer Connections		

22. Has the system reached 85% of its capacity based on TCEQ's minimum requirements?

 Yes X

If yes, please explain what steps are being taken to address the capacity issues:

23. List the name, class, and license number of the operator(s) that will be responsible for the system:

Name	Class	License#
Mitchell Martin III.	C	
James Martin	C	

24. Attach the following maps with each copy of the application: **(See Attached Maps)**

- a. One small scale map clearly showing affected service area with enough detail to accurately locate the area if the application is for the transfer of all or a portion of a CCN.
- b. One large scale map showing the proposed service area boundaries being sold, transferred, or merged and, if available, the existing and proposed facilities. Color coding should be used to differentiate existing from proposed facilities. Facilities and service area boundaries should be shown with such exactness that they can be located on the ground. If transferring area is currently in a CCN or a portion of an existing CCN area, please attached the following hard copy maps with each copy of application:
 1. A general location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county.
 2. A map showing only the proposed area by:
 - i. metes and bounds survey certified by a licensed state or registered professional land surveyor; or
 - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled, data disk should be included); or
 - iii. following verifiable natural and man-made landmarks, or
 - iv. a copy of recorded plat map with metes and bounds.
 3. A written description of the proposed service area.

OATH FOR SELLER OR FORMER SERVICE PROVIDER

STATE OF TEXAS

COUNTY OF MONTGOMERY

I, Mitchell M. Martin, Jr., being duly sworn, file this application for sale, lease, rental or merger or consolidation as President and Director (indicate relationship to applicant) that is, owner, member of partnership, title as officer of corporation, or other authorized representative of applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the documents filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein with respect to applicant are true and correct. Statements about other parties are made on information and belief. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Commission.

I further state that I have provided to the purchaser or transferee a written disclosure statement about any contributed property as required under Section 13.301(j) and copies of any outstanding Orders of the Commission or Attorney General and have also complied with the notice requirements in Section 13.301(k) of the Water Code.

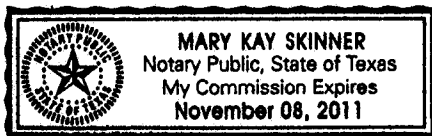
COMMUNITY UTILITY COMPANY

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

Mitchell M. Martin, Jr.
MITCHELL M. MARTIN, JR.
President and Director

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, on this 30 day of November, 2010.

SEAL



Mary Kay Skinner
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

MY COMMISSION EXPIRES 11-8-11

One copy of this page must be submitted for each utility involved in this transaction.

OATH FOR PURCHASER OR ACQUIRING ENTITY

STATE OF TEXAS

COUNTY OF MONTGOMERY

I, MITCHELL M. MARTIN, Jr., being duly sworn, file this application for

sale, lease, rental or merger or consolidation as President and Director
(indicate relationship to applicant) that is, owner, member of partnership, title as officer of corporation, or other authorized representative of applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the documents filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein with respect to applicant are true and correct. Statements about other parties are made on information and belief. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Commission.

I am also authorized and do agree to be bound by and comply with any outstanding orders of the Commission or the Attorney General which have been issued to the system or facilities being acquired and recognize that I will be subject to administrative penalties or other enforcement actions if I do not comply.

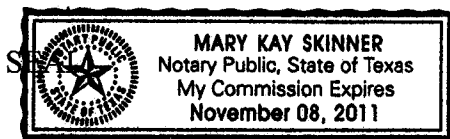
M.B.C. WATER SYSTEMS, INC.

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

Mitchell M. Martin Jr.
MITCHELL M. MARTIN, Jr.
President and Director

Applicant represents that all other parties to this transaction have been furnished copies of this completed application.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, on this 10 day of November, 2010.



Mary Kay Skinner
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

One copy of this page must be submitted for each utility involved in this transaction.

MY COMMISSION EXPIRES: 11-8-11

Notice to Current Customers, Neighboring Systems and Cities

COMMUNIT UTILITY COMPANY 'S
(Seller's or Transferor's Name)

NOTICE OF INTENT TO SELL FACILITIES AND TRANSFER CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) NO 10350 TO M.B.C. WATER SYSTEMS, INC.

(Purchaser's or Transferee's Name)
IN HARRIS AND MONTGOMERY COUNTIES, TEXAS

To: _____ Date Notice Mailed _____, 20 11
(Name of Customer, Neighboring System or City)

(Address)

City State Zip

COMMUNITY UTILITY P.O. Box 455 Spring, TX 77383
COMPANY

Sellers or Transferors' Name Address City/State/Zip Code

has submitted an application with the Texas Commission on Environmental Quality to sell facilities and transfer
water/sewer (please select) CCN No.10350 in Harris & Montgomery Counties to:

M.B.C. WATER SYSTEMS, INC. 27493 Hanna Road, No. 2 Conroe, TX 77385
Purchasers or Transferee's Name Address City/State/Zip Code

The sale is scheduled to take place as approved by the Executive Director (V.T.C.A., Water Code §13.301). The
transaction and the transfer of the CCN include the following subdivision(s) and zip codes:

Forest Manor: 77336, Heathergate Estates: 77532, Sweetgum Forest: 77354 Subdivisions

Forest Manor: PWS # 1010264

The area subject to this transaction is located approximately 26 Miles northeast [direction] of
downtown Houston, [City or Town] Texas, and is **generally** bounded on the north by
Farm to Market Road 1960 ;on the east by Rain Forest Drive

;on the south by Beckman Road ;and on the west by Farm to Market Road 2100

The total area being requested includes approximately 102 acres and serves 86 current customers.

Heathergate Estates: PWS # 1011302

The area subject to this transaction is located approximately 22 Miles northeast [direction] of
Houston, [City or Town] Texas, and is **generally** bounded on the north by

Heathergate Lane ;on the east by Fram to Market Road 2100

;on the south by Indian Shores Road ;and on the west by Apache Road

The total area being requested includes approximately 99 acres and serves 105 current customers.

Sweetgum Forest: PWS # 1700113

The area subject to this transaction is located approximately 8 Miles southwest [direction] of Conroe, [City or Town] Texas, and is **generally** bounded on the north by

Farm to Market Road 1488 ;on the east by Lois Lane

;on the south by Tory Ann Drive ;and on the west by Greenfield Forest Drive

The total area being requested includes approximately 41 acres and serves 22 current customers.

This transaction will have the following effect on the current customer's rates and services

The rates charged to the utility's customers will not be affected by this transaction. Service will be maintained in a manner consistent with TCEQ rules and regulations and will improve with system upgrades.

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) include the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Executive Director will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Executive Director may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

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

Se desea informacion on Espanol, puede llamar al 512-239-0200.

Utility Name

Utility Representative

CERTIFICATION OF ACCOUNT STATUS

TEXAS COMPTROLLER of PUBLIC ACCOUNTS

P.O. Box 13528 • AUSTIN, TX 78711-3528



November 17, 2010

M.B.C. WATER SYSTEMS, INC.
27493 HANNA RD STE 2
CONROE, TX 77385-6624

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

M.B.C. WATER SYSTEMS, INC.

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 16, 2011.

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 17th day of
November, 2010 A.D.


Susan Combs
Texas Comptroller

Taxpayer number: 32038721968
File number: 0801076654

**COMPREHESIVE COMPLIANCE
INVESTIGATION LETTER &
COMPLIANCE AGREEMENT**

Texas Commission on Environmental Quality

COMPLIANCE AGREEMENT

**Mitchell Mackay Martin, Jr., Michael M. Martin and Carolee Martin
Martin Systems**

**Public Drinking Water and Wastewater Systems, including those associated with
Certificate of Convenience & Necessity Nos. 10347, 10350, 10835, 11193, 12624, 12639,
20197 and 20754, located in Harris and Montgomery Counties, Texas**

The Texas Commission on Environmental Quality ("Commission" or "TCEQ") is the state agency charged with enforcing Chapter 341, Subchapter C of the TEX. HEALTH & SAFETY CODE and Chapter Nos. 13 and 26 of the TEX. WATER CODE (the "Codes"), and the regulations promulgated pursuant to the Codes.

Mitchell Mackay Martin, Jr., Michael M. Martin and Carolee Martin (the "Current Martin Respondents"), all three of whom share a family relationship, now own, oversee and/or operate multiple public water and wastewater systems (the "Systems" herein) that are located in Harris and Montgomery Counties. It is understood that Mitchell ("Mitch") and Michael are the primary managers/administrators of the Systems. The Systems are in substantial violation of the TCEQ's requirements, including those found in TEX. HEALTH & SAFETY CODE Ch. 341, TEX. WATER CODE chs. 13 and 26, and 30 TEX. ADMIN. CODE Chs. 290, 291, 305 and 317. Previous owner/operators D. E. Martin and Mitchell M. Martin, Sr. (Subjects of state enforcement cases, indicated in this CA as the "Previous Martin Respondents") allowed noncompliances with rules applicable to many of the Systems since at least 1996. The Current Martin Respondents have taken responsibility for oversight of the Systems, as they acquired property associated with the Systems via court action on a family will, Cause No. 03-20, 764-P in the County Court of Montgomery County, Texas. The Current Martin Respondents are currently evaluating how specific property and other interests may be associated with Carolee Martin and/or others regarding these facilities.

The TCEQ recognizes that the Current Martin Respondents are in an ongoing process of determining all noncompliances at each of the Systems, obtaining engineering/consulting assistance, and of subsequently formulating a complete list of appropriate corrective actions and corresponding expedited implementation schedule tailored to each of the Systems. The Current Martin Respondents are willing to explore regionalization/consolidation (i.e., connecting some/all of the Systems to a larger, more capable utility, either by sale of other means of changing water supply, operational control, or ownership) or a sale of some or all of the Systems if such actions will help optimize both compliance and performance of the particular Systems. The Current Martin Respondents intend to bring the Systems into full compliance with the Commission's drinking water and water quality rules (including 30 TEX. ADMIN. CODE chs. 290, 291, 305 and 317).

Many of the violations associated with the Systems are on-going and will continue to occur until such time as the Systems can be upgraded in accordance with the terms and conditions herein. The Current Martin Respondents shall correct all of the violations which will be listed in a corrective action plan and schedule submitted by the Current Martin Respondents pursuant to this Compliance Agreement ("CA").

In response to these violations and in an effort to eliminate the potential threat to public health, the Current Martin Respondents and the Commission have entered into this CA.

NOW, THEREFORE, in consideration of the foregoing, the TCEQ and the Current Martin Respondents agree

and enter into an agreement; the provisions of this CA are as follows:

1. Immediately upon the effective date of the CA, the Current Martin Respondents shall:
 - a. Properly operate and maintain all the Systems' facilities (including the means of treatment and control, and related appurtenances) installed or used by the Current Martin Respondents to optimize performance and compliance of the Systems;
 - b. Ensure accurate and precise measurement, monitoring, recording and reporting regarding monitoring which is required to be performed for each of the Systems. This shall include providing the TCEQ with self-reported information and maintaining records for review by TCEQ representatives, in the manner and per the timeframe required by TCEQ rules, this CA, or any other applicable TCEQ authorization/permit/registration; and
 - c. Ensure that notices to the public and Commission are accomplished in the timeframe and manner specified in TCEQ rules.
2. Within 15 days after the effective date of this CA, submit written certification of compliance (as described below) with Provision Nos. 1.a. through 1.c. above.
3. Within 60 days after the effective date of this CA, the Current Martin Respondents shall submit a Customer and Regulated Entity Report ("CR-Report"), for TCEQ review and possible comment/modification, which describes and provides current information including:
 - a. A list of all public drinking water systems and wastewater systems (i.e., "the Systems"), including those noted in the Inventory and Appraisal of the Estate of Mitchell M. Martin, Sr. (filed August 18, 2004), those associated with Certificate of Convenience and Necessity ("CCN") Nos. 10347, 10350, 10835, 11193, 12624, 12639, 20197 and 20754 and any others, associated with the Previous Martin Respondents as well as those currently owned, operated or otherwise associated with the Current Martin Respondents;
 - b. All Customers and Regulated Entities associated with each of these Systems, accurately named and identified, including any Customer ("CN") or Regulated Entity ("RN") numbers;
 - c. Any authorizations (such as a CCN, permit, registration or other authorization) which are associated with any of the Systems;
 - d. The preferred name, address and telephone/facsimile number for the Current Martin Respondents representative/person to whom the TCEQ should direct its communications regarding this CA;
 - e. A proposal list, which specifies which (or all) of the Systems noted in 3.a. above that will be addressed and included in this CA (i.e., which of the Systems will need to address the rest of the provisions of this CA). Drinking water and wastewater systems included on the proposal list, may be referred to as the "CA Facilities" in following parts of this CA;
 - f. For each of the CA Facilities noted in Provision No. 3.e. above:

- i. A description of any regionalization/consolidation studies or other engineering analyses performed in the last five years, and a sketch showing the closest city or other entity that could supply an alternate supply of water and receiver/treat wastewater;
- ii. A list of persons ("Responsible Persons") who have an oversight or operational responsibility at each of the CA Facilities;
- iii. Whether as-built plans (approved by the TCEQ) are available for existing portions of each of the CA Facilities;
- iv. The date of the most recent TCEQ investigation, and a list of noncompliances noted during the TCEQ investigation;
- v. Status of any overdue fees, including those for public health service, water regulatory assessment and water quality fees; and
- vi. Any other pertinent identification/authorization information.

Additionally, the CR-Report should make recommendations as to what changes (related to current information in 3.a.-3.f. above) the Current Martin Respondents believe would make TCEQ information/databases more accurate, complete and representative. Such changes would include indicating where additional authorizations are needed (i.e., like a wastewater permit or a CCN) and where current information in the TCEQ Central Registry associated with CN or RN numbers needs to be updated. If a new permit application is needed for any existing facility, the Current Martin Respondents must properly submit (within 60 days after the effective date of this CA) a permit application and subsequently provide adequate, complete and timely responses to all TCEQ requests for information concerning the permit application. Regarding TCEQ investigation letters and reports, the Current Martin Respondents should compile a list of the most recent regional investigation (and whether any violations were noted) for each CA Facilities.

4. Within 120 days after the effective date of this CA, the Current Martin Respondents shall submit to the Executive Director for review and possible comment/modification, a comprehensive proposed improvement plan and proposed schedule (the "CI-Plan") for each of the CA Facilities defined pursuant to Provision No. 3.e. above. The CI Plan shall address certain considerations, including:
 - a. In the short term, how to update information as recommended in the CR-Report and how to accomplish operation/maintenance improvements which can further optimize compliance/performance at each of the CA Facilities;
 - b. A schedule of payments to ensure any overdue fees are paid within 365 days after the effective date of this CA;
 - c. Development of a prioritized list of capital improvements, with an associated schedule for implementation/completion, necessary to ensure all of the CA Systems are compliant with the respective applicable rules and statutes within 24 months of the effective date of this CA. This prioritized list and schedule must address, at a minimum, violations and deficiencies noted during TCEQ regional investigations; and

- d. A plan of action to ensure that complete and approved plans, either as-built or otherwise appropriate, are available for all the CA Facilities within 24 months of the effective date of this CA.

A Texas Registered Professional Engineer shall prepare and seal the submitted CI-Plan. Unless modified in writing by the TCEQ Enforcement Division, the (most recently) submitted CA with its schedule shall become effective and incorporated by reference to this CA within 150 days after the effective date of this CA. The Current Martin Respondents must meet the corrective actions and schedule specified in the effective CI Plan. Any modifications subsequently requested to the effective CI Plan shall be made via written submission to TCEQ; upon written TCEQ approval, approved modifications shall become part of this plan and become incorporated by reference into this effective CA and the effective CI Plan.

- 5. Within 135 days after the effective date of this CA, submit written certification of compliance (as described below) with Provision Nos. 3 and 4 above.
- 6. Within 120 days of the effective date of this CA, and subsequently on the 15th day of January, April, July and October of each year while there are any improvements described in the effective CI Plan that remain uncompleted, the Current Martin Respondents shall provide update reports regarding certain items including:
 - a. Progress on completing the CI Plan at each of the CA Facilities;
 - b. Any changes (additions, withdrawals, switches) regarding Responsible Persons, as described in Provision No. 3.E.ii. above, including changes to ownership or operational staff at any CA Facility;
 - c. Status of any permit or authorization applications/registrations submitted; and
 - d. Changes regarding any other management, legal, funding and/or operational activities which are related to (and/or involve Current Martin Respondents oversight of) each of these CA Facilities.
- 7. Within 28 months after the effective date of this CA, using written certification of compliance as described below (for each CA Facility), submit either certification that the CA Facility is operating in compliance with applicable TCEQ requirements (and has appropriate TCEQ authorizations) or certification that the CA Facility has ceased operating (and has been adequately decommissioned) in compliance with state rules and regulations.
- 8. Written certifications shall be submitted as described in this CA provision, and include detailed supporting documentation including photographs, receipts and/or other records to demonstrate compliance with Ordering Provision Nos. 1, 3, 4 and 7 above.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted

information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149 Texas Commission on Environmental
Quality P. O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

In return for the Current Martin Respondents' agreement and adherence to these terms, the Commission will withhold further enforcement actions related to the noted violations. Should the Current Martin Respondents believe that unforeseen circumstances indicate a need to alter the above mentioned schedule, particularly regarding the effective CI Plan, Current Martin Respondents must immediately notify the TCEQ Enforcement Division in writing so that the TCEQ can determine whether an extension of a deadline is warranted. The availability of any deadline extension is within the sole discretion of the TCEQ Enforcement Division.

Martin Systems
Compliance Agreement
Page 6

The effective date of this CA is the signature date of Current Martin Respondents' authorized representatives.

Acceptance of the terms of this CA is indicated by the signatures below.

Michael M. Martin
Michael M. Martin

CO-OWNER
Title

2-24-06
Date

Michael Michel Martin Sr.
Printed Name of Michael M. Martin

Mitchell M. Martin Jr.
Mitchell Mackay Martin, Jr.

CO-OWNER
Title

2-24-06
Date

Mitchell Mackay Martin, Jr.
Printed Name of Mitchell Mackay Martin, Jr.

Carolee Martin
Carolee Martin

Title

02.24.06
Date

CAROLEE MARTIN
Printed Name of Carolee Martin

Bryan Swick
Manager
Enforcement Division
Texas Commission on Environmental Quality

2/22/06
Date

Instructions: Send this signed, original Compliance Agreement to Mr. Brian Lehmkuhle, Coordinator, Enforcement Division, MC 169, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 by the due date indicated in the enclosed letter

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

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

Dear Mr. Martin:

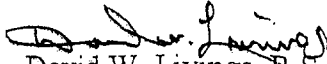
On July 22, 2008, Ms. Leticia De Leon of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation 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.

Mr. Mitchell Martin, President
September 25, 2008
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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

Investigation Date: 07/22/2008

HARRIS COUNTY,

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:

200Gal./Conn X 85 Conn. = 17,000 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

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

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.

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.

equipment onsite because the entity 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.

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



PWS1011302 ICO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 28, 2003

CERTIFIED MAIL # 7002 2030 0003 4750 7943
RETURN RECEIPT REQUESTED

Mr. Michael Martin, Co-Owner
Community Utility Company
P.O. Box 58
Spring, TX 77383-0058

Re: Notice of Violation for the Compliance Evaluation Investigation at:
Heathergate Public Utility Co., Heathergate Dr., Harris County, Texas
TCEQ ID No: 1011302

RECEIVED - 6 AM 8:29

Dear Mr. Martin:

On August 5, 2003, Mr. Mike Davis of the Texas Commission on Environmental Quality (TCEQ), (formerly Texas Natural Resource Conservation Commission (TNRCC)) Houston 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. A due date for submitting compliance documentation for the outstanding alleged violations will be determined by the TCEQ Enforcement Division. Please take the necessary steps to start correcting the alleged violations.

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 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, Mr. Barry H. Price, Jr., PWS 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.

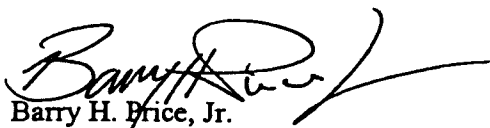
REPLY TO: REGION 12 • 5425 POLK AVE., STE. H • HOUSTON, TEXAS 77023-1486 • 713/767-3500 • FAX 713/767-3520

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

Mr. Michael Martin, Co-Owner
Page 2
August 28, 2003

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

Sincerely,

A handwritten signature in black ink, appearing to read "Barry H. Price, Jr.", with a long horizontal flourish extending to the right.

Barry H. Price, Jr.
PWS Team Leader
Houston Region Office

BHP/mgd

cc: Harris Co. Health Dept

Enclosures: Summary of Investigation Findings

HEATHERGATE PUBLIC UTILITY CO

Investigation # 152121

Investigation Date: 08/05/2003

, HARRIS COUNTY,

Additional ID(s): 1011302

OUTSTANDING ALLEGED VIOLATIONS

Track No: 119881 Compliance Due Date: No Date Entered

30 TAC Chapter 290.44(d)

Alleged Violation:
Investigation: 152121

Comment Date: 08/28/2003

Water Distribution

Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute at each service outlet or connection. When the regulated entity is intended to provide fire fighting capability, it must also be designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions. During the compliance investigation, a pressure of 32 psi was noted at 20506 Berry Thicket.

Recommended Corrective Action: Submit letter to verify compliance.

Track No: 119883 Compliance Due Date: No Date Entered

30 TAC Chapter 290.44(d)(4)

Alleged Violation:
Investigation: 152121

Comment Date: 08/28/2003

Water Distribution

Failure to provide accurate metering devices at each service connection to provide water usage data.

Recommended Corrective Action: Submit letter to verify compliance.

Track No: 119884 Compliance Due Date: No Date Entered

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.

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

Track No: 119887 Compliance Due Date: No Date Entered

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.

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

Track No: 119889 Compliance Due Date: No Date Entered
30 TAC Chapter 290.46(m)(1)(B)

Alleged Violation:
Investigation: 152121

Comment Date: 08/28/2003

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.

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

AREAS OF CONCERN

Description

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

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

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

Additional Comments

Failure to provide at least two service pumps with at least 2 gallons per minute per connection of pumping capacity. With 128 connections, your system is required to have at least 256 gallons per minute of service pump capacity. Currently, your system has no service pumps. This violation has already been noted by the Commission's enforcement division and is part of an active enforcement case.

Failure to provide at least 200 gallons per connection of ground storage capacity. With 128 connections, your system is required to have at least 25,600 gallons of ground storage. Currently, your system has no ground storage. This violation has already been noted by the Commission's enforcement division and is part of an active enforcement case.

Failure to provide at least 0.6 gallons per minute per connection of well capacity. With 128 connections, your system is required to have at least 77 gallons per minute of well capacity. Currently, your system has 48 gallons per minute of well capacity. This violation has already been noted by the Commission's enforcement division and is part of an active enforcement case.

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



PWS11700113 ICO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 23, 2009

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

Re: Notice of Compliance with Notice of Violation (NOV) September 23, 2008:
Sweetgum Forest, Sweetgum and FM 1488, Montgomery County, Texas
TCEQ ID No: 1700113, Investigation # 782953

RECEIVED
JAN 28 2010
TCEQ
CENTRAL FILE ROOM

Dear Mr. Martin:

On October 6, 2009, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on July 17, 2008. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Barry Price in the Houston Region Office at (713)767-3650.

Sincerely,

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

LD/bhp/pt

Enclosure: *Summary of Investigation Findings*

cc: Montgomery County Environmental Health Department
David Gunn, Texas Department of Licensing & Regulation, 920 Colorado, Austin, Texas
78701

RECEIVED
TCEQ
WATER SUPPLY DIVISION
NOV 30 PM 1:49

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : LPS

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☐ Maps, Plans, Sketches

☐ Photographs

☒ Correspondence from the facility

☐ Other (specify) :

Summary of Investigation Findings

SWEETGUM FOREST

Investigation # 782953

, MONTGOMERY COUNTY,

Investigation Date: 11/17/2009

Additional ID(s): 1700113

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 343509

30 TAC Chapter 290.44(d)

30 TAC Chapter 290.46(r)

Alleged Violation:

Investigation: 689559

Comment Date: 08/12/2008

Water Distribution

Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection. When the regulated entity is intended to provide fire fighting capability, it must also be designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions.

At the time of the investigation the pressure in distribution was 29 psi.

Investigation: 761818

Comment Date: 08/03/2009

Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi).

Investigation: 782953

Comment Date: 11/17/2009

Water Distribution

Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection. When the regulated entity is intended to provide fire fighting capability, it must also be designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions.

At the time of the investigation the pressure in distribution was 29 psi.

Recommended Corrective Action: Submit documentation verifying the pressure of at least 35 psi has been obtained and maintained to verify compliance.

Resolution: On October 6, 2009 the water system provided written documentation that included a daily operations worksheet for 09/30/2009, that recorded a pressure of 53 psi in the water system.

Track No: 343510

30 TAC Chapter 290.121

Alleged Violation:

Investigation: 689559

Comment Date: 08/12/2008

Monitoring Plans

Failure by the regulated entity to develop and maintain an up to date system monitoring plan. The plan shall identify all bacteriological and chemical sampling locations, describe the sampling frequency, and specify the analytical procedures and laboratories to be used to comply with monitoring requirements. The completed plan must be retained at each water

Installers)

It is noted that the well has dried up. The entity receives purchased water and alleges no future plans to use well.

We have enclosed a copy of the plugging report which must be submitted when the operation has been completed.

Investigation: 761818

Comment Date: 08/03/2009

Failure to plug the well.

Investigation: 782953

Comment Date: 11/17/2009

Abandoned Wells

Failure to plug an abandoned public water supply well(s) owned by the system, with cement according to 16 TAC Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers)

It is noted that the well has dried up. The entity receives purchased water and alleges no future plans to use well.

We have enclosed a copy of the plugging report which must be submitted when the operation has been completed.

Recommended Corrective Action: Submit a copy of the plugging report to verify compliance.

Resolution: The water system provided a property data sheet that showed that the water system does not own the property the abandoned water well is located on.

**TWDB – SFY 2011(DRWSRF)
MAINSTREAM FUNDING
INVITATION**

LIST OF NEIGHBORING UTILITIES

List of Neighboring Utilities

CCN NO. 12902 & 11157
AQUA TEXAS INC
1106 CLAYTON LN STE 400W
AUSTIN, TEXAS 78723-2476

CCN NO. 12831
EVERETT SQUARE INC
9132 WHITE OAK DR
CONROE, TEXAS 77384-4702

CCN NO. 12947
WOODLAND OAKS UTILITY COMPANY INC
PO BOX 592
CONROE, TEXAS 77305-0592

CCN NO. 11599
WESTWOOD NORTH WSC
6310 WEISINGER DR
MAGNOLIA, TEXAS 77354-0000

CCN NO. 11612
QUADVEST INC
PO BOX 409
TOMBALL, TEXAS 77377-0409

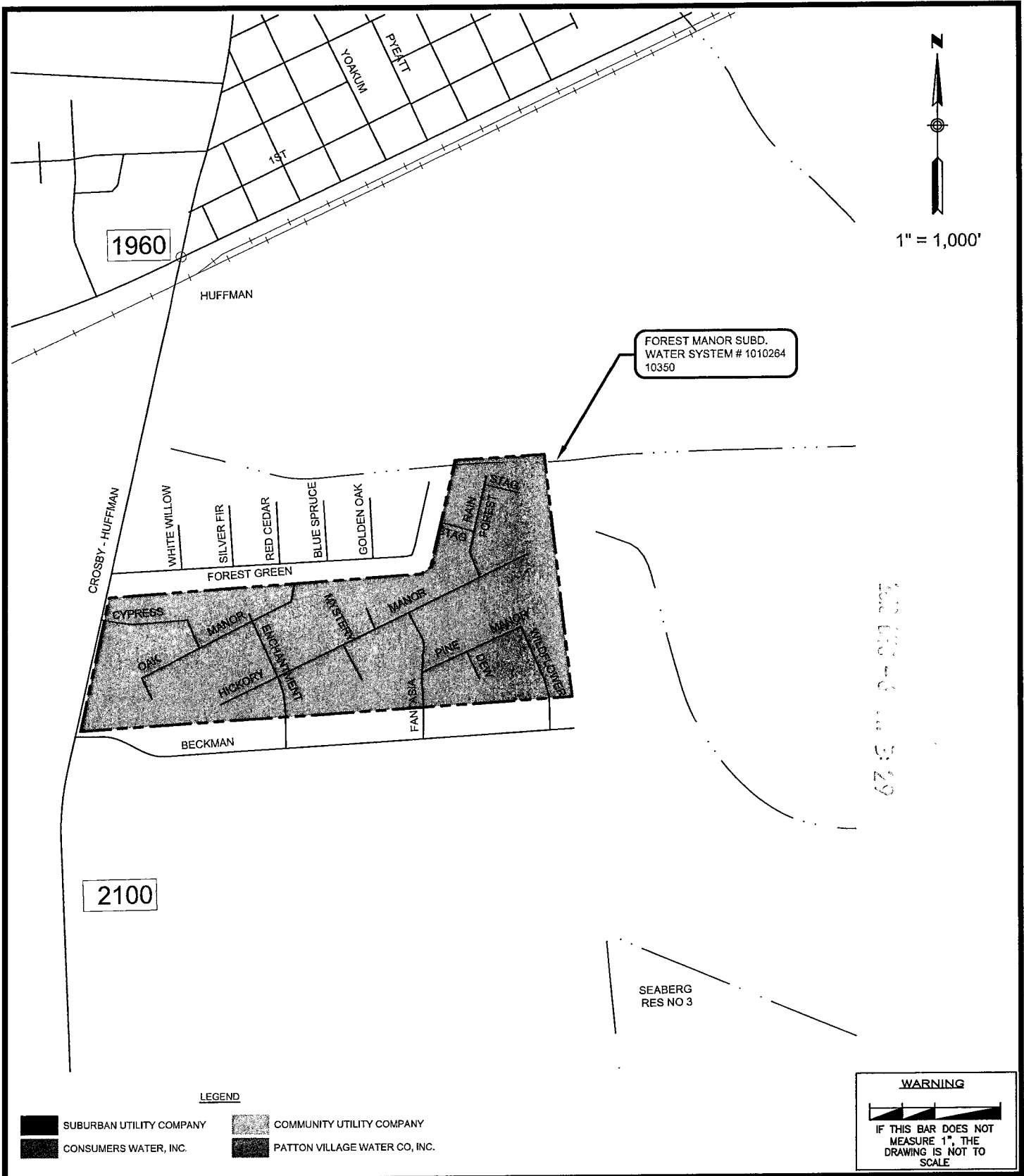
CCN NO. 12639
MONTGOMERY PLACE WATER SYSTEM INC
9132 WHITE OAK DR
CONROE, TEXAS 77384-4702

CCN NO. 10347
CONSUMERS WATER INC
PO BOX 1383
SPRING, TEXAS 77383-1383

CITY OF HOUSTON
PO BOX 1562
HOUSTON, TEXAS 77251-1562

MAPS

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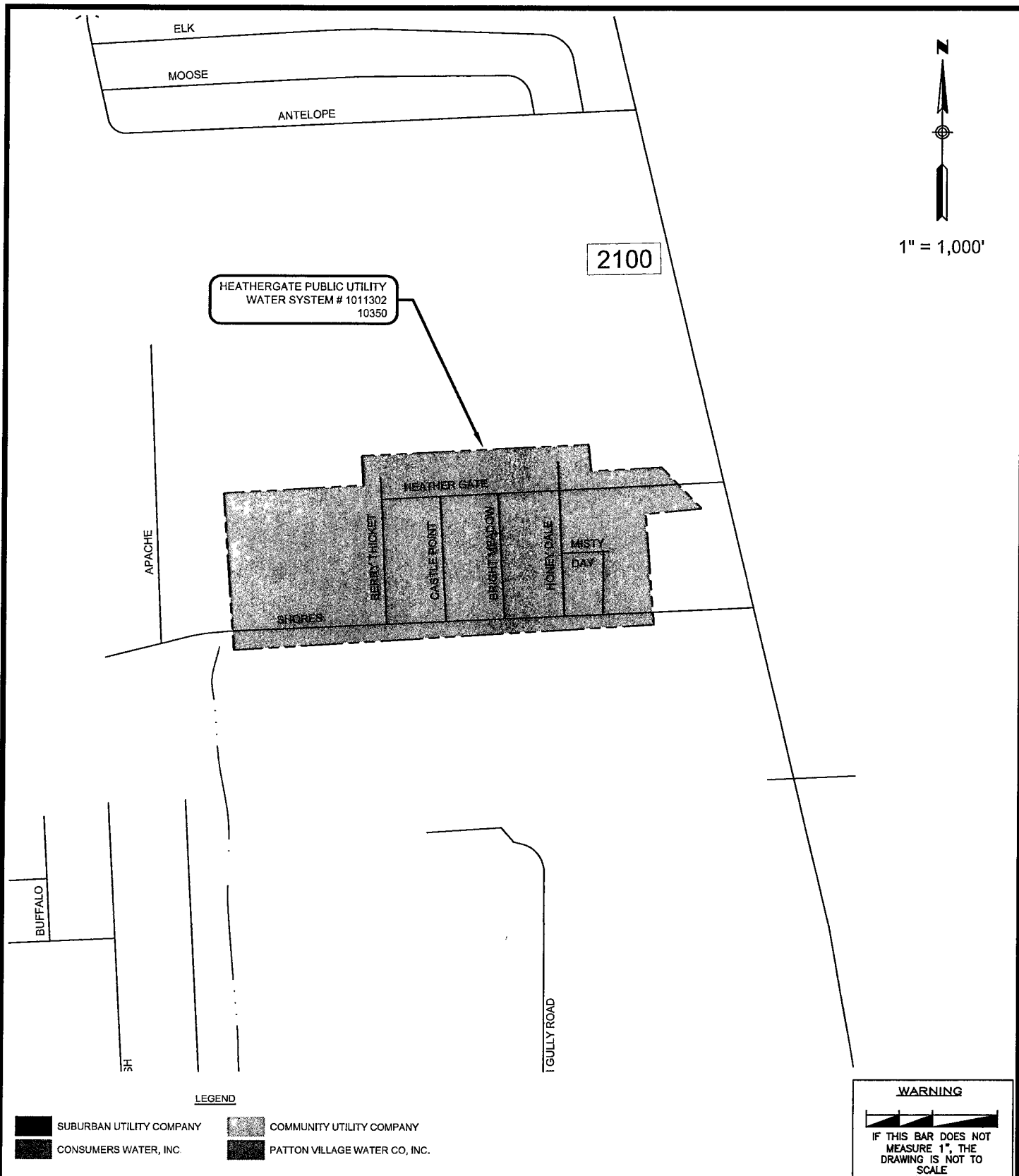
SALE, TRANSFER, MERGER APPLICATION
FOREST MANOR SUBDIVISION LARGE SCALE MAP

M.B.C. WATER SYSTEMS
HARRIS AND MONTGOMERY COUNTIES, TEXAS



Southwest Engineers, Inc.
Civil - Environmental - Planning
Gonzales Austin
www.swengineers.com
TSPE No. F-1909

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SALE, TRANSFER, MERGER APPLICATION
HEATHERGATE PUBLIC UTILITY COMPANY LARGE SCALE MAP

M.B.C. WATER SYSTEMS
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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TBP# No. F-1909