

Recommended Corrective Action: Compile all CSI's pertaining to the water system and maintain the documents for at least ten years.

To document compliance, submit copies of the CSI's for the connections added to the water system since previous CCI to this office by the compliance due date.

Track No: 593423 **Compliance Due Date:** 04/28/2016
30 TAC Chapter 290.41(c)(1)(F)

Alleged Violation:

Investigation: 1305888

Comment Date: 01/19/2016

Failure to maintain copies of sanitary control easements which includes the 150 foot radius of land surrounding the well.

At the time of the investigation, copies of the sanitary control easements were not made immediately available. Mr. Larance advised that the required records were being maintained at the office and would be provided subsequent to the investigation; however, the records have yet to be submitted.

30 TAC 290.41(c)(1)(F)—A sanitary control easement or sanitary control easements covering land within 150 feet of the well, or executive director approval for a substitute authorized by this subparagraph, shall be obtained.

Recommended Corrective Action: Provide copies of all sanitary control easements pertaining to the water system's well and ensure that these records are maintained.

To document compliance, submit copies of the sanitary control easements to this office by the compliance due date

ADDITIONAL ISSUES

Description
Item 6

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

July 17, 2014

Mr. Scot W. Foltz, Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Ln., Ste. 400W
Austin, Texas 78723-2476

RECEIVED
JUL 21 2014
BY: [signature]

Re: Notice of Compliance with Notice of Violation (NOV) dated January 6, 2014:
Dorsett Place, Killough Dr. at Comet Dr., Harris County, Texas
Regulated Entity No.: RN101267144
TCEQ ID No.: 1010122 Investigation No.: 1177570

Dear Mr. Foltz:

On June 19, 2014, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office obtained adequate compliance documentation to administratively resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on October 30, 2013. Based on the information obtained, no further action is required concerning this investigation. However, please see the attached Additional Issues.

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

Sincerely,

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

LD/CB/kc

Enclosure: *Summary of Investigation Findings*

cc: Harris County Public Health and Environmental Services

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

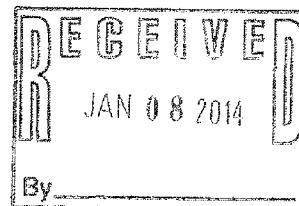


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 6, 2014

CERTIFIED MAIL #7011 3500 0000 0279 5936
RETURN RECEIPT REQUESTED



Mr. Dan Rimann, Vice President of Operations
Aqua Texas, Inc.
1106 Clayton Ln., Ste. 400W
Austin, Texas 78723-2476

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Dorsett Place, Killough Dr. at Comet Dr., Harris County, Texas
Regulated Entity No.: 101267144, TCEQ ID No.: 1010122, Investigation No.: 1128289

Dear Mr. Rimann:

On October 30, 2013, Ms. Christina Bernal 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. Certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by March 31, 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.

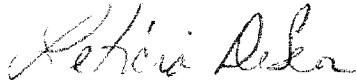
In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you 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
January 6, 2014
Page 2

If you or members of your staff have any questions, please feel free to contact Ms. Christina Bernal 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/CB/ra

cc: Harris County Public Health and Environmental Services

Enclosures: Summary of Investigation Findings

Summary of Investigation Findings

DORSET T PLACE

, HARRIS COUNTY,

Additional ID(s): 1010122

Investigation #

1128289

Investigation Date: 10/30/2013

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

Track No: 521725

Compliance Due Date: 03/31/2014

30 TAC Chapter 290.42(I)

Alleged Violation:

Investigation: 1128289

Comment Date: 12/16/2013

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.

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

Recommended Corrective Action: Submit a copy of the system's plant operations manual to verify compliance.

Track No: 521727

Compliance Due Date: 03/31/2014

30 TAC Chapter 290.46(i)

Alleged Violation:

Investigation: 1128289

Comment Date: 12/09/2013

Operating Practices for Public Water Systems

Failure to adopt an adequate plumbing ordinance, regulations or a service agreement with provisions for proper enforcement. Potential cross-connections or other undesirable plumbing practices must be prohibited. The ordinance or regulations must also prohibit the use of pipes and pipe fittings that contain more than 8.0 percent lead or solders and flux that contain more than 0.2 percent lead.

At the time of the compliance investigation, a copy of the standard service agreement for the system was not available.

Recommended Corrective Action: Submit a copy of the service agreement to verify compliance.

David W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubenstein, *Commissioner*
Mark R. Vicker, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 3, 2010

Mr. Steve Blackhurst, Environmental Compliance Manager
Aqua Texas Inc.
1421 Wells Branch Pkwy, Ste 105
Pflugerville, TX 78660-3230

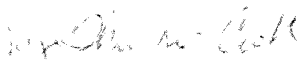
Re: Compliance Evaluation Investigation at:
Eagle Creek Ranch, Hwy 181, 3 miles south of FM 1604, Wilson County, Texas
RN102690484, TCEQ PWS ID.: 2470022, Investigation No.: 798664

Dear Mr. Blackhurst:

On March 9, 2010, Mr. Chris Friesenhahn of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation.

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, please feel free to contact Mr. Chris Friesenhahn in the San Antonio Region Office at (210) 403-4055.

Sincerely,


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

JTC/CF/eg

Brian W. Staley, Ph.D. *Chairman*
Buddy Garcia *Commissioner*
Charles Rubenstein *Commissioner*
Mark R. Vickery, P.E. *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Resources by Reducing and Preventing Pollution

May 3, 2010

Mr. Steve Blackhurst, Environmental Compliance Manager
Aqua Texas Inc.
1421 Wells Branch Pkwy, Ste 105
flugerville, TX 78660-3230

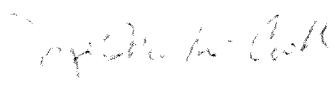
Re: Compliance Evaluation Investigation at:
Eagle Creek Ranch, Hwy 181, 3 miles south of FM 1604, Wilson County, Texas
RN102690484, TCEQ PWS ID.: 2470022, Investigation No.: 798664

Dear Mr. Blackhurst:

On March 9, 2010, Mr. Chris Friesenhahn of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation.

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, please feel free to contact Mr. Chris Friesenhahn in the San Antonio Region Office at (210) 403-4055.

Sincerely,


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

JTC/CF/eg

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 11, 2016

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

Re: Comprehensive Compliance Investigation at:
Elmwood Estates, Elm Pass Rd off of Hwy 173 N of Bandera, Bandera County, Texas
Regulated Entity No.: RN102683307, TCEQ ID No.: 0100053, Investigation No.:
1313450

Dear Mr. Foltz:

On January 20, 2016, Mr. Chris Friesenhahn of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for a public water supply. No violations are being alleged as a result of the investigation.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Joy Thurston-Cook".

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

JTC/cmf

RECEIVED

TX ADMIN-AUSTIN

Loanie

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 1, 2013

Mr. Steve Blackhurst, P.E, Regulatory and Compliance Manager
Aqua Texas, Inc.
1106 Clayton Ln., Suite 400W
Austin, Texas 78723-2476

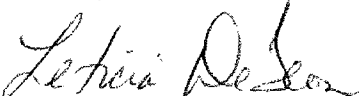
Re: Comprehensive Compliance Investigation at:
Enchanted Forest, 32618 Dogwood Trail, Magnolia, Montgomery Co., Texas
Regulated Entity No. 101284917, TCEQ ID No. 1700040 Investigation No. 1098828

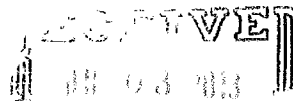
Dear Mr. Blackhurst:

On May 7, 2013, Mr. Sune Nantah of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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 Mr. Sune Nantah in the Houston Region Office at (713)767-3650.

Sincerely,


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



BY:.....

LD/SN/ra

cc: Montgomery County Environmental Health Services

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 4, 2016

CERTIFIED MAIL NO.: 91 7199 9991 7036 0233 0109
RETURN RECEIPT REQUESTED

RECEIVED

Mr. Scot Foltz, Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Ln, Ste 400W
Austin, TX 78723-2476

TX ADMIN-AUSTIN

Re: Notice of Violation for Comprehensive Compliance Investigation at:
Erlund Subdivision; Located on Ranchero Rd off Hwy 16 two miles south of Kerrville,
Kerr County, Texas
Regulated Entity No.: RN102677820, TCEQ PWS ID No.: 1330036, Investigation No.
1299753

Dear Mr. Foltz:

On December 10, 2015, Mrs. Agnieszka Hobson 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 9, 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, Water Section Manager, Mrs. Lynn Bumguardner will schedule a violation review meeting to be conducted within 21 days

Mr. Mr. Scot Foltz
March 4, 2016
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 Mrs. Hobson in the San Antonio Region Office at 210-403-4075.

Sincerely,

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

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

JTC/AMH/eg

Enclosure: Summary of Investigation Findings

Mr. Mr. Scot Foltz
March 4, 2016
Page 3

Summary of Investigation Findings

ERLUND SUBDIVISION

Investigation #

1299753

Investigation Date: 12/10/2015

, KERR COUNTY,

Additional ID(s): 1330036

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

Track No: 594377 Compliance Due Date: 05/09/2016

30 TAC Chapter 290.38(39)

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

Alleged Violation:

Investigation: 1299753

Comment Date: 02/02/2016

Failure to provide an intruder resistant fence.

At the time of the investigation, the fence was not six feet or greater in height.

30 TAC 290.41(c)(3)(O) - All completed well units shall be protected by intruder-resistant fences, the gates of which are provided with locks or shall be enclosed in locked, ventilated well houses to exclude possible contamination or damage to the facilities by trespassers. The gates or wellhouses shall be locked during periods of darkness and when the plant is unattended.

30 TAC 290.38(39) Intruder-resistant fence--A fence six feet or greater in height, constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle with the smooth side of the fence on the outside wall. In lieu of the barbed wire, the fence must be eight feet in height. The fence must be in good repair and close enough to surface grade to prevent intruder passage.

Recommended Corrective Action: Provide an intruder resistant fence six feet in height with three strands of barbed wire installed at the top angled out at a 45 degree angle, a fence which is eight feet in height or a lockable structure within which the well and ground storage tank can be secured. To document compliance, provide a description of repairs/work completed along with supporting photographs, invoices and or work orders to this office by the compliance due date.

Track No: 594379 Compliance Due Date: 05/09/2016

30 TAC Chapter 290.42(I)

Alleged Violation:

Investigation: 1299753

Comment Date: 02/02/2016

Failure to provide a plant operations manual.

At the time of the investigation, the system was not able to provide a plant operations manual 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: Prepare a plant operations manual in accordance with 30 TAC 290.42(I). To document compliance, submit a copy of the plant operations manual to this office by the compliance due date.

Track No: 594382 Compliance Due Date: 05/09/2016
30 TAC Chapter 290.46(n)(1)

Alleged Violation:

Investigation: 1299753

Comment Date: 02/02/2016

Failure to provide as-built plans or record drawings for the public water supply.

At the time of the investigation, no as-built plans or record drawings and specifications for the production, treatment, storage and pressure maintenance facilities were provided.

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.

Recommended Corrective Action: Provide by the compliance due date, copies of as-built plans or record drawings and specifications for the production, treatment, storage and pressure maintenance facilities.

ADDITIONAL ISSUES

Description

Item 4

Additional Comments

30 TAC 290.93(3): After any commission field inspection, a retail public utility must analyze the system's capacity to determine if it has reached 85% of its capacity. If the retail public utility has reached 85% of its capacity, it must file this report no later than 90 days after the date of a commission letter detailing the results of the inspection. Capacity is considered to be the overall rated capacity in number of residential connection equivalents based on the most restrictive criteria for production, treatment, storage, or pumping. The report should be submitted in writing and should contain the following: a brief description of the overall utility system and service area; an analysis of the plant capacity as defined in subparagraph (A) of this paragraph; details on how the retail public utility will provide service to the remaining areas within the boundaries of its certificated area. This includes projections of cost and expected design and installation dates for additional facilities.

At the time of the investigation, the water system was operating at 94% of well capacity. With the current well capacity of 153 gallons per minute the water system can serve a maximum of 255 connections.

Item 5

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 assemble (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.

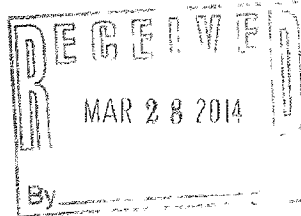
Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 28, 2014



CERTIFIED MAIL NO.: 91 7199 9991 7031 3417 8132
RETURN RECEIPT REQUESTED

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

Re: Notice of Violation for Comprehensive Compliance Investigation at:
Estates Utility Co Stonegate, Estate Drive at Hwy 281, Bexar County, Texas
Regulated Entity No.: RN102680899, TCEQ ID No.: 0150431, Investigation No.: 1157552

Dear Mr. Foltz:

On January 31, 2014, Mr. Chris Friesenhahn of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for a public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by August 28, 2014 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

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

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the San Antonio Region Office within 10 days from the date of this letter. At that time 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 violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed

Mr. Scot Foltz, Regulatory and Compliance Manager

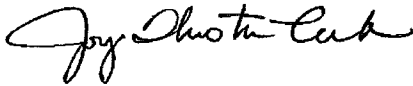
Page 2

March 28, 2014

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

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

Sincerely,

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

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

JTC/cmf/eg

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

ESTATES UTILITY CO STONEGATE

Investigation # 1157552

Investigation Date: 01/31/2014

, BEXAR COUNTY,

Additional ID(s): 0150431

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

Track No: 530933

Compliance Due Date: 08/28/2014

30 TAC Chapter 290.39(e)

30 TAC Chapter 290.39(h)(1)

30 TAC Chapter 290.46(n)(1)

Alleged Violation:

Investigation: 1157552

Comment Date: 03/20/2014

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

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

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

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

30 TAC 290.39(e) Submission of planning material.

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

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

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

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

ADDITIONAL ISSUES

Description

Additional Comments

Item 2

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*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



Kerrville

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 10, 2016

CERTIFIED MAIL NO.: 91 7199 9991 7036 0449 5363
RETURN RECEIPT REQUESTED

RECEIVED

JAN 22 2016

TX ADMIN-AUSTIN

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

Re: Notice of Violation for Comprehensive Compliance Investigation at:
Falling Water Subdivision, 5 miles W of Comfort on Hwy 87, Kerr County, Texas
Regulated Entity No.: RN102678950, TCEQ ID No.: 1330154, Investigation No.: 1301727

Dear Mr. Foltz:

On November 24, 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 March 20, 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

Mr. Scot Foltz
January 10, 2016
Page 2

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. 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

FALLING WATER SUBDIVISION

Investigation #

, KERR COUNTY,

1301727
Investigation Date: 11/24/2015

Additional ID(s): 1330154

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

Track No: 531932 Compliance Due Date: 03/20/2016
30 TAC Chapter 290.46(n)(2)

Alleged Violation:

Investigation: 1146304

Comment Date: 04/10/2014

Failure to provide an up-to-date distribution map.

At the time of the investigation, the distribution map provided indicated the location of valves and mains for the Reserve Subdivision, but the map did not include mains or valves for the Falling Water Subdivision.

30 TAC 290.46(n)(2)-- An accurate and up-to-date map of the distribution system shall be available so that valves and mains can be easily located during emergencies.

Investigation: 1301727

Comment Date: 01/07/2016

This a continuing violation.

During the 11/24/2015 comprehensive compliance investigation, the distribution map provided was missing the distribution lines and main locations for The Reserve Subdivision.

30 TAC 290.46(n)(2)--An accurate and up-to-date map of the distribution system shall be available so that valves and mains can be easily located during emergencies.

Recommended Corrective Action: Provide by the compliance due date, a copy of a complete and up-to-date distribution map that indicates the location of the mains and valves have been identified for the entire distribution system in accordance with requirements.

Track No: 592712 Compliance Due Date: 03/20/2016
30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1301727

Comment Date: 01/07/2016

Failure to calibrate the well meters at least once every three years.

At the time of the investigation, documentation indicating that the meter for Well #2 had been calibrated or replaced with a new meter within the past three years was not provided.

30 TAC 290.46(s)(1)--Flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (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 on Well #2 calibrated to confirm it's accuracy or install new meters 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: 592713 Compliance Due Date: 03/20/2016
30 TAC Chapter 290.42(l)

Alleged Violation:

Investigation: 1301727

Comment Date: 01/07/2016

Failure to provide a plant operations manual.

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

30 TAC 290.42(l)--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(l).

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

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

Track No: 531926

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1146304

Comment Date: 04/04/2014

Failure to maintain the facilities.

At the time of the investigation, service pump #1 serving the higher pressure plane located at Plant #1 was inoperable.

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.

Investigation: 1301727

Comment Date: 01/07/2016

This violation is being resolved.

Recommended Corrective Action: Provide by the compliance due date, documentation indicating that service pump #1 serving the higher pressure plane located at Plant #1 has been repaired or replaced.

Resolution: During the 11/24/2015 comprehensive compliance investigation, service pump #1 was in operation.

Track No: 531929

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

Alleged Violation:

Investigation: 1146304

Comment Date: 04/04/2014

Failure to conduct pressure tank inspections.

FALLING WATER SUBDIVISION**Investigation # 1301727**

At the time of the investigation, no interior pressure tank inspections had been conducted within the five year time frame for the two pressure tanks located at Plant #1 and Plant #4.

30 TAC 290.46(m)(1)(B)-- Pressure tank inspections must 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 watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

Investigation: 1301727

Comment Date: 01/07/2016

This violation is being resolved.

Recommended Corrective Action: Provide by the compliance due date, copies of the two pressure tank inspection forms indicating that interior pressure tank inspections have been conducted in accordance with the requirements.

Resolution: During the 11/24/2015 comprehensive compliance investigation, copies of tank inspection results were provided.

Track No: 531931**30 TAC Chapter 290.121(a)****Alleged Violation:**

Investigation: 1146304

Comment Date: 04/04/2014

Failure to provide an up-to-date system monitoring plan.

At the time of the investigation, the monitoring plan provided did not have an updated schematic map, sampling site map, and updated language to accurately describe the monitoring plan.

30 TAC 290.121(a)-- All public water systems shall maintain an up-to-date chemical and microbiological monitoring plan. Monitoring plans are subject to the review and approval of the executive director. A copy of the monitoring plan must be maintained at each water treatment plant and at a central location.

Investigation: 1301727

Comment Date: 01/07/2016

This violation is being resolved.

Recommended Corrective Action: Provide by the compliance due date, a copy of an accurate and up-to-date monitoring plan that indicates compliance with the requirements.

Resolution: During the 11/24/2015 comprehensive compliance investigation, an updated monitoring plan was provided for review.

Track No: 531934**30 TAC Chapter 290.46(i)****Alleged Violation:**

Investigation: 1146304

Comment Date: 04/04/2014

Failure to provide an adopted plumbing ordinance or a copy of a sample service agreement.

At the time of the investigation, the entity had no adopted plumbing ordinance or service agreements.

30 TAC 290.46(i)-- Plumbing ordinance. Public water systems must adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted (See §290.47(b) of this title (relating to Appendices)). Should sanitary control of the distribution system not reside with the purveyor, the entity retaining sanitary control shall be responsible for establishing and enforcing adequate regulations in this regard. The use of pipes and pipe fittings that contain more than 8.0% lead or solders and flux that contain more than 0.2% lead is prohibited for installation or repair of any public water supply and for

FALLING WATER SUBDIVISION**Investigation # 1301727**

Installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption and connected to a public drinking water supply system. This requirement may be waived for lead joints that are necessary for repairs to cast iron pipe.
Investigation: 1301727 Comment Date: 01/07/2016

This violation is being resolved.

Recommended Corrective Action: Provide by the compliance due date, a copy of, an adopted plumbing ordinance or sample service agreement that has been compiled and utilized in accordance with the requirements.

Resolution: During the 11/24/2015 comprehensive compliance investigation, a copy of the service agreement was made available for review.

Track No: 531936

30 TAC Chapter 290.46(f)(2)

30 TAC Chapter 290.46(f)(3)(B)(v)

Alleged Violation:

Investigation: 1146304

Comment Date: 04/04/2014

Failure to make adequate records available for review.

At the time of the investigation, the entity advised that there were testable backflow prevention assemblies installed in the distribution, but did not have annual test reports available for review.

30 TAC 290.46(f)(2)-- The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request.

30 TAC 290.46(f)(3)(B)(v)-- The records of backflow prevention device programs.

Investigation: 1301727

Comment Date: 01/07/2016

This violation is being resolved.

Recommended Corrective Action: Provide by the compliance due date, copies of annual backflow prevention assembly test reports indicating compliance with 30 TAC 290.44(h)(4) requirements.

Resolution: During the 11/24/2015 comprehensive compliance investigation, Mr. Mitchell provided copies of annual test reports for the known testable backflow prevention devices.

Track No: 531937

30 TAC Chapter 290.39(e)

30 TAC Chapter 290.39(h)(1)

30 TAC Chapter 290.46(n)(1)

Alleged Violation:

Investigation: 1146304

Comment Date: 04/04/2014

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

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

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

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

30 TAC 290.39(e)-- Submission of planning material.
Investigation: 1301727

Comment Date: 01/07/2016

This violation is being resolved.

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.

Resolution: During the 11/24/2015 comprehensive compliance investigation the water system provided copies of record drawings and well drillers logs and sanitary control easements.

WITHDRAWN VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 531930 Compliance Due Date: 08/22/2014
30 TAC Chapter 290.42(I)

Alleged Violation:

Investigation: 1146304

Comment Date: 04/04/2014

Failure to provide an up to date plant operations manual.

At the time of the investigation, the plant operations manual provided was not up to date.

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.

Investigation: 1301727

Comment Date: 01/07/2016

This violation is being withdrawn.

Recommended Corrective Action: Provide by the compliance due date, a copy of an updated plant operations manual.

Withdrawal Comments: This violation is being withdrawn due to no plant operations manual being made available for review during the 11/24/2015 comprehensive compliance investigation. A violation for a failure to provide a plant operations manual will be issued.

ADDITIONAL ISSUES

Description

Additional Comments

Item 11

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.

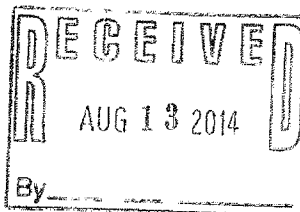
Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 5, 2014



Mr. Dan Rimann, Vice President of Operation
Meadowlark Subdivision
1106 Clayton Lane
Austin, Texas 78723

Re: Comprehensive Compliance Investigation at:
Flora 6, 16603 Ewing Ln/ CR 479 & 16600 Glenn Ln/ CR 478, Brazoria Co.,
TX
Regulated Entity #101236412, TCEQ ID #0200271, Investigation #1144439

Dear Mr. Rimann:

On December 10, 2013, Ms. Elaine Jackson of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation; however, please see the attached Additional Issue. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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. Elaine Jackson in the Houston Region Office at (713)767-3650.

Sincerely,

A handwritten signature in cursive script that reads "Leticia De Leon".

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

LD/ETJ/ra

cc: Brazoria County Environmental Health Dept.

Enclosure: Summary of Investigation Findings

RECEIVED
MAR 10 2014
REGION 12

Summary of Investigation Findings

MEADOWLARK SUBDIVISION

Investigation #

1144439

Investigation Date: 12/10/2013

, BRAZORIA COUNTY,

Additional ID(s): 0200271

No Violations Associated to this Investigation

ADDITIONAL ISSUES

Description

Item 1

Additional Comments

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. A report is not required if the source of supply available to the utility service provider is reduced to below the 85% level due to a court or agency conservation order unless that order is expected to extend for more than 18 months from the date it is entered in which case a report shall be required.

(A) After any commission field inspection, a retail public utility must analyze the system's capacity to determine if it has reached 85% of its capacity. If the retail public utility has reached 85% of its capacity, it must file this report no later than 90 days after the date of a commission letter detailing the results of the inspection. Capacity is considered to be the overall rated capacity in number of residential connection equivalents based on the most restrictive criteria for production, treatment, storage, or pumping.

(B) The report should be submitted in writing and should contain the following:

(i) a brief description of the overall utility system and service area;

(ii) an analysis of the plant capacity as defined in subparagraph (A) of this paragraph;

(iii) details on how the retail public utility will provide service to the remaining areas within the boundaries of its certificated area. This includes projections of cost and expected design and installation dates for additional facilities.

Item 2

(C) 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.

(D) 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.

Specifically, it is noted on this investigation that your pressure tank, has reached 92 % of its capacity. This was based on 35 connections.

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

November 30, 2015

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DEC 04 2015

TX ADMIN-AUSTIN

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

Re: Comprehensive Compliance Investigation at:
Flora 7, 6032 Lynn Lane, Pearland, Brazoria County, Texas
Regulated Entity No.: 101256311, TCEQ ID No.: 0200151, Investigation No.: 1275779

Dear Mr. Foltz:

On October 21, 2015, Ms. Dawn Olivo, of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office, conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation; however, please see the attached Area of Concern and Additional Issue. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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. Olivo in the Houston Region Office at (713) 767-3650.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julia Thorp".

Julia Thorp, Team Leader
Public Water Supply
Houston Region Office

JT/DO/ra

cc: Brazoria County Environmental Health Department

Enclosure: Summary of Findings

CHIEF INVESTIGATOR

Summary of Investigation Findings

FLORA 7

Investigation #

1275779

Investigation Date: 10/21/2015

, BRAZORIA COUNTY,

Additional ID(s): 0200151

AREA OF CONCERN

Track No: 587750

30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1275779

Comment Date: 11/06/2015

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.

At the time of investigation, the well meter had not been calibrated in the past three years.

Recommended Corrective Action: Submit a copy of the well meter calibration report to verify compliance.

Resolution: On October 30, 2015, Mr. Larry Mitchell, Environmental Compliance Coordinator for Aqua Utilities, Inc. submitted, via email, a copy of the well meter calibration conducted on October 23, 2015.

ADDITIONAL ISSUES

Description

Additional Comments

Item 2

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. A report is not required if the source of supply available to the utility service provider is reduced to below the 85% level due to a court or agency conservation order unless that order is expected to extend for more than 18 months from the date it is entered in which case a report shall be required.

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.

After any commission field inspection, a retail public utility must analyze the system's capacity to determine if it has reached 85% of its capacity. If the retail public utility has reached 85% of its capacity, it must file this report no later than 90 days after the date of a commission letter detailing the results of the inspection. Capacity is considered to be the overall rated capacity in number of residential connection equivalents based on the most restrictive criteria for production, treatment, storage, or pumping.

Specifically, it is noted on this investigation that your well has reached 94 % of its capacity. This was based on 15 connections.

Submit a planning report or waiver request 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.

Ray

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

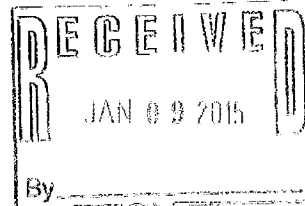


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 5, 2015

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RETURN RECEIPT REQUESTED



Mr. Scot Foltz, Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Ln., Ste. 400W
Austin, Texas, 78723-2476

Re: Notice of Violation for the Compliance Evaluation Investigation at:
Forest Woods Subdivision, Lakeway Lane@ Shoreline Drive, Montgomery County
Regulated Entity No.: RN101185205, TCEQ ID No.: 1700106, Investigation No.: 1192806

Dear Mr. Foltz:

On October 29, 2014 Ms. Mary Hopkins 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, an outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by February 5, 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.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 DeLeon, will schedule a violation review meeting to be conducted *within 21 days from the date of this letter OR specified date at specific time*. 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.

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/customersurvey

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Mr. Scot Foltz, Compliance Manager
January 5, 2015
Page 2

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

Sincerely,



Leticia DeLeon, PWS Team Leader
Houston Region Office

LD/MVH/ra

cc: Montgomery County Environmental Health Services

Mr. Larry Mitchell, Compliance Coordinator, Aqua Utilities, Inc., 1106 Clayton Ln.
Ste. 400 W, Austin, Texas 78723-2476

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

FOREST WOODS SUBDIVISION

Investigation #

1192806

Investigation Date: 10/29/2014

, MONTGOMERY COUNTY,

Additional ID(s): 1700106

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 556609 Compliance Due Date: 01/28/2015

30 TAC Chapter 290.46(m)(4)

Alleged Violation:

Investigation: 1192806

Comment Date: 12/15/2014

Failure to maintain the well header in a watertight condition and prevent corrosion.

At the time of the investigation, the well header had leaks and corrosion and must be repaired or replaced as necessary.

Recommended Corrective Action: Submit to the Region 12 Office documentation that the well header as been repaired.

Track No: 556611 Compliance Due Date: 01/28/2015

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

Alleged Violation:

Investigation: 1192806

Comment Date: 12/15/2014

Failure to maintain the concrete sealing block surrounding the well with a properly constructed and installed sealing block.

At the time of the investigation, there was a large crack in the well sealing block. The well sealing block must be maintained in good repair.

Recommended Corrective Action: Provide documentation that a properly constructed and installed sealing block has been provided for the well.

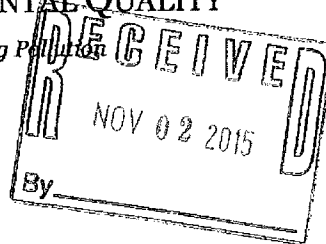
Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 30, 2015



Mr. Scott Foltz, Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Lane, Ste. 400W
Austin TX 78723-2476

Re: Notice of Compliance with Notice of Violation (NOV) dated July 24, 2015
Four Seasons, Located approximately 10 miles southwest of Kerrville on Highway 16,
Kerr County, Texas
Regulated Entity No.: RN102692860, TCEQ PWS ID.: 1330113
Investigation No.: 1287290

Dear Mr. Foltz:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) San Antonio Regional Office has received adequate compliance documentation on to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on May 14, 2015. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mrs. Agnieszka Hobson at the San Antonio Regional Office at (210) 403-4075.

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/AMH/eg

Jay

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

July 24, 2015

CERTIFIED MAIL NO.: 91 7199 9991 7035 6508 3906
RETURN RECEIPT REQUESTED

TXADMN-AUSTIN

JUL 27 2015

Mr. Scot Foltz, Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Ln, Ste 400W
Austin, TX 78723-2476

RECEIVED

Re: Notice of Violation for Comprehensive Compliance Investigation at:
Four Seasons; Located approximately 10 miles southwest of Kerrville on Highway 16, Kerr
County, Texas
Regulated Entity No.: RN102692860, TCEQ PWS ID No.: 1330113, Investigation No.
1253282

Dear Mr. Foltz:

On May 14, 2015, Mrs. Agnieszka Hobson 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 October 31, 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

Mr. Scot Foltz
July 24, 2015
Page 2

this letter. At that time, Water Section Manager, Mrs. 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 Mrs. Hobson in the San Antonio Region Office at 210-403-4075.

Sincerely,



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

JTC/AMH/eg

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

FOUR SEASONS

, KERR COUNTY,

Additional ID(s): 1330113

Investigation #

1253282

Investigation Date: 05/14/2015

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

Track No: 576980

Compliance Due Date: 10/31/2015

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

Alleged Violation:

Investigation: 1253282

Comment Date: 07/21/2015

Failure to meet minimum well production requirements.

At the time of the investigation, the entity was not providing the required well production capacity due to one of the wells (Well #2) being out of service. Based on 291 connections the requirement is to provide 174 gallons per minute; only 103 gallons per minute were provided.

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

(b) Community water systems.

(1) Groundwater supplies must meet the following requirements.

(D) For more than 250 connections, the system must meet the following requirements:

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

Recommended Corrective Action: Increase the water system's well production capacity by bringing Well #2 back online. Other options include interconnecting to another approved public water system, acquiring an exception to the rule or acquiring an alternative capacity requirement.

The addition of a new water source (new well or interconnection to another PWS) is considered a significant change which requires notification to the Executive Director and may require approval by the TCEQ Utilities Technical Review Team which can be contacted at (512) 239-4691 and at the following address:

TCEQ

Utilities Technical Review Team

PO BOX 13087, MC 159

Austin, Texas 78711 3087

Any alternative capacity requirements and/or exception requests must be submitted to:

Technical Review and Oversight Team

TCEQ

PO BOX 13087, MC 159

Austin, Texas 78711 3087

To document compliance, submit documentation, including photographs and/or receipts, invoices or completed work orders explaining the actions taken to increase the well production capacity or a copy of an exception or alternative capacity requirement approval to this office by the compliance due date.

ADDITIONAL ISSUES**Description**
Item 2**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 assemble (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.

Kathleen Hartnett White, *Chairman*
R. B. "Ra ph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 5, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MR. STEVE BLACKHURST, REGULATORY & COMPL
AQUASOURCE UTILITY INC
1421 WELLS BRANCH PKWY STE 105
PFLUGERVILLE, TX 78660-3230

406 2005
BY _____

Subject: Public Drinking Water System
NOTICE OF VIOLATION FOR URANIUM
Golden Acres Water Co. - PWS ID#1780019
Nueces County, Texas

Dear Mr. Blackhurst:

Our record review shows that the **Golden Acres Water Co.** public water system violated the maximum contaminant level (MCL) for **uranium** in the water supplied to its customers. This violation occurred during the quarters of 2004. Chapter 40 Part §141.66 Subpart G of the Code of Federal Regulations describes how we determined that this violation occurred.

The information that we used to determine compliance for your system is shown in the table below. The MCL for uranium is **30 micrograms per liter (µg/L)** based on an annual average of quarterly composited samples.

Data Reviewed for Compliance Determination

Period of Violation	Entry Point (POE)	Radionuclide	Calculated Result (µg/L)	TDH Sample ID Number	Collection Dates
04/01/2004 through 3/30/2005	EP001	Uranium	40	EP501735	6/22/04, 8/10/04, 11/19/04, 01/19/05

COMMENTS:

If you have not already done so, we encourage you to seek assistance. One form of assistance we can offer is through the TCEQ Directed Assistance Contract which is designed to offer free assistance to public water supplies in financial, managerial and technical areas. Please call Margot Taunton of the Utilities and District Section at (512) 239-6403 and ask for a referral for an "MCL violation directed assistance." If you would prefer, you can contact the coordinator listed at the end of the letter to assist you with this referral.

PUBLIC NOTIFICATION REQUIRED:

You must take the following actions to meet the public notification requirements of 30 TAC §290.122:

- **Within 30 days** of receiving this letter, at a minimum you must deliver the notice by hand-delivery, direct mailing, or including the notice with the water bill to each customer and to other service connections to which water is delivered.

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

Mr. Steve Blackhurst, Regulatory & Compl
Golden Acres Water Co - PWS ID#1780019
August 5, 2005
Page 2 of 3

- ▶ You are required to **reissue the notice** at least once every three months for as long as the violation exists. You should use the same method that was used for the initial notice.
- ▶ You must use the **enclosed wording** for every notice, and include a brief statement about what you plan to do to fix the problem. This statement must describe what actions the water system is taking to correct the violation, and when the water system expects to return to compliance.
- ▶ **You must send a copy of every Public Notice and a signed Certificate of Delivery of Public Notification** to this office within ten days after its delivery. Send to:

TCEQ Public Drinking Water Section
Mail Code-155
Attn: Radionuclides Coordinator
PO Box 13087, Austin TX 78711-3087

- ▶ You must give notice of any primary and secondary constituent violations to **new customers**, billing units or hookups prior to or at the time service begins. In addition, you must give notice of these violations in the **annual Consumer Confidence Report (CCR or Drinking Water Quality Report)**.

OTHER REQUIREMENTS:

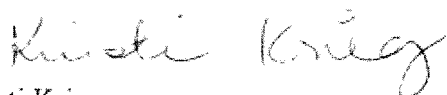
In addition, you must take the following actions:

- ▶ You need to identify how you can **provide water that meets the drinking water standards**. Some options include: treatment, blending sources, reconfiguring your entry points, finding an additional source, or shutting down the well with the elevated chemical level. You may wish to consult with an engineer who specializes in drinking water issues for specific solutions on how to resolve your violation.
- ▶ Your public water system will be scheduled for **quarterly sampling** for the contaminant of concern.
- ▶ You must keep a copy of this letter with your **Monitoring Plan**, in accordance with 30 TAC §290.121.

All public water systems that violate primary drinking water standards are referred to the TCEQ's Enforcement Division for determination of follow up actions. Should you have any questions regarding those follow up actions, you may contact the Enforcement Division at (512) 239-2545.

If you have any questions, please call me at (512) 239-5723 or contact by e-mail at kkrieg@tceq.state.tx.us. The general phone number for the Water Supply Division is (512) 239-4691.

Sincerely,



Kristi Krieg
Drinking Water Quality Team
Public Drinking Water Section (MC-155)
Water Supply Division

Mr. Steve Blackhurst, Regulatory & Compl
Golden Acres Water Co - PWS ID#1780019
August 5, 2005
Page 3 of 3

Enclosure: Mandatory Public Notification Language
Certificate of Delivery of Public Notice

cc: Nueces County Judge, Honorable Terry Shamsie, 901 Leopard St., Rm 303, Corpus Christi, TX 78401
EPA, Drinking Water Enforcement, Linda Hutchison, 1445 Ross Ave., Dallas, TX 75202
Vera Poe, P.E., Texas Rural Water Association, 1616 Rio Grande, Austin, TX 78701-1122
TCEQ FOD Division Liaison, Bob Burrell, MC-174
TCEQ Regional Director, Susan Clewis, Region 14
TCEQ Water Section Manager, Sinoel Contreras, Region 14
TCEQ Public Drinking Water Section Manager, Buck Henderson, MC-155
TCEQ Drinking Water Quality Team Leader, Alicia Diehl, MC-155
TCEQ Media Relations, Andy Saenz, MC-118
TCEQ Legislative Liaison, Isaac Jackson, MC-119

Mandatory Public Notification Language

Notice of Drinking Water Uranium Violation

The Texas Commission on Environmental Quality (TCEQ) has notified the **Golden Acres Water Co.** water system that the drinking water being supplied to customers had exceeded the Maximum Contaminant Level (MCL) for URANIUM. The U.S. Environmental Protection Agency (U.S. EPA) has established the MCL for URANIUM at 30 micrograms per liter ($\mu\text{g/L}$), and has determined that it is a health concern at levels above the MCL. Analysis of drinking water in your community for URANIUM indicates a level of **40** $\mu\text{g L}$.

This is not an emergency. Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

You do not need to use an alternative water supply. However, if you have health concerns, you may want to talk to your doctor to get more information about how this may affect you.

We are working to correct the problem.

(3)

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

For further information contact: (4)

Public Water System ID # **1780019**

Instructions

- 1). Fill in the name of your water system.
- 2). Fill in the level of URANIUM that was detected in your water, which was listed on the violation letter.
- 3). Describe corrective actions your water system is taking and anticipated date of completion.

Your public water system must indicate in this area specific actions which you are taking to provide the customers with alternative water source and to correct the problem.

For example:

- *Bottled water is available at no cost to affected populations at (location).*
- *We are drilling a new well to be completed by (anticipated date).*
- *We are receiving technical assistance from TCEQ.*
- *We are investigating the possibility of connecting to another system.*
- *We plan to change the way we blend water from different sources.*
- *We are installing a reverse osmosis (RO) unit or other treatment to lower the contaminant levels.*
- *We have a RO unit or other treatment attached to a designated tap located at (location) for use by affected populations.*

- 4). Write in the name and phone number of your water system's contact person.

You must provide a name and phone number for a representative of your public water system who can provide more information about this issue to your consumers. When appropriate, this should include a multilingual contact.

- 5). Fill in your Public Water System ID#.



Texas Commission on Environmental Quality
CERTIFICATE OF DELIVERY OF PUBLIC NOTICE TO CUSTOMERS

Public Water System (PWS) Name: Golden Acres Water Co.

PWS ID (7-digit number required): 1780019

Constituent: Uranium (Name of chemical(s))

Time Period of Violations: 1st qtr of 2005 (Calendar quarter and year of violation)
(Ex: "QTR 3 2005")

Quarter this notice is for: _____
(QTR 1 = Jan 1 through Mar 31)
(QTR 2 = Apr 1 through Jun 31)
(QTR 3 = Jul 1 through Sep 30)
(QTR 4 = Oct 1 through Dec 31)

I, _____, certify that the following information is true and accurate:
(signature)

- The PWS named above has distributed the Public Notice (PN) for the constituent in violation and for the time period listed above, by:
 - Mail or direct delivery, to bill-paying customers as required by 30 TAC §290.122 for community water systems
 - Continuous posting or direct delivery as required by 30 TAC §290.122 for non-transient, non-community water systems; and
- The information contained in this public notification is correct and complies with required public notification content in accordance with 30 TAC §290.122; and
- The above system has made an adequate good-faith effort to reach non-bill-paying consumers by appropriate methods (check all below that apply):

_____ Posting the PN on the internet at www. _____
_____ Mailing the PN to postal patrons within the service area that do not receive a bill
_____ Advertising the PN in news media
_____ Publication of PN in local newspaper
_____ Posting the PN in public places
_____ Delivery of multiple copies to single bill addresses serving several persons
_____ Delivery to community organizations
_____ Email notification

Date of Delivery to Customers: _____

Certified by: Name (print): _____ Title: _____

Phone: _____ Date: _____

Signature: _____

Send one copy of this completed form and one copy of the Public Notification that you delivered to your customers to:

TCEQ
Public Drinking Water Section - Mail Code 155
Attn: Public Notice
P. O. Box 13087
Austin, TX 78711-3087

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

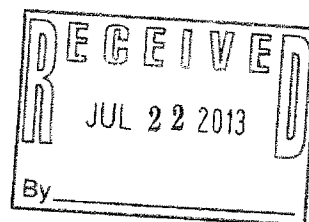


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 19, 2013

CERTIFIED MAIL 91 71999 9991 7031 0288 3952
RETURN RECEIPT REQUESTED



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

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Golden Acres Water Company, located at 779 CR 77, Bishop, Nueces County
Regulated Entity No.: RN102671880, TCEQ ID No.: 1780019, Investigation No.:
1099790

Dear Mr. Blackhurst:

On June 6, 2013, Ms. Shaunette Gillespie of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi 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 August 19, 2013 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 Corpus Christi Region Office at (361) 825-3100 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

Summary of Investigation Findings

GOLDEN ACRES WATER

779 COUNTY ROAD 77

BISHOP, NUECES COUNTY, TX 78343

Investigation #

1099790

Investigation Date: 06/06/2013

Additional ID(s): 1780019

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

Track No: 338743

Compliance Due Date: 03/18/2010

30 TAC Chapter 290.45(f)(2)

Alleged Violation:

Investigation: 685372

Comment Date: 07/07/2008

Failure to secure a written contract, a signed document of specific terms, or a memorandum or letter of understanding between the purchaser and wholesaler which authorizes the purchase of enough water to meet the monthly or annual needs of the purchaser.

Specifically, an investigation conducted on June 26, 2008, revealed that the contract between Nueces WSC (wholesaler) and Golden Acres Water Company (Purchaser) only authorizes the purchase of no more than 100,000 gallons per month. According to the wholesaler, Golden Acres Water Company has been receiving water in excess of the authorized amount. During the last billing cycle which ended on June 10, 2008, Golden Acres Water Company purchased 477,660 gallons from Nueces WSC.

Investigation: 703423

Comment Date: 09/22/2008

This alleged violation continues to remain outstanding. Compliance documentation submitted indicated that the regulated entity was in the process of negotiating the existing contract with Nueces Water Supply Corporation in order to be allowed to purchase water at a rate sufficient to meet the 0.6 gpm per connection requirement. For compliance, the regulated entity must submit compliance documentation indicating that the purchase water contract between the wholesaler and purchaser has been amended to authorize the purchase of enough water to meet the monthly or annual needs of the purchaser. In addition, the contract must specify the maximum rate at which may be drafted on a daily and hourly basis (a uniform purchase rate may be used in the absence of a daily or hourly rate).

Investigation: 791733

Comment Date: 02/12/2010

This alleged violation continues to remain outstanding during the investigation conducted on January 5, 2010. Specifically, the contract between Nueces WSC (wholesaler) and Golden Acres Water Company (purchaser) only authorizes the purchase of no more than 100,000 gallons per month. In the last twelve month reporting period, Golden Acres Water Company used more than 100,000 gallons of water each month. Golden Acres Water Company used as much as 644,000 gallons in July 2009 and as little as 221,000 gallons in October 2009.

Investigation: 1099790

Comment Date: 07/02/2013

An investigation conducted on June 6, 2013 determined the violation continues to remain outstanding. The purchase water contract between Nueces WSC and Golden Acres Water Company has not been amended to authorize the purchase of enough water to meet the monthly or annual needs of the water system. Specifically, Golden Acres Water Company used as much as 580,000 gallons in May 2012 and as little as 258,000 gallons in February 2012.

Recommended Corrective Action: Submit adequate compliance documentation indicating that the purchase water contract between the wholesaler and purchaser has been amended to authorize the purchase of enough water to meet the monthly or annual needs of the purchaser. Additionally, according to 30 TAC 290.45(f)(3) the contract must specify the maximum rate at which may be drafted on a daily and hourly basis (a uniform purchase rate may be used in the absence of a daily or hourly rates).