

## Summary of Investigation Findings

WEST MAGNOLIA FOREST

Investigation #

1105681

Investigation Date: 08/01/2013

, GRIMES COUNTY,

Additional ID(s): 0930042

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

Track No: 487858 Compliance Due Date: 10/11/2013

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

#### Alleged Violation:

Investigation: 1050745

Comment Date: 02/04/2013

Failure to provide an adequate production capacity.

Your water system fails to meet this Agency's "Minimum Water System Capacity Requirements." Water systems serving fewer than 50 connections without ground storage must meet the following requirements: A well capacity of 1.5 gallons per minute (gpm) per connection.

At the time of this investigation, the well production was thirty-one (31) gallons per minute instead of the required 46.5 gallons per minute for the thirty-one (31) connections served. This is a 33% deficiency.

Investigation: 1059841

Comment Date: 03/20/2013

Failure to provide an adequate production capacity.

On February 19 and 27, 2013, Mr. Larry Mitchell, Environmental Compliance Coordinator for Aqua Texas, Inc. submitted information to the TCEQ Waco Regional Office addressing this outstanding alleged violation. The compliance documentation shows the water supply has hired Ince Engineering, LLC to help them obtain an alternative capacity requirement (ACR). Since West Magnolia Forest does not meet the current production capacity requirement of 1.5 gpm per connection, this violation will remain outstanding.

Investigation: 1105681

Comment Date: 08/01/2013

Failure to provide an adequate production capacity.

During a file review investigation conducted on August 1, 2013, it was noted that the compliance documentation to resolve this violation has not been received in the TCEQ Waco Regional Office.

**Recommended Corrective Action:** Submit documentation showing the water system provides a production capacity of at least 1.5 gpm per connection or submit documentation of an approved alternative capacity requirement (ACR) or if ground storage is provided, submit documentation showing the water supply provides 0.6 gpm per connection.

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



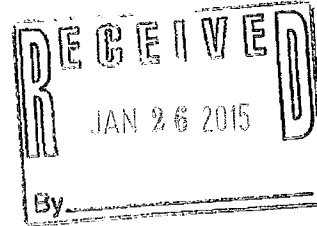
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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 22, 2015

**CERTIFIED MAIL #7011 3500 0000 0287 5928**  
**RETURN RECEIPT REQUESTED**



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

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Timberloch Estates, 31319 West Timberloch Trail, Magnolia, Montgomery County, Texas  
Regulated Entity No.: 101186542  
TCEQ ID No.: 1700641 Investigations No.: 1210767

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 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 certain outstanding alleged violation was identified for which compliance documentation is required. In addition, an Additional Issue was noted. Please submit to this office by February 23, 2015, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. Please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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.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



Mr. Scot W. Foltz, Compliance Manager

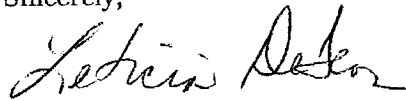
Page 2

January 22, 2015

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.

If you or members of your staff have any questions, 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

TIMBERLOCH ESTATES

31319 W TIMBERLOCH TRL

MAGNOLIA, MONTGOMERY COUNTY, TX 77355

Investigation #

1210767

Investigation Date: 11/24/2014

Additional ID(s): 1700641

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

Track No: 558186

Compliance Due Date: 04/21/2015

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

#### Alleged Violation:

Investigation: 1210767

Comment Date: 01/15/2015

#### Capacity Requirement

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

At the time of the investigation the facility had a total of 215 active connections and is required to provide 0.6 gallons per minute (gpm) per connection (conn). Your well produced a total of 100 gpm and is short a total of 29 gpm. This is calculated in the following manner:

Required 0.6 gpm /conn X 215 conn. = 129 gpm Total

Short 129 gpm Required - 100 gpm Produced = 29 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 this requirement by writing to TCEQ, Water Supply Division, Public Drinking Water Section, Technical Review & Oversight, MC 159, P.O. Box 13087, Austin, TX 78711-3087; phone: (512) 239-4691.

**Recommended Corrective Action:** Submit a compliance plan, engineering report or certification OR a copy of a letter requesting an exception in addition to a compliance plan for final compliance, OR a copy of a letter granting an exception to verify compliance.

### ADDITIONAL ISSUES

Description

Additional Comments

Item 2

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 well has reached 129 % of its capacity. This was based on 215 connections

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY **RECEIVED**  
*Protecting Texas by Reducing and Preventing Pollution*  
February 12, 2013

BY: \_\_\_\_\_

**CERTIFIED MAIL #7011 1150 0001 4409 3896**  
**RETURN RECEIPT REQUESTED**

Mr. Steve Blackhurst, P. E., Environmental Compliance Manager  
Aqua- Texas, Inc.  
1106 Clayton Lane, Suite 400W  
Austin, Texas 75723

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
West Magnolia Forest Public Water Supply, Grimes County, Texas  
TCEQ ID No.: PWS 0930042, RN102683935

Dear Mr. Blackhurst:

On January 15, 2013, Mr. Josephs Anudokem of the Texas Commission on Environmental Quality (TCEQ) Waco Regional Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for a public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, concerns were noted which were alleged noncompliances that have been resolved as Areas of Concern based on subsequent corrective action. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by March 29, 2013 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the noted 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 Waco Regional Office at 254-751-0335 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. 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 Waco Regional Office within 15 days from the date of this letter. At that time, I will schedule a violation review meeting. 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 the contested violation.



Mr. Steve Blackhurst, P. E., Environmental Compliance Manager  
Page 2  
February 12, 2013

If you or members of your staff have any questions, please feel free to contact Mr. Josephs Anudokem at the Waco Regional Office at (254) 751-0335.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Monreal', written in a cursive style.

Richard Monreal  
Water and Waste Section Work Leader  
Waco Regional Office

RM/JA/gb

Enclosures: Summary of Investigation Findings

## Summary of Investigation Findings

WEST MAGNOLIA FOREST

Investigation #

1050745  
Investigation Date: 01/15/2013

, GRIMES COUNTY,

Additional ID(s): 0930042

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

Track No: 487858 Compliance Due Date: 03/29/2013

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

#### Alleged Violation:

Investigation: 1050745

Comment Date: 02/04/2013

Failure to provide an adequate production capacity.

Your water system fails to meet this Agency's "Minimum Water System Capacity Requirements." Water systems serving fewer than 50 connections without ground storage must meet the following requirements: A well capacity of 1.5 gallons per minute (gpm) per connection.

At the time of this investigation, the well production was thirty-one (31) gallons per minute instead of the required 46.5 gallons per minute for the thirty-one (31) connections served. This is a 33% deficiency.

**Recommended Corrective Action:** Submit documentation showing the water system provides a production capacity of at least 1.5 gpm per connection.

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

Track No: 487862

30 TAC Chapter 290.46(s)(1)

#### Alleged Violation:

Investigation: 1050745

Comment Date: 01/15/2013

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

Flow measuring devices and rate-of-flow controllers that are required by §290.42(d) of this title shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3) (N) of this title shall be calibrated at least once every three years.

It was noted during this investigation that the well flow meter has not been calibrated in the past three years.

**Resolution:** On February 1, 2013, photographs were provided showing that a new well flow meter has been installed on well No. 2.

### AREA OF CONCERN

Track No: 487859

30 TAC Chapter 290.46(f)(2)

#### Alleged Violation:

Failure to provide water system records that needed to be reviewed at the time of the investigation.

Water systems must maintain a record of water works operation and maintenance activities and submit periodic operating reports. The public water system's operating records must be accessible for review during inspections.

It must be noted that some of these records are required by rule to be available to TCEQ staff for review during an investigation. Those records that were not available for review during the January 15, 2013 investigation were:

1. The routine distribution coliform test result for December 2012;
2. A copy of the service agreement or plumbing code ordinance;
3. Pressure tank interior inspection form; and
4. Disinfectant residual monitoring log for the month of December 2012.

**Resolution:** On January 17 and 18, 2013, compliance documentation was received in the TCEQ Waco Regional Office. The compliance documentation includes:

1. The routine distribution coliform test result for December 2012;
  2. A copy of the service agreement;
  3. Pressure tank interior inspection form; and
  4. Disinfectant residual monitoring log for the month of December 2012.
- 

**Track No:** 487861

**30 TAC Chapter 290.46(h)**

**Alleged Violation:**

Investigation: 1050745

Comment Date: 01/15/2013

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Failure to maintain on hand a supply of calcium hypochlorite disinfectant.

A supply of calcium hypochlorite disinfectant shall be kept on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service.

Calcium hypochlorite was not available during the time of this investigation. A suitable amount of calcium hypochlorite must be obtained and kept on hand. Also, the calcium hypochlorite disinfectant must meet the ANSI/NSF Standard 60 criteria.

**Resolution:** On January 22, 2013, photographic documentation was received showing that the required Calcium hypochlorite disinfectant has been provided.

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**Track No:** 487863

**30 TAC Chapter 290.46(w)**

**Alleged Violation:**

Investigation: 1050745

Comment Date: 01/15/2013

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Failure to maintain internal procedures to notify TCEQ of an event that may negatively impact the production or delivery of safe and adequate drinking water.

All systems shall maintain internal procedures to notify the executive director by a toll-free reporting phone number immediately of the following events, if the event may negatively impact the production or delivery of safe and adequate drinking water:

- (1) An unusual or unexplained unauthorized entry at property of the public water system;
- (2) An act of terrorism against the public water system;
- (3) An unauthorized attempt to probe for or gain access to proprietary information that supports the key activities of the public water system;
- (4) A theft of property that supports the key activities of the public water system; or
- (5) A natural disaster, accident, or act that results in damage to the public water system.

It was noted during the investigation that West Magnolia Forest did not have internal procedures to notify the TCEQ of the above listed incidents.

**Resolution:** On January 22, 2013, compliance documentation was received in the TCEQ Waco Regional Office. The compliance documentation shows an internal written procedure for notifying the TCEQ of an event that may negatively impact the production or delivery of safe and adequate drinking water.

Duke

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*

January 14, 2016

**CERTIFIED MAIL: #7015 1520 0003 4219 0718**  
**RETURN RECEIPT REQUESTED**

RECEIVED

JAN 19 2016

Mr. Scot Foltz, Environmental Compliance Manager  
Aqua Texas, Inc.  
1106 Clayton Lane, Suite 400W  
Austin, TX 75723

TX ADMIN-AUSTIN

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
West Magnolia Forest Public Water Supply, Grimes County, Texas  
TCEQ ID No.: PWS 0930042, RN102683935

Dear Mr. Foltz:

On December 1, 2015, Ms. Jade Mendiola of the Texas Commission on Environmental Quality (TCEQ) Waco Regional Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for a 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 been resolved as an Area of Concern based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by February 16, 2016 a written description of corrective actions 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 Waco Regional Office at (254) 751-0335 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 Waco Regional Office within 10 days from the date of this letter. At that time, I will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised

TCEQ Region 9 • 6801 Sanger Ave., Ste. 2500 • Waco, Texas 76710-7826 • 254-751-0335 • Fax 254-772-9241

Austin Headquarters: 512-239-1000 • [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 using vegetable-based ink

Mr. Scot Foltz, Environmental Compliance Manager  
Page 2  
January 14, 2016

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. Jade Mendiola at the Waco Regional Office at (254) 751-0335.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Monreal', written in a cursive style.

Richard Monreal  
Water Section Manager  
Waco Regional Office

RM/JM/gb

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

WEST MAGNOLIA FOREST

Investigation #  
1295347  
Investigation Date: 12/01/2015

, GRIMES COUNTY,

Additional ID(s): 0930042

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

Track No: 589741      Compliance Due Date: 02/16/2016  
30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

Investigation: 1295347

Comment Date: 12/16/2015

Failure to provide water system operating records for review during inspection.

The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request.

During the December 1, 2015 investigation, it was noted that the following documents were not available for review:

1. A map of the distribution system,
2. A test certificate demonstrating that the well meter has been calibrated within the last three years, and
3. Logs demonstrating that the accuracy of the chlorine residual analyzer is verified at least once every 90 days.

On December 3, 2015, a copy of the distribution system map containing all the required information was received at the TCEQ Waco Regional Office. The submitted documentation is adequate to resolve Item 1 of this violation.

**Recommended Corrective Action:** Submit to the TCEQ Waco Regional Office a certificate demonstrating that the well meter has been calibrated within the last three years and logs that demonstrate the accuracy of the chlorine residual analyzer had been verified at least once every 90 days during the past three years.

Track No: 589742      Compliance Due Date: 02/16/2016  
30 TAC Chapter 290.46(m)(1)  
30 TAC Chapter 290.46(m)(1)(B)

**Alleged Violation:**

Investigation: 1295347

Comment Date: 01/07/2016

Failure to inspect the pressure tank.

Each of the system's ground, elevated, and pressure tanks shall be inspected annually by water system personnel or a contracted inspection service.

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.

During the December 1, 2015 investigation, it was noted that the exterior inspection of the pressure tank was last conducted on January 9, 2014. The date of the last interior pressure tank inspection could not be provided. The note, "Inspect the interior immediately" was written on the January 9, 2014 inspection form.

**Recommended Corrective Action:** Submit to the TCEQ Waco Regional Office documentation demonstrating that the interior and exterior of the pressure tank have been inspected by water system personnel or a contracted inspection service within the last year.

Track No: 589743 Compliance Due Date: 02/16/2016

30 TAC Chapter 290.110(c)(4)(A)

**Alleged Violation:**

Investigation: 1295347

Comment Date: 12/02/2015

Failure to monitor the disinfectant residual at various locations throughout the distribution system.

Public water systems shall monitor the disinfectant residual at various locations throughout the distribution system.

During the December 1, 2015 investigation, it was noted that only one site listed in the monitoring plan was being used to monitor the disinfectant residual.

**Recommended Corrective Action:** Submit to the TCEQ Waco Regional Office documentation demonstrating that various locations listed in the monitoring plan are being used to monitor the disinfectant residual of the distribution system.

### AREA OF CONCERN

Track No: 589740

30 TAC Chapter 290.43(d)(3)

**Alleged Violation:**

Investigation: 1295347

Comment Date: 12/02/2015

Failure to maintain the sight glass on the pressure tank.

Facilities shall be provided for maintaining the air-water-volume at the design water level and working pressure. Air injection lines must be equipped with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank. A device to readily determine air-water-volume must be provided for all tanks greater than 1,000 gallon capacity. Galvanized tanks which are not provided with the necessary fittings and which were installed before July 1, 1988 shall be exempt from this requirement.

During the December 1, 2015 investigation, it was noted that the sight glass of the pressure tank had not been maintained to readily determine air-water-volume.

**Resolution:** During the December 1, 2015 site visit, the sight glass of the pressure tank was cleaned and maintained so that one could readily determine air-water-volume



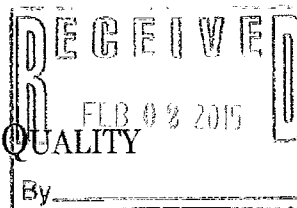
Bryan W. Shaw, Ph.D., P.E., Chairman  
Toby Baker, Commissioner  
Zak Covar, Commissioner  
Richard A. Hyde, P.E., Executive Director



*Not on a machine - Ray*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution



January 28, 2015

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED 91 7199 9991 7033 2778 3082**

Mr. Larry Mitchell, Compliance Manager  
Aqua Utilities, Inc.  
1106 Clayton Lane, Suite 400W  
Austin, Texas 78723

Re: Notice of Noncompliance with a Commission Order  
Aqua Utilities, Inc.; RN102683935  
Docket No. 2014-0180-PWS-E; Enforcement Case No. 48240

Dear Mr. Mitchell:

On January 26, 2015, a representative of the Enforcement Division of the Texas Commission on Environmental Quality (TCEQ) conducted a record review of the above-referenced enforcement case to evaluate compliance with the provisions of the Agreed Order effective on July 5, 2014. The review findings concluded that Ordering Provision Nos. 2.a, 2.b, 2.c, 2.d, 2.e, 2.f, and 2.g have not been timely and satisfactorily completed. Failure to comply with the Ordering Provisions in a timely manner is a violation of the Order.

Please submit all required information for each outstanding Ordering Provision no later than 30 days from the date of this letter. If you complete the necessary corrective actions and resolve the outstanding alleged violations in a timely manner, we will not pursue further action for the alleged violations at this time. **However, please note that if you fail to adequately comply with the terms of the Order, the TCEQ will initiate an additional enforcement action which may result in significantly higher penalties for failure to comply with a TCEQ Order. In addition, the TCEQ may demand payment of the portion of the penalty which was deferred contingent on compliance with the Order.**

If you or members of your staff have any questions regarding these matters, please contact me by phone at (512) 239-6924 or by fax at (512) 239-0036.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Tucker".

Michael Tucker, Enforcement Coordinator  
Enforcement Division

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*

February 16, 2016

**CERTIFIED MAIL #7013 3020 0000 9763 8634**  
**RETURN RECEIPT REQUESTED**

RECEIVED

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

TX ADMIN-AUSTIN

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Westgate Subdivision, 13144 Vernon Road, Houston, Harris County, Texas  
Regulated Entity No.: 102675535, TCEQ ID No.: 1010622, Investigation No.: 1275777

Dear Mr. Foltz:

On November 18, 2015, Ms. Dawn Olivo and Ms. Nicole Reed, 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 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.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. Latrichia Spikes, 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  
February 16, 2016  
Page 2

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

Sincerely,

A handwritten signature in cursive script, reading "Latrichia Spikes".

Latrichia Spikes, Team Leader  
Public Water Supply  
Houston Region Office

LS/DO/ra

cc: Harris County Public Health and Environmental Services

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

WESTGATE SUBDIVISION

13113 VERNON RD

CYPRESS, HARRIS COUNTY, TX 77429

Investigation #

1275777

Investigation Date: 11/18/2015

Additional ID(s): 1010622

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

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Track No: 593369 Compliance Due Date: 04/22/2016

30 TAC Chapter 290.38(39)

30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1275777

Comment Date: 01/25/2016

Failure to properly maintain the regulated entity by not removing all hedges, brush and/or trees around the perimeter of the plant and by not keeping the fence in good repair.

At the time of the inspection, along the perimeter of the fence were two (2) large bush and/or trees growing. In addition, alongside the back of the plant, there were large gaps along the bottom of the fence.

**Recommended Corrective Action:** Submit photo documentation that indicates the fence has been repaired and the perimeter has been cleared of excessive brush to verify compliance.

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Track No: 593371 Compliance Due Date: 04/22/2016

30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1275777

Comment Date: 01/25/2016

**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 the inspection, wells # 1 & 2 had not been calibrated within the past 3 years.

**Recommended Corrective Action:** Submit a well meter calibration reports verify compliance.

Re:ay

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 13, 2015

RECEIVED

FEB 17 2015

**CERTIFIED MAIL #7011 3500 0000 0287 6178**  
**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 Complaint Investigation at:  
Shadow Bay Subdivision, 431 1/2 Lee Shore Dr., Montgomery County, Texas  
Regulated Entity No.: 102677077 TCEQ ID No.: 1700393 Investigation No.: 208216

Dear Mr. Foltz :

On January 6, 2015, Mr. Vernon Crandle, 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 alleged noncompliance that have been resolved 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 Mr. Vernon Crandle, in the Houston Region Office at (713) 767-3727.

Sincerely,

A handwritten signature in black ink, appearing to read "Leticia De Leon".

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

LD/ VC/inar

Enclosure: Summary of Investigation Findings

cc: Montgomery County Environmental Health Services

## Summary of Investigation Findings

SHADOW BAY SUBDIVISION

431.5 LEESHORE

WILLIS, MONTGOMERY COUNTY, TX 77318

Investigation #

1222577

Investigation Date: 01/08/2015

Additional ID(s): 1700393

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 560450

30 TAC Chapter 290.46(m)(4)

#### Alleged Violation:

Investigation: 1222577

Comment Date: 02/04/2015

The complainant alleges that water is leaking from the water box inside the Shadow Bay subdivision on two lots at 13705 West Brigadier Dr and 13905 or 13903 Anchor.

At the time of the investigation, there was a leak in the meter box in the front yard at 13717 West Brigadier.

**Recommended Corrective Action:** Submit a photo, invoice, work order, receipt or documentation showing that the leak has been repaired.

**Resolution:** On January 30, 2015, the complainant verified the repairs were complete and leaks repaired. Thus, this complaint is resolved.

Ray

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

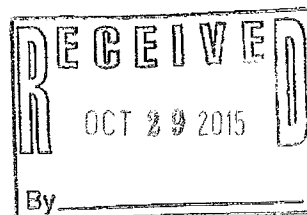


## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 26, 2015

**CERTIFIED MAIL # 7010 1870 0003 4949 5615**  
**RETURN RECEIPT REQUESTED**



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

Re: Notice of Violation for the Complaint Investigation at:  
Shadow Bay, 413 1/2 Lee Shore, Willis, Montgomery County, Texas  
Regulated Entity No.: 102677077  
TCEQ ID No.: 1700393

Investigation No.: 1282813

Dear Mr. Foltz:

On October 7, 2015, Ms. Destiny Winning, 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. Winning, 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/DW/mar

Enclosure: Summary of Investigation Findings

cc: Montgomery County Public Health and Environmental Services

## Summary of Investigation Findings

SHADOW BAY SUBDIVISION

431.5 LEESHORE

WILLIS, MONTGOMERY COUNTY, TX 77318

Investigation #

1282813

Investigation Date: 10/06/2015

Additional ID(s): 1700393

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

Track No: 586508

30 TAC Chapter 290.46(m)(4)

**Alleged Violation:**

Investigation: 1282813

Comment Date: 10/20/2015

**Water Leakage**

Failure to maintain all distribution system lines in a watertight condition. In this connection, the leaking pipe connected to the well meter must be repaired or replaced as necessary.

**Recommended Corrective Action:** Submit photo, invoice, or work order to verify compliance.

**Resolution:** The regulated entity provided photographic documentation of the repair by email on October 12, 2015.



Umair Shah, M.D., M.P.H.  
Executive Director  
2223 West Loop South  
Houston, Texas 77027

Harris County  
**HCPHES**  
Public Health & Environmental Services

Michael Schaffer, MBA  
Division Director  
Environmental Public Health Division  
101 South Richey, Suite G  
Pasadena, Texas 77506

ENVIRONMENTAL PUBLIC HEALTH DIVISION

Public Water System Violation Notice

RECEIVED

APR 27 2015

TX ADMIN-AHS

EPH ID: \_\_\_\_\_ Date: 4/7/15 Time: 12:00 PM  
Facility Name: Westgate Subdivision  
Physical Address: 13113 Vernon  
Owner/Operator: Aqua Utilities Inc. Telephone No.: 281-651-0174  
Mailing Address: 1106 Clayton Ln. Suite 400 Austin, TX 78723-4706  
Person Contacted: Donald Francis Title: Operations

As a result of the inspection conducted on this date, Jason Ling of this office  
determined that your facility is in violation of the following section (s) of the Texas Commission on Environmental Quality  
Rules and Regulations for public water systems located in 30 TAC Chapter 290, Subchapters D and F.

- ☐ Section 290.46(e) Except transient non-community systems which utilize only groundwater or purchased treated water from another public water system, the production, treatment, and distribution facilities at a public water system must be operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the TCEQ Executive Director.
- ☒ Section 290.46(d)(2)(A) Disinfection equipment shall be operated to maintain a free chlorine residual of 0.2 mg/L or a chloramine residual of 0.5 mg/L throughout the distribution system at all times.
- ☐ Section 290.46(r) All public water systems shall be operated to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions. The system shall also be operated to maintain a minimum pressure of 20 psi during emergencies such as firefighting.

Description of violations: \_\_\_\_\_  
Tested for free chlorine residual at 12035 Westover Dr., resulting in a 0.05 mg/L reading.  
\_\_\_\_\_  
\_\_\_\_\_

Civil Penalties: \$50 to \$1,000 for each day of offense

Criminal Penalties: \$500 to \$2,000 each day for each offense

**You are hereby notified to abate the above violation(s) immediately. You are requested to inform this office in writing within ten days of steps being taken to achieve compliance and to prevent recurrence.** Failure to abate the violation(s) listed may result in additional fines; and in the event that further enforcement action is appropriate, this office may file charges in a court of proper jurisdiction, as provided by law. Should you have any questions concerning this

Violation Notice, or wish to arrange a conference to discuss any compliance plan, please call the Compliance Coordinator at 713-274-6300.



Digitally signed by Jason Ling  
DN: cn=Jason Ling, o=HCPHES,  
ou, email=jling@hcphe.org,  
c=US  
Date: 2015.04.22 13:40:39 -05'00'

Owner/Contact Person Signature

Investigator Signature

☒ Violation Notice mailed from EPH Office on \_\_\_\_\_

to ☒ Owner ☒ Operator

EPH Office: 101 S. Richey, Suite G, Pasadena, Texas 77506 Phone: 713-274-6300 FAX: 713-274-6375  
www.hcphe.org

WS 4-12MAC

White Copy - Compliance; Yellow Copy - Owner/Representative

4-23-15

*Baker*

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*

February 2, 2016

**CERTIFIED MAIL #7013 3020 0000 9763 8450**  
**RETURN RECEIPT REQUESTED**

RECEIVED

FEB 04 2016

TX ADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager  
Aqua Utilities, Inc.  
1106 Clayton Lane, Suite 400W  
Austin, Texas 78723-1066

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Wilshire Subdivision, 29 Wilshire Blvd., New Caney, Montgomery County, Texas  
Regulated Entity No.: 102672847, TCEQ ID No.: 1700321, Investigation No.: 1295306

Dear Mr. Foltz:

On December 02, 2015, Ms. Valerie Burkett 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. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by April 21, 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 addition, during the investigation, the investigator resolved an apparent instance of noncompliance noted during the previous investigation dated February 05, 2013. Please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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. LaTrichia Spikes, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.



Mr. Scot Foltz, Environmental Compliance Manager

Page 2

February 2, 2016

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

Sincerely,

A handwritten signature in cursive script, reading "LaTrichia Spikes".

LaTrichia Spikes, Team Leader

Public Water Supply

Houston Region Office

LS/VB/ra

cc: Montgomery County Environmental Health Services

Enclosure: Summary of Investigation Findings



## Summary of Investigation Findings

WILSHIRE SUBDIVISION

Investigation #

1295306

Investigation Date: 12/02/2015

, MONTGOMERY COUNTY,

Additional ID(s): 1700321

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

Track No: 593044 Compliance Due Date: 02/21/2016

30 TAC Chapter 290.109(c)

**Alleged Violation:**

Investigation: 1295306

Comment Date: 01/12/2016

Monitoring requirements for microbial contaminants

Failure to collect samples for total coliform, fecal coliform, E. coli, or other fecal indicator organisms at locations and frequency as directed by the executive director.

Specifically, at the time of the investigation, it was determined that the regulated entity is only sampling at 4 sample sites. The system must have at least 5 sample sites.

**Recommended Corrective Action:** Submit a copy of the monitoring plan showing that the system has at least 5 sample sites for total coliform, fecal coliform, E. coli, or other fecal indicator organisms to verify compliance.

Track No: 593047 Compliance Due Date: 04/21/2016

30 TAC Chapter 290.46(s)(2)(C)(i)

**Alleged Violation:**

Investigation: 1295306

Comment Date: 01/12/2016

Failure to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations. Specifically, the colorimeter calibration logs were not available for review at the time of the investigation.

**Recommended Corrective Action:** Submit documentation that the accuracy of the manual disinfectant residual analyzer is verified at least once every 90 days using chlorine solutions of known concentrations to verify compliance.

Track No: 593052 Compliance Due Date: 02/21/2016

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

**Alleged Violation:**

Investigation: 1295306

Comment Date: 01/12/2016

Failure to conduct an inspection of the ground storage tank at least annually, to determine that the vents are in place and properly screened, the roof hatches closed and locked, flap valves and gaskets provide adequate protection against insects, rodents, and other vermin, and that the interior and exterior coating systems are continuing to provide adequate protection to all metal surfaces, and that the tank remains in a watertight condition.

Specifically, at the time of the investigation, the inspection records for the ground storage tank were not available for review.

**Recommended Corrective Action:** Submit a copy of the ground storage tank inspection report to verify compliance.

---

Track No: 593053      Compliance Due Date: 02/21/2016  
30 TAC Chapter 290.46(m)(1)(B)

**Alleged Violation:**

Investigation: 1295306

Comment Date: 01/12/2016

Failure to conduct an inspection of the pressure tank annually, to determine that the pressure release device and pressure gauge are working properly, the air-water ratio is being maintained at the proper level, the exterior coating systems are continuing to provide adequate protection to all metal surfaces, and that the tank remains in a watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

Specifically, an inspection report for the pressure tank was not available for review at the time of the investigation.

**Recommended Corrective Action:** Submit a copy of the pressure tank inspection report to verify compliance.

---

Track No: 593062      Compliance Due Date: 02/21/2016  
30 TAC Chapter 290.41(c)(3)(J)

**Alleged Violation:**

Investigation: 1295306

Comment Date: 01/12/2016

Failure to repair or replace the concrete sealing block surrounding Well Number 1.

Specifically, at the time of the investigation, it was determined that the concrete sealing block was suspended approximately a half inch off of the ground due to soil erosion underneath the concrete sealing block or some other cause, which allowed for a gap to form. The concrete sealing block appeared to be connected to the well head which allowed it to remain suspended in place after the soil was gone.

**Recommended Corrective Action:** Submit a photograph or completed work order showing that the concrete sealing block has been repaired or replaced to verify compliance.

---

Track No: 593068      Compliance Due Date: 04/21/2016  
30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1295306

Comment Date: 01/12/2016

Operating Practices for Public Water Systems

Failure to properly maintain the regulated entity by not cleaning the lichen growing on the pressure tank.

Specifically, it was noted during the investigation, that the pressure tank was covered by lichen growing along the length of the tank.

**Recommended Corrective Action:** Submit a photograph showing that the pressure tank has been cleaned to verify compliance.

---

Track No: 593084      Compliance Due Date: 04/21/2016  
30 TAC Chapter 290.45(b)(1)(C)(ii)

**Alleged Violation:**

Investigation: 1295306

Comment Date: 01/12/2016

Capacity Requirement

Failure to meet this Agency's "Minimum Water System Capacity Requirements." These

requirements include:

A minimum Storage Tank capacity of 200 gallons per connections (gal/conn).

Required: 200 gal/conn X 80 conn = 16000 gallons

Provided: 14000 gallons

Currently the system is 16000 - 14000 gallons = 2000 gallons short

Your water system must be modified to meet this requirement to assure an adequate supply of water at all times. Please be advised that public water systems shall notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, or distribution facilities. Public water systems shall submit plans and specifications for the proposed changes upon request. The water system may request an exception to these requirements by writing to TCEQ, Water Supply Division, Public Drinking Water Section, Technical Review & Oversight, MC 159, P.O. Box 13087, Austin, TX 78711-3087; phone: (512) 239-4691.

**Recommended Corrective Action:** Submit documentation showing that the storage tank capacity has been altered to meet the minimum requirement OR submit a letter granting an exception to this requirement to verify compliance.

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

Track No: 581746

30 TAC Chapter 290.46(n)(1)

**Alleged Violation:**

Investigation: 1274429

Comment Date: 09/03/2015

**Plans and Specifications**

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.

At the time of the investigation, it was noted that the historically active water system was not maintaining accurate and up-to-date detailed as-built plans or record drawings at the public water system.

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

Investigation: 1295306

Comment Date: 01/12/2016

Failure to maintain accurate and up-to-date plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in violation of 30 TAC 290.46(n)(1).

**Recommended Corrective Action:** Provide by the compliance due date, documentation demonstrating that as-built plans for the production, treatment, storage, and pressure maintenance facilities are being maintained at the public water system.

**Resolution:** During the investigation on December 02, 2015, the investigator observed that accurate and up-to-date as-built plans were now being maintained.

### ADDITIONAL ISSUES

Description

Additional Comments



## Item 9

## 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 10

(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 well has reached 96 % of its capacity. This was based on 80 connections.

*Sticker*

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 14, 2014

**RECEIVED**  
APR 17 2014

BY: .....

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

Re: Notice of Compliance with Notice of Violation (NOV) dated August 2, 2013:  
Windsor Estates, Windsor Lane, Springtown, Parker County, Texas  
RN 102680907, PWS ID No. 1840076, Investigation No. 1158699

Dear Mr. Blackhurst:

This letter is to inform you that Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Regional Office has received adequate compliance documentation on August 12, 2013, to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on June 4, 2013. 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 Ms. Merissa Green at the D/FW Regional Office at (817) 588-5846.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Marshall".

Charles Marshall  
Team Leader, Public Water Supply Program  
D/FW Regional Office

CM/mg

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

WINDSOR ESTATES

254 WONDER DR  
SPRINGTOWN, PARKER COUNTY, TX 76082

Investigation #

1158699

Investigation Date: 03/31/2014

Additional ID(s): 1840076

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 509008

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

#### Alleged Violation:

Investigation: 1094975

Comment Date: 07/26/2013

Failure to provide a suitable and functional sample tap on Well #3.

During the comprehensive compliance investigation on June 4, 2013, it was noted that there was no functional sample tap on Well #3.

30 TAC 290.41(c)(3)(M) states a suitable sampling cock shall be provided on the discharge pipe of each well pump prior to any treatment.

Investigation: 1158699

Comment Date: 03/31/2014

Failure to provide a suitable and functional sample tap on Well #3.

During the file record review investigation, the investigator determined that adequate compliance documentation had been submitted by the water system.

**Recommended Corrective Action:** Install a suitable sample tap on Well #3. Submit a letter and a photograph of the improvements made to the well to the TCEQ Region 4 Office to document that the alleged violation has been corrected.

**Resolution:** On August 12, 2013, the water system submitted compliance documentation which described the actions taken in response to the violation and a photograph of the functional sample tap after it was replaced. Based on the documentation, it appears the alleged violation has been resolved.

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



*Ray*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

RECEIVED

February 17, 2015

FEB 19 2015

TX ADMIN-AUSTIN

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

Re: Comprehensive Compliance Investigation at:  
White Oak Ranch Section One, 12681 Longmire Way, Conroe, Montgomery County, Texas  
Regulated Entity No.: 102672383, TCEQ ID No.: 1700670  
Investigation No.: 1217865

Dear Mr. Foltz:

On January 13, 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 that reads "Leticia De Leon".

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

LD/LS/mar

cc: Montgomery County Environmental Health Services  
Mr. Larry Mitchell, Environmental Compliance Coordinator, Aqua Development, Inc., 1106  
Clayton Lane, Ste. 400W, Austin, Texas 78723

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*

RECEIVED

February 24, 2015

FEB 26 2015

**CERTIFIED MAIL # 7011 3500 0000 0287 6383**  
**RETURN RECEIPT REQUESTED**

TX ADMIN-AUSTIN

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

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Woodland Ranch, 13689 Pinewood Village, Conroe, Montgomery County, Texas  
Regulated Entity No.: 102675394, TCEQ ID No.: 1700657  
Investigation No.: 1217867

Dear Mr. Foltz:

On January 14-27, 2015, Ms. LaTrichia Spikes, 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 been resolved as an Area of Concern based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by May 26, 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. Please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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

Mr. Scot W. Foltz, Environmental Compliance Manager

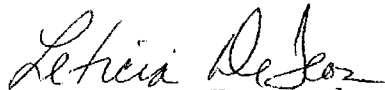
Page 2

February 24, 2015

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.

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

Sincerely,



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

LD/LS/mar

Enclosure: Summary of Investigation Findings

cc: Montgomery County Environmental Health Services  
Mr. Larry Mitchell, Environmental Compliance Coordinator, Aqua Texas, Inc.,  
1106 Clayton Lane, Ste. 400W, Austin, Texas 78723-2476

## Summary of Investigation Findings

WOODLAND RANCH

Investigation #

1217867  
Investigation Date: 01/14/2015

, MONTGOMERY COUNTY,

Additional ID(s): 1700657

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

Track No: 561886 Compliance Due Date: 05/26/2015

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

**Alleged Violation:**

Investigation: 1217867

Comment Date: 02/17/2015

**Design and Construction of Pressure Tanks**

Failure to conduct an inspection of the pressure tank annually, to determine that the pressure release device and pressure gauge are working properly, the air-water ratio is being maintained at the proper level, the exterior coating systems are continuing to provide adequate protection to all metal surfaces, and that the tank remains in a watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

At the time of the investigation, the regulated entity provided tank inspection reports for the two pressure tanks however the interior section of the report was not completed.

**Recommended Corrective Action:** Submit an interior pressure tank inspection report to verify compliance.

Track No: 561895 Compliance Due Date: 03/27/2015

30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1217867

Comment Date: 02/17/2015

At the time of the investigation, the fence surrounding the back of the water plant was covered with vegetation. (See photos)

**Recommended Corrective Action:** Submit a photo, invoice, or work order showing compliance.

Track No: 561904 Compliance Due Date: 03/27/2015

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

**Alleged Violation:**

Investigation: 1217867

Comment Date: 02/17/2015

**Ground Water Sources and Development**

Failure to repair the cracked concrete sealing block surrounding the well using a flexible, nontoxic, waterproof compound or with a properly constructed and installed sealing block.

At the time of the investigation, there were cracks in the sealing block surrounding the well. (see photos)

**Recommended Corrective Action:** Submit a work order, photo, or invoice showing the sealing block has been repaired, to verify compliance.

**Summary of Investigation Findings**

WOODLAND RANCH

Investigation # 1217867

, MONTGOMERY COUNTY,

Investigation Date: 01/14/2015

Additional ID(s): 1700657

**AREA OF CONCERN**

Track No: 561883

30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1217867

Comment Date: 02/17/2015

**Testing Equipment**

Failure by the regulated entity to calibrate the well meter(s) 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 meter calibration report.

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

**Resolution:** On January 27, 2015 the regulated entity submitted the well meter calibration report via email.



Racy

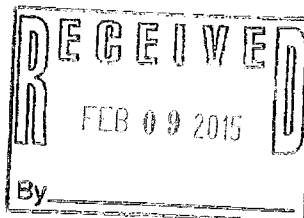
Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 5, 2015



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

Re: Notice of Compliance with Notice of Violation dated September 3, 2014  
West by Northwest Park Wastewater Treatment Plant  
6500 Clara Rd, Houston (Harris County), Texas  
TPDES Permit No. 0012222-001, EPA ID No.: TX0083950

Dear Mr. Laughman:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received adequate compliance documentation on October 2, 2014 and January 16, 2015, to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on May 1, 2014. Based on the information submitted, no further action is required concerning this 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. Bruce Miebs in the Houston Region Office at (713) 767-3569.

Sincerely,

A handwritten signature in dark ink, appearing to read "BS Sullivan".

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/BPM/ci

cc: Mr. Abel Bautista, Wastewater Coordinator, Aqua Texas, 2211 Louetta Rd., Spring, TX 77383

*Alkie*

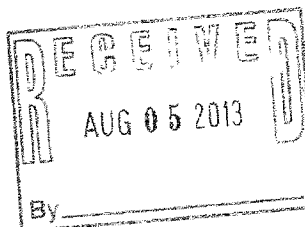
Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 2, 2013



Mr. Steve Blackhurst, Regional Compliance Manager  
Aqua Texas, Inc.  
1106 Clayton Lane, Suite 400W  
Austin, Texas 78723-1066

Re: Public Water Supply Comprehensive Compliance Investigation at:  
Agnes Subdivision, Windy Hill Drive, Springtown, Parker County, Texas  
RN 102688827, PWS ID No. 1840017, Investigation No. 1094970

Dear Mr. Blackhurst:

On June 4, 2013, Ms. Merissa Green of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Regional 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; however, please see the enclosed Summary of Investigation Findings.

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. Green in the D/FW Regional Office at (817) 588-5846.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles Marshall".

Charles Marshall  
Team Leader, Public Water Supply Program  
D/FW Regional Office  
Texas Commission on Environmental Quality

CM/ml

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

AGNES SUBDIVISION

Investigation #

1094970

Investigation Date: 06/04/2013

, PARKER COUNTY,

Additional ID(s): 1840017

### WITHDRAWN VIOLATION(S)

Track No: 406367 Compliance Due Date: 10/05/2010

30 TAC Chapter 290.46(n)(3)

#### Alleged Violation:

Investigation: 842132

Comment Date: 07/23/2010

Failure to maintain copies of the well completion data (specifically, for Well #1 (G1840017A)) for as long as the well remains in service.

Investigation: 1094970

Comment Date: 07/26/2013

Failure to maintain copies of the well completion data (specifically, for Well #1, G1840017A) for as long as the well remains in service.

**Recommended Corrective Action:** Submit a copy of the well completion data that will meet the requirements of 30 TAC 290.46(n)(3), or an exception letter to this rule from the TCEQ, Public Drinking Water Section, Technical Review and Oversight Team.

**Withdrawal Comments:** This violation was issued during the July 8, 2010, Comprehensive Compliance Investigation (CCI). During the following CCI on June 4, 2013, it was noted that an exception to the record keeping rule for well completion data in relation to Well #1 (G1840017A) was granted by the TCEQ Public Drinking Water Section by letter dated April 18, 2005. The violation, therefore, will be withdrawn.

### ADDITIONAL ISSUES

#### Description

Item 2

#### Additional Comments

During the investigation, it was noted that the flow meter on the well was soon to be due for calibration or an accuracy verification. The most recent calibration record on file was dated June 28, 2010. Please ensure that the flow meter is calibrated or verified for accuracy at least once every three years.

Item 3

During the investigation, the distribution pressure was monitored at 178 Elam Court. A pressure of 32 psi was noted by the investigation. Due to the low pressure, the water system operator returned to the water plant to adjust the pressure switches on the service pumps. This action taken by the operator raised the pressure above the minimum requirement of 35 psi, however, the water system must ensure that a normal operating pressure of at least 35 psi or greater is maintained throughout the distribution system at all times.

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



*Louise*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 15, 2012

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

RECEIVED  
JUN 15 2012  
BY: .....

Re: Notice of Compliance with Notice of Violation (NOV) dated October 11, 2011:  
Airport Heights, Airline Rd., Conroe, Montgomery County  
Regulated Entity No.: RN101230209  
TCEQ ID No.: 17000006, Investigation No.: 1008162

Dear Mr. Blackhurst:

On April 19, 2012, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on August 16, 2011. 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 Ms. Christina Bernal 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/CB/pt

Enclosure: *Summary of Investigation Findings*

cc: Montgomery County Environmental Health Services

## Summary of Investigation Findings

### AIRPORT HEIGHTS

, MONTGOMERY COUNTY,

Additional ID(s): 1700006

Investigation #

1008162  
Investigation Date: 05/25/2012

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 446645

30 TAC Chapter 290.38(34)

30 TAC Chapter 290.46(m)

#### Alleged Violation:

Investigation: 949033

Comment Date: 09/08/2011

#### Facility Fencing

Failure to install three strands of barbed wire at the top of the fence at the water plant. In order to make the fence more intruder resistant, the barbed wire must be installed on support arms which angle outward and away from the top of the fence at a 45 degree angle.

At the time of the investigation, the barbed wire at the top of the fence and the support arms were directed straight up.

Investigation: 1008162

Comment Date: 05/25/2012

#### Operating Practices for Public Water Systems

Failure to properly maintain the regulated entity by not installing the barbed wire on the fence at a 45 degree angle.

**Recommended Corrective Action:** Submit a work order, invoice, receipt, or photo showing the barbed wire and support arms at a 45 degree angle to verify compliance.

**Resolution:** On April 19, 2012, the investigator received via postal mail a copy of a photo showing the support arms for the barbed wire on the water plant fence have been angled outward to 45 degrees.

Track No: 446647

30 TAC Chapter 290.46(m)

#### Alleged Violation:

Investigation: 949033

Comment Date: 09/08/2011

#### Operating Practices for Public Water Systems

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

At the time of the investigation, the ground storage tank had rust extending down the north-facing side and was in need of re-coating.

Investigation: 1008162

Comment Date: 05/25/2012

#### Operating Practices for Public Water Systems

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

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

**Resolution:** On April 19, 2012, the investigator received via postal mail a copy of a photo showing the ground storage tank has been re-coated.

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



*Dickie*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 15, 2015

**RECEIVED**  
JAN 20 2015  
BY:.....

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

Re: Notice of Compliance with Notice of Violation (NOV) dated October 30, 2013:  
Ashcreek Addition, Baughman Street, Springtown, Parker County, Texas  
RN102690252, PWS ID No. 1840013, Investigation No. 1116134

Dear Mr. Foltz:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Regional Office has received adequate compliance documentation on October 23, 2014, to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on September 26, 2013. 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 Ms. Ariel Yeh at the D/FW Regional Office at 817-588-5878.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Marshall".

Charles Marshall  
Team Leader, Public Water Supply Program  
D/FW Regional Office

CM/acy

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

ASHCREEK ADDITION

Investigation #

1217008

Investigation Date: 01/05/2015

, PARKER COUNTY,

Additional ID(s): 1840013

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 517075

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

#### Alleged Violation:

Investigation: 1116134

Comment Date: 10/16/2013

Failure to provide a well capacity of 0.6 gallons per minute (gpm) per connection. The capacity require for 118 connections is 70.8 gpm. The wells are producing 48 gpm, a 32.2% deficiency.

Investigation: 1156397

Comment Date: 03/14/2014

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

Investigation: 1195844

Comment Date: 09/12/2014

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

Investigation: 1217008

Comment Date: 01/06/2015

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

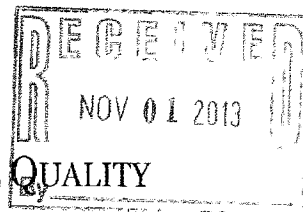
30 TAC 290.45(b)(1)(C)(i) states for 50 to 250 connections, the water system must provide a well capacity of 0.6 gpm per connection.

**Recommended Corrective Action:** Submit documentation by the compliance due date showing that well capacity requirements are being met.

**Resolution:** On October 10, 2014, an alternative capacity requirement (ACR) was granted to Ashcreek for a total production capacity of 0.34 gpm per connection. Based on the number of connections, the water system is required to provide 40.12 gpm. A production capacity of 48 gpm was measured during the CCI conducted on September 26, 2013. Therefore, the alleged violation will be resolved.

*Adick*

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*

October 30, 2013

### ESIGNATURE CONFIRMATION # 91 3408 2133 3931 9094 5551

Mr. Steve Blackhurst, P.E., Regional Environmental Compliance Manager  
Aqua Texas, Inc.  
1106 Clayton Lane, Suite 400W  
Austin, TX 78723

Re: Notice of Violation for Comprehensive Compliance Investigation at:  
Ashcreek Addition, Parker County, Texas  
TCEQ ID No.:1840013, RN No. 102690252, Investigation No. 1116134

Dear Mr. Blackhurst:

On September 26, 2013, Mr. Robert E. Ferry of the Texas Commission on Environmental Quality (TCEQ) Dallas / Fort Worth (DFW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply systems. 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 **January 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 DFW Region Office at 817 / 588-5800 or the Central Office Publications Ordering Team at 512-239-0028.



Mr. Steve Blackhurst

Page 2

October 30, 2013

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the DFW Region Office within 10 days from the date of this letter. At that time, Mr. Charles Marshall will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Ferry in the DFW Region Office at (817) 588-5814.

Sincerely,



Charles Marshall  
Team Leader, Public Water Supply Section  
DFW Regional Office

CM / ref

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

ASHCREEK ADDITION

Investigation #

1116134

Investigation Date: 09/26/2013

, PARKER COUNTY,

Additional ID(s): 1840013

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

Track No: 517075

Compliance Due Date: 01/28/2014

30 TAC Chapter 290.45(a)

#### Alleged Violation:

Investigation: 1116134

Comment Date: 10/16/2013

Failure to provide a well capacity of 0.6 gallons per minute (gpm) per connection. The capacity require for 118 connections is 70.8 gpm. The wells are producing 48 gpm, a 32.2% deficiency.

**Recommended Corrective Action:** Submit documentation by the compliance due date showing that well capacity requirements are being met.