

3. Item 3.e. on page 4 of the administrative report. We could not locate a response to this item. Bilingual notice may be required for new permit applications, major amendment applications and renewal applications received on or after November 30, 2005. Please revise page 4 to provide a response to Item 3.e.
4. Item 4.d. on page 5 of the administrative report. You have indicated that Aqua Development, Inc. will own the land where the facility will be once the facility is built. Please verify if Aqua Development, Inc. currently owns the land where the facility will be built. If Aqua Development, Inc. does not own the land, then you will need to provide a copy of either a long term lease agreement or a copy of an option to purchase agreement between the applicant and the landowner.
5. Item 6.a. on page 7 of the administrative report. The two individuals listed for this item are representatives of Aqua Texas, Inc. Please revise page 7 to provide the names, addresses, and telephone numbers for two individuals who are direct representatives of Aqua Development, Inc.
6. Item 6.b. on page 7 of the administrative report. We could not locate a response for this item. Please indicate any person formerly employed by the TCEQ who represented Aqua Development, Inc. and was paid for services regarding this application. If there are no such persons, please indicate that the item is not applicable.
7. Signature Page on page 8 of the administrative report: The application has been signed by Robert Laughman. For Item 6.a. on page 7 you have indicated that Robert Laughman is a representative of Aqua Texas, Inc. The application does not include a letter authorizing a representative from Aqua Texas, Inc. to sign on behalf of a principal executive officer of at least the level of vice president of Aqua Development, Inc. You will need to either submit a new signature page bearing the notarized signature of a principal executive officer of at least the level of vice president of Aqua Development, Inc., or a letter from a principal executive officer of Aqua Development, Inc. authorizing Mr. Laughman to sign the application.
8. The following paragraph will be included in the Notice of Receipt of Application and Intent to Obtain a Water Quality Permit. **Please carefully read the following paragraph and verify that it is correct.**

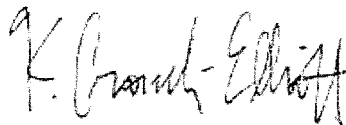
Aqua Development, Inc., [either 1421 Wells Branch Parkway, Suite 105, Pflugerville, Texas 78660 or 2211 Louetta Road, Spring, Texas 77388] has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014234001 (EPA ID No. TX0123790) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 225,000 gallons per day. The domestic wastewater treatment facility is located 1,600 feet northeast of the intersection of Farm-to-Market Road 1385 and Crutchfield Road in Denton County, Texas. The discharge route is from the plant site via pipeline to an unnamed tributary, thence to Little Elm Creek, thence to Lewisville Lake. TCEQ received this application on March 31, 2006. The permit application is available for viewing and copying at the Justin Community Library, 408 Pafford Street, Justin, Texas.

Further information may also be obtained from Aqua Development, Inc. at the address stated above or by calling Abel Bautista, of Aqua Texas, Inc. at 281-651-0174 ext. 119.

Mr. Abel Barrios  
Permit No. WQ 001423-001  
Page 3

Please submit one original and two copies of the complete response, addressed to my attention by May 13, 2006. If the requested information is not received by the given deadline pursuant to 50 TAC Chapter 281, the application may be removed from our list of pending applications. If you should have any other questions, please do not hesitate to call me at 512-239-2435.

Sincerely,



Kelhe Crouch-Elliott  
Applications Review and Processing Team (MC-148)  
Customer Information and Applications Processing Section  
Water Quality Division

cc. TCEQ Region 4, Water Program Manager  
Mr. Steve Blackhurst, P.E., Aqua Texas, Inc., 1421 Wells Branch Parkway, Suite 105, Pflugerville,  
Texas 78660



# FAX TRANSMITTAL

DATE June 6, 2006

NUMBER OF PAGES *including this cover sheet*

2

TO Name Mr. Abel Bautista

Organization Aqua Texas, Inc.

FAX Number 281-288-5103

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Kellie Crouch-Elliott

Division/Region Water Quality

Telephone Number 512-239-2435

FAX Number 512-239-0884

## NOTES

Re: Application to Renew Permit No. WQ0014234001 (EPA I.D. No. TX0123790), Aqua Development, Inc.

Dear Mr. Bautista:

I have reviewed your response, dated May 8, 2006, to a Notice of Deficiency (N.O.D.) Letter dated April 13, 2006. There are a few items needing to be addressed before this application can be determined administratively complete.

Item 2 the N.O.D. - You have indicated that the address on the permit and for permit correspondence is to be changed. Please verify if the address for receiving annual billing invoices is also to be changed to the same address as to be on the permit.

Item 3 of the N.O.D. - You have indicated that a bilingual program is required by the Texas Education Code in the school district where the facility is located and that students are enrolled in a bilingual education program at either the elementary school or middle school nearest to the facility. Please indicate the language for the bilingual program. This response would be for Item 3.e.5. on page 5 of the administrative report.

Item 4 of the N.O.D. - For this item you provided a copy of an option to purchase agreement. In the N.O.D. I had requested either a copy of an option to purchase agreement or lease agreement, but I made the mistake of including the option to purchase agreement. Option to purchase agreements are accepted only for new permit applications. I apologize for any inconvenience, but I am unable to accept the option to purchase agreement. Please provide a copy of a long term lease agreement between Aqua Development, Inc. and the owner of the land where the facility is located. The long term lease agreement must give the term of the lease, show the acreage, identify the land by legal description or map, be signed by both parties, and authorize the applicant to operate the facility on the land.

If you should have any questions or concerns, please do not hesitate to call me at the telephone number shown above.

Sincerely,

Kellie Crouch-Elliott  
Applications Review & Processing Team  
Customer Information & Applications Processing Section  
Water Quality Division

H. County  
**HC HES**  
Public Health & Environmental Services

Hermia Patacu, M.D., M.P.H.

Dr.  
Hermia Patacu, M.D., M.P.H.  
Public Health & Environmental Services  
Harris County Health Department  
1501 Polk Street, Suite 100  
Houston, Texas 77002  
713/855-7000

B. Z. Budz Karachowat, M.S., M.B.A.

B. Z. Budz Karachowat, M.S., M.B.A.  
Public Health & Environmental Services  
Harris County Health Department  
1501 Polk Street, Suite 100  
Houston, Texas 77002  
713/855-7000

May 1, 2007

**VIOLATION NOTICE**

Steve Blackhurst, P.E.  
Aqua Utilities, Inc.  
1421 Wells Branch Parkway, Suite 105  
Pflugerville, TX 78660

RECEIVED  
MAY 1 2007

BY: .....

Dear Mr. Blackhurst:

The circumstances described below constitute a violation of Chapter 26 of the Texas Water Code. You are requested to inform this office in writing within ten (10) days of the steps being taken to eliminate the cause of this violation and to prevent recurrence. If the services of an independent laboratory or consultant have been used in making your response, please provide us with their name and address.

NAME OF OFFENDER: Aqua Utilities, Inc.

PERSONS CONTACTED: Charles Larpenteur, Steve Blackhurst

NATURE OF VIOLATION:

On January 16, 2007, W. C. Kirkpatrick of this office conducted an investigation at 5611 Pine Row in response to a complaint.

**Section 26.121(a)** Except as authorized by the commission, no person may:

(1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state;...

Our investigator observed untreated sewage discharging from a malfunctioning collection line and flowing into the Pine Row Street gutter.

VIOLATION NOTICE

Aqua Utility, Inc.

May 1, 2007

Page 2

Under the Texas Water Code, you are subject to civil penalties of \$50 to \$25,000 per day and/or criminal penalties of \$500 to \$100,000 per day or more for each violation. A case-by-case review is conducted when each Violation Notice is issued. The ultimate disposition of each case is dependent upon factors such as the nature, magnitude and duration of the violation, steps taken to mitigate the violation, previous violations, and the contents of any response received. In the event that further enforcement action is appropriate, this office may file criminal charges in County Criminal Court, or request that the County Attorney file a civil suit in the Harris County Civil District Courts, or both, 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 W. C. Kirkpatrick at (713) 740-8760.

Sincerely,



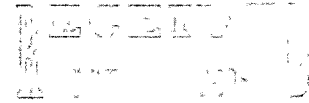
B. Z. Karachiwala, Director  
Environmental Public Health

WCK/vb



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 3, 2006



Mr. Steve Blackhurst, Environmental Compliance Manager  
Aqua Utilities Inc.  
1421 Wells Branch Parkway, Suite 105  
Pflugerville, TX 78660

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

Re: Additional Compliance Documentation Needed for Compliance Evaluation Investigation at: Astro  
Wastewater Treatment Plant, 3946 1/2 Marzia, Fort Bend County, Texas  
TCEQ ID No.:13600-001, EPA ID No.: TX0094790

The Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received the compliance documentation that you submitted June 29, 2006 for the alleged violations noted during the investigation of the above-referenced facility conducted on March 30, 2006. The compliance documentation contained in your response appears to indicate that the majority of the problems documented during the investigation have been corrected. However, information is still needed for the alleged violation listed in the enclosed summary. Please submit to our office by November 15, 2006 a written description of corrective action taken and the required compliance documentation demonstrating that the remaining alleged violation has been resolved.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to protect the State's environment. We look forward to receiving your response for the remaining alleged violations. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements.

If you or members of your staff have any questions, please feel free to contact Ms. Kelley Kartye in the Houston Region Office at 713-767-3751.

Sincerely,

Barbara S. Sullivan, Work Leader  
Water Quality Management  
Region 12 Houston

BSS/KMK:ra

Enclosure: Summary of Unresolved Investigation Findings

## Summary of Investigation Findings

ASTRO COMMERCIAL

Investigation # 513034

3808 HAMID BLVD

Investigation Date: 09/17/2006

FRESNO, FORT BEND COUNTY, TX 77545

Additional ID(s): WQ0013600001  
TX0094790

### OUTSTANDING ALLEGED VIOLATIONS

Track No: 237633 Compliance Due Date: 07/01/2006

30 TAC Chapter 305.125(1)

PERMIT Other Requirements No. 4

**Alleged Violation:**

Investigation: 460720

Comment Date: 5/24/2006

Failure to comply with Other Requirements No. 4 in Texas Pollutant Discharge Elimination System (TPDES) Permit 13600-001. According to Other Requirements No. 4: "The permittee shall comply with the requirements of 30 TAC Section 309.13(a) through (d). In addition, in accordance with the September 1997 issued permit, the permittee, by ownership, shall maintain a minimum buffer zone of 500 feet from lagoons with zones of anaerobic activity (e.g. facultative lagoons) and 150 feet from all other wastewater treatment plant structures or process units, excluding lift stations, to the nearest property line." At the time of the investigation, the wastewater treatment plant was less than 5 feet from the adjacent property line.

Investigation: 513034

Comment Date: 9/17/2006

See violation description for tracking no. 237639. As of September 17, 2006, documentation resolving this outstanding alleged violation had not been received.

**Recommended Corrective Action:** Submit what steps have been taken to comply with Other Requirements No. 4 in TPDES Permit 13600-001.

### ALLEGED VIOLATIONS NOTED AND RESOLVED

Track No: 237639

TWC Chapter 26.121(a)(1)

**Alleged Violation:**

Investigation: 460720

Comment Date: 5/24/2006

Failure to prevent the unauthorized discharge of wastewater from the collection system. Three unauthorized discharges were reported to the TCEQ Houston Regional Office from July 12, 2005 to August 9, 2005 from the collection system. These were due to line stoppages and a broken clean out cap. See attached table. Sanitary sewer overflows from the collection system are not authorized. While it may not be possible to preclude all sanitary sewer overflows resulting from acts of vandalism or unavoidable system failures, permittees are expected to prevent all other dry weather sanitary sewer overflows. Permittees are required to develop and implement a preventive maintenance program which prevents dry weather overflows.

Investigation: 513034

Comment Date: 9/17/2006

See violation description for tracking no. 237639.

**Recommended Corrective Action:** Submit what steps were taken to prevent the unauthorized discharge of wastewater.

**Resolution:** According to documentation submitted June 29, 2006, the permittee has taken steps to address the unauthorized discharges.



Track No. 237644

**30 TAC Chapter 319.11(b)****Alleged Violation:**

Investigation: 460720

Comment Date: 5/24/2006

Failure to analyze biochemical oxygen demand (BOD) samples within hold times. Samples collected December 12, 2005 at 1301 were not analyzed until December 14, 2005 at 1605. BOD samples must be analyzed within 48 hours of sample collection. In addition, during September, October, and November 2005 laboratory records indicated that numerous BOD samples were being analyzed prior to collection. The laboratory analysis times were before the sample collection times.

Investigation: 513034

Comment Date: 9/17/2006

See violation description for tracking no. 237644.

**Recommended Corrective Action:** To ensure reliable results, all samples must be analyzed within hold times and accurate sample collection and analysis data must be recorded. Submit documentation what steps have been taken to ensure that samples are analyzed within hold times and accurate sample collection and analysis data is being recorded.

**Resolution:** According to documentation submitted June 29, 2006, the permittee has taken steps to ensure sample collection and analyses data is accurately recorded.

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Track No: 237646**30 TAC Chapter 319.7(c)****Alleged Violation:**

Investigation: 460720

Comment Date: 5/26/2006

Failure to provide the annual certification of the reduced pressure zone (RPZ) backflow prevention device (RPZ). The RPZ annual certification was not available at the time of the investigation. A written record request for certification was made at the end of the investigation. According to TPDES Permit No. 13600-001 "A... monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by the permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR 1264.73(b)(9), shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample measurement, report, application, or certification."

Investigation: 513034

Comment Date: 9/17/2006

See violation description for tracking no. 237646.

**Recommended Corrective Action:** Submit what steps will be taken to ensure that all required records are available for review. In addition, submit the requested documentation.

**Resolution:** A copy of the RPZ certification was submitted on June 29, 2006.

---

Track No: 237649**PERMIT Monitor. & Report. No. 1****Alleged Violation:**

Investigation: 460720

Comment Date: 5/24/2006

Failure to report the correct daily average loading values. The daily average loading values are calculated by averaging daily pound per day values. The permittee was using the incorrect flow values to calculate pounds per day. The pounds per day values were being calculated using daily flow value from the day prior to sample collection. The flow value used to calculate the pounds per day values must be either the instantaneous flow at the time of the grab sample collection or the daily flow value.

for the day the grab sample was collected. The correct daily average loading values must be reported on the monthly discharge monitoring reports (DMRs).

Investigation: 513034

Comment Date: 9/17/2006

See violation description for tracking no. 237649

**Recommended Corrective Action:** Submit documentation that the correct flow values are being used to calculate the pound per day values. In addition, please submit the corrected January and February 2006 DMRs.

**Resolution:** According to documentation submitted June 29, 2006, the permittee reviewed the calculations and found that the computer was calculating the pounds per value correctly. However the operator was recording flow values for the next day as the current day's value. The operator is now recording the daily flow readings to correspond with the sample days.

---

Track No: 237656

30 TAC Chapter 305.125(1)

PERMIT Monitor. & Report. No. 3(c)(i)

**Alleged Violation:**

Investigation: 460720

Comment Date: 5/25/2008

Failure to document chlorine residual (Cl-) sample collection and analysis information. Both sample collect and analysis times for Cl- samples were not being recorded. The times are necessary to ensure that the samples are analyzed within hold times.

Investigation: 513034

Comment Date: 9/17/2006

See violation description for tracking no. 237656

**Recommended Corrective Action:** Submit documentation demonstrating the sample collection and analysis times for Cl- samples are being recorded.

**Resolution:** According to documentation submitted June 29, 2006, the permittee has reviewed sample documentation procedures with the operators and has indicated that the time logged on the operator log sheet will be the sample collection time.

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



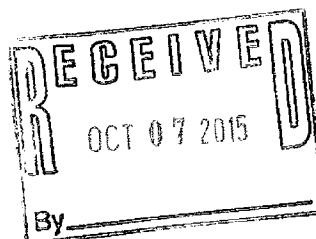
*Duke*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 5, 2015

Mr. Robert Laughman, President  
Aqua Utilities, Inc.  
1106 Clayton Ln., Suite 400 W  
Austin, Texas 78723-2476



Re: Notice of Compliance with Notice of Violation dated April 2, 2015  
Astro Commercial Wastewater Treatment Plant  
3808 Hamid Blvd., Fresno (Fort Bend County), TX  
TPDES Permit No. 13600-001, EPA ID No.: TX0094790

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 August 12, 2015, to resolve the outstanding alleged violation documented during the investigation of the above-referenced regulated entity conducted on February 11, 2015. 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 "BSSullivan".

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/BPM/ci

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 8, 2012

**CERTIFIED MAIL 7010 1670 0000 1183 4645**  
**RETURN RECEIPT REQUESTED**

**RECEIVED**  
**OCT 12 2012**

Mr. Robert Laughman, President  
Aqua Utilities, Inc.  
1106 Clayton Lane, Suite 40W  
Austin, Texas 78723-2476

BY:.....

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Astro Commercial Wastewater Treatment Plant located at 3946½ Marzia Street, Fresno  
(Fort Bend County) Texas  
TCEQ ID No.: WQ0013600-001, EPA ID No.: TX0094790

Dear Mr. Laughman:

On August 15, 2012, Mr. Nwachukwu Sam Okonkwo 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 water quality requirements. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted as alleged noncompliances and additional issues. Through subsequent corrective actions, these alleged noncompliances have been resolved. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by November 7, 2012 a written description of corrective actions taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the 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. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. 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

Robert Laughman  
October 8, 2012  
Page 2

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

If you or members of your staff have any questions, please feel free to contact Mr. Nwachukwu Sam Okonkwo in the Houston Region Office at 713-767-3692.

Sincerely,



Barbara S. Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/NSO/cs

cc: Mr. Abel Bautista, Compliance Manager, Aqua Utilities, Inc, 2211 Louetta Road, Spring,  
Texas 77388

Enclosures: Summary of Investigation Findings  
Investigation Photos

## Summary of Investigation Findings

ASTRO COMMERCIAL

3808 HAMID BLVD

FRESNO, FORT BEND COUNTY, TX 77545

Investigation #

1027076

Investigation Date: 08/15/2012

Additional ID(s): WQ0013600001  
TX0094790

### OUTSTANDING ALLEGED VIOLATION(S)

Track No: 479008 Compliance Due Date: 10/30/2012

30 TAC Chapter 305.125(1)

PERMIT WQ0013600001, Effluent Limits & Monit Req'mnts No. 2.

"... the permittee is authorized to discharge subject to the following effluent limitations: ..."

#### Alleged Violation:

Investigation: 1027076

Comment Date: 09/28/2012

Failed to maintain compliance with the permitted effluent limits. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of 4.0 mg/L for total chlorine residual. The result of the chlorine analysis was 5.74 mg/L. Compliance with the permitted effluent limits must be maintained.

**Recommended Corrective Action:** Submit documentation describing the action taken to prevent the recurrence of total chlorine residual violations. In addition, submit six weeks of effluent chlorine residual analysis indicating that compliance has been maintained.

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 479006

30 TAC Chapter 317.4(a)(8)

30 TAC Chapter 317.7(i)

#### Alleged Violation:

Investigation: 1027076

Comment Date: 09/28/2012

Failed to test the reduced pressure zone (RPZ) backflow prevention assembly as required. Specifically, the RPZ assembly was last tested and certified on June 8, 2011. It is required that all backflow prevention devices be tested annually.

**Recommended Corrective Action:** Submit a passing test certificate for the RPZ.

**Resolution:** The permittee submitted documentation on September 26, 2012, indicating that the violation has been resolved.

Track No: 479009

30 TAC Chapter 305.125(1)

PERMIT WQ0013600001, Monitor & Report Re'mnts No. 5.

"Calibration of Instruments - All automatic flow measuring or recording devices ..., but not less than annually ..."

#### Alleged Violation:

Investigation: 1027076

Comment Date: 10/08/2012

Failed to ensure flow measurement accuracy. Specifically, the electronic flow meter had not been calibrated in the previous twelve months. The flow meter was last calibrated on July 21, 2010. In addition, the flow meter was inoperable at the time of the investigation therefore flow accuracy was not conducted. All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at

plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by TCEQ representatives for a period of three years.

**Recommended Corrective Action:** Submit a calibration certificate for the electronic flow meter indicating the flow meter has been repaired or replaced and calibrated.

**Resolution:** The permittee submitted documentation on August 27, 2012, indicating that the violation has been resolved.

### ADDITIONAL ISSUES

Description	Additional Comments
Were region collected samples compliant with the permit limits (except pH, DO and Cl2 minimum)?	A grab sample at the time of the inspection resulted in an ammonia-nitrogen (NH3-N) value of 39.2 mg/l. While NH3-N is not a monitored parameter in the permit, high NH3-N is toxic to aquatic organisms. This sample result indicates that nitrification is not occurring, possibly due to low dissolved oxygen levels or inadequate detention time in the aeration basin. Every effort must be made to improve the quality of the effluent.
Is excessive grease present within the wet well(s) at the lift station(s)?	There was substantial accumulation of grease balls in the onsite wet well. See attached photo. Close monitoring and removal of the grease is recommended.

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 2, 2015

**CERTIFIED MAIL 7010 1870 0003 4949 8050  
RETURN RECEIPT REQUESTED**

Mr. Robert Laughman, President  
Aqua Utilities, Inc.  
1106 Clayton Ln, Suite 400 W.  
Austin, Texas 78723-2476

RECEIVED

APR 03 2015

TX ADMIN-AUSTIN

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Astro Commercial Wastewater Treatment Plant  
~ 455 E. Palm Street, Fresno (Fort Bend County), TX  
TPDES Permit No.: 13600-001, EPA ID No.: TX0094790

Dear Mr. Laughman:

On February 11, 2015, Mr. Bruce Miebs 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 water quality requirements. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted which are alleged noncompliances. Through subsequent corrective actions, two of the noncompliances have been resolved as either an Area of Concern, or Noted and Resolved. Please submit to this office by May 1, 2015 a written description of corrective actions taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled Obtaining TCEQ Rules (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the 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. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the



Mr. Robert Laughman, President  
April 2, 2015  
Page 2

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, Ms. Barbara Sullivan, Water Quality Team Leader 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 the contested violation.

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,



Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/BPM/ci

cc: Mr. Abel Bautista, Compliance Manager, Aqua Utilities, Inc., 2211 Louetta Road,  
Spring, Texas 77388

Enclosures: Summary of Investigation Findings

## Summary of Investigation Findings

ASTRO COMMERCIAL

3808 HAMID BLVD

FRESNO, FORT BEND COUNTY, TX 77545

Investigation #

1227374

Investigation Date: 02/11/2015

Additional ID(s): WQ0013600001

TX0094790

### OUTSTANDING ALLEGED VIOLATION(S)

Track No: 565646

Compliance Due Date: 02/25/2015

30 TAC Chapter 305.125(5)

#### Alleged Violation:

Investigation: 1227374

Comment Date: 03/27/2015

Failed to properly operate the backflow prevention device. Specifically, the backflow prevention device was leaking water.

**Recommended Corrective Action:** The device must be repaired or replaced in order to ensure proper backflow prevention. Submit documentation indicating that the RPZ has been repaired/replaced and re-certified.

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 565651

30 TAC Chapter 305.125(5)

#### Alleged Violation:

Investigation: 1227374

Comment Date: 03/27/2015

Failed to maintain the required number of operational blowers. Specifically, the back up air blower was not operational at the time of the investigation.

**Recommended Corrective Action:** The blowers shall be designed so that the maximum design air requirements can be met with the largest single unit out of service. Submit documentation indicating that the back-up blower has been repaired or replaced.

**Resolution:** On March 30, 2015, the facility representative submitted documentation, including a completed work order, verifying that a new blower has been installed.

### AREA OF CONCERN

Track No: 565680

30 TAC Chapter 305.125(5)

#### Alleged Violation:

Investigation: 1227374

Comment Date: 03/31/2015

Failed to maintain the flow measuring device. Specifically, the flow meter display did not contain "units of flow" and was virtually impossible to determine.

**Recommended Corrective Action:** The flow measuring device must be capable of indicating accurate readings, along with the units of measurement. Submit documentation verifying that the flow meter accurately displays effluent flow readings.

**Resolution:** On February 26, 2015, the facility representative submitted documentation, including a calibration certificate, verifying that the flowmeter has been repaired, and

re-calibrated.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

RECEIVED  
JUN 07 2013  
AQUA TEXAS

June 3, 2013

Mr. Robert Laughman, President  
Aqua Utilities, Inc.  
1106 Clayton Lane, Suite 40W  
Austin, Texas 78723-2476

Re: Notice of Compliance with Notice of Violation (NOV) dated October 8, 2012 at:  
Astro Commercial Wastewater Treatment Plant located at 3946 1/2 Marzia Street, Fresno  
(Fort Bend County) Texas.  
TCEQ ID No.: WQ0013600-001, EPA ID No.: TX0094790

Dear Mr. Laughman:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received the compliance documentation that you submitted November 7, 2012, for the alleged violation noted during the investigation of the above-referenced facility conducted on August 15, 2012. The compliance documentation contained in your response appears to indicate that corrective action has been taken for the alleged violation. No further submittal from you 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 regarding these matters, please feel free to contact Mr. Nwachukwu Sam Okonkwo in the Houston Region Office at 713-767-3692.

Sincerely,

A handwritten signature in cursive script that reads "Barbara S. Sullivan".

Barbara S. Sullivan  
Team Leader  
Water Quality Management  
Houston Region Office

BSS/NSO/cs

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 17, 2015

RECEIVED

**CERTIFIED MAIL #91 7199 9991 7031 3461 6498**  
**RETURN RECEIPT REQUESTED**

TX ADMIN-AUSTIN

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

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
Brent Wood Manor Subdivision WWTP, 306 Dover Street, Victoria (Victoria County), Texas  
Regulated Entity No.: 101516789, TCEQ ID No.: WQ0010742001, EPA ID No.: TX0024601,  
Investigation No. 1268028

Dear Mr. Foltz:

On June 18, 2015, Karla Trevino and Jay Halepeska of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. 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, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by September 16, 2015 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Corpus Christi Region Office at (361) 825-3110 or the Central Office Publications Ordering Team at 512-239-0028.

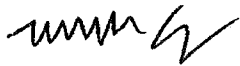
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the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

Mr. Foltz  
Page 2  
August 17, 2015

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

If you or members of your staff have any questions, please feel free to contact Mr. Halepeska in the Corpus Christi Region Office at (361) 825-3100.

Sincerely,



Melanie Edwards, Water Section Manager  
Corpus Christi Region Office  
Texas Commission on Environmental Quality

ME/JH/mjd

Enclosure: Summary of Investigation Findings

cc: Thomas Carey, 1501 Mockingbird, Suite 232, Victoria, TX 77904

## Summary of Investigation Findings

**BRENTWOOD MANOR SUBDIVISION WWTP**

**306 DOVER ST**

**VICTORIA, VICTORIA COUNTY, TX 77905**

**Investigation #**

**1268028**

**Investigation Date: 06/18/2015**

**Additional ID(s):** WQ0010742001  
TX0024601

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

**Track No: 580343**      **Compliance Due Date: 09/16/2015**

**30 TAC Chapter 305.125(1)**

**PERMIT WQ0010742001, Sludge Provisions I(A)(3)**

The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

**Alleged Violation:**

**Investigation: 1268028**

**Comment Date: 08/13/2015**

Failed to give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

During the investigation conducted on June 18, 2015, it was documented that the permittee was disposing of sewage sludge at Texas Remediation; however, the permit application specifies Victoria Environmental as the sludge disposal site. The permittee did not notify the TCEQ of the change in sludge disposal practices.

**Recommended Corrective Action:** The permittee shall submit adequate documentation to the Wastewater Permitting Section (MC 148) of the Water Quality Division indicating the change in sewage sludge disposal practice.

### AREA OF CONCERN

**Track No: 578341**

**30 TAC Chapter 319.11(c)**

**PERMIT WQ0010742001, Monitoring & Reporting 2.a**

Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

**Alleged Violation:**

**Investigation: 1268028**

**Comment Date: 07/31/2015**

Failed to properly analyze effluent samples.

During the investigation conducted on June 18, 2015, it was determined that manganese oxide corrections were not being conducted each time the total chlorine residual was analyzed.

**Resolution:** On June 23, 2015, compliance documentation was received in the TCEQ Corpus Christi Regional Office. The compliance documentation indicated that reagents have been purchased and that manganese oxide correction is now being performed when the total chlorine residual is analyzed.

**Track No: 578347**

**30 TAC Chapter 305.125(5)**

**PERMIT WQ0010742001, Operational Requirements No. 1**

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids inventory. Process control, maintenance, and operations records shall be retained for a period of three years.

**Alleged Violation:**

Investigation: 1268028

Comment Date: 07/31/2015

Failed to properly store the screenings from the wastewater treatment facility.

During the investigation conducted on June 18, 2015, screenings were observed being stored in a container without tight fitting covers.

**Resolution:** On June 23, 2015, compliance documentation was received in the TCEQ Corpus Christi Regional Office. The compliance documentation consisted of a photograph indicating that a tight fitting cover had been provided for the screening container.

---

**Track No: 578359****30 TAC Chapter 319.11(d)****Alleged Violation:**

Investigation: 1268028

Comment Date: 07/31/2015

Failed to install the flow measurement device in accordance with the Water Measurement Manual, United States Department of the Interior, Bureau of Reclamation.

During the investigation conducted on June 18, 2015, it was noted that the staff gauge was not securely mounted to the wall of the chlorine contact chamber according to the Water Measurement Manual, United States Department of the Interior, Bureau of Reclamation. Specifically, the permittee would hold the staff gauge by hand in the notch of the weir to take a reading.

**Resolution:** On June 23, 2015, compliance documentation was received in the TCEQ Corpus Christi Regional Office. The compliance documentation included photographs indicating that the staff gauge was securely installed at the correct location on the wall of the chlorine contact chamber.





Pollution Control Services Department

101 S. Richey, Suite H  
Pasadena, Texas 77506  
FAX: 713-274-6475

*Louise*

713-920-2831

June 19, 2013

**VIOLATION NOTICE**

Aqua Texas, Inc.  
1106 Clayton Lane, Suite 400W  
Austin, TX 78723

RECEIVED  
JUN 21 2013

BY: \*\*\*\*\*

Dear Sir or Madam:

The circumstances described below constitute violations of Chapter 26 of the Texas Water Code. You are requested to inform Compliance Coordinator Denise Hall in writing within ten (10) days of the steps being taken to be in compliance with this law and to prevent recurrence. Ms. Hall's address is: Pollution Control Services Department, 101 S. Richey, Suite H, Pasadena, TX 77506, her fax number is 713-274-6475, and her e-mail is [denise.hall@pcs.hctx.net](mailto:denise.hall@pcs.hctx.net). Should you have any questions concerning this Violation Notice, or wish to arrange a conference to discuss any compliance plan, please call Ms. Hall at 713-274-6356. If the services of an independent laboratory or consultant have been used in making your response, please provide the name and address.

NAME OF OFFENDER: Aqua Texas – Brittmoore

NATURE OF VIOLATIONS:

On May 9, 2013 at 11:15 a.m., Tim B. Duffey of this office collected a sample from the Brittmoore Wastewater Treatment Plant – Outfall 001. Analysis of this sample using accepted analytical methods determined the following violations of discharge permit number WQ11193-01:

<u>ITEM</u>	<u>DETERMINED CONCENTRATION</u>	<u>LIMIT</u>
TSS	79 mg/l	60 mg/l
Ammonia	34 mg/l	15 mg/l

**VIOLATION NOTICE**

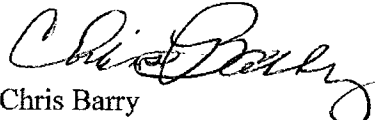
Aqua Texas, Inc.

June 19, 2013

Page 2

Under the Texas Water Code you are subject to civil penalties of \$50 to \$25,000 per day, criminal penalties of up to \$250,000 per day or more for each violation, and possible confinement up to 10 years or more. Under the Regulations of Harris County for Storm Water Quality Management, you may be subject to civil penalties up to \$1,000 per day. A case-by-case review is conducted when each Violation Notice is issued. The ultimate disposition of each case is dependent upon factors such as the nature, magnitude and duration of this violation, steps taken to mitigate the violation, previous violations, and the contents of any response received. In the event that further enforcement action is appropriate, this office may file charges in a court of proper jurisdiction, as provided by law.

Sincerely,



Chris Barry

Manager – Laboratory Services

DN

CB/ljg

*Amanda*

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

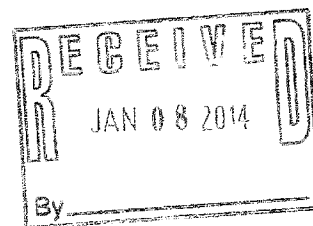


## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 6, 2014

**CERTIFIED MAIL 7012 1010 0003 7399 3174**  
**RETURN RECEIPT REQUESTED**



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

Re: Failure to Submit Compliance Documentation for:  
Aqua Utilities, Inc. Brittmore Wastewater Treatment Facility, located South Petropark  
Drive, (Harris County), Texas  
TCEQ Permit No. 14117-001; EPA ID No. TX0119571

Dear Mr. Laughman:

By letter dated October 25, 2013, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office requested that you submit information to us by November 26, 2013 verifying that the outstanding alleged violations referenced in the letter has been corrected. The alleged violations were noted during an investigation of the above-referenced facility conducted August 20 and September 16, 2013. Enclosed for your information is a copy of the letter. As of this date, we have not received from you a written description of corrective action taken and the required compliance documentation for the alleged violations. Please submit this information to us by no later than February 5, 2014.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and looks forward to receiving your response. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements.

Robert Laughman  
Page 2  
January 6, 2014

If you or members of your staff have any questions, please feel free to contact Ms. Kim Laird in the Houston Region Office at 713/767-3769.

Sincerely,

A handwritten signature in black ink, appearing to read 'BS Sullivan', is written over the typed name.

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/KJL/ci

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta Road, Spring, Texas 77388-4706

Enclosure: Copy of Previous Letter  
Summary of Violations

## Summary of Investigation Findings

BRITTMORE III WWTP

11501 PETROPARK DR

HOUSTON, HARRIS COUNTY, TX 77041

Investigation #

1139475

Investigation Date: 12/20/2013

Additional ID(s): WQ0014117001

TX0119571

### OUTSTANDING ALLEGED VIOLATION(S)

Track No: 516134

Compliance Due Date: 10/16/2013

30 TAC Chapter 305.125(5)

#### Alleged Violation:

Investigation: 1122649

Comment Date: 10/24/2013

Failed to properly maintain the east and west wastewater treatment plants (WWTP). Specifically, sludge and algae covered the bottom of the clarifier trough and sludge had accumulated around the clarifier weirs. In addition, large amounts of disposable shop towels and/or disposable wipes were noted on the barscreens of the WWTP. This violation was noted in the October 22, 2012 investigation. The permittee indicated that they had brought in a new area manager and operator. The permittee indicated that they trained all of their wastewater personnel on the Standard Operating Procedures for WWTPs. This included cleaning the clarifier weirs weekly. The permittee also hired a company to investigate the source of the disposable wipes. The source was not located.

Investigation: 1139475

Comment Date: 12/20/2013

See violation.

**Recommended Corrective Action:** Submit documentation indicating the actions taken to properly maintain the solids in the wastewater treatment plant. The wastewater treatment plant must be operated in a manner which minimizes the risk of untreated or inadequately treated wastewater from being discharged to the receiving stream. In addition, a pretreatment program and Fats, Oils and Grease (FOG) program should be implemented.

Track No: 516159

Compliance Due Date: 09/20/2013

30 TAC Chapter 305.125(5)

#### Alleged Violation:

Investigation: 1122649

Comment Date: 10/24/2013

Failed to maintain the rubber skirting on the east and west clarifier skimmer arms. The rubber skirting on the east and west clarifier skimmer arms was torn and not removing all the scum from the surface of the clarifier. In addition, the scume return system on both clarifiers was clogged.

Investigation: 1139475

Comment Date: 12/20/2013

See violation.

**Recommended Corrective Action:** Submit documentation indicating that the rubber skirting on the east and west clarifier skimmer arms has been repaired or replaced.

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 25, 2013

**CERTIFIED MAIL 7012 1640 0001 7338 9110**  
**RETURN RECEIPT REQUESTED**

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

Re: Notice of Violation for Compliance Evaluation Investigation at:  
Aqua Utilities, Inc. Brittmore Wastewater Treatment Facility, located South Petropark  
Drive, (Harris County), Texas  
TCEQ Permit No. 14117-001; EPA ID No. TX0119571

Dear Mr. Laughman:

On August 20 and September 16, 2013, Ms. Kim Laird and Ms. Julia Thorpe 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 wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by November 26, 2013 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from 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. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. 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 Houston Region Office within 10 days from the date of this letter. At that time, Ms. Barbara Sullivan 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

Robert Laughman  
Page 2  
October 25, 2013

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 Ms. Laird in the Houston Region Office at 713-767-3769,

Sincerely,

A handwritten signature in black ink, appearing to read 'BSJ', with a long horizontal stroke extending to the right.

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/KJL/pt

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta Road,  
Spring, Texas 77388-4706

Enclosures: Summary of Investigation Findings

Lonnie



Pollution Control Services Department

101 S. Richey, Suite H  
Pasadena, Texas 77506  
FAX: 713-274-6475

713-920-2831

June 19, 2013

**VIOLATION NOTICE**

Aqua Texas, Inc.  
1106 Clayton Lane, Suite 400W  
Austin, TX 78723

RECEIVED  
JUN 21 2013

BY: .....

Dear Sir or Madam:

The circumstances described below constitute violations of Chapter 26 of the Texas Water Code. You are requested to inform Compliance Coordinator Denise Hall in writing within ten (10) days of the steps being taken to be in compliance with this law and to prevent recurrence. Ms. Hall's address is: Pollution Control Services Department, 101 S. Richey, Suite H, Pasadena, TX 77506, her fax number is 713-274-6475, and her e-mail is [denise.hall@pcs.hctx.net](mailto:denise.hall@pcs.hctx.net). Should you have any questions concerning this Violation Notice, or wish to arrange a conference to discuss any compliance plan, please call Ms. Hall at 713-274-6356. If the services of an independent laboratory or consultant have been used in making your response, please provide the name and address.

NAME OF OFFENDER: Aqua Texas – Brittmoore

PERSON CONTACTED: T. J. Sheppard

NATURE OF VIOLATIONS:

On May 23, 2013 at 12:32 p.m., Bryan Kosler of this office collected a sample from the Brittmoore Wastewater Treatment Plant – Outfall 001. Analysis of this sample using accepted analytical methods determined the following violations of discharge permit number WQ11193-01:

<u>ITEM</u>	<u>DETERMINED CONCENTRATION</u>	<u>LIMIT</u>
Chlorine	0.45 mg/l	1.0-4.0 mg/l
Ammonia	20.4 mg/l	15 mg/l



**VIOLATION NOTICE**

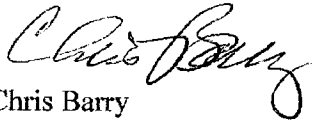
Aqua Texas, Inc.

June 19, 2013

Page 2

Under the Texas Water Code you are subject to civil penalties of \$50 to \$25,000 per day, criminal penalties of up to \$250,000 per day or more for each violation, and possible confinement up to 10 years or more. Under the Regulations of Harris County for Storm Water Quality Management, you may be subject to civil penalties up to \$1,000 per day. A case-by-case review is conducted when each Violation Notice is issued. The ultimate disposition of each case is dependent upon factors such as the nature, magnitude and duration of this violation, steps taken to mitigate the violation, previous violations, and the contents of any response received. In the event that further enforcement action is appropriate, this office may file charges in a court of proper jurisdiction, as provided by law.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Barry", written in a cursive style.

Chris Barry  
Manager – Laboratory Services

CB/ljg

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



*Brittmore III*  
*Ronnie*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 29, 2013

**CERTIFIED MAIL 7012 1640 0001 7338 6720**  
**RETURN RECEIPT REQUESTED**

**RECEIVED**  
MAY 06 2013

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

BY: .....

Re: Additional Compliance Documentation Needed for:  
Aqua Utilities, Inc. Brittmore Wastewater Treatment Facility, located South Petropark  
Drive, (Harris County), Texas  
TCEQ Permit No. 14117-001; EPA ID No. TX0119571

Dear Mr. Laughman:

The Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received the compliance documentation that you submitted January 28, 2013 for the alleged violation noted during the investigation of the above-referenced facility conducted on October 22, 2012. The compliance documentation contained in your response appears to indicate that actions were going to be taken to address the problems documented during the investigation. However, information is still needed for the alleged violation listed in the enclosed summary. Please submit to our office by May 29, 2013 a written description of corrective action taken and the required compliance documentation demonstrating that these remaining alleged violations have been resolved.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to protect the State's environment. We look forward to receiving your response for the remaining alleged violations. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements.

Robert Laughman  
Page 2  
April 29, 2013

If you or members of your staff have any questions, please feel free to contact Ms. Laird in the Houston Region Office at 713/767-3769.

Sincerely,

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

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/KJL/cs

Enclosure: Summary of Unresolved Investigation Findings

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta Road,  
Spring, Texas 77388-4706

## Summary of Investigation Findings

BRITTMORE WW PLANT III

11501 PETROPARK DR

HOUSTON, HARRIS COUNTY, TX 77041

Investigation #

1077966

Investigation Date: 04/08/2013

Additional ID(s): WQ0014117001  
TX0119571

### OUTSTANDING ALLEGED VIOLATION(S)

Track No: 482141 Compliance Due Date: 11/22/2012

30 TAC Chapter 305.125(5)

#### Alleged Violation:

Investigation: 1043970

Comment Date: 11/13/2012

Failed to properly maintain the solids in the east wastewater treatment plant. Specifically, the sludge covered the bottom of the clarifier trough and sludge had accumulated around the clarifier weirs. The clarifier level was low at the time, but was filling. This could contribute to E. coliform and other effluent violations. In addition, grease, foam and shop rags were coming into the WWTP. The operator indicated that this had been causing problems with the WWTP. The wastewater treatment plant must be operated in a manner which minimizes the risk of untreated or inadequately treated wastewater from being discharged to the receiving stream. A pretreatment program and Fats, Oils and Grease (FOG) program should be implemented.

Investigation: 1077966

Comment Date: 04/08/2013

See violation. A response was submitted on January 28, 2013 indicating that actions were going to be taken to resolve the violation. Submit what actions have been taken.

**Recommended Corrective Action:** Submit documentation indicating the actions taken to properly maintain the solids in the wastewater treatment plant.

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



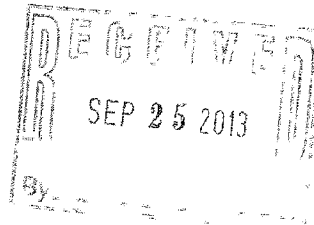
*Brittmore III*  
*Amador*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 19, 2013

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



Re: Notice of Compliance with Notice of Violation (NOV) dated April 29, 2013:  
Aqua Utilities, Inc., Brittmore III Wastewater Treatment Facility, located on South  
PetroPark Drive (Harris County), Texas  
TCEQ ID No.: WQ00141178001, EPA No.: TX0119571

Dear Mr. Laughman:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Regional Office has received adequate compliance documentation on May 28, 2013 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on October 22, 2012. 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 Kim Laird at the Houston Regional Office at (713)767-3769.

Sincerely,

A handwritten signature in dark ink, appearing to read "BSJ/ci".

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/KJL/ci

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta Road,  
Spring, Texas 77388-4706



## Pollution Control Services Department

101 S. Richey, Suite H  
Pasadena, Texas 77506  
FAX 713-274-6475

713-920-2831

March 20, 2014

### VIOLATION NOTICE

Stephen H. Blackhurst  
Aqua Texas, Inc. (Brittmoore Utility)  
2211 Louetta Road  
Spring, TX 77388

Dear Mr. Blackhurst:

The circumstances described below constitute a violation of Chapter 26 of the Texas Water Code. You are requested to inform Compliance Coordinator Denise Hall in writing within ten (10) days of the steps being taken to be in compliance with this law and to prevent recurrence. Ms. Hall's address is: Pollution Control Services Department, 101 S. Richey, Suite H, Pasadena, TX 77506, her fax number is 713-274-6475, and her e-mail is [denise.hall@pcsd.net](mailto:denise.hall@pcsd.net). Should you have any questions concerning this Violation Notice, or wish to arrange a conference to discuss any compliance plan, please call Ms. Hall at 713-274-6356. If the services of an independent laboratory or consultant have been used in making your response, please provide the name and address.

NAME OF OFFENDER: Aqua Texas – West by Northwest Ind. Park

#### NATURE OF VIOLATION

On February 20, 2014 at 11:15 a.m., Tony Tomlinson of this office collected a sample from the West by Northwest Industrial Park Wastewater Treatment Plant - Outfall 001. Analysis of this sample using accepted analytical methods determined the following violation of discharge permit number WQ12222-01:

<u>ITEM</u>	<u>DETERMINED CONCENTRATION</u>	<u>MAXIMUM LIMIT</u>
Ammonia	24.8 mg/l	15 mg/l

**VIOLATION NOTICE**

Aqua Texas, Inc.

March 20, 2014

Page 2

Under the Texas Water Code you are subject to civil penalties of \$50 to \$25,000 per day, criminal penalties of up to \$250,000 per day or more for each violation, and possible confinement up to 10 years or more. Under the Regulations of Harris County for Storm Water Quality Management, you may be subject to civil penalties up to \$1,000 per day. A case-by-case review is conducted when each Violation Notice is issued. The ultimate disposition of each case is dependent upon factors such as the nature, magnitude and duration of this violation, steps taken to mitigate the violation, previous violations, and the contents of any response received. In the event that further enforcement action is appropriate, this office may file charges in a court of proper jurisdiction, as provided by law.

Sincerely,



Michael Cantu

Manager – Laboratory Services



MC/ljg

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



RECEIVED *Brittmore/Henri*  
DEC 21 2012  
AQUA TEXAS

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 19, 2012

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

Re: Compliance Evaluation Investigation at:  
Aqua Utilities, Inc., Brittmore Wastewater Treatment Plant, Brittmore Road, Harris  
County, Texas  
TCEQ ID No.: 11193-001, EPA ID No.: TX0075434

Dear Mr. Laughman:

On October 22, 2012, Ms. Kim Laird of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable water quality requirements. During the investigation, some concerns were noted as Additional Issues. Therefore, no violations are being alleged as a result of the investigation. Please see the Additional Issues.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Kim Laird in the Houston Region Office at 713-767-3769.

Sincerely,

A handwritten signature in black ink, appearing to read "BSJ" followed by a flourish.

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/KJL/cs

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta  
Road, Spring, Texas 77388-4706

Enclosures: Summary of Investigation Findings  
DMR Data Report

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

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

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## Summary of Investigation Findings

BRITTMORE UTILITY

11100 BRITTMORE PARK DR  
HOUSTON, HARRIS COUNTY, TX 77041

Investigation #

1043702

Investigation Date: 10/22/2012

Additional ID(s): TX0075434  
WQ0011193001

No Violations Associated to this Investigation

### ADDITIONAL ISSUES

#### Description

Item 1

#### Additional Comments

There was a <0.01 mg/L total chlorine residual concentration and an E. coliform concentration of 8,200 Most Probable Number/100 milliliters in the effluent sample collected on October 22, 2012. The chlorine cylinders that were connected to the chlorine feed system were empty. The backup chlorine system, which had cylinders that contained chlorine, had been turned off. Effluent violations are being addressed under the TCEQ Agreed Order, Docket No. 2010-0787-MWD-E.

Item 2

An unauthorized discharge was noted by the dumpster. It appeared that the drain on the dumpster pad was clogged and the wastewater had overflowed onto the ground. Documentation was submitted on November 8, 2012 indicating that the unauthorized discharge was addressed. Unauthorized discharges are being addressed under the TCEQ Agreed Order, Docket No. 2010-0787-MWD-E.

Item 3

The operator indicated that the mobile belt press operator was placing the hose for the supernatant from the belt press at the end of the aeration basin. This would cause short circuiting of the supernatant, which could have a significant organic loading. Magna Flow operates the mobile belt press. Magna Flow was contacted regarding this issue, and stated that they would train their employee. In addition, it is the responsibility of the wastewater treatment plant (WWTP) operator to assure that the belt press operator complies with the WWTP operation requirements.

Item 4

There have been numerous E. coliform and ammonia-nitrogen effluent violations reported in the last 12 months. See attached "DMR Data Report". Effluent violations are being addressed under the TCEQ Agreed Order, Docket No. 2010-0787-MWD-E.

**Selected Permittee DMR Data Report**  
**10/19/2010 through 10/19/2012**

\*\*\* NOT ICIS CERTIFIED \*\*\*

[illegible]

Outfall No.	Limit Set Name	Limit Start Date	Limit End Date
001A	DOMESTIC FACILITY - 001	8/1/12	3/31/17

BONESTIC FACILITY - 001					
	DATE	TIME	TEST TYPE	TEST RESULT	TEST DATE
8/31/2012	80082	BOD, carbonaceous, 05 day, 20 C	1	<2	9/17/2012
9/30/2012	80082	BOD, carbonaceous, 05 day, 20 C	1	<2	10/18/2012

DATE	DESCRIPTION	AMOUNT	CHECK NO.	BANK NAME	DATE
8/31/2012	Chlorine, total residual	1	26		9/17/2012
8/31/2012	Chlorine, total residual	1	25		10/18/2012

Case No.	Offense	Charge	Arrest Date	Release Date	Disposition	Date
8/31/2012	E. coli	<4	9/7/2012	50		9/7/2012
9/30/2012	E. coli	>12	10/8/2012	>240	ESD	10/18/2012

Bridmore H2

Selected Permittee DMR Data Report  
10/19/2010 through 10/19/2012

\*\*\* NOT ICIS CERTIFIED \*\*\*

Station	Date	Parameter	Value	Unit	Location	Date	Value	Unit	Location	Date	Value	Unit	Location
1/31/2011	50060	Chlorine, total residual	1	1.19		2/17/2011	3.31			2/17/2011			
2/28/2011	50060	Chlorine, total residual	1	1.18		3/14/2011	3.26			3/14/2011			
3/31/2011	50060	Chlorine, total residual	1	1.28		4/20/2011	2.76			4/20/2011			
4/30/2011	50060	Chlorine, total residual	1	1.39		5/18/2011	2.72			5/18/2011			
5/31/2011	50060	Chlorine, total residual	1	1.24		6/16/2011	3.5			6/16/2011			
6/30/2011	50060	Chlorine, total residual	1	1.29		7/20/2011	2.86			7/20/2011			
7/31/2011	50060	Chlorine, total residual	1	1.4		8/19/2011	2.4			8/19/2011			
8/31/2011	50060	Chlorine, total residual	1	1.3		9/20/2011	2.8			9/20/2011			
9/30/2011	50060	Chlorine, total residual	1	1.3		10/21/2011	2.7			10/21/2011			
10/31/2011	50060	Chlorine, total residual	1	1.3		11/17/2011	2.4			11/17/2011			
11/30/2011	50060	Chlorine, total residual	1	1.3		12/15/2011	2.8			12/15/2011			
12/31/2011	50060	Chlorine, total residual	1	1.4		1/17/2012	2.8			1/17/2012			
1/31/2012	50060	Chlorine, total residual	1	1.3		2/20/2012	2.5			2/20/2012			
2/29/2012	50060	Chlorine, total residual	1	1.3		3/19/2012	2.8			3/19/2012			
3/31/2012	50060	Chlorine, total residual	1	1.31		4/21/2012	3.63			4/21/2012			
4/30/2012	50060	Chlorine, total residual	1	1.3		5/15/2012	3.7			5/15/2012			
5/31/2012	50060	Chlorine, total residual	1	1.4		6/19/2012	3.1			6/19/2012			
6/30/2012	50060	Chlorine, total residual	1	2.4		7/19/2012	3.2			7/19/2012			
7/31/2012	50060	Chlorine, total residual	1	2.2		8/14/2012	3.2			8/14/2012			

Station	Date	Parameter	Value	Unit	Location	Date	Value	Unit	Location	Date	Value	Unit	Location
10/31/2010	51040	E. coli	1	<10		11/12/2010	201			11/12/2010			
11/30/2010	51040	E. coli	1	4		12/17/2010	40			12/17/2010			
12/31/2010	51040	E. coli	1	<20		1/18/2011	225			1/18/2011			
1/31/2011	51040	E. coli	1	>275		2/17/2011	>2420		E90	2/17/2011			
2/28/2011	51040	E. coli	1	66		3/14/2011	345			3/14/2011			
3/31/2011	51040	E. coli	1	13		4/20/2011	63			4/20/2011			
4/30/2011	51040	E. coli	1	15		5/18/2011	57			5/18/2011			
5/31/2011	51040	E. coli	1	4		6/16/2011	11			6/16/2011			
6/30/2011	51040	E. coli	1	>17		7/20/2011	>2420		E90	7/20/2011			
7/31/2011	51040	E. coli	1	<7		8/19/2011	649			8/19/2011			
8/31/2011	51040	E. coli	1	>355		9/20/2011	>2420		E90	9/20/2011			
9/30/2011	51040	E. coli	1	>160		10/21/2011	>2420		E90	10/21/2011			
10/31/2011	51040	E. coli	1	>202		11/17/2011	>2420		E90	11/17/2011			
11/30/2011	51040	E. coli	1	<9		12/15/2011	>2420		E90	12/15/2011			
12/31/2011	51040	E. coli	1	<3		1/17/2012	10			1/17/2012			
1/31/2012	51040	E. coli	1	<22		2/20/2012	461			2/20/2012			
2/29/2012	51040	E. coli	1	>24		3/19/2012	>2420		E90	3/19/2012			
3/31/2012	51040	E. coli	1	<3		4/21/2012	308			4/21/2012			

*Brinkmore 142*

Selected Permittee DMR Data Report  
10/19/2010 through 10/19/2012

\*\*\* NOT ICIS CERTIFIED \*\*\*

DATE	TIME	PARAMETER	UNIT	VALUE	STATUS	DATE	TIME	PARAMETER	UNIT	VALUE	STATUS	DATE	TIME	PARAMETER	UNIT	VALUE	STATUS
3/31/2011	00610	Nitrogen, ammonia total (as N)		<1		4/20/2011	<1			4/20/2011	<3.6		4/20/2011				
4/30/2011	00610	Nitrogen, ammonia total (as N)		<8		5/18/2011	1.82			5/18/2011	<2.14		5/18/2011				
5/31/2011	00610	Nitrogen, ammonia total (as N)		<1		6/16/2011	<1			6/16/2011	<3.4		6/16/2011				
6/30/2011	00610	Nitrogen, ammonia total (as N)		<84		7/20/2011	3.78			7/20/2011	<3.47		7/20/2011				
7/31/2011	00610	Nitrogen, ammonia total (as N)		26.53		8/19/2011	34.61			8/19/2011	98.57		8/19/2011				
8/31/2011	00610	Nitrogen, ammonia total (as N)		<10.56		9/20/2011	23.05			9/20/2011	<51.92		9/20/2011				
9/30/2011	00610	Nitrogen, ammonia total (as N)		<3.58		10/21/2011	20.75			10/21/2011	<15.71		10/21/2011				
10/31/2011	00610	Nitrogen, ammonia total (as N)		<5		11/17/2011	18.47			11/17/2011	<20.01		11/17/2011				
11/30/2011	00610	Nitrogen, ammonia total (as N)		<1		12/15/2011	<1			12/15/2011	<4.2		12/15/2011				
12/31/2011	00610	Nitrogen, ammonia total (as N)		<2.86		1/17/2012	16.95			1/17/2012	<8.83		1/17/2012				
1/31/2012	00610	Nitrogen, ammonia total (as N)		<1		2/20/2012	<1			2/20/2012	<25		2/20/2012				
2/29/2012	00610	Nitrogen, ammonia total (as N)		<1.79		3/19/2012	4.77			3/19/2012	<5.95		3/19/2012				
3/31/2012	00610	Nitrogen, ammonia total (as N)		<6.44		4/21/2012	30.11			4/21/2012	<14.37		4/21/2012				
4/30/2012	00610	Nitrogen, ammonia total (as N)		<27		5/15/2012	89			5/15/2012	<75		5/15/2012				
5/31/2012	00610	Nitrogen, ammonia total (as N)		<6.13		6/19/2012	27.92			6/19/2012	<21.42		6/19/2012				
6/30/2012	00610	Nitrogen, ammonia total (as N)		<1		7/19/2012	<1			7/19/2012	<34		7/19/2012				
7/31/2012	00610	Nitrogen, ammonia total (as N)		<16		8/14/2012	35			8/14/2012	<7		8/14/2012				

DATE	TIME	PARAMETER	UNIT	VALUE	STATUS	DATE	TIME	PARAMETER	UNIT	VALUE	STATUS	DATE	TIME	PARAMETER	UNIT	VALUE	STATUS
10/31/2010	00300	Oxygen, dissolved (DO)		7.25		11/12/2010				11/12/2010							
11/30/2010	00300	Oxygen, dissolved (DO)		7.15		12/17/2010				12/17/2010							
12/31/2010	00300	Oxygen, dissolved (DO)		7.02		1/18/2011				1/18/2011							
1/31/2011	00300	Oxygen, dissolved (DO)		7.85		2/17/2011				2/17/2011							
2/28/2011	00300	Oxygen, dissolved (DO)		7.32		3/14/2011				3/14/2011							
3/31/2011	00300	Oxygen, dissolved (DO)		7.94		4/20/2011				4/20/2011							
4/30/2011	00300	Oxygen, dissolved (DO)		7.09		5/18/2011				5/18/2011							
5/31/2011	00300	Oxygen, dissolved (DO)		6.76		6/16/2011				6/16/2011							
6/30/2011	00300	Oxygen, dissolved (DO)		6.14		7/20/2011				7/20/2011							
7/31/2011	00300	Oxygen, dissolved (DO)		6.03		8/19/2011				8/19/2011							
8/31/2011	00300	Oxygen, dissolved (DO)		6.15		9/20/2011				9/20/2011							
9/30/2011	00300	Oxygen, dissolved (DO)		6.71		10/21/2011				10/21/2011							
10/31/2011	00300	Oxygen, dissolved (DO)		7.41		11/17/2011				11/17/2011							
11/30/2011	00300	Oxygen, dissolved (DO)		8.17		12/20/2011				12/20/2011							
12/31/2011	00300	Oxygen, dissolved (DO)		8.15		1/17/2012				1/17/2012							
1/31/2012	00300	Oxygen, dissolved (DO)		6.08		2/20/2012				2/20/2012							
2/29/2012	00300	Oxygen, dissolved (DO)		8.13		3/19/2012				3/19/2012							
3/31/2012	00300	Oxygen, dissolved (DO)		7.38		4/21/2012				4/21/2012							
4/30/2012	00300	Oxygen, dissolved (DO)		7.11		5/15/2012				5/15/2012							
5/31/2012	00300	Oxygen, dissolved (DO)		7.11		6/19/2012				6/19/2012							

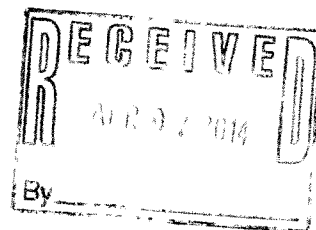
Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 2, 2014

**CERTIFIED MAIL 7012 1640 0001 7339 2790**  
**RETURN RECEIPT REQUESTED**



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

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Brittmore I&II Wastewater Treatment Facility located approximately 2000 feet  
southeast of the intersection of Fisher and Brittmore Roads in Houston (Harris County)  
Texas  
TCEQ ID No.: WQ0011193-001, EPA ID No.: TX0075434

Dear Mr. Laughman:

On February 4, 2014, Mr. Nwachukwu Sam Okonkwo 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 water quality requirements. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted as alleged noncompliances and additional issues. Through subsequent corrective action, the alleged noncompliances have been addressed as either Areas of Concern or Resolved Violations. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by May 2, 2014 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled Obtaining TCEQ Rules (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the 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. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. 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, Ms. Barbara Sullivan,

Mr. Robert Laughman, President  
April 2, 2014  
Page 2

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

If you or members of your staff have any questions, please feel free to contact Mr. Nwachukwu Sam Okonkwo in the Houston Region Office at 713-767-3692.

Sincerely,



Barbara S. Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/NSO/ci

cc: Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Utilities, Inc., 2211 Louetta Road, Spring, Texas 77388-4106

Enclosures: Summary of Investigation Findings  
Investigation Photos  
Bypass Report  
Effluent Violations for Select Facility  
Flow Accuracy Check

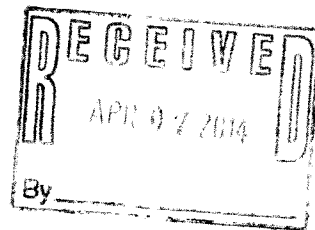
Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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*Protecting Texas by Reducing and Preventing Pollution*

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Mr. Robert Laughman, President  
April 2, 2014  
Page 2

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If you or members of your staff have any questions, please feel free to contact Mr. Nwachukwu Sam Okonkwo in the Houston Region Office at 713-767-3692.

Sincerely,



Barbara S. Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/NSO/ci

cc: Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Utilities, Inc., 2211 Louetta Road, Spring, Texas 77388-4106

Enclosures: Summary of Investigation Findings  
Investigation Photos  
Bypass Report  
Effluent Violations for Select Facility  
Flow Accuracy Check



## Summary of Investigation Findings

<b>BRITTMORE UTILITY</b>	<b>Investigation #</b>
11100 BRITTMORE PARK DR	1145783
HOUSTON, HARRIS COUNTY, TX 77041	Investigation Date: 02/04/2014
Additional ID(s): TX0075434	
WQ0011193001	

### OUTSTANDING ALLEGED VIOLATION(S)

Track No: 530741      Compliance Due Date: 04/28/2014  
30 TAC Chapter 305.125(5)

**Alleged Violation:**

Investigation: 1145783

Comment Date: 03/19/2014

Failed to maintain the required number of operational blowers. Specifically, the back-up blower was inoperable at the time of the investigation.

**Recommended Corrective Action:** The blowers shall be designed so that the maximum design air requirements can be met with the largest single unit out of service. Submit documentation indicating that the back-up blower has been repaired or replaced.

Track No: 530743      Compliance Due Date: To Be Determined  
2D TWC Chapter 26.121(a)  
2D TWC Chapter 26.121(a)(1)  
TWC Chapter 26.121

**Alleged Violation:**

Investigation: 1145783

Comment Date: 03/19/2014

Failed to prevent the unauthorized discharge of wastewater. Specifically, during the 18 months preceding the investigation, three unauthorized discharges were reported. See the attached "Bypass Report."

**Recommended Corrective Action:** There shall be no unauthorized discharge of wastewater. Submit the steps taken to prevent the recurrence of unauthorized discharges from the collection system and wastewater treatment plant.

Track No: 530744      Compliance Due Date: To Be Determined  
30 TAC Chapter 305.125(1)

**PERMIT WQ0011193001, Effluent Limits & Monit. Req'mnts No. 3.**  
"The pH shall not be less than 6.0 standard units ..."

**Alleged Violation:**

Investigation: 1145783

Comment Date: 03/19/2014

Failed to maintain compliance with the permitted effluent limits. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of 6.0 mg/l of pH. The result of the analysis was 5.88 mg/l.

**Recommended Corrective Action:** Compliance with the permitted effluent limits must be maintained. Submit documentation describing the action taken to prevent the recurrence of pH violations. In addition, submit six weeks of analytical results indicating that compliance has been achieved.

Track No: 530745      Compliance Due Date: 02/18/2014  
30 TAC Chapter 305.125(1)

**PERMIT WQ0011193001, Monitoring & Report Req'mnts No. 5.**

"Calibration of Instruments - All automatic flow measuring or recording devices .."

**Alleged Violation:**

Investigation: 1145783

Comment Date: 04/02/2014

Failed to ensure flow measurement accuracy. Specifically, the flow measurement accuracy check performed during the investigation revealed that the staff gauge read 6.25 inches (0.3151 MGD) while the flow meter indicated 0.5149 MGD. See attached Flow Meter Accuracy Check.

**Recommended Corrective Action:** The flow meter shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually. Submit documentation indicating that the flow meter has been accurately calibrated.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED**

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Track No: 530742

30 TAC Chapter 305.125(5)

**Alleged Violation:**

Investigation: 1145783

Comment Date: 03/19/2014

Failed to properly operate and maintain the facility. Specifically, the clarifier was uneven at the time of the investigation.

**Recommended Corrective Action:** Submit documentation indicating that the clarifier has been leveled to avoid possible short circuiting of flow.

**Resolution:** The permittee submitted documentation on February 20, 2014, indicating that the violation has been resolved.

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Track No: 530746

2D TWC Chapter 26.121(a)

2D TWC Chapter 26.121(a)(1)

TWC Chapter 26.121

**Alleged Violation:**

Investigation: 1145783

Comment Date: 03/19/2014

Failed to prevent the discharge of wastewater solids to the receiving stream. Specifically, wastewater solids (foam and scum) was noted in the receiving stream for a distance of about twenty feet. Additionally, excessive foam was noted in the chlorine contact basin. See attached photos.

**Recommended Corrective Action:** The permittee shall take steps to minimize or prevent any discharge which has a reasonable likelihood of adversely affecting human health or the environment. Submit documentation indicating that the foam and scum have been removed from the receiving stream and disposed of properly. The cause and/or source of the foam must be investigated. Also, submit documentation indicating the steps taken to prevent the recurrence of the discharge of wastewater solids to the receiving stream.

**Resolution:** The permittee submitted documentation on February 20, 2014, indicating that the violation has been resolved.

**AREA OF CONCERN**

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Track No: 530748

2D TWC Chapter 26.121(a)

2D TWC Chapter 26.121(a)(1)

TWC Chapter 26.121