

Track No: 374940

30 TAC Chapter 290.43(d)(3)

**Alleged Violation:**

Investigation: 767411

Comment Date: 08/28/2009

Failure to maintain a device to readily determine air-water-volume for all pressure tanks greater than 1,000 gallon capacity.

Investigation: 1054493

Comment Date: 01/22/2013

Failure to maintain a device to readily determine air-water-volume for all pressure tanks greater than 1,000 gallon capacity.

**Recommended Corrective Action:** Install a site glass or other device to readily determine the air-water-volume for the 0.0025 MG pressure tank.

Please submit to this Office by the Compliance Due Date, photographs or invoices documenting that the site glass or other device for determining the air-water-volume in the 0.0025 MG pressure tank has been installed.

**Resolution:** At the time of the investigation the 0.0025 MG pressure tank had been taken offline.

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Track No: 374945

30 TAC Chapter 290.43(c)(4)

**Alleged Violation:**

Investigation: 767411

Comment Date: 08/28/2009

Failure to provide a water level indicator on the elevated ground storage tank.

Investigation: 1054493

Comment Date: 01/22/2013

Failure to provide a water level indicator on the elevated ground storage tank.

**Recommended Corrective Action:** Install a water level indicator on the elevated ground storage tank. The indicator can be a float with a moving target, an ultrasonic indicator or a pressure gauge calibrated in feet of water.

Please submit to this Office by the Compliance Due Date, invoices or photographs documenting that you have installed a water level indicator on the elevated ground storage tank.

**Resolution:** At the time of the investigation the water level indicator was provided for the elevated ground storage tank.

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Track No: 374946

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

**Alleged Violation:**

Investigation: 767411

Comment Date: 08/28/2009

Failure to have a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot. There was a sealing block around the well head, however the thickness was in question, it did not appear to have any slope and it had numerous cracks in it.

Investigation: 1054493

Comment Date: 01/28/2013

Failure to have a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot. There was a sealing block around the well head, however the thickness was in question, it did not appear to have any slope and it had numerous cracks in it.

**Recommended Corrective Action:** Provide a sealing block in accordance with the previously

Please submit to this Office by the Compliance Due Date, photographs or invoices documenting that a properly constructed concrete sealing block has been installed around the well head.

**Resolution:** At the time of the investigation, a properly constructed concrete sealing block had been installed around the well head.

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*

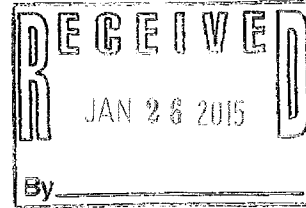


*Jeff*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 23, 2015



**CERTIFIED MAIL NO.: 91 7199 9991 7034 4997 0889**  
**RETURN RECEIPT REQUESTED**

Mr. Scot Foltz, Environmental Compliance Manager  
Aqua Utilities, Inc.  
1106 Clayton Lane, Ste 400W  
Austin, Texas 78723

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Deerwood Subdivision, Goehmann Ln. north of Hwy 290, Gillespie County, Texas  
Regulated Entity No.: RN101233849  
TCEQ ID No.: 0860098, Investigation No.: 1211059

Dear Mr. Foltz:

On November 18, 2014, Ms. Stacy Tanner of the Texas Commission on Environmental Quality (TCEQ) San Antonio 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, one outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by May 23, 2015, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. At this time, your public water supply continues to merit recognition as a "Superior" system.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the San Antonio Region Office at (210) 490-3096 or the Central Office Publications Ordering Team at 512-239-0028.

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 violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the San Antonio Region Office within 10 days from the date of this letter. At that time, Water Section Manager, Ms. Lynn Bumgardner, 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

Mr. Scot Foltz, Environmental Compliance Manager  
January 23, 2015  
Page 2

TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violation.

If you or members of your staff have any questions, please feel free to contact Ms. Tanner in the San Antonio Region Office at (210) 403-4078.

Sincerely,

Joy Thurston-Cook  
Water Section Team Leader  
San Antonio Region Office

JTC/ST/eg

Enclosures: Summary of Investigation Findings

## Summary of Investigation Findings

DEERWOOD SUBDIVISION

Investigation #  
1211059  
Investigation Date: 11/18/2014

, GILLESPIE COUNTY,

Additional ID(s): 0860098

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

Track No: 557921 Compliance Due Date: 05/23/2015

30 TAC Chapter 290.39(e)

30 TAC Chapter 290.39(h)(1)

30 TAC Chapter 290.46(n)(1)

#### Alleged Violation:

Investigation: 1211059

Comment Date: 01/08/2015

Failure to submit and acquire approval of as built engineering plans prior to operating a public water supply.

At the time of the investigation, the water system could not produce any documentation indicating that the water system had submitted as built engineering plans and subsequently received approval or an exception to the requirement prior to operating the water system.

30 TAC 290.46(n)(1)-- Accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank shall be maintained at the public water system until the facility is decommissioned. As-built plans of individual projects may be used to fulfill this requirement if the plans are maintained in an organized manner.

30 TAC 290.39(h)(1)-- No person may begin construction on a new public water system before receiving written approval of plans and specifications and, if required, approval of a business plan from the executive director. No person may begin construction of modifications to a public water system without providing notification to the executive director and submitting and receiving approval of plans and specifications if requested in accordance with subsection (j) of this section.

30 TAC 290.39(e)-- Submission of planning material.

**Recommended Corrective Action:** Provide by the compliance due date, documentation demonstrating that as-built plans or an exception request has been submitted to the Texas Commission on Environmental Quality (TCEQ), Utilities Technical Review Team (UTRT), MC 159, P.O. Box 13087, Austin, TX 78711-3087 and that approval or an exception has been granted.

The entity must ensure that the as-built plans are submitted by a licensed professional engineer. For further assistance regarding submittal contact the TCEQ UTRT at (512) 239-4691.

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



*Gay*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 25, 2015

**CERTIFIED MAIL no.: 91 7199 9991 7034 4962 3228**  
**RETURN RECEIPT REQUESTED**

RECEIVED

FEB 25 2015

Mr. Scot Foltz, Environmental Compliance Manager  
Aqua Texas, Inc.  
1106 Clayton Ln, STE 400W  
Austin, Tx 78723

TX ADMIN-AUSTIN

Re: Notice of Violation for Compliance Evaluation Investigation at:  
Guadalupe Heights Utility, 2 miles South East of Kerrville, Kerr County, Texas  
Regulated Entity No.: RN101198984, TCEQ ID No.: 1330009  
Investigation: 1217928

Dear Mr. Foltz:

On December 22, 2014, Mr. Colby Maron of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for a public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **June 20, 2015** a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the San Antonio Region Office at 210-490-3096 or the Central Office Publications Ordering Team at 512-239-0028.

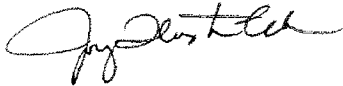
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the 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 San Antonio Region Office within 10 days from the date of this letter. At that time, Water Section Manager, Ms. Lynn Bumguardner, 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

Mr. Scot Foltz, Environmental Compliance Manager  
Page 2  
February 25, 2015

violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Maron in the San Antonio Region Office at 210/403-4024.

Sincerely,



Joy Thurston-Cook  
Water Section Team Leader  
San Antonio Region Office

JTC/CM/eg

Enclosures: Summary of Investigation Findings

## Summary of Investigation Findings

GUADALUPE HEIGHTS UTILITY

Investigation #  
1217928  
Investigation Date: 12/22/2014

, KERR COUNTY,

Additional ID(s): 1330009

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

Track No: 558229 Compliance Due Date: 06/20/2015

30 TAC Chapter 290.39(e)  
30 TAC Chapter 290.39(h)(1)  
30 TAC Chapter 290.46(n)(1)

#### Alleged Violation:

Investigation: 1217928

Comment Date: 02/18/2015

Failure to submit and acquire approval of engineering plans prior to the construction and operation of a public water supply.

At the time of the investigation, the water system had no approval letters or granted exceptions for the production, treatment, storage and pressure maintenance facilities; however, the San Antonio Region was able to find that the 0.44 MG bolted galvanized steel storage tanks and related appurtenances were approved for construction on 08/18/2014. Additionally, plan review documentation was submitted to the TCEQ on 06/03/2008 for a new pressure tank. It is unknown if approval was granted and which pressure tank the submittal was for.

30 TAC 290.46(n)(1)-- Accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank shall be maintained at the public water system until the facility is decommissioned. As-built plans of individual projects may be used to fulfill this requirement if the plans are maintained in an organized manner.

30 TAC 290.39(h)(1)-- No person may begin construction on a new public water system before receiving written approval of plans and specifications and, if required, approval of a business plan from the executive director. No person may begin construction of modifications to a public water system without providing notification to the executive director and submitting and receiving approval of plans and specifications if requested in accordance with subsection (j) of this section.

30 TAC 290.39(e)-- Submission of planning material.

**Recommended Corrective Action:** Provide by the compliance due date, documentation demonstrating that as-built plans for the treatment, storage and pressure maintenance facilities or an exceptions request has been submitted to the Texas Commission on Environmental Quality (TCEQ), Utilities Technical Review Team (UTRT), MC 159, P.O. Box 13087, Austin, TX 78711-3087 and that approval or an exception has been granted.

The entity must ensure that the as-built plans are submitted by a licensed professional engineer. For further assistance regarding submittal contact the TCEQ UTRT at (512) 239-4691.

Track No: 558303 Compliance Due Date: 06/20/2015

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

#### Alleged Violation:

Investigation: 1217928

Comment Date: 01/23/2015

Failure to provide a wellhead casing at a minimum of 18 inches above the natural ground surface.

At the time of the investigation, the well casing did not extend at least 18 inches above the elevation of the ground level.

290.41(c)(3)(B) The casing material used in the construction of wells for public use shall be new carbon steel, high-strength low-alloy steel, stainless steel or plastic. The material shall conform to AWWA standards. The casing shall extend a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface and a minimum of one inch above the sealing block or pump motor foundation block when provided. The casing shall extend at least to the depth of the shallowest water formation to be developed and deeper, if necessary, in order to eliminate all undesirable water-bearing strata. Well construction materials containing more than 8.0% lead are prohibited.

**Recommended Corrective Action:** Provide by the compliance due date an invoice, completed work order or photograph indicating that the well casing has been extended to at least 18 inches above the elevation of the ground level or the finished floor of an enclosed pump house or request an exception by writing to the TCEQ, Technical Review and Oversight Team (TROT) at MC 159, P.O. Box 13087, Austin, TX 78711-3087, and provide a copy of the granted exception to the TCEQ San Antonio Region Office. For further assistance regarding exceptions requests contact the TCEQ TROT at (512) 239-4691.

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

Track No: 471439

30 TAC Chapter 290.43(c)(3)

**Alleged Violation:**

Investigation: 1016062

Comment Date: 07/05/2012

Failure to have an overflow on the ground storage tank at Hill Top and Cherry Way that terminates at ground level or is located near enough and at a position accessible from a ladder or the balcony for inspection purposes.

Investigation: 1217928

Comment Date: 01/30/2015

This violation is resolved.

**Recommended Corrective Action:** Extend the overflow on the ground storage tank at Hill Top and Cherry Way so that it terminates at ground level or is accessible from a ladder or balcony for inspection purposes.

Please submit to this Office by the Compliance Due Date photographs or invoices documenting that the overflow on this tank has been extended so that it terminates at ground level or is accessible from either a tank ladder or balcony.

**Resolution:** 12/22/2014- At the time of the investigation, both ground storage tanks had overflows that terminated in locations that were accessible for inspection.

Track No: 471443

30 TAC Chapter 290.46(n)(2)

**Alleged Violation:**

Investigation: 1016062

Comment Date: 07/05/2012

Failure to have an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Investigation: 1217928

Comment Date: 01/30/2015

This violation is resolved.

**Recommended Corrective Action:** Locate or develop an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Please submit to this Office by the Compliance Due Date a copy of the distribution map that was developed for this public water supply system.

**Resolution:** 12/22/2014- A copy of an up-to-date distribution map was provided during the investigation.

### ADDITIONAL ISSUES

#### Description

Item 5

#### Additional Comments

At the time of the investigation, the service pump capacity at Guadalupe Heights Utility had reached 96.9% of its capacity. Based upon the 218 connections, the entity is required to provide 436 gpm of service pump capacity. The entity provided a total of 450 gpm of service pump capacity. An 85% planning report must be submitted in accordance with requirements to avoid any future violation.

30 TAC 291.93(3)-- A retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 of this title shall submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area. A report is not required if the source of supply available to the utility service provider is reduced to below the 85% level due to a court or agency conservation order unless that order is expected to extend for more than 18 months from the date it is entered in which case a report shall be required

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



*Eliz*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 3, 2012

**CERTIFIED MAIL NO: 91 7199 9991 7031 3390 7047**  
**RETURN RECEIPT REQUESTED**

RECEIVED  
AUG 06 2012

BY .....

Mr. Steve Blackhurst, Environmental Compliance Manager  
Aqua Texas, Inc.  
1106 Clayton Lane, Ste 400W  
Austin, Texas 78723

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Harper Road Estates, Gillespie County, Texas  
Regulated Entity No.: 101198810, TCEQ ID No.: 0860005, Investigation No. 1020152

Dear Mr. Blackhurst:

On June 21, 2012, Mr. Don White of the Texas Commission on Environmental Quality (TCEQ) San Antonio 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. In addition, two outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by February 26, 2012 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the San Antonio Region Office at 210-490-3096 or the Central Office Publications Ordering Team at 512-239-0028.

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 requirement. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the San Antonio Region Office within 10 days from the date of this letter. At that time, Water Section Manager, Ms. Lynn Bumgardner will schedule a violation review meeting to be conducted within 21 days of the date of this letter.

Mr. Steve Blackhurst  
August 3, 2012  
Page 2

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 enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Don White in the San Antonio Region Office at 210-403-4054.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy Thurston-Cook".

Joy Thurston-Cook  
Water Section Work Leader  
San Antonio Region Office

JTC/DCW/eg

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

HARPER ROAD ESTATES

Investigation #

, GILLESPIE COUNTY,

1020152  
Investigation Date: 06/21/2012

Additional ID(s): 0860005

### OUTSTANDING ALLEGED VIOLATION(S)

Track No: 472564 Compliance Due Date: 02/26/2012

30 TAC Chapter 290.45(c)(1)(B)(i)

**Alleged Violation:**

Investigation: 1020152

Comment Date: 07/13/2012

Failure to meet the Commission's minimum water system capacity requirements, specifically failure to provide a minimum of 0.6 gpm per connection of well production capacity. With 97 connections you are required to have a minimum of 58.2 gpm of well production capacity. During this investigation it was determined that you were providing 50.5 gpm of well production capacity.

**Recommended Corrective Action:** Increase your total well production capacity to meet the 0.6 gpm per connection well production capacity requirement.

Please submit to this Office by the Compliance Due Date, photographs, invoices or any other type of proof that you have increased your well production capacity to a minimum of 58.2 gpm.

Track No: 472571 Compliance Due Date: 02/26/2012

30 TAC Chapter 290.46(n)(2)

**Alleged Violation:**

Investigation: 1020152

Comment Date: 07/13/2012

Failure to have an up-to-date map of the distribution system identifying the location of valves and mains so that they can be easily located during emergencies.

**Recommended Corrective Action:** Locate a copy of or develop an up-to-date map of the distribution system identifying the location of valves and mains so that they can be easily located during emergencies.

Please submit to this Office by the Compliance Due Date a copy of your distribution map for the Harper Road Estates water system.

Bryan W. Shaw, Ph D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*

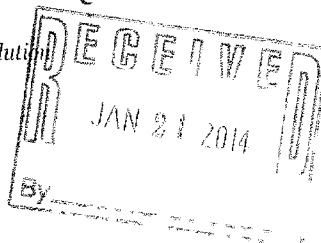


*Jay*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 16, 2014



**CERTIFIED MAIL NO: 91 7199 9991 7031 3394 0532**  
**RETURN RECEIPT REQUESTED**

Mr. Troy Penshon, Environmental Compliance Manager  
Aqua Texas, Inc.,  
1106 Clayton Lane, Ste 400 W  
Austin, Texas 78723

Re: Unresolved Alleged Violations for Compliance Evaluation Investigation at:  
Harper Road Estates, 2 Miles South of Harper on FM783, Gillespie County, Texas  
TCEQ ID No.: 0860005, RN101198810, Investigation No.: 1060411

Dear Mr. Penshon:

The Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office has previously requested that you submit compliance documentation for the alleged violations noted during the investigation of the above-referenced facility conducted on June 12, 2012. We have received acceptable compliance documentation from you for all of the alleged violations except that listed in the enclosed summary. Please be advised that you are responsible for correcting the remaining problem. The unresolved alleged violation will be placed in your file to be evaluated during subsequent investigation.

If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Joy Thurston-Cook in the San Antonio Region Office at (210)403-4018.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Bumguardner".

Ms. Lynn Bumguardner,  
Water Section Manager  
San Antonio Region Office

LB/jmtc/eg

Enclosure: Summary of Unresolved Investigation Findings

## Summary of Investigation Findings

HARPER ROAD ESTATES

Investigation #

, GILLESPIE COUNTY,

1060411  
Investigation Date: 10/04/2013

Additional ID(s): 0860005

### OUTSTANDING ALLEGED VIOLATION(S)

Track No: 472564 Compliance Due Date: 11/30/2016

30 TAC Chapter 290.45(c)(1)(B)(i)

#### Alleged Violation:

Investigation: 1020152

Comment Date: 07/13/2012

Failure to meet the Commission's minimum water system capacity requirements, specifically failure to provide a minimum of 0.6 gpm per connection of well production capacity. With 97 connections you are required to have a minimum of 58.2 gpm of well production capacity. During this investigation it was determined that you were providing 50.5 gpm of well production capacity.

Investigation: 1060411

Comment Date: 01/14/2014

This violation is not being resolved, however the Compliance Due Date is being extended to 11/30/2016 for reasons referenced in a letter from the TCEQ Technical Review and Oversight Team dated 09/30/2013.

**Recommended Corrective Action:** Increase your total well production capacity to meet the 0.6 gpm per connection well production capacity requirement. You may also submit data and request an Alternative Capacity Requirement (ACR) for the minimum well production capacity requirement from the TCEQ Technical Review and Oversight Team in Austin.

Please submit to this Office by the Compliance Due Date, photographs, invoices or any other type of proof that you have increased your well production capacity to a minimum of 58.2 gpm. You may also submit a copy of an approved ACR Letter from the TCEQ Technical Review and Oversight Team.

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 472571

30 TAC Chapter 290.46(n)(2)

#### Alleged Violation:

Investigation: 1020152

Comment Date: 07/13/2012

Failure to have an up-to-date map of the distribution system identifying the location of valves and mains so that they can be easily located during emergencies.

Investigation: 1060411

Comment Date: 10/07/2013

This violation is being resolved.

**Recommended Corrective Action:** Locate a copy of or develop an up-to-date map of the distribution system identifying the location of valves and mains so that they can be easily located during emergencies.

Please submit to this Office by the Compliance Due Date a copy of your distribution map for the Harper Road Estates water system.

**Resolution:** Mr. Larry Mitchell submitted a copy of an up-to-date distribution map for the Harper Road Estates water system on 12/28/2012.



Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*

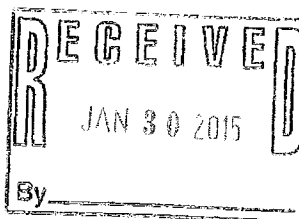


## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 27, 2015

**CERTIFIED MAIL NO.: 91 7199 9991 7034 4997 0919**  
**RETURN RECEIPT REQUESTED**



Mr. Scot Foltz, Compliance Manager  
Aqua Utilities, Inc.  
1106 Clayton Lane, Ste 400W  
Austin, Texas 78723

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Northwest Hills Subdivision, E side of Harper Rd 2 miles N of IH 10, Gillespie County,  
Texas  
Regulated Entity No.: RN101220861  
TCEQ ID No.: 0860086, Investigation No.: 1211060

Dear Mr. Foltz:

On November 18, 2014, Ms. Stacy Tanner of the Texas Commission on Environmental Quality (TCEQ) San Antonio 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, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by May 27, 2015, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the San Antonio Region Office at (210) 490-3096 or the Central Office Publications Ordering Team at 512-239-0028.

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 San Antonio Region Office within 10 days from the date of this letter. At that time, Water Section Manager, Ms. Lynn Bumguardner, will schedule a violation review meeting to be conducted within 21 days

Mr. Scot Foltz, Environmental Compliance Manager  
January 27, 2015  
Page 2

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 enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Tanner in the San Antonio Region Office at (210) 403-4078.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy Thurston-Cook".

Joy Thurston-Cook  
Water Section Team Leader  
San Antonio Region Office

JTC/ST/

Enclosures: Summary of Investigation Findings

## Summary of Investigation Findings

NORTHWEST HILLS WATER SUPPLY

Investigation #

1211060  
Investigation Date: 11/18/2014

, GILLESPIE COUNTY,

Additional ID(s): 0860086

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

Track No: 558071

Compliance Due Date: 05/27/2015

30 TAC Chapter 290.39(e)

30 TAC Chapter 290.39(h)(1)

30 TAC Chapter 290.46(n)(1)

#### Alleged Violation:

Investigation: 1211060

Comment Date: 01/12/2015

Failure to submit and acquire approval of as built engineering plans prior to operating a public water supply.

At the time of the investigation, the water system could not produce any documentation indicating that the water system had submitted as built engineering plans and subsequently received approval or an exception to the requirement prior to operating the water system.

30 TAC 290.46(n)(1)-- Accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank shall be maintained at the public water system until the facility is decommissioned. As-built plans of individual projects may be used to fulfill this requirement if the plans are maintained in an organized manner.

30 TAC 290.39(h)(1)-- No person may begin construction on a new public water system before receiving written approval of plans and specifications and, if required, approval of a business plan from the executive director. No person may begin construction of modifications to a public water system without providing notification to the executive director and submitting and receiving approval of plans and specifications if requested in accordance with subsection (j) of this section.

30 TAC 290.39(e)-- Submission of planning material.

**Recommended Corrective Action:** Provide by the compliance due date, documentation demonstrating that as-built plans or an exception request has been submitted to the Texas Commission on Environmental Quality (TCEQ), Utilities Technical Review Team (UTRT), MC 159, P.O. Box 13087, Austin, TX 78711-3087 and that approval or an exception has been granted.

The entity must ensure that the as-built plans are submitted by a licensed professional engineer. For further assistance regarding submittal contact the TCEQ UTRT at (512) 239-4691.

Track No: 558075

Compliance Due Date: 05/27/2015

30 TAC Chapter 290.45(b)(1)(D)(I)

#### Alleged Violation:

Investigation: 1211060

Comment Date: 01/22/2015

Failure to provide adequate well production capacity

At the time of the investigation, it was noted that the entity was serving 74 connections and based upon the requirement, the entity is required to provide 44.4 gallons per minute of well production capacity. The entity is currently providing 35.96 gallons per minute of well

production capacity or 0.051 gallons per minute per connection.

30 TAC 290.45(b)(1)(D)(i)-Two or more wells having a total capacity of 0.6 gpm per connection. Where an interconnection is provided with another acceptable water system capable of supplying at least 0.35 gpm for each connection in the combined system under emergency conditions, an additional well will not be required as long as the 0.6 gpm per connection requirement is met for each system on an individual basis. Each water system must still meet the storage and pressure maintenance requirements on an individual basis unless the interconnection is permanently open. In this case, the systems' capacities will be rated as though a single system existed.

**Recommended Corrective Action:** The water system must be modified to meet this requirement to assure adequate capacity at all times; however, the water system may request an exception to this requirement.

Please be advised that public water systems shall notify the executive director prior to making significant changes resulting in an increase or decrease of the system's production, treatment, storage, pressure maintenance or distribution facilities. Public water systems shall submit plans and specifications for proposed changes and receive approval.

Exceptions and/or proposed capacity changes must be submitted to the Texas Commission on Environmental Quality, Utilities Technical Review Team, MC 159, P.O. Box 13087, Austin, TX 78711-3087.

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**Track No:** 558953      **Compliance Due Date:** 05/27/2015

**30 TAC Chapter 290.46(m)(4)**

**Alleged Violation:**

Investigation: 1211060

Comment Date: 01/22/2015

Failure to maintain watertight conditions.

At the time of the investigation, there was a leak on the ground storage tank at well site #1.

30 TAC 290.46(m)(4)-- All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids.

**Recommended Corrective Action:** Provide by the compliance due date, documentation to verify that the leak on the ground storage tank has been repaired or the tank has been replaced.

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 10, 2014

**CERTIFIED MAIL NO.: 91 7199 9991 7132 8257 6071**  
**RETURN RECEIPT REQUESTED**

RECEIVED  
JUL 17 2014

Mr. Scot Foltz, Compliance Manager  
Aqua Texas, Inc.  
1106 Clayton Ln, Suite 400 W  
Austin, Texas 78723

BY: .....

Re: Notice of Violation for Comprehensive Compliance Investigation at:  
West Oak Heights, 3 miles N of Fredericksburg on Hwy 87, Gillespie County, Texas  
Regulated Entity No.: RN101275386, TCEQ ID No.: 0860100, Investigation No.: 1172967

Dear Mr. Foltz:

On May 8, 2014, Mr. Chris Friesenhahn of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for a public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by November 20, 2014 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the San Antonio Region Office at (210) 490-3096 or the Central Office Publications Ordering Team at 512-239-0028.

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 San Antonio Region Office within 10 days from the date of this letter. At that time Ms. Lynn Bumgardner, Water Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the

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Mr. Scot Foltz, Compliance Manager  
Page 2  
July 10, 2014

compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Friesenhahn in the San Antonio Region Office at (210) 403-4055.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy Thurston-Cook".

Joy Thurston-Cook  
Water Section Team Leader  
San Antonio Region Office  
Texas Commission on Environmental Quality

JTC/cmf/eg

Enclosure: Summary of Investigation Findings

# Summary of Investigation Findings

WEST OAK HEIGHTS

Investigation # 1172967

Investigation Date: 05/08/2014

, GILLESPIE COUNTY,

Additional ID(s): 0860100

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

Track No: 537743 Compliance Due Date: 11/20/2014

30 TAC Chapter 290.39(e)  
30 TAC Chapter 290.39(h)(1)  
30 TAC Chapter 290.46(n)(1)

### Alleged Violation:

Investigation: 1172967

Comment Date: 06/06/2014

Failure to submit and acquire approval of as built engineering plans prior to operating a public water supply.

At the time of the investigation, the water system could not produce any documentation indicating that the water system had submitted as built engineering plans and subsequently received approval or an exception to the requirement prior to operating the water system, nor were there any records in the Integrated Water Utilities Database which would indicate and approval or an exception was granted.

30 TAC 290.46(n)(1) Accurate and up to date detailed as built plans or record drawings and specifications for each treatment plant, pump station, and storage tank shall be maintained at the public water system until the facility is decommissioned. As built plans of individual projects may be used to fulfill this requirement if the plans are maintained in an organized manner.

30 TAC 290.39(h)(1) No person may begin construction on a new public water system before receiving written approval of plans and specifications and, if required, approval of a business plan from the executive director. No person may begin construction of modifications to a public water system without providing notification to the executive director and submitting and receiving approval of plans and specifications if requested in accordance with subsection (j) of this section.

30 TAC 290.39(e) Submission of planning material.

**Recommended Corrective Action:** Acquire the needed approval for use or an exception to the rule.

Submit as built engineering plans as required by 290.46(n)(1), 290.39(h)(1) and 290.39(e) or any exception requests to the TCEQ Utilities Technical Review Team for review and approval. Engineering plans and/or exception requests must be submitted to:

Utilities Technical Review Team, MC 159  
Texas Commission on Environmental Quality  
PO BOX 13087  
Austin, Texas 78711 3087

To document compliance, submit documentation indicating that the water system has been approved for use or that an exception has been acquired to this office by the compliance due date.

Track No: 537745 Compliance Due Date: 11/20/2014

30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1172967

Comment Date: 06/06/2014

Failure to have the well meters calibrated once every three years.

At the time of the investigation, Mr. Larance advised that the well meters had not been calibrated within the past three years.

30 TACN 290.46(s)(1)--Flow measuring devices and rate-of-flow controllers that are required by §290.42(d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title (relating to Water Sources) shall be calibrated at least once every three years.

**Recommended Corrective Action:** Have the existing well meters calibrated or replaced with new meters or meters which have been calibrated within the past three years.

To document compliance, submit documentation which indicates that the well meters have been calibrated or replaced to this office by the compliance due date.

Track No: 537748

Compliance Due Date: 11/20/2014

30 TAC Chapter 290.46(m)(4)

**Alleged Violation:**

Investigation: 1172967

Comment Date: 06/06/2014

Failure to maintain the ground storage and pressure tanks in a water-tight condition.

At the time of the investigation, the ground storage and pressure tanks were leaking.

30 TAC 290.46(m)(4)--All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids.

**Recommended Corrective Action:** Repair or replace the ground storage and pressure tanks to ensure that they are tight against leakage.

To document compliance, submit photographic documentation which indicates that the storage tanks are in a water-tight condition to this office by the compliance due date.

## ADDITIONAL ISSUES

**Description**

Item 4

**Additional Comments**

Please be advised per the 30 Texas Administrative Code (TAC) 344.51(d), irrigation systems installed on properties served by an On site septic facility (OSSF) are deemed conduits to the known health hazard of the OSSF and are required to have reduced pressure principle backflow prevention assemblies (RPBAs) installed to protect against this health hazard, these devices must be tested annually. If the system was installed prior to 2009, then the existing backflow prevention method is allowed but, it must meet the annual testing requirement. Please begin implementing this requirement in your cross connection control program in order to meet the requirements of 30 TAC 290.44(h)(1). For questions regarding irrigation systems, please contact the Landscape Irrigation Program, at (512) 239 5296. For questions regarding your Cross Connection Control Program, please contact the TCEQ Cross Connection Control Program at 512 239 4691. You may also e mail your question or comment to [pdws@tceq.texas.gov](mailto:pdws@tceq.texas.gov).

