

Track No: 577715 **Compliance Due Date:** 11/08/2015
30 TAC Chapter 290.109(c)(1)(A)

Alleged Violation:

Investigation: 1248206

Comment Date: 07/27/2015

Bacteriological Monitoring

Failure to submit representative samples of water collected from different locations in the distribution system each month to a TCEQ certified laboratory for bacteriological analysis as required by this agency's Drinking Water Standards.

At the time of the investigation, only 1 of the sample sites on the Monitoring Plan were being sampled. Therefore, the sample results reported were not representative of the entire distribution system as required.

Recommended Corrective Action: Submit to this office documentation indicating that bacteriological sample sites in the distribution system are rotated among all designated sample sites in the Monitoring Plan to verify compliance.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 1, 2016

CERTIFIED MAIL NO.: 91 7199 9991 7036 0233 0048
RETURN RECEIPT REQUESTED

RECEIVED

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723-2476

TX ADMIN-AUSTIN

Re: Notice of Violation for Comprehensive Compliance Investigation at:
Blue Medina WSC, Rio Rancho Rd off of FM 1283 SW of Pipe Creek County, Bandera
County, Texas
Regulated Entity No.: 102686409, TCEQ ID No.: 0100030, Investigation No.: 1305580

Dear Mr. Foltz:

On December 7, 2015, 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 May 1, 2016, 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 Bumguardner, 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

Mr. Scot Foltz, Regulatory and Compliance Manager
March 1, 2016
Page 2

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. Friesenhahn in the San Antonio Region Office at (210)403-4055.

Sincerely,



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

JTC/cmf/eg

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

BLUE MEDINA WSC

Investigation #
1305580
Investigation Date: 12/07/2015

, BANDERA COUNTY,

Additional ID(s): 0100030

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

Track No: 593059 Compliance Due Date: 05/01/2016
30 TAC Chapter 290.42(I)

Alleged Violation:

Investigation: 1305580

Comment Date: 01/12/2016

Failure to provide a plant operations manual.

At the time of the investigation, a plant operations manual was not made available for review.

30 TAC 290.42(I)--Plant operations manual. A thorough plant operations manual must be compiled and kept up-to-date for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Recommended Corrective Action: Develop a plant operations manual in accordance with 290.42(I) and maintain a copy at each of the pump stations/plants.

To document compliance, submit a copy of the plant operations manual to this office by the compliance due date.

Track No: 593060 Compliance Due Date: 05/01/2016
30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1305580

Comment Date: 01/12/2016

Failure to calibrate the well meters once every three years.

At the time of the investigation, records indicating that the meter on well #5 had been calibrated or replaced within the past three years were not provided.

30 TAC 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 well meter calibrated to determine its accuracy or install a new meter in lieu of calibrating the existing well meter.

To document compliance, submit documentation which indicates the replacement or calibration of the existing well meter to this office by the compliance due date

Track No: 593064 Compliance Due Date: 05/01/2016
30 TAC Chapter 290.46(m)

Alleged Violation:

Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

At the time of the investigation, vegetation was growing on and within the fencing at Plant #1, the barbed wire on the intruder resistant fence at Plant #1 was not facing outward at a 45 degree angle, and the concrete sealing block around the Plant #2 well was in need of repair

30 TAC 290.46(m)--Maintenance and housekeeping. The maintenance and housekeeping practices used by a public water system shall ensure the good working condition and general appearance of the system's facilities and equipment. The grounds and facilities shall be maintained in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water.

Recommended Corrective Action: Remove the vegetation from the fence and properly install the three strands of barbed wire to insure that it meets the definition of an intruder resistant fence (30 TAC 290.38(37)) and Plant #1 and repair the concrete sealing block on the Plant #2 well.

To document compliance, submit photographic documentation which indicates that the needed maintenance activities have taken place to this office by the compliance due date.

ADDITIONAL ISSUES

Description

Item 5

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.

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



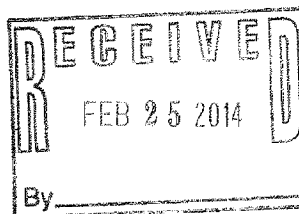
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 14, 2014

CERTIFIED MAIL 91 7199 9991 7033 2821 5070
RETURN RECEIPT REQUESTED

Mr. Dan Rimann
Vice President of Operations and Engineering
Aqua Texas, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723



Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Barton Creek Lakeside Water System, Lauren Drive, Spicewood (Travis County),
Texas
TCEQ Regulated Entity RN102673274, PWS ID No. 2270282
TCEQ Investigation No. 1145669

Dear Mr. Rimann:

On January 27, 2014, Chad W. Ahlgren of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water systems. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as an Area of Concern based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **April 15, 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 Austin Region Office at (512) 339-2929 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

TCEQ Region 11 • P.O. Box 13087 • Austin, Texas 78711-3087 • 512-339-2929 • Fax 512-339-3795

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Mr. Dan Rimann
February 14, 2014
Page 2

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 Austin Region Office within 10 days from the date of this letter. At that time, I will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Ahlgren in the Austin Region Office at (512) 339-2929.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Stewart". The signature is fluid and cursive, with the first name "Shawn" and last name "Stewart" clearly distinguishable.

Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/cwa

Enclosure: Summary of Investigation Findings

cc: Ms. Jerri Strain, Field Supervisor, 3209 Hillbilly Lane, Austin, Texas 78746

Summary of Investigation Findings

BARTON CREEK LAKESIDE

100 LAUREN DR
SPICEWOOD, TRAVIS COUNTY, TX 78669

Investigation #

1145669
Investigation Date: 01/27/2014

Additional ID(s): 2270282

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

Track No: 525975 Compliance Due Date: 04/15/2014

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

Alleged Violation:

Investigation: 1145669

Comment Date: 01/31/2014

The Barton Creek Lakeside Water System failed to provide a well production capacity of 0.6 gallons per minute per connections.

With 256 total connections, the system is required to provide a well capacity of 153.6 GPM. Both wells were timed during the CCI and Well No. 1 was found to produce 90 GPM, while Well No. 2 was found to produce 56 GPM of water. Both wells together have a total capacity of 146 GPM, which is less than the required well capacity of 153.6 GPM.

Recommended Corrective Action: To achieve compliance, Aqua Texas shall ensure that: 1) the water system is provided with a well capacity of 0.6 gallons per minute per connection, 2) a compliance plan is submitted indicating actions to achieve compliance, or 3) submit a copy of a letter granting an exception to the minimum water system capacity requirements. Aqua Texas shall submit documentation indicating compliance with this requirement to the TCEQ Austin Region (11) Office on or before the compliance due date.

Track No: 525976 Compliance Due Date: 04/15/2014

30 TAC Chapter 290.46(f)(3)(E)(iv)
30 TAC Chapter 290.46(j)

Alleged Violation:

Investigation: 1145669

Comment Date: 02/04/2014

The Barton Creek Lakeside Water System failed to provide records of recent customer service inspections within the water system.

During the previous CCI on February 2, 2011, it was noted that the water system had 224 connections. During the current investigation on January 27, 2014, it indicated that the water system had 256 connections.

As required by 30 TAC §290.46(j), a customer service inspection certificate shall be completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

Recommended Corrective Action: To achieve compliance, Aqua Texas shall provide documentation of recent customer service inspections within the Barton Creek Lakeside Water System. The water system shall submit documentation indicating compliance with this requirement to the TCEQ Austin Region (11) Office on or before the compliance due date.

AREA OF CONCERN

Track No: 525977**30 TAC Chapter 290.43(d)(3)****Alleged Violation:**

Investigation: 1145669

Comment Date: 01/31/2014

The Barton Creek Lakeside Water System failed to provide a filter to prevent the entrance of lubricants from the air compressor into the pressure tank on the air injection line.

As per 30 TAC §290.43(d), air injection lines must be equipped with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank.

Recommended Corrective Action: To achieve compliance, Aqua Texas shall provide a filter on the air injection line for the pressure tank to prevent the entrance of compressor lubricants. The water system shall submit documentation indicating compliance with this requirement to the TCEQ Austin Region (11) Office on or before the compliance due date.

Resolution: On February 5, 2014, Mr. Mitchell submitted photographic documentation showing that a filter had been installed on the air compressor line to the pressure tank. This violation was therefore considered to be resolved at that time.

Lonnie

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

June 9, 2014

CERTIFIED MAIL #7011 3500 0000 0279 7466
RETURN RECEIPT REQUESTED



Mr. Dan Rimann, Vice President Operations and Engineering
Aqua Texas, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723

BY:

Re: Failure to Submit Compliance Documentation for:
Calico Farms Subdivision, 3302 CR 890, Alvin, Brazoria County, Texas
Regulated Entity No.: 101203198
TCEQ ID No.: 0200152, Investigation No.: 1170475

Dear Mr. Rimann:

By letter dated, March 18, 2014, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office requested that you submit information to us by April 18, 2014, verifying that the outstanding alleged violations referenced in the letter have been corrected. The alleged violations were noted during the investigation of the above-referenced facility conducted on February 13, 2014. Enclosed for your information is a copy of the letter. As of this date, we have not received from you a written description of the corrective actions taken and the required compliance documentation for these alleged violations. Please submit this information to us by no later than July 13, 2014.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and looks forward to receiving your response. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you or members of your staff have any questions, please feel free to contact Ms. Patricia Costanza in the Houston Region Office at (713)767-3650.

Sincerely,

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

LD/PC/kc

cc: Mr. James Beauchamp, TCEQ Water Supply Division, PWSINV@tceq.texas.gov

Harris County Public Health and Environmental Services

Enclosure: Copy of Previous Letter

TCEQ Region 12 • 5425 Polk St., Ste. H • Houston, Texas 77023-1452 • 713-767-3500 • Fax 713-767-3520

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Summary of Investigation Findings

CALICO FARMS SUBDIVISION

3302 COUNTY ROAD 890

ALVIN, BRAZORIA COUNTY, TX 77511

Investigation #

1170475

Investigation Date: 05/21/2014

Additional ID(s): 0200152

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

Track No: 528358 Compliance Due Date: 04/14/2014

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

Alleged Violation:

Investigation: 1133995

Comment Date: 03/10/2014

Design and Construction of Pressure Tanks

Failure to conduct an inspection of 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.

At the time of the investigation, an interior surface inspection of the pressure tank was not provided.

Investigation: 1170475

Comment Date: 06/05/2014

Design and Construction of Pressure Tanks

Failure to conduct an inspection of 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.

At the time of the investigation, an interior surface inspection of the pressure tank was not provided.

As of this date information has not been provided to resolve this violation.

Recommended Corrective Action: Provide a copy of the pressure tank interior inspection to verify compliance.

Track No: 528363 Compliance Due Date: 04/28/2014

30 TAC Chapter 290.39(e)

30 TAC Chapter 290.39(e)(1)

Alleged Violation:

Investigation: 1133995

Comment Date: 03/11/2014

Examination of Plans and Specifications

Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as built" plans and specifications can be prepared and submitted for our review. The submittal must describe the existing facilities as well as any proposed modifications which are necessary to bring the regulated entity into compliance with our regulations.

CALICO FARMS SUBDIVISION**Investigation # 1170475**

Please be aware that all "as built plans" must be submitted to Austin in writing for approval and that the system may request an exception by writing to the:
Texas Commission on Environmental Quality, Utilities Technical Review Team (MC-159),
P.O. Box 13087, Austin, Texas 78711-3087, phone (512)239-4691.

At the time of the investigation "as built" plans were not provided for the facility.

Investigation: 1170475

Comment Date: 06/05/2014

Examination of Plans and Specifications

Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as built" plans and specifications can be prepared and submitted for our review. The submittal must describe the existing facilities as well as any proposed modifications which are necessary to bring the regulated entity into compliance with our regulations.

Please be aware that all "as built plans" must be submitted to Austin in writing for approval and that the system may request an exception by writing to the:

Texas Commission on Environmental Quality, Utilities Technical Review Team (MC-159),
P.O. Box 13087, Austin, Texas 78711-3087, phone (512)239-4691.

At the time of the investigation "as built" plans were not provided for the facility.

As of this date information has not been provided to resolve this violation.

Recommended Corrective Action: Provide copy of "as built" plans to verify compliance.

Track No: 528463 Compliance Due Date: 04/14/2014

30 TAC Chapter 290.43(e)

Alleged Violation:

Investigation: 1133995

Comment Date: 02/25/2014

Facility Fencing

Failure to provide an intruder-resistant fence in order to protect the pressure tank.

At the time of the investigation, a fence post and the barbed wire behind the pressure tank needed repaired.

Investigation: 1170475

Comment Date: 06/05/2014

Facility Fencing

Failure to provide an intruder-resistant fence in order to protect the pressure tank.

At the time of the investigation, a fence post and the barbed wire behind the pressure tank needed repaired.

As of this date information has not been provided to resolve this violation.

Recommended Corrective Action: Provide photographs indicating that the fence post and barbed wire were repaired to verify compliance.

Track No: 528464 Compliance Due Date: 04/14/2014

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1133995

Comment Date: 02/25/2014

Water Leakage

Failure to maintain pressure tank exterior.

At the time of the investigation, the pressure tank exterior was covered in lichen.

Water Leakage

Failure to maintain pressure tank exterior.

At the time of the investigation, the pressure tank exterior was covered in lichen.

As of this date information has not been provided to resolve this violation.

Recommended Corrective Action: Provide photograph indicating that pressure tank exterior has been cleaned to verify compliance.

PWS/0200152 ICO/2-13-14/investigation Report

Bryan W. Shaw, Ph.D., P.E., Chairman

Tob, Baker, Commissioner

Zak Covar, Commissioner

Richard A. Hyde, P.E., Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 18, 2014

**CERTIFIED MAIL #7011 3500 0000 0279 6728
RETURN RECEIPT REQUESTED**

Mr. Dan Rimann, Vice President Operations and Engineering
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723

INFORMATION COPY
FOR R12 FILE ROOM

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Calico Farms Subdivision, 3302 CR 890, Alvin, Brazoria County, Texas
Regulated Entity No.: 101203198, TCEQ ID No.: 0200152 Investigation No.: 1133995

Dear Mr. Rimann:

On February 13, 2014, Ms. Patricia Costanza and Mr. David Livings 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. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by April 18, 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.texas.gov> 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 Houston Region Office at Phone (713)767-3650 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 Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader Ms. Leticia De Leon, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.


Mr. Dan Rimann, Vice President of Operations and Engineering

Page 2

March 18, 2014

If you or members of your staff have any questions, please feel free to contact Ms. Patricia Costanza in the Houston Region Office at (713)767-3650.

Sincerely,



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

LD/ PC/ra

cc: Mr. James Beauchamp, TCEQ Water Supply Division, PWSINV@tceq.texas.gov

Brazoria County Environmental Health Department

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

CALICO FARMS SUBDIVISION

Investigation #

, BRAZORIA COUNTY,

1133995
Investigation Date: 02/13/2014

Additional ID(s): 0200152

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

Track No: 528358 Compliance Due Date: 04/14/2014

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

Alleged Violation:

Investigation: 1133995

Comment Date: 03/10/2014

Design and Construction of Pressure Tanks

Failure to conduct an inspection of 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.

At the time of the investigation, an interior surface inspection of the pressure tank was not provided.

Recommended Corrective Action: Provide a copy of the pressure tank interior inspection to verify compliance.

Track No: 528363 Compliance Due Date: 04/28/2014

30 TAC Chapter 290.39(e)

30 TAC Chapter 290.39(e)(1)

Alleged Violation:

Investigation: 1133995

Comment Date: 03/11/2014

Examination of Plans and Specifications

Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as built" plans and specifications can be prepared and submitted for our review. The submittal must describe the existing facilities as well as any proposed modifications which are necessary to bring the regulated entity into compliance with our regulations.

Please be aware that all "as built plans" must be submitted to Austin in writing for approval and that the system may request an exception by writing to the:
Texas Commission on Environmental Quality, Utilities Technical Review Team (MC-159),
P.O. Box 13087, Austin, Texas 78711-3087, phone (512)239-4691.

At the time of the investigation "as built" plans were not provided for the facility.

Recommended Corrective Action: Provide copy of "as built" plans to verify compliance.

Track No: 528463 Compliance Due Date: 04/14/2014

30 TAC Chapter 290.43(e)

Alleged Violation:

CALICO FARMS SUBDIVISION

Investigation # 1133995

Investigation: 1133995

Comment Date: 02/25/2014

Facility Fencing

Failure to provide an intruder-resistant fence in order to protect the pressure tank.

At the time of the investigation, a fence post and the barbed wire behind the pressure tank needed repaired.

Recommended Corrective Action: Provide photographs indicating that the fence post and barbed wire were repaired to verify compliance. .

Track No: 528464

Compliance Due Date: 04/14/2014

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1133995

Comment Date: 02/25/2014

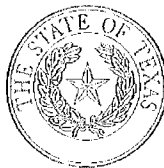
Water Leakage

Failure to maintain pressure tank exterior.

At the time of the investigation, the pressure tank exterior was covered in lichen. .

Recommended Corrective Action: Provide photograph indicating that pressure tank exterior has been cleaned to verify compliance.

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



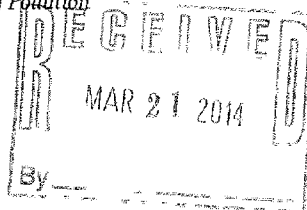
Mike

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 18, 2014

CERTIFIED MAIL #7011 3500 0000 0279 6728
RETURN RECEIPT REQUESTED



Mr. Dan Rimann, Vice President Operations and Engineering
Aqua Texas Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Calico Farms Subdivision, 3302 CR 890, Alvin, Brazoria County, Texas
Regulated Entity No.: 101203198, TCEQ ID No.: 0200152 Investigation No.: 1133995

Dear Mr. Rimann:

On February 13, 2014, Ms. Patricia Costanza and Mr. David Livings 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. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by April 18, 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.texas.gov> 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 Houston Region Office at Phone (713)767-3650 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 Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader Ms. Leticia De Leon, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

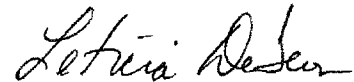
Mr. Dan Rimann, Vice President of Operations and Engineering

Page 2

March 18, 2014

If you or members of your staff have any questions, please feel free to contact Ms. Patricia Costanza in the Houston Region Office at (713)767-3650.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leticia De Leon".

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

LD/ PC/ra

cc: Mr. James Beauchamp, TCEQ Water Supply Division, PWSINV@tceq.texas.gov

Brazoria County Environmental Health Department

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

CALICO FARMS SUBDIVISION

Investigation #

1133995

Investigation Date: 02/13/2014

, BRAZORIA COUNTY,

Additional ID(s): 0200152

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

Track No: 528358 Compliance Due Date: 04/14/2014

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

Alleged Violation:

Investigation: 1133995

Comment Date: 03/10/2014

Design and Construction of Pressure Tanks

Failure to conduct an inspection of 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.

At the time of the investigation, an interior surface inspection of the pressure tank was not provided.

Recommended Corrective Action: Provide a copy of the pressure tank interior inspection to verify compliance.

Track No: 528363 Compliance Due Date: 04/28/2014

30 TAC Chapter 290.39(e)

30 TAC Chapter 290.39(e)(1)

Alleged Violation:

Investigation: 1133995

Comment Date: 03/11/2014

Examination of Plans and Specifications

Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as built" plans and specifications can be prepared and submitted for our review. The submittal must describe the existing facilities as well as any proposed modifications which are necessary to bring the regulated entity into compliance with our regulations.

Please be aware that all "as built plans" must be submitted to Austin in writing for approval and that the system may request an exception by writing to the:

Texas Commission on Environmental Quality, Utilities Technical Review Team (MC-159),
P.O. Box 13087, Austin, Texas 78711-3087, phone (512)239-4691.

At the time of the investigation "as built" plans were not provided for the facility.

Recommended Corrective Action: Provide copy of "as built" plans to verify compliance.

Track No: 528463 Compliance Due Date: 04/14/2014

30 TAC Chapter 290.43(e)

Alleged Violation:

CALICO FARMS SUBDIVISION

Investigation # 1133995

Investigation: 1133995

Comment Date: 02/25/2014

Facility Fencing

Failure to provide an intruder-resistant fence in order to protect the pressure tank.

At the time of the investigation, a fence post and the barbed wire behind the pressure tank needed repaired.

Recommended Corrective Action: Provide photographs indicating that the fence post and barbed wire were repaired to verify compliance.

Track No: 528464

Compliance Due Date: 04/14/2014

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1133995

Comment Date: 02/25/2014

Water Leakage

Failure to maintain pressure tank exterior.

At the time of the investigation, the pressure tank exterior was covered in lichen.

Recommended Corrective Action: Provide photograph indicating that pressure tank exterior has been cleaned to verify compliance.

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

February 20, 2015

CERTIFIED MAIL NO.: 91 7199 9991 7034 4962 3129
RETURN RECEIPT REQUESTED

RECEIVED

FEB 23 2015

TX ADMIN-AUSTIN

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:
Canyon Springs Water Company, of Canyon Springs Dr. and FM 2673, NW of Startzville
in Comal County, Texas
Regulated Entity No.: RN102671435
TCEQ ID No.: 0460022, Investigation No.: 1216967

Dear Mr. Foltz:

On December 16, 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 June 20, 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 Bumgardner, will schedule a violation review meeting to be conducted within 21 days

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Mr. Scot Foltz
February 20, 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/eg

Enclosures: Summary of Investigation Findings

Summary of Investigation Findings

CANYON SPRINGS WATER

Investigation #

1216967
Investigation Date: 12/16/2014

, COMAL COUNTY,

Additional ID(s): 0460022

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

Track No: 560556 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: 1216967

Comment Date: 02/05/2015

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., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

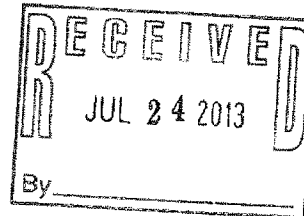


Bryan

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 19, 2013



Mr. Steve Blackhurst, Environmental Compliance Manager
Aqua Texas, Inc.
1106 Clayton Lane, Suite 400W
Austin, TX 77388

Re: Comprehensive Compliance Investigation at:
Cardinal Valley Water Company, McGregor Rd., Dripping Springs (Hays County), Texas
TCEQ PWS ID No.: 1050068, RN101274835

Dear Mr. Blackhurst:

On June 18, 2013, Claudia A. Chaffin of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply. No violations are being alleged as a result of the investigation; however, please see the enclosed Additional Issues.

The TCEQ 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 regarding these matters, please feel free to contact Ms. Claudia A. Chaffin in the Austin Region Office at (512)339-2929.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolyn Runyon".

FOR Carolyn Runyon
Water Section Manager
Austin Region Office

CDR/cac

(Rev. 01/05/09)

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Summary of Investigation Findings

CARDINAL VALLEY WATER
1012 STURGEON POINT RD
DERBY, COUNTY, NY 14047

Investigation #
1094701
Investigation Date: 06/18/2013

Additional ID(s): 1050068

No Violations Associated to this Investigation

ADDITIONAL ISSUES

Description
Item 1

Additional Comments
Well No. 2 and 3 are not 18 inches above ground level. This was noted during the last investigation on June 10, 2010. It was suggested that the next time the wells are re-worked that the casings be extended to the proper height. The wells have not been re-worked yet, however, when they are they need to be extended to 18 inches.

Hand

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

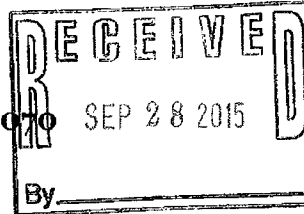


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 24, 2015

CERTIFIED MAIL # 7014 3490 0001 0559 7070
RETURN RECEIPT REQUESTED



Robert Laughman, President
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723

Re: Additional Compliance Documentation Needed for:
Centennial Place, 4831 Lewis Drive, Pearland, Brazoria County, Texas
Regulated Entity No.: 101232676
TCEQ ID No.: 0200190

Investigation No.: 1280285

Dear Mr. Laughman:

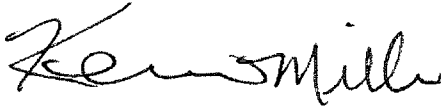
On September 4, 2015, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received compliance documentation that you submitted for the alleged violations noted during the investigation of the above-referenced facility conducted on March 11, 2015. The compliance documentation contained in your response appears to indicate that one of the problems documented during the investigation has been corrected. However, information is still needed for the outstanding alleged violations listed in the enclosed Summary of Investigation Findings. In addition, alleged violation #565982 is being administratively resolved and reissued as alleged violation #583848. Please submit to our office by October 19, 2015, a written description of corrective actions taken and the required compliance documentation demonstrating that these remaining alleged violations have been resolved. A due date for submitting compliance documentation for outstanding alleged violation #583848 will be determined after you provide a compliance plan for this alleged violation. Your compliance plan is due by October 19, 2015. Please address how the violation will be resolve and provide a reasonable time frame for completion of the work.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to protect the State's environment. We look forward to receiving your response for the remaining alleged violations. Please note that the

Robert Laughman, President
September 24, 2015
Page 2

Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you or members of your staff have any questions, please feel free to contact Ms. Denise Ehrlich, in the Houston Region Office at (713) 767-3650.

Sincerely,



for Julia Thorp, Team Leader
Public Water Supply
Houston Region Office

JT/DE/mar

Enclosure: Summary of Investigation Findings

cc: Brazoria County Public Health and Environmental Services

Scot Foltz, Environmental Compliance Manager, Aqua Texas, 1106 Clayton
Lane, Suite 400W, Austin, Texas 78723

Summary of Investigation Findings

CENTENNIAL PLACE

Investigation #

1280285
Investigation Date: 09/14/2015

, BRAZORIA COUNTY,

Additional ID(s): 0200190

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

Track No: 565971 Compliance Due Date: 07/09/2015

30 TAC Chapter 290.41(c)(1)(F)

Alleged Violation:

Investigation: 1223412

Comment Date: 04/01/2015

Ground Water Sources and Development

Failure to make available sanitary control easements for well #1 at the time of investigation, or executive director approval for a substitute authorized in §290.41(c)(1)(F)(iv). A sanitary easement, or approved substitute, covering all property within 150 feet of the well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in the well area. Residential type wells within the easement must be constructed to public water well standards. A copy of the recorded document must be submitted for our records. Acceptance and approval for all easements and substitutes to an easement is determined by the Technical Review and Oversight Team in Austin.

With the approval of the executive director, political subdivisions which have adopted and enforce equivalent ordinances or land use restrictions may substitute these documents for sanitary control easements. The water system may request an exception to this requirement in writing to the:

Texas Commission on Environmental Quality, Technical Review and Oversight Team
(MC-159), P.O. Box 13087, Austin, Texas 78711-3087, phone (512)239-4691.

Please be aware that all requests for exceptions must be in writing and supported with adequate documentation.

Investigation: 1280285

Comment Date: 09/14/2015

Failure to make available sanitary control easements for well #1 at the time of investigation, or executive director approval for a substitute authorized in §290.41(c)(1)(F)(iv). To date, this violation is unresolved.

Recommended Corrective Action: Submit a photocopy of the exception granted by the TCEQ's Technical Review and Oversight Team or an approved substitute to verify compliance.

Track No: 565973 Compliance Due Date: 07/09/2015

30 TAC Chapter 290.42(I)

Alleged Violation:

Investigation: 1223412

Comment Date: 04/01/2015

Plant Operations Manual

Failure to compile and maintain, a current, and thorough plant operations manual for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedure as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Specifically, a plant operations manual was not available for review during the investigation.

CENTENNIAL PLACE**Investigation # 1280285**

Investigation: 1280285

Comment Date: 09/14/2015

Failure to compile and maintain, a current, and thorough plant operations manual for operator review and reference. To date, this violation is unresolved.

Recommended Corrective Action: Submit a plant operations manual to verify compliance.

Track No: 565976 **Compliance Due Date:** 07/09/2015**30 TAC Chapter 290.46(s)(1)****Alleged Violation:**

Investigation: 1223412

Comment Date: 04/01/2015

Testing Equipment

Failure by the regulated entity to calibrate the well meter required by 30 TAC 290.41(c)(3)(N) according to the manufacturer's specifications at least once every three years. Specifically, documentation was not provided to indicate that the well meter was calibrated within the past three years.

Investigation: 1280285

Comment Date: 09/14/2015

Failure by the regulated entity to calibrate the well meter required by 30 TAC 290.41(c)(3)(N) according to the manufacturer's specifications at least once every three years. To date, this violation is unresolved.

Recommended Corrective Action: Submit documentation indicating that the well meter has been calibrated within the past three years to verify compliance.

Track No: 565977 **Compliance Due Date:** 07/09/2015**30 TAC Chapter 290.46(n)(2)****Alleged Violation:**

Investigation: 1223412

Comment Date: 04/01/2015

Operating Practices for Public Water Systems

Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies. Specifically, a distribution map was not available for review during the investigation.

Investigation: 1280285

Comment Date: 09/14/2015

Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies. To date, this violation is unresolved.

Recommended Corrective Action: Submit a copy of the distribution map to verify compliance.

Track No: 583848 **Compliance Due Date:** To Be Determined**30 TAC Chapter 290.45(b)(1)(A)(ii)****Alleged Violation:**

Investigation: 1280285

Comment Date: 09/14/2015

Capacity Requirement

Failure to provide minimum pressure tank capacity of 50 gallons per connection.

At the time of the investigation conducted on March 11, 2015, the facility had a total of 32 active connections and is required to provide 50 gallons per connection (conn). Documentation provided on September 4, 2015 indicated that your pressure tank was 0.0009 million gallons (MG) and is short a total of 0.0001 MG. This is calculated in the following manner:

50 gallons/conn X 32 conn. = 0.0016 MG Required

0.0016 MG Required – 0.0009 MG Provided = 0.0007 MG Short

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, Technical Review & Oversight, MC 159, 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: 565975

30 TAC Chapter 290.43(d)(3)

Alleged Violation:

Investigation: 1223412

Comment Date: 04/01/2015

Failure to equip the pressure tank with a capacity greater than 1000 gallons with some sanitary means of determining the air to water ratio. Galvanized tanks which are not provided with the necessary fittings and which were installed before July 1, 1988, shall be exempt from this requirement.

Investigation: 1280285

Comment Date: 09/14/2015

Failure to equip the pressure tank with a capacity greater than 1000 gallons with some sanitary means of determining the air to water ratio.

Recommended Corrective Action: Submit documentation that some sanitary means of determining the air to water ratio has been installed on the pressure tank, or that the pressure tank was installed before July 1, 1988.

Resolution: Documentation was received on September 4, 2015 via email indicating that the pressure tank is 900 gallons.

Track No: 565982

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

Alleged Violation:

Investigation: 1223412

Comment Date: 04/01/2015

Capacity Requirement

Failure to provide minimum pressure tank capacity of 50 gallons per connection.

At the time of the investigation, the facility had a total of 32 active connections and is required to provide 50 gallons per connection (conn). Your pressure tank was 0.0015 million gallons (MG) and is short a total of 0.0001 MG. This is calculated in the following manner:

$$50 \text{ gallons/conn} \times 32 \text{ conn.} = 0.0016 \text{ MG Required}$$

$$0.0016 \text{ MG Required} - 0.0015 \text{ MG Provided} = 0.0001 \text{ MG Short}$$

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, Technical Review & Oversight, MC 159, P.O. Box 13087, Austin, TX 78711-3087; phone: (512) 239-4691.

Investigation: 1280285

Comment Date: 09/14/2015

Failure to provide minimum pressure tank capacity of 50 gallons per connection.

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.

Resolution: This violation is being administratively resolved. Due to documentation received on September 4, 2015 via email, the violation is being reissued as violation #583848.

Ronnie

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

April 21, 2015

RECEIVED

APR 29 2015

**CERTIFIED MAIL {7014 2870 0000 2456 4714}
RETURN RECEIPT REQUESTED**

TX ADMIN-AUSTIN

Mr. Steve Blackhurst, Regulatory and Compliance
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400 W
Austin, Texas 78723

**Re: Notice of Violation for Public Water Supply Comprehensive Compliance
Investigation at: Carriage Trails Water System (Chambers County), Texas; PWS ID
No.: 0360093, Investigation No.: 1241959**

Dear Mr. Blackhurst:

On March 17, 2015, Ms. Eburn Broomes of the Texas Commission on Environmental Quality (TCEQ) Beaumont 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 **July 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 Beaumont Region Office at (409) 898-3838 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 violation(s) documented in this notice. Should you choose to do so, you must notify the Beaumont Region Office within 10 days from the date of this letter. At that time, Ronald Hebert, Water Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

Mr. Steve Blackhurst

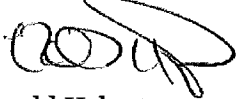
Page 2

April 21, 2015

However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Broomes in the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Hebert', with a stylized flourish at the end.

Ronald Hebert
Water Section Manager
Beaumont Region Office

RH/EB/cal

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

CARRIAGE TRAIL SUBDIVISION

Investigation #

1241959

Investigation Date: 03/17/2015

, CHAMBERS COUNTY,

Additional ID(s): 0360093

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

Track No: 566467

Compliance Due Date: 07/20/2015

30 TAC Chapter 290.42(l)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/08/2015

Failure by the Carriage Trails Water System to have a thorough plant operations manual compiled and kept up to date for operator review and reference.

During the investigation, it was noted that the water system did not have a plant operations manual.

Recommended Corrective Action: Compile a plant operations manual which has sufficient details to provide operator with routine maintenance and repair procedures with protocols to be used in the event of a natural or man-made catastrophe as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Track No: 566469

Compliance Due Date: 07/20/2015

30 TAC Chapter 290.46(n)(2)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/08/2015

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

During the investigation, it was noted that the water system did not have a distribution system map available for review.

Recommended Corrective Action: Develop an accurate and up-to-date distribution system map and submit a copy to the Beaumont Region Office.

Track No: 566470

Compliance Due Date: 07/20/2015

30 TAC Chapter 290.46(l)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/20/2015

Failure by the Carriage Trails Water System to flush all dead end mains at least once a month.

During the investigation, it was noted that in 2014, only 5410 Carriage Trails was flushed in April, June, August, and October, and only 5403 carriage trail was flushed in May and July. The water system could not provide a list of all of the dead end mains in the system. A copy was requested at the time of the investigation.

Recommended Corrective Action: Acquire the list of all dead end mains in the distribution system. Develop a Standard Operating Procedure (SOP) for flushing all of the dead end mains at least once a month. Submit the list of all dead end mains in the distribution system, the SOP,

and three months of flushing records to the Beaumont Region Office.

Track No: 566471 **Compliance Due Date:** 07/20/2015
30 TAC Chapter 290.46(f)(3)(A)(iv)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/20/2015

Failure by the Carriage Trails Water System to maintain records of the dates that dead end mains were flushed.

During the investigation, it was noted that there were no flushing records available for December and November 2014.

Recommended Corrective Action: Develop a SOP for maintaining records of the dates dead end mains were flushed and submit three months flushing records to the Beaumont Region Office.

Track No: 566472 **Compliance Due Date:** 07/20/2015
30 TAC Chapter 290.110(c)(4)(A)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/08/2015

Failure by the Carriage Trails Water System to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.

During the investigation, it was noted that the water system did not collect chlorine disinfectant residuals in distribution at least once every seven days. No disinfectant residuals were taken between December 9 and December 18, 2014.

Recommended Corrective Action: Develop a SOP for monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days. Submit three months copy to the Beaumont Region Office.

Track No: 566474 **Compliance Due Date:** 07/20/2015
30 TAC Chapter 290.46(m)(1)(B)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/20/2015

Failure by the Carriage Trails Water System to have pressure tank inspections that 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 the tank remains in water tight condition annually, and to inspect the interior of the pressure tanks with an inspection port every five years.

During the investigation, it was noted that the tank inspection forms were not adequate. The tank inspection conducted in February 2013 did not indicate that the pressure tanks pressure gauge was 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 water tight condition. It also did not display the date of the inspection of the interior of the tank. It indicates only the thickness of the tank.

Recommended Corrective Action: Begin conducting annual pressure tank inspections that 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 the tank remains in water tight condition. Also, begin to inspect the interior of the pressure tanks at least once every five years. Develop and submit a SOP for meeting compliance and submit a tank inspection form that contains all of the required criteria to the Beaumont Region Office.

Track No: 566475 **Compliance Due Date:** 07/20/2015
30 TAC Chapter 290.46(f)(2)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/08/2015

Failure by the Carriage Trails Water System to have records accessible for review during the investigation and available upon request.

During the investigation and on the Exit Interview Form, the investigator requested the average amount of daily water used in the past 12 months and the maximum amount of water used in the past 12 months and what date that the maximum amount of water was used. A copy was not received prior to the submission of the report.

Recommended Corrective Action: Submit the average amount of daily water used in the past 12 months and the maximum amount of water used in the past 12 months and what date that the maximum amount of water was used to the Beaumont Region Office.

Track No: 566476 **Compliance Due Date:** 07/20/2015
30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/20/2015

Failure by the Carriage Trails Water System to calibrate the well meter at least once every three years.

During the investigation, it was noted that the water system failed to calibrate the well meter at least once every three years. Mr. Mitchell was not sure if the well meter was calibrated within 3 years. A copy of the well meter calibration conducted was requested on the Exit Interview Form. A copy was not received prior to the submission of the report.

Recommended Corrective Action: Calibrate the well meter and submit a copy of the well meter calibration to the Beaumont Region Office. If the well meter was calibrated within three years and prior to the investigation, submit a copy of the previous well meter calibration to the Beaumont Region Office.

Track No: 567857 **Compliance Due Date:** 07/20/2015
30 TAC Chapter 290.46(f)(3)(D)(ii)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/20/2015

Failure by the Carriage Trails Water System to maintain records of the results of inspections for all water storage and pressure maintenance facilities.

The tank inspection forms for 2012 and 2014 were not available for review at the time of the investigation. Mr. Mitchell was not sure if the tank inspection was conducted in those years. On the Exit Interview Form, the investigator requested the tank inspection forms for 2012 and 2014.

Recommended Corrective Action: Develop a Standard Operating Procedure (SOP) for maintaining records of the results of inspections for all water storage and pressure maintenance facilities and submit a copy to the Beaumont Region Office. Also, submit the tank inspection form for 2015 to the Beaumont Region Office.

Track No: 567859 **Compliance Due Date:** 07/20/2015
30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1241959

Comment Date: 04/20/2015

Failure by the Carriage Trails Water System to maintain the grounds and facilities in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water.

During the investigation, it was noted that there was an opening on the chlorine container that needed to be sealed.

Recommended Corrective Action: Seal the opening on the chlorine container and submit a copy to the Beaumont Region Office.

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

Track No: 163408

30 TAC Chapter 290.41(c)(1)(F)

Alleged Violation:

Investigation: 270824

Comment Date: 06/11/2004

Ground Water Sources and Development

Failure to make available sanitary control easements for the well at the time of inspection. A sanitary easement covering all property within 150 feet of the well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in the well area. Residential type wells within the easement must be constructed to public water well standards. A copy of the recorded document must be submitted for our records. For your convenience, we have enclosed a sample easement document.

With the approval of the executive director, political subdivisions which have adopted and enforce equivalent ordinances or land use restrictions may substitute these documents for sanitary control easements. The water system may request an exception to this requirement by contacting the Water Supply Division, Public Drinking Water Section, Surveillance and Technical Assistance at 512-239-6020. Please be reminded that all requests for exceptions must be in writing and supported with adequate documentation. See attached guidance documents.

Description: During the investigation the system did not provide for review copies of recorded sanitary control easements or written approval of an exception request to the rule.

Investigation: 636181

Comment Date: 02/26/2008

Ground Water Sources and Development

Failure to make available sanitary control easements for the well at the time of inspection, or executive director approval for a substitute authorized in §290.41(c)(1)(F)(iv). A sanitary easement, or approved substitute, covering all property within 150 feet of *(the/ each) well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in the well area. Residential type wells within the easement must be constructed to public water well standards. A copy of the recorded document must be submitted for our records. For your convenience, we have enclosed a sample easement document.

With the approval of the executive director, political subdivisions which have adopted and enforce equivalent ordinances or land use restrictions may substitute these documents for sanitary control easements. The water system may request an exception to this requirement by contacting the Water Supply Division, Public Drinking Water Section, Technical Review & Oversight Team at 512-239-6020. Please be reminded that all requests for exceptions must be in writing and supported with adequate documentation.

Investigation: 1034989

Comment Date: 10/08/2012

Failure to provide sanitary control easements for the well.

Your letter dated August 17, 2012, indicated your intention to correct this violation. The facility will be given until January 31, 2013, to come into compliance with this violation.

CARRIAGE TRAIL SUBDIVISION**Investigation # 1241959**

Investigation: 1076873

Comment Date: 09/25/2013

Failure to provide sanitary control easements for the well.

Investigation: 1178364

Comment Date: 06/26/2014

Failure to provide sanitary control easements for the well.

Investigation: 1241959

Comment Date: 04/08/2015

During the investigation conducted on March 17, 2015, it was noted that the water system has been granted an exception to the rule requiring a sanitary control easement on November 20, 2014.

Recommended Corrective Action: Submit a photocopy of the recorded sanitary control easements OR a photocopy of the granted exception request from the Water Supply Division.

Resolution: During the investigation conducted on March 17, 2015, it was noted that the violation has been resolved.

ADDITIONAL ISSUES**Description**

Item 9

Additional Comments

During the investigation, it was noted that there was corrosion under the paint on the pressure tank.

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

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IN-AUSTIN

April 7, 2015

CERTIFIED MAIL #7013 3020 0000 9763 5527
RETURN RECEIPT REQUESTED

Mr. Robert Laughman, President
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Centennial Place, 4831 Lewis Drive, Pearland, Brazoria County, Texas
Regulated Entity No.: 101232676
TCEQ ID No.: 0200190, Investigation No.: 1223412

Dear Mr. Laughman:

On March 11, 2015, Ms. Denise Ehrlich 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, certain outstanding alleged violations were identified for which compliance documentation is required. In addition, an Additional Issue was noted. Please submit to this office by July 9, 2015, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations #565971, 565973, 565975, 565976 and 565977. A due date for submitting compliance documentation for outstanding alleged violation #565982 will be determined after you provide a compliance plan for this alleged violation. Your compliance plan is due by July 9, 2015. Please address how the violation will be resolved and provide a reasonable time frame for completion of the work.

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.texas.gov> 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 Houston Region Office at (713) 767-3650 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

TCEQ Region 12 • 5425 Polk St., Ste. H • Houston, Texas 77023-1452 • 713-767-3500 • Fax 713-767-3520

Austin Headquarters: 512-239-1000 • tceq.texas.gov • How is our customer service? tceq.texas.gov/customer survey

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Mr. Robert Laughman, President

Page 2

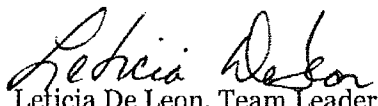
April 7, 2015

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, PWS Team Leader Ms. Leticia De Leon, 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 violation(s).

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

Sincerely,


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

LD/DE/mar

Enclosure: Summary of Investigation Findings

cc: Brazoria County Public Health and Environmental Services

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

Summary of Investigation Findings

CENTENNIAL PLACE

Investigation #
1223412
Investigation Date: 03/11/2015

, BRAZORIA COUNTY,

Additional ID(s): 0200190

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

Track No: 565971 Compliance Due Date: 07/09/2015
30 TAC Chapter 290.41(c)(1)(F)

Alleged Violation:

Investigation: 1223412

Comment Date: 04/01/2015

Ground Water Sources and Development

Failure to make available sanitary control easements for well #1 at the time of investigation, or executive director approval for a substitute authorized in §290.41(c)(1)(F)(iv). A sanitary easement, or approved substitute, covering all property within 150 feet of the well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in the well area. Residential type wells within the easement must be constructed to public water well standards. A copy of the recorded document must be submitted for our records. Acceptance and approval for all easements and substitutes to an easement is determined by the Technical Review and Oversight Team in Austin.

With the approval of the executive director, political subdivisions which have adopted and enforce equivalent ordinances or land use restrictions may substitute these documents for sanitary control easements. The water system may request an exception to this requirement in writing to the:

Texas Commission on Environmental Quality, Technical Review and Oversight Team
(MC-159), P.O. Box 13087, Austin, Texas 78711-3087, phone (512)239-4691.

Please be aware that all requests for exceptions must be in writing and supported with adequate documentation.

Recommended Corrective Action: Submit a photocopy of the exception granted by the TCEQ's Technical Review and Oversight Team or an approved substitute to verify compliance.

Track No: 565973 Compliance Due Date: 07/09/2015
30 TAC Chapter 290.42(l)

Alleged Violation:

Investigation: 1223412

Comment Date: 04/01/2015

Plant Operations Manual

Failure to compile and maintain, a current, and thorough plant operations manual for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedure as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Specifically, a plant operations manual was not available for review during the investigation.

Recommended Corrective Action: Submit a plant operations manual to verify compliance.

Track No: 565975 Compliance Due Date: 06/09/2015
30 TAC Chapter 290.43(d)(3)

Alleged Violation:

Investigation: 1223412

Comment Date: 04/01/2015

Failure to equip the pressure tank with a capacity greater than 1000 gallons with some sanitary means of determining the air to water ratio. Galvanized tanks which are not provided with the necessary fittings and which were installed before July 1, 1988, shall be exempt from this requirement.

Recommended Corrective Action: Submit documentation that some sanitary means of determining the air to water ratio has been installed on the pressure tank, or that the pressure tank was installed before July 1, 1988.

Track No: 565976 Compliance Due Date: 07/09/2015**30 TAC Chapter 290.46(s)(1)****Alleged Violation:**

Investigation: 1223412

Comment Date: 04/01/2015

Testing Equipment

Failure by the regulated entity to calibrate the well meter required by 30 TAC 290.41(c)(3)(N) according to the manufacturer's specifications at least once every three years. Specifically, documentation was not provided to indicate that the well meter was calibrated within the past three years.

Recommended Corrective Action: Submit documentation indicating that the well meter has been calibrated within the past three years to verify compliance.

Track No: 565977 Compliance Due Date: 07/09/2015**30 TAC Chapter 290.46(n)(2)****Alleged Violation:**

Investigation: 1223412

Comment Date: 04/01/2015

Operating Practices for Public Water Systems

Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies. Specifically, a distribution map was not available for review during the investigation.

Recommended Corrective Action: Submit a copy of the distribution map to verify compliance.

Track No: 565982 Compliance Due Date: To Be Determined**30 TAC Chapter 290.45(b)(1)(A)(ii)****Alleged Violation:**

Investigation: 1223412

Comment Date: 04/01/2015

Capacity Requirement

Failure to provide minimum pressure tank capacity of 50 gallons per connection.

At the time of the investigation, the facility had a total of 32 active connections and is required to provide 50 gallons per connection (conn). Your pressure tank was 0.0015 million gallons (MG) and is short a total of 0.0001 MG. This is calculated in the following manner:

$$50 \text{ gallons/conn} \times 32 \text{ conn.} = 0.0016 \text{ MG Required}$$

$$0.0016 \text{ MG Required} - 0.0015 \text{ MG Provided} = 0.0001 \text{ MG Short}$$

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, Technical Review & Oversight, MC 159, 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.

ADDITIONAL ISSUES

Description

Item 7

Additional Comments

30 TAC, §291.93(3)

Adequacy of Water Utility Service

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

Specifically, the well was at 100% based on 32 connections. Planning reports must be submitted within 90 days to TCEQ, Water Supply Division, Public Drinking Water Section, Technical Review & Oversight, MC 159, P.O. Box 13087, Austin, TX 78711-3087; phone (512) 239-4691.

The executive director may waive or limit the reporting requirements if the retail public utility demonstrates that the projected growth of the area will not require the retail public utility to exceed 100% of its current capacity for the next five years.

Any retail public utility required to file reports under this section of the rules, including those requesting waivers, shall file updated reports within 90 days after the retail public utility receives a copy of each subsequent commission field inspection report until the system demand is below 85% capacity.

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

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February 20, 2015

CERTIFIED MAIL NO.: 91 7199 9991 7034 4962 3143
RETURN RECEIPT REQUESTED

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FEB 23 2015

TX ADMIN-AUSTIN

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

Re: Notice of Violation for Compliance Evaluation Investigation at:
Center Point North Water System, intersection of Willowbend and Tallwood, Kerrville,
Kerr County, Texas
Regulated Entity No.: RN101198984, TCEQ ID No.: 1330009
Investigation: 1218080

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, some alleged violations were noted that have been resolved on subsequent corrective action. In addition, 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.

Mr. Scot Foltz, Environmental Compliance Manager


Page 2

February 20, 2015

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 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,

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

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

JTC/CM/eg

Enclosures: Summary of Investigation Findings

Summary of Investigation Findings

CENTER POINT NORTH WATER SYSTEM

Investigation #

1218080
Investigation Date: 12/22/2014

, KERR COUNTY,

Additional ID(s): 1330111

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

Track No: 558325 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: 1218080

Comment Date: 01/14/2015

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, records demonstrating the water system had acquired approval or obtained an exception were not available.

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.

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

Track No: 558329

30 TAC Chapter 290.43(c)(4)

Alleged Violation:

Investigation: 1218080

Comment Date: 02/13/2015

Failure to provide a liquid level indicator calibrated in feet of water.

At the time of the investigation, the liquid level indicator for the ground storage tank was calibrated in pounds per square inch (PSI) and kilopascals (kPa).