

Item 2

30 TAC, §291.93(3) Adequacy of Water Utility Service

Specifically, it is noted on this investigation that your ground storage tanks have reached 88% of their capacity. This was based on 560 connections with a total of 127,000 gallons of ground storage capacity.

Compliance Documentation: 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.

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 15, 2015

RECEIVED

**CERTIFIED MAIL {7015 0640 0004 7999 0584}  
RETURN RECEIPT REQUESTED**

TX ADMIN-AUSTIN

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

Re: Notice of Violation for the Public Water Supply Comprehensive Compliance Investigation at:  
Cedar Estates Water System, Dayton, Liberty County, Texas  
PWS ID No.: 1460102; Investigation No.: 1268712

Dear Mr. Foltz:

On July 28, 2015, Mrs. Brittney Teakell, Mr. Dustin Lorange, Ms. Brooke Mosley, and Mr. Holden Butler 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, some concerns were noted which were alleged noncompliances that have been resolved as Areas 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 **January 13, 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 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 violations 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, Mr. Alex Crank Water Section Work Leader will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

TCEQ Region 10 • 3870 Eastex Fwy. • Beaumont, Texas 77703-1830 • 409-898-3838 • Fax 409-892-2119

Austin Headquarters: 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov) • How is our customer service? [tceq.texas.gov/customer/survey](http://tceq.texas.gov/customer/survey)  
printed on recycled paper

Mr. Scott Foltz, Compliance Manager  
Aqua Texas Inc.  
Page 2

September 15, 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 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. Brittney Teakell in the Beaumont Region Office at 409-898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Crank', is written over a horizontal line.

Alex Crank, Water Section Work Leader  
Beaumont Region Office

AC/BT/bd

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

CEDAR ESTATES SUBDIVISION WATER SYSTEM

Investigation #

1268712  
Investigation Date: 07/28/2015

, LIBERTY COUNTY,

Additional ID(s): 1460102

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

Track No: 582735 Compliance Due Date: 01/13/2016

30 TAC Chapter 290.46(n)(2)

**Alleged Violation:**

Investigation: 1268712

Comment Date: 09/01/2015

During the investigation, it was noted that the distribution map was not complete as it did not display the locations of mains and valves within the system.

During the investigation, it was noted that the distribution map was not complete as it did not display the locations of mains and valves within the system.

**Recommended Corrective Action:** Update the distribution map to include the locations of the flush valves. Submit a copy of the distribution system map to the Beaumont Regional Office.

Track No: 582736 Compliance Due Date: 01/13/2016

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

**Alleged Violation:**

Investigation: 1268712

Comment Date: 09/08/2015

Failure by the Cedar Estates Water System to maintain a complete record of the distribution disinfectant residual results.

During the investigation, it was noted that the water system did not maintain complete distribution disinfectant residual records. No record was created for the sampling results noted from April to July, 2015.

**Recommended Corrective Action:** Record the results of all distribution disinfectant residual samples. Establish a Standard Operating Procedure which will aid to ensure the water system obtains a disinfectant residual from the distribution system at least every seven days. Submit three months of complete distribution disinfectant residual records and the SOP to the Beaumont Regional Office.

Track No: 582739 Compliance Due Date: 01/13/2016

30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

Investigation: 1268712

Comment Date: 09/01/2015

Failure by the Cedar Estates Water System to have operating records accessible for review upon request.

During the investigation, a record request was submitted for one year of the accuracy checks conducted on the manual disinfectant residual analyzer and the monitoring plan. A due date of 14 days after the date of the investigation was noted; however, the records were not submitted prior to the approval of the investigation report.

**Recommended Corrective Action:** Establish a Standard Operating Procedure for the submittal of records upon request to the executive director or regional office. Submit the requested records and a copy of the SOP to the Beaumont Regional Office.

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Track No: 582747 Compliance Due Date: 01/13/2016

30 TAC Chapter 290.46(f)(3)(A)(iv)

**Alleged Violation:**

Investigation: 1268712

Comment Date: 09/08/2015

Failure by the Cedar Estates Water System to flush all dead end mains at monthly intervals.

During the investigation, it was noted that the water system did not maintain complete dead end main flushing conducted each month. No record was created for the flushing conducted from April to July 2015.

**Recommended Corrective Action:** Maintain complete records of flushing activities performed within the distribution system. Establish a SOP which will aid the water system to ensure a complete record of flushing activities is maintained. Submit a copy of the flushing records and SOP to the Beaumont Regional Office.

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

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Track No: 498734

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

**Alleged Violation:**

Investigation: 1042395

Comment Date: 04/29/2013

**Ground Water Sources and Development**

Failure to make available sanitary control easements for proposed well #3 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 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.

It is noted the facility was originally cited for not hiring an engineer to submit as built plans. The facility has hired an engineer and submitted all required documentation except for a copy of their sanitary easement or an approved substitute. As a result, the facility will be cited for no sanitary easement and the violation concerning hiring an engineer will be resolved.

Investigation: 1268712

Comment Date: 09/01/2015

The water system has been granted an exception to the rule requiring a sanitary control easement.

**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.

**Resolution:** During the investigation conducted on July 28, 2015, it was noted that the water system was granted a regulatory exception to the rule requiring a sanitary control easement by letter dated July 23, 2015.

## Summary of Investigation Findings

CEDAR ESTATES SUBDIVISION WATER SYSTEM

Investigation # 1268712

, LIBERTY COUNTY,

Investigation Date: 07/28/2015

Additional ID(s): 1460102

### AREA OF CONCERN

Track No: 582734

30 TAC Chapter 290.42(I)

**Alleged Violation:**

Investigation: 1268712

Comment Date: 09/01/2015

Failure by the Cedar Estates Water System to have a complete plant operations manual.

During the investigation, it was noted that the plant operations manual was not complete as it did not contain the emergency contact information for the federal regulating entity.

**Recommended Corrective Action:** Update the Plant Operations Manual to include emergency contact information for the local, state and federal regulating entities.

**Resolution:** During the investigation, the water system added the emergency contact information to the plant operations manual.

Track No: 582749

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

**Alleged Violation:**

Investigation: 1268712

Comment Date: 09/01/2015

Failure by the Cedar Estates Water System to provide a 16-mesh or finer, corrosion resistant screen on all openings to the wells.

During the investigation, it was noted that an opening on well no. 2 was not covered by a 16-mesh screening material.

**Recommended Corrective Action:** Cover the opening to the well with a 16-mesh or finer, corrosion resistant screening material.

**Resolution:** During the investigation, a screen was placed on the opening.



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

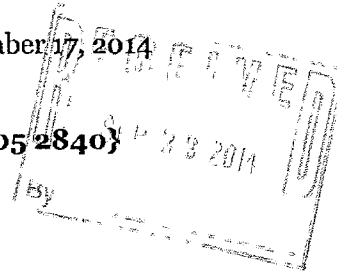


## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 17, 2014

**CERTIFIED MAIL {7009 2250 0004 1905 2840}**  
**RETURN RECEIPT REQUESTED**



Mr. Scot Foltz, Compliance Manager  
Aqua Texas, Inc.  
1106 Clayton Lane, Suite 400  
Austin, Texas 78786

**Re: Notice of Violation for Public Water Supply Comprehensive Compliance  
Investigation at: Cedar Point Rd, Onalaska (Polk County), Texas  
PWS ID No.: 1870155; Investigation No.: 1191655**

Dear Mr. Foltz:

On August 19, 2014, Ms. Brittney Teakell 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, some concerns were noted which were alleged noncompliance(s) that have been resolved as Areas 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 **January 15, 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 violations 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, Mr. Alex Crank, Water Section Work Leader, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.



Mr. Scot Foltz, Compliance Manager

Page 2

September 17, 2014

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. Teakell in the Beaumont Region Office at 409-898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Crank".

Alex Crank  
Water Section Work Leader  
Beaumont Region Office

AC/BT/cal

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

CEDAR POINT

CEDAR POINT RD

ONALASKA, POLK COUNTY, TX 77360

Additional ID(s): 1870155

Investigation #

1191655

Investigation Date: 08/19/2014

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

Track No: 548486 Compliance Due Date: 01/15/2015

30 TAC Chapter 288.20(c)

**Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by the Cedar Point Water System to have an up to date drought contingency plan.

During the inspection, it was noted that the water system has not reviewed the drought contingency plan within the past five years. The plan was last revised on May 30, 2007.

**Recommended Corrective Action:** Update the drought contingency plan and submit the completed plan to the Beaumont Regional Office.

Track No: 548487 Compliance Due Date: 01/15/2015

30 TAC Chapter 290.121(a)

**Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by Cedar Point Water System to maintain an up to date monitoring plan.

During the investigation, it was noted that the monitoring plan was not complete. The section regarding sampling for disinfectant by-products did not mention specific sample sites. It was noted that a list of sample sites for the disinfectant by-product sampling was attached to the monitoring plan; however, no reference to the attachment existed within the body of the monitoring plan.

**Recommended Corrective Action:** Update the monitoring plan. Submit the updated plan to the Beaumont Regional Office.

Track No: 548489 Compliance Due Date: 01/15/2015

30 TAC Chapter 290.44(h)(4)

**Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by the Cedar Point Water System to conduct annual accuracy tests on backflow prevention assemblies within the distribution system.

During the investigation, it was noted that accuracy tests were not performed on the backflow prevention assembly at the wastewater treatment plant (WWTP) in several years. No accuracy test results could be provided.

**Recommended Corrective Action:** Perform the annual check on all of the backflow prevention assemblies within the distribution system and submit the test forms to the Beaumont Regional Office. Establish a Standard Operating Procedure (SOP) which explains actions the water system will take to ensure the backflow prevention assembly at the WWTP is tested annually and the record is maintained.

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Track No: 548490      Compliance Due Date: 01/15/2015  
30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by the Cedar Point Water System to provide operating records for review upon request.

The water system could not provide the following records during the investigation and a record request was listed for each on the exit interview form: a deed and map for wells A and B; American National Sanitation Institute/National Sanitation foundation (ANSI/NSF) certification for each chemical additive; a clear copy of the distribution map; customer service investigation (CSI) certificates; backflow assembly tests performed at the wastewater treatment plant (WWTP) for 2010 to 2014; a copy of the most recent boil water notice issued to the water system. On August 20, 2014, the Beaumont Regional Office received a copy of the CSI certificates completed on new constructions within the water system and a copy of the distribution system map. On August 26, 2014, the Beaumont Regional Office received a copy of the ANSI/NSF certification for direct additives. The water system did not submit the other requested records.

**Recommended Corrective Action:** Establish a Standard Operating Procedure (SOP) for the submittal of records upon request to the executive director or regional office. Submit the requested records and a copy of the SOP to the Beaumont Regional Office.

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Track No: 548493      Compliance Due Date: 01/15/2015  
30 TAC Chapter 290.41(c)(3)(B)

**Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by the Cedar Point Water System to provide a well casing that extends 18 inches above the finished ground surface.

During the investigation, it was noted that the well casings on Wells A and B at plant no. 1 did not extend 18 inches above the natural ground surface. The well casings were noted to be shorter than a 12 inch wide folder from the top of the well sealing block which measured 6 inches above the natural ground surface.

**Recommended Corrective Action:** Provide a well casing which extends 18 inches above the finished ground surface. Submit photographic documentation to the Beaumont Regional Office.

You may also request an exception to this rule. Send the exception request to TCEQ Water Supply division, Technical Review and Oversight Team, MC 155 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

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Track No: 548494      Compliance Due Date: 01/15/2015  
30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by the Cedar Point Water System to maintain plant equipment in a good condition or appearance.

During the inspection, it was noted that the pressure tanks at plant no. 2 were covered with a significant amount of mildew.

**Recommended Corrective Action:** Clean the pressure tanks and paint if necessary. Submit photographic documentation to the Beaumont Regional Office once the pressure tanks have been cleaned.

**Track No: 548496      Compliance Due Date: 01/15/2015****30 TAC Chapter 290.41(c)(3)(O)****30 TAC Chapter 290.42(m)****30 TAC Chapter 290.43(e)****Alleged Violation:****Investigation: 1191655****Comment Date: 09/16/2014**

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Failure by the Cedar Point Water System to maintain the intruder resistant fence.

During the investigation, it was noted that the intruder resistant fences at each plant were not being maintained. The top intruder bar on a portion of the fence at the rear of the plant was severely bent and the barbed wire was not up-right. A large hole was also noted along the bottom of the fence at plant no. 2 next the entrance.

**Recommended Corrective Action:** Repair the fences. Submit photographic documentation of the repaired fence to the Beaumont Regional Office.

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**Summary of Investigation Findings**

CEDAR POINT

Investigation # 1191655

CEDAR POINT RD  
ONALASKA, POLK COUNTY, TX 77360

Investigation Date: 08/19/2014

Additional ID(s): 1870155

**AREA OF CONCERN****Track No:** 548485**30 TAC Chapter 290.46(p)(2)****Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by the Cedar Point Water System to provide the executive director with a written list on an annual basis of all the operators and operating companies that the public water system employs.

During the investigation, it was noted that the water system had not submitted a list to the executive director of all operators employed by the Cedar Point Water System.

**Recommended Corrective Action:** Submit a written list of all operators or operating companies employed by the water system to the executive director. Submit a copy to the Beaumont Regional Office.

**Resolution:** On August 26, 2014, the Beaumont Regional Office received a copy of the list of certified operators submitted to the executive director.

**Track No:** 548491**30 TAC Chapter 290.46(f)(3)(A)(i)(II)****Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by the Cedar Point Water Supply to maintain records of the amount of chemicals used daily.

During the investigation, it was noted that the water system did not record the amount of chemicals used every day. The record reflected no measurement for the polyphosphate used at well no. 2 on November 1-8, 2013, and December 1-9, 2013. The record also reflected no measurement for any chemical used on January 12, 2014.

**Recommended Corrective Action:** Begin keeping records of the amount of all chemicals used each day. Submit three months of records to the Beaumont Regional Office.

**Resolution:** During the investigation, the water system provided adequate records of the amount of chemicals used since January 12, 2014.

**Track No:** 548492**30 TAC Chapter 290.110(c)(4)(B)****Alleged Violation:**

Investigation: 1191655

Comment Date: 09/16/2014

Failure by the Cedar Point Water System to monitor the disinfectant residual at representative locations in the distribution system at least once each day.

During the investigation, it was noted that the water system did not obtain disinfectant residuals within the distribution system on a daily basis. The record reflected no sample result for January 12, 2014.

**Recommended Corrective Action:** Begin obtaining disinfectant residual samples from the distribution system at least once each day. Submit three months of residual records to the Beaumont Regional Office.

**Resolution:** During the investigation, it was noted that adequate distribution disinfectant residuals have been obtained since January 12, 2014.

### ADDITIONAL ISSUES

**Description****Additional Comments**

Item 11

During the investigation, it was noted that within the annual tank inspection forms for the pressure tank no. 2 at plant no. 2, the inspector strongly suggested to wash and paint the interior of the tank. No action has been taken by the water system.

Item 12

During the investigation, it was noted that the operators were not adequately rotating the locations for the routine distribution coliform samples and distribution disinfectant residuals. Please note that sampling at the same location does not provide a representative view of the water quality throughout the entire distribution system.

Item 13

During the investigation, it was noted that the distribution system map maintained at the water system plant office was in very poor condition. The water lines were originally color coded and since the map had been wet, the water lines were indistinguishable from each other and the map was covered in the colored ink. The water system provided additional copies of the distribution map which were being maintained at the office in Spring, Texas. Please note that a clear copy of the distribution system map should be located at the plant office to be used by the operators so that the lines and mains may be easily located.



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*

December 15, 2015

RECEIVED

**CERTIFIED MAIL # 7010 1870 0003 4949 6025**  
**RETURN RECEIPT REQUESTED**

DEC 17 2015

TX ADMIN-AUSTIN

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

Re: Notice of Violation for the Complaint Investigation at:  
Cimarron Country, 9007 Deer Lodge Road, Magnolia, Montgomery County, Texas  
Regulated Entity No.: 102693751; TCEQ ID No.: 1700555; Investigation No.: 1289215

Dear Mr. Laughman:

From October 30 through November 16, 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, a concern was noted which was an alleged noncompliance that has resolved as a Resolved Violation based on subsequent corrective action. Therefore, no further action is required. 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. Ehrlich, 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/DE/mar

Enclosure: Summary of Investigation Findings

cc: Montgomery County Environmental Health Services  
Scot Foltz, Environmental Compliance Manager, Aqua Texas, 1106 Clayton Lane,  
Suite 400W, Austin, Texas 78723



## Summary of Investigation Findings

CIMARRON COUNTRY

9007 DEER LODGE RD

MAGNOLIA, MONTGOMERY COUNTY, TX 77354

Investigation #

1289215

Investigation Date: 10/30/2015

Additional ID(s): 1700555

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

Track No: 590725

30 TAC Chapter 290.46(m)(4)

#### Alleged Violation:

Investigation: 1289215

Comment Date: 12/11/2015

#### Water Leakage

Failure to maintain all distribution system lines in a watertight condition. In this connection, the leaking pipe located in front of 40014 Roundup Road must be repaired or replaced as necessary.

**Recommended Corrective Action:** Submit to this office documentation indicating that the leaking pipe located in front of 40014 Roundup Road has been repaired or replaced.

**Resolution:** The investigator met with field personnel on November 16, 2015 to verify that the leak was repaired. A copy of the work order was received via email on November 17, 2015 indicating that the leak was repaired on November 9, 2015.

*Amundson*

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

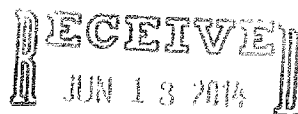


## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

June 10, 2014

*Protecting Texas by Reducing and Preventing Pollution*

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



BY: .....

Re: Comprehensive Compliance Investigation at:  
Classic Pines Subdivision, 3840 1/2 Grand Prix, Houston, Harris Co., Texas  
TCEQ ID No. 1013144, RN #102678588, Investigation # 1164681

Dear Mr. Foltz:

On April 10, 2014, Mr. David W. Livings R.S., 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. David Livings 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/DWL/ra

cc: Harris County Public Health and Environmental Services

Duke

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*

December 17, 2015

RECEIVED

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

DEC 21 2015

TX ADMIN-AUSTIN

Re: Complaint Investigation at:  
Candlelight Hills Subdivision, 3225 Candleway, Spring, Harris County, Texas  
Regulated Entity No.: 102680428  
TCEQ ID No.: 1010532

Investigation No.: 1282706

Dear Mr. Foltz:

On October 9-16, 2015, Ms. LaTrichia Spikes, 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 Ms. Spikes, 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/LS/mar

cc: Harris County Public Health and Environmental Services

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 16, 2015

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



BY:.....

Re: Comprehensive Compliance Investigation at:  
Clear Creek Forest Sec.12, 2212 Meadowsweet and 30010 1/2 Rainfern, Magnolia,  
Montgomery County, Texas  
Regulated Entity No.: 102674009  
TCEQ ID No. 1700437, Investigation No. 1210765

Dear Mr. Foltz:

On November 24, 2014, Mr. Vernon Crandle, 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 Mr. Vernon Crandle, in the Houston Region Office at (713) 767-3727.

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/VC/mar

Enclosure: Summary of Investigation Findings

cc: Montgomery County Environmental Health Services

## Summary of Investigation Findings

CLEAR CREEK FOREST SECTION 12

2212 MEADOWSWEET

MAGNOLIA, MONTGOMERY COUNTY, TX 77355

Investigation #

1210765

Investigation Date: 11/24/2014

Additional ID(s): 1700437

No Violations Associated to this Investigation

### ADDITIONAL ISSUES

#### Description

Item 1

#### 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. 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

Specifically, it is noted on this investigation that your ground storage tank has reached 97.6 % of its capacity. This was based on 537 connections.

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*

May 21, 2015

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

RECEIVED

MAY 26 2015

TX ADMIN-AUSTIN

Re: Comprehensive Compliance Investigation at:  
Country Club Greens, 11007 1/2 S Country Club Green Dr., Tomball, Harris County, Texas  
Regulated Entity No.: 102690732  
TCEQ ID No.: 1013189

Investigation No.: 1246197

Dear Mr. Foltz:

On May 6, 2015, Ms. Sharon Patry, and Ms. Destiny Winning, 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 Ms. Patry, 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/SJP/mar

cc: Harris County Public Health and Environmental Services

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niemann, *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 {7015 0640 0004 7999 1833}  
RETURN RECEIPT REQUESTED**

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

Re: Notice of Violation for Public Water Supply Complaint Investigation at:  
Countryside Estates Water System, Nederland, Jefferson County, Texas  
PWS ID No.: 1230037; Investigation No.: 1191627; Incident No.: 226860

Dear Mr. Foltz:

On February 10, 2016, Mrs. Brittney Teakell 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, some concerns were noted which were alleged noncompliances for which compliance documentation is required. Please submit to this office by **July 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 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 violations 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.

3870 Eastex Freeway • Beaumont, Texas 77703 • Office 409-898-3838 • Fax: 409-899-8778 [tceq.texas.gov](http://tceq.texas.gov)

How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)

printed on recycled paper

Mr. Scott Foltz, Compliance Manager

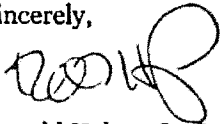
Page 2

March 4, 2016

At that time, Mr. Ronald Hebert Jr. 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 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. Brittney Teakell in the Beaumont Region Office at 409-898-3838.

Sincerely,

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

Ronald Hebert Jr., Water Section Manager  
Beaumont Region Office

RH/BT/bd

Enclosure: Summary of Investigation Findings

---



## Summary of Investigation Findings

<b>COUNTRY SIDE ESTATES</b> <b>BEAUXART GARDENS RD</b> <b>NEDERLAND, JEFFERSON COUNTY, TX 77627</b>  <b>Additional ID(s): 1230037</b>	<b>Investigation #</b> <b>1312712</b> <b>Investigation Date: 02/10/2016</b>
---	---

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

---

**Track No: 596948      Compliance Due Date: 07/01/2016**  
**30 TAC Chapter 290.46(l)**

**Alleged Violation:**

Investigation: 1312712

Comment Date: 03/02/2016

Failure by Country Side Estates to flush all dead end mains at monthly intervals.

During the investigation, it was noted that the flushing records display three locations were flushed in November, 2015 and January, 2016, and four locations were flushed in December, 2015, while thirty dead end mains measuring two inches in diameter or greater exist within the distribution system.

**Recommended Corrective Action:** Flush all dead end mains at monthly intervals. Establish a Standard Operating Procedure (SOP) which will aid the water system in ensuring each dead end main is flushed each month. Submit three months of flushing records and the SOP to the Beaumont Regional Office.

---

**Track No: 596949      Compliance Due Date: 07/01/2016**  
**30 TAC Chapter 290.44(d)(6)**

**Alleged Violation:**

Investigation: 1312712

Comment Date: 03/03/2016

Failure by Country Side Estates to provide an acceptable flush valve and discharge piping at each dead end.

During the investigation, it was noted that the distribution map displayed flush valves were not located at each dead end within the distribution system.

**Recommended Corrective Action:** Install acceptable flush valves and discharge piping at each dead end within the distribution system. Submit work orders and photographs of the flush valves installed within the system.



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 25, 2016

**CERTIFIED MAIL # 7013 3020 0000 9763 6043**  
**RETURN RECEIPT REQUESTED**

RECEIVED

Scot Foltz, Compliance Coordinator  
Aqua Development, Inc.  
1106 Clayton Ln, Suite 400W  
Austin, Texas 78723-2476

TX ADMIN-AUSTIN

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Creekside Estates South, 9006 Lake Lane, Houston, Harris County, Texas  
Regulated Entity No.: 102674082  
TCEQ ID No.: 1011647

Investigation No.: 1314917

Dear Mr. Foltz:

On February 1, 2016, Ms. Nicole Reed, and Ms. Valerie Burkett, 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. Please submit to this office by April 24, 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.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.

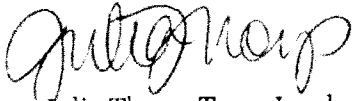
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations 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. Julia Thorp, will schedule a violation review meeting

Scot Foltz, Compliance Coordinator  
March 25, 2016  
Page 2

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 Ms. Reed, in the Houston Region Office at (713) 767-3650.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Thorp".

Julia Thorp, Team Leader  
Public Water Supply  
Houston Region Office

JT/NR/mar

Enclosure: Summary of Investigation Findings

cc: Harris County Public Health and Environmental Services

## Summary of Investigation Findings

CREEKSIDE ESTATES SOUTH  
9006 LAKE DRIVE  
HOUSTON, HARRIS COUNTY, TX 77040

Investigation #  
1314917  
Investigation Date: 02/01/2016

Additional ID(s): 1011647

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

Track No: 598105 Compliance Due Date: 04/24/2016  
30 TAC Chapter 290.46(f)(3)(B)(iv)

**Alleged Violation:**

Investigation 1314917

Comment Date: 03/11/2016

**Operating Records and Reports**

Failure to maintain calibration records per this agency's rules and regulations, which require that the records be retained for at least three years

At the time of inspection, the water plant operator did not provide his colorimeter calibration records.

**Recommended Corrective Action:** Provide a copy of the water plant operator's colorimeter calibration records to verify compliance.

Track No: 598106 Compliance Due Date: 04/24/2016  
30 TAC Chapter 290.46(f)(3)(B)(v)

**Alleged Violation:**

Investigation: 1314917

Comment Date: 03/11/2016

**Operating Records and Reports**

Failure to maintain backflow prevention device program records per this agency's rules and regulations, which require that the records be retained for at least three years.

At the time of the inspection, the water system did not provide a copy of their annual Backflow Prevention Assembly Test.

**Recommended Corrective Action:** Provide a copy of the system's annual Backflow Prevention Assembly Test to verify compliance.

Track No: 598108 Compliance Due Date: 04/08/2016  
30 TAC Chapter 290.46(m)(4)

**Alleged Violation:**

Investigation: 1314917

Comment Date: 03/11/2016

Failure to maintain all water storage facilities in a watertight condition. In this connection, the leaking Ground Storage Tank located at Plant #1 must be repaired or replaced as necessary

At the time of the investigation, there were multiple leaks on the side of the ground storage tank at Plant #1. Please see Photos #1, #2, and #3, in the adjoining photo report.

**Recommended Corrective Action:** Provide a picture and work invoice of the repaired external leaks on the side of the ground storage tank to verify compliance

### ADDITIONAL ISSUES

**Description**

**Additional Comments**

Item 4

**Sample Siting Plan**

Please be aware that the Environmental Protection Agency (EPA) adopted the Revised Total Coliform Rule (RTCR) on February 13, 2013. As per the revisions under RTCR, every public water system must develop and maintain sampling sites for their routine as well as their repeat sample locations. The plan shows where a system intends to complete their repeat requirements in the event of a distribution system positive. Completing this plan will help a system to comply with the monitoring requirements of the Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems (30 TAC 290 Subchapter F). The plan is a system specific document which demonstrates that the monitoring performed by the system is representative of the water distributed to consumers and is consistent with regulatory requirements.

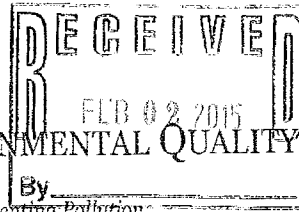
In addition, all public water systems must submit a copy of the sample siting plan for review and approval upon development and revisions. The sample siting plans are required to be submitted before April 1, 2016. Submit one (1) copy of the complete Sample Siting Plan to:

Texas Commission on Environmental Quality  
Attn: Drinking Water Quality Team (RTCR Program)  
Public Drinking Water Section, Mail Code 155  
PO Box 13087  
Austin, TX 78711-3087

Be sure to submit any changes to the sample siting plan to the TCEQ. Revisions may be necessary depending on sites previously listed no longer being available to sample.

for

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 30, 2015

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

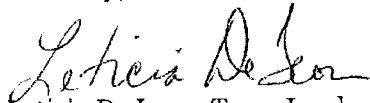
Re: Comprehensive Compliance Investigation at:  
Crickett Hills Estates, 4303 Spring-Stuebner, Spring, Harris County, Texas  
Regulated Entity No.: 102678471  
TCEQ ID No.: 1010947 Investigation No.: 1218095

Dear Mr. Foltz:

On January 13, 2015, Ms. Kathryn Roeder, 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 Ms. Kathryn Roeder, in the Houston Region Office at (713) 767-3650.

Sincerely,

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

LD/KR/mar

cc: Harris County Public Health and Environmental 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 8, 2016

RECEIVED

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

TX ADMIN-AUSTIN

Re: Comprehensive Compliance Investigation at:  
Crystal Forest Subdivision, 6200 Sandchester, Montgomery County, Texas  
Regulated Entity No.: 102690112  
TCEQ ID No.: 1700096

Investigation No.: 1296115

Dear Mr. Foltz:

On December 18, 2015, Ms. Melody Kirksey, 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, during the investigation, the investigator resolved an apparent instance of noncompliance noted during the previous investigation dated February 26, 2013. 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. Kirksey, in the Houston Region Office at (713) 767-3650.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Thorp".

Julia Thorp, Team Leader  
Public Water Supply  
Houston Region Office

JT/MK/mar

cc: Montgomery County Environmental Health Services





## Summary of Investigation Findings

CRYSTAL FOREST SUBDIVISION

Investigation #

1296115  
Investigation Date: 12/18/2015

, MONTGOMERY COUNTY,

Additional ID(s): 1700096

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 494464

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

#### Alleged Violation:

Investigation: 1058721

Comment Date: 04/05/2013

#### Capacity Requirement

Failure to provide a well capacity of 0.6 gallons per minute per connection.

At the time of the inspection the facility had a total of 209 active connections and is required to provide 0.6 gallons per minute (gpm) per connection (conn). Your wells produced a total of 87 gpm and are short a total of 38 gpm. This is calculated in the following manner:

Required 0.6 gpm /conn X 209 conn. = 125 gpm Total  
Short 125 gpm Required - 87 gpm Produced = 38 gpm Total

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: 1087145

Comment Date: 07/22/2013

#### Capacity Requirement

Failure to provide a well capacity of 0.6 gallons per minute per connection.

At the time of the inspection the facility had a total of 209 active connections and is required to provide 0.6 gallons per minute (gpm) per connection (conn). Your wells produced a total of 87 gpm and are short a total of 38 gpm. This is calculated in the following manner:

Required 0.6 gpm /conn X 209 conn. = 125 gpm Total  
Short 125 gpm Required - 87 gpm Produced = 38 gpm Total

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.

As of July 10, 2013, no compliance plan has been submitted. However, the calculation is being updated based on the new connection count of 185.

Required 0.6 gpm /conn X 185 conn. = 111 gpm Total  
Short 111 gpm Required - 87 gpm Produced = 24 gpm Total

This is still >10% short and will remain a B violation.

Investigation: 1121164

Comment Date: 09/25/2013

#### Capacity Requirement

Failure to provide a well capacity of 0.6 gallons per minute per connection.

At the time of the inspection the facility had a total of 209 active connections and is required to provide 0.6 gallons per minute (gpm) per connection (conn). Your wells produced a total of 87 gpm and are short a total of 38 gpm. This is calculated in the following manner:

Required 0.6 gpm /conn X 209 conn. = 125 gpm Total  
Short 125 gpm Required - 87 gpm Produced = 38 gpm Total

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.

It is noted, that on August 8, 2013 we received a letter that states Aqua Texas has hired a hydrologist to assist in the drilling of the new well due to issues with high radiological constituents in another one of the existing wells. You also state that you will keep the TCEQ informed of the progress. As of September 19, 2013, no documentation has been submitted that show plans have been submitted for the new well.

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: 1209561

Comment Date: 11/18/2014

#### Capacity Requirement

Failure to provide a well capacity of 0.6 gallons per minute per connection.

At the time of the inspection the facility had a total of 209 active connections and is required to provide 0.6 gallons per minute (gpm) per connection (conn). Your wells produced a total of 87 gpm and are short a total of 38 gpm. This is calculated in the following manner:

Required 0.6 gpm /conn X 209 conn. = 125 gpm Total  
Short 125 gpm Required - 87 gpm Produced = 38 gpm Total

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

**CRYSTAL FOREST SUBDIVISION****Investigation # 1296115**

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: 1296115

Comment Date: 12/08/2015

Failure to provide a well capacity of 0.6 gallons per minute per connection.

**Recommended Corrective Action:** Submit documentation within 60 days.

**Resolution:** During the investigation, a copy of the approval to use letter for well E which is rated at 175 GPM was provided.



Ray

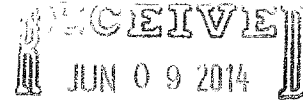
Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 6, 2014



Mr. Scot Fultz, Environmental Compliance Manager  
Aqua Texas, Inc.  
1106 Clayton Ln., Suite 400W  
Austin, Texas, 78723-2476

BY: .....

Re: Comprehensive Compliance Investigation at:  
Cypress Creek Ranch, 12710 Fry Rd., Houston, Harris Co, TX  
Regulated Entity No.:104393194, TCEQ ID No.:1013296, Investigation No.:  
1164234

Dear Mr. Fultz:

On March 25, 2014, Ms. Melody Kirksey 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 Ms. Melody Kirksey 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/MK/kc

cc: Harris County Public Health and Environmental 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*

December 23, 2015

RECEIVED

DEC 28 2015

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

TX ADMIN-AUSTIN

Re: Comprehensive Compliance Investigation at:  
Cypress Fields Subdivision, 17306 Cypress Fields, Houston, Harris, Texas  
Regulated Entity No.: 102681830  
TCEQ ID No.: 1011651

Investigation No.: 1275321

Dear Mr. Foltz:

On November 12, 2015 and December 14, 2015, Ms. Alethea Seals, 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. Seals, in the Houston Region Office at (713) 767-3595.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Thorp".

Julia Thorp, Team Leader  
Public Water Supply  
Houston Region Office

JT/AS/mar

Enclosure: Summary of Investigation Findings

cc: Harris County Public Health and Environmental Services

## Summary of Investigation Findings

CYPRESS FIELDS SUBDIVISION

Investigation #

1275321

Investigation Date: 11/12/2015

, HARRIS COUNTY,

Additional ID(s): 1011651

No Violations Associated to this Investigation

### ADDITIONAL ISSUES

#### Description

Item 1

#### 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. 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 service pumps has reached 92% of its capacity. This was based on 147 connections.

Compliance Documentation: 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 78711-3.



Ray

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*

August 12, 2015

RECEIVED

**CERTIFIED MAIL # 7014 3490 0001 0559 5991**  
**RETURN RECEIPT REQUESTED**

TX ADMIN-AUSTIN

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

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Cypress Place, 11722 Cypress Place Drive, Houston, Harris County, Texas  
Regulated Entity No.: 102686078; TCEQ ID No.: 1010254; Investigations No.: 1253940

Dear Mr. Foltz:

On July 16, 2015, Ms. Kathryn Roeder, 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. Please submit to this office by November 17, 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 (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. 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

Mr. Scot Foltz, Compliance Manager  
August 12, 2015  
Page 2

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

Sincerely,



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

LD/KR/mar

Enclosure: Summary of Investigation Findings

cc: Harris County Public Health and Environmental Services

## Summary of Investigation Findings

CYPRESS PLACE

11722 CYPRESS PLACE DR  
HOUSTON, HARRIS COUNTY, TX 77065

Investigation #

1253940

Investigation Date: 07/16/2015

Additional ID(s): 1010254

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

Track No: 578790      Compliance Due Date: 09/17/2015  
30 TAC Chapter 290.42(e)(4)(A)

**Alleged Violation:**

Investigation: 1253940

Comment Date: 08/04/2015

**Disinfection**

Failure to provide a small bottle of fresh ammonia solution which must be readily accessible outside the chlorinator room, to test for possible chlorine leakage

At the time of the investigation, the regulated entity did not provide a small bottle of fresh ammonia solution outside the chlorinator room.

**Recommended Corrective Action:** Provide a photo, work order, or invoice with purchase of small bottle of fresh ammonia solution outside the chlorinator room to verify compliance.

Track No: 578791      Compliance Due Date: 11/17/2015  
30 TAC Chapter 290.42(l)

**Alleged Violation:**

Investigation: 1253940

Comment Date: 08/04/2015

**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.

At the time of the investigation, the regulated entity did not provide a current and thorough plant operations manual.

**Recommended Corrective Action:** Provide a current and thorough plant operations manual for operator review and reference.

Track No: 578798      Compliance Due Date: 11/17/2015  
30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1253940

Comment Date: 08/04/2015

**Testing Equipment**

Failure by the regulated entity to calibrate the well meter required by 30 TAC 290.46(s)(1) according to the manufacturer's specifications at least once every three years.

At the time of the investigation, the regulated entity did not provide well meter calibration records performed within the last three years.

**Recommended Corrective Action:** Provide well meter calibration records performed within the last three years.

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*

January 26, 2016

RECEIVED

**CERTIFIED MAIL #7013 3020 0000 9763 8504**  
**RETURN RECEIPT REQUESTED**

JAN 29 2016

TX ADMIN-AUSTIN

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

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Dayton Oaks Estate, CR 2339 and CR 2341, Dayton, Liberty County, Texas  
Regulated Entity No.: 102689114, TCEQ ID No.: 1460136, Investigation No.: 1295022

Dear Mr. Foltz:

On November 24, 2015, Ms. Maggie Wright 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. Please submit to this office by April 15, 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.

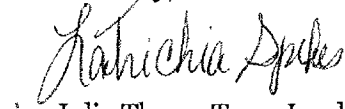
In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you 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 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. Julia Thorp, will schedule a violation review meeting to be conducted *within 21 days from the date of this letter*. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Mr. Scot Foltz, Environmental Compliance Manager  
January 26, 2016  
Page 2

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

Sincerely,

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

JT/MW/ra

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

DAYTON OAKS ESTATE

Investigation #

1295022  
Investigation Date: 11/24/2015

, LIBERTY COUNTY,

Additional ID(s): 1460136

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

Track No: 592284 Compliance Due Date: 04/15/2016

30 TAC Chapter 290.42(l)

**Alleged Violation:**

Investigation: 1295022

Comment Date: 01/06/2016

**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 investigation, the operator did not provide a copy of the plant operations manual.

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

Track No: 592287 Compliance Due Date: 04/15/2016

30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1295022

Comment Date: 01/14/2016

**Testing Equipment**

Failure to calibrate the well meter as 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 the investigation, the operator did not provide a copy of the well meter calibration records.

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

Ray

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*

August 6, 2015

**CERTIFIED MAIL # 7014 3490 0001 0559 5762**  
**RETURN RECEIPT REQUESTED**

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

RECEIVED

AUG 10 2015

ADMIN-AUSTIN

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Decker Woods Subdivision, 25519 Wildflower Dr., Montgomery County, Texas  
Regulated Entity No.102693181; TCEQ ID No.: 1700330; Investigation No.: 1253187

Dear Mr. Foltz:

On July 16, 2015, Ms. Hanaa Fayyadh, 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. Please submit to this office by November 12, 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 (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. 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

Mr. Scot Foltz, Compliance Manager  
August 6, 2015  
Page 2

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

Sincerely,



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

LD/HF/mar

Enclosure: Summary of Investigation Findings

cc: Montgomery County Environmental Health Services



## Summary of Investigation Findings

DECKER WOODS SUBDIVISION

Investigation #

1253187  
Investigation Date: 07/16/2015

, MONTGOMERY COUNTY,

Additional ID(s): 1700330

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

Track No: 577593 Compliance Due Date: 09/14/2015

30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1253187

Comment Date: 07/27/2015

Operating Practices for Public Water Systems

Failure to properly maintain the regulated entity by not keeping the pressure tank in a good state of repair.

At the time of the investigation, the pressure tank had rust spots and was in need of re-coating.

**Recommended Corrective Action:** Submit a photo, invoice, work order or receipt showing that the pressure tank has been re-coated to verify compliance.

Track No: 577606 Compliance Due Date: 09/14/2015

30 TAC Chapter 290.42(e)(4)(A)

**Alleged Violation:**

Investigation: 1253187

Comment Date: 07/27/2015

Disinfection

Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location.

At the time of the investigation, there was no full-face self-contained breathing apparatus or supplied air respirator available outside the chlorination room in an accessible location.

**Recommended Corrective Action:** Submit a photo, showing that the full-face self-contained breathing apparatus is available outside the chlorination room to verify compliance.

Track No: 577614 Compliance Due Date: 11/12/2015

30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1253187

Comment Date: 07/28/2015

Testing Equipment

Failure by the regulated entity to calibrate the well meters 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 the investigation, the regulated entity did not provide the well meters calibration reports for well #1, 2, and 3.

**Recommended Corrective Action:** Submit the well meter calibration report to verify compliance.