

Control Number: 46727



Item Number: 26

Addendum StartPage: 0

August 17, 2017

RECEIVED

2017 AUG 18 AM 9:48

Filing Clerk
Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, Texas 78711-3326

PUBLIC UTILITY COMMISSION
FILING CLERK

Re: Docket No. 46727 – Application of H-M-W SUD to Amend a Water CCN
in Montgomery County
Additional Response to Commission Staff's First Request for Information Question Nos.
Staff 1-1 Through Staff 1-11

To Whom it Concerns,

Please find herewith the requested information related to the amendment to the H-M-W SUD Water CCN in Harris County. I, Rachel Musgrove attest to the truth of these answers.

Staff 1-1 : For PWS 1700565- Please provide the report from the 3/29/2016 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter was provided as an attachment to the letter dated 8/15/17.

Staff 1-2 : For PWS 1700228- Please provide the report from the 6/27/2016 CCI investigation. Please provide an explanation for how the applicant plans to address the alleged violation for a "failure to maintain all water storage facilities in a watertight condition.

The requested report as well as the Notice of Compliance with Notice of Violation dated June 5, 2017 were provided as an attachment to the letter dated 8/15/17.

Staff 1-3 : For PWS 1700156- Please provide the report from the 10/30/2014 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter was provided as an attachment to the letter dated 8/15/17.

Staff 1-4 : For PWS 1700410- Please provide the report from the 10/24/2014 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter is provided as an attachment to this letter.

Staff 1-5 : For PWS 1700150- Please provide the report from the 2/2/2016 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter is provided as an attachment to this letter.

Staff 1-6 : For PWS 1700245- Please provide the report from the 12/29/2014 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter was provided as an attachment to the letter dated 8/15/17.

Staff 1-7 : For PWS 1700083- Please provide the report from the 6/25/2015 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter is provided as an attachment to this letter.

Staff 1-8 : For PWS 1700131- Please provide the report from the 6/25/2015 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter was provided as an attachment to the letter dated 8/15/17.

Staff 1-9 : For PWS 1700318- Please provide the report from the 9/29/2014 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The letter from the TCEQ regarding the September 29, 2014 investigation states there was an outstanding violation with no resolution regarding the sanitary control easement. HMW provided the requested information and the TCEQ issued a letter stating compliance with the notice of violation. Both correspondences from the TCEQ are provided as an attachment to this letter.

Staff 1-10 : For PWS 1700307- Please provide the report from the 12/29/2014 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter is provided as an attachment to this letter.

Staff 1-11 : For PWS 1700317- Please provide the report from the 11/19/2014 CCI investigation, or letter from the TCEQ stating there were no alleged violations.

The requested letter was provided as an attachment to the letter dated 8/15/17.

If you have any questions, I can be contacted at 713-462-3242 or rmusgrove@cobb fendley.com.

Sincerely,
CobbFendley



Rachel Musgrove, EIT

cc: Kip Coe – General Manager, HMW Special Utility District
Patrick Timmons – Counsel, HMW Special Utility District

TABLE OF CONTENTS

ATTACHMENTS

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- 4) PWS 1700318 – Coe Country/Meadowood/Foxwood – Letter stating previously unresolved violation with no new violations, letter stating compliance with notice of violation
- 5) PWS 1700307 – Deer Ridge – Letter stating no alleged violations

ATTACHMENT 1
PWS 1700410 – Rustic Oaks
Letter stating no alleged violations

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



COPY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

December 2, 2014

Protecting Texas by Reducing and Preventing Pollution

Mr. Mark Pinter, President
HMW SUD
PO Box 837
Pinehurst, Texas 77362

Re: Comprehensive Compliance Investigation at:
Rustic Oaks Subdivision, 26314 Pin Oak Drive, Magnolia, Montgomery County, Texas
Regulated Entity No.: 101281483, TCEQ ID No.: 1700410, Investigation No.: 1209392

Dear Mr. Pinter:

On October 24, 2014, Ms. Patricia Blackwell 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. Patricia Blackwell 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/PB/ra

cc: Montgomery County Environmental Health Services

ATTACHEMENT 2
PWS 1700150 – Mink Branch
Letter stating no alleged violations

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



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 29, 2016

Mr. Mark Pinter, President
HMW SUD
PO Box 837
Pinehurst, Texas 77362-0837

Re: Comprehensive Compliance Investigation at:
Mink Branch Valley, 18818 Lake Drive, Pinehurst, Montgomery County, Texas
Regulated Entity No.: 102686615, TCEQ ID No.: 1700150, Investigation No.: 1294397

Dear Mr. Pinter:

On February 2, 2016 through February 3, 2016, Mr. Vernon Crandle of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Vernon Crandle in the Houston Region Office at (713) 767-3727.

Sincerely,

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

Julia Thorp, Team Leader
Public Water Supply
Houston Region Office

JT/VC/ra

cc: Montgomery County Environmental Health Services

ATTACHMENT 3
PWS 1700083 – Shady Acres
Letter stating no alleged violations

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 16, 2015

Mr. Mark Pinter, President
HMW Special Utility District
PO BOX 837
Pinehurst, Texas 77362-0837

Re: Comprehensive Compliance Investigation at:
Shady Acres, 32510 Shady Acres, Pinehurst, Montgomery County, Texas
Regulated Entity No.: 101253276, TCEQ ID No.: 1700083, Investigation No.: 1253141

Dear Mr. Pinter:

On June 25, 2015, Ms. Hanaa Fayyadh of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation; however, please see the attached Additional Issue. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Fayyadh 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/HF/ra

cc: Montgomery County Environmental Health Services

Enclosure: Summary of Investigation Findings

ATTACHEMENT 4

PWS 1700318 – Coe Country/Meadowood/Foxwood

Letter stating previously unresolved violation with no new violations, letter
stating compliance with notice of violation

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

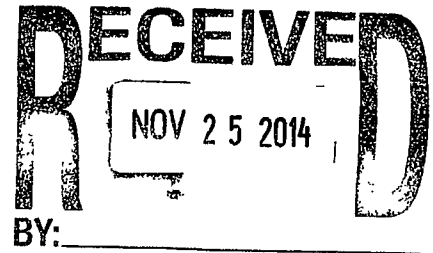


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 20, 2014

Protecting Texas by Reducing and Preventing Pollution

CERTIFIED MAIL #7013 3020 0000 9763 0348
RETURN RECEIPT REQUESTED



Mr. Mark Pinter, President
HMW SUD
PO Box 837
Pinehurst, Texas 77362-0837

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Coe Country, 32036 South Wiggins, Pinehurst, Montgomery County, Texas
RN No.: 101227163, TCEQ ID No. 1700318, Investigation No. 1192808

Dear Mr. Pinter:

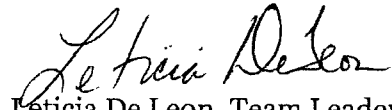
On September 29, 2014, Ms. Mary Hopkins of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for Public Water Supply. Enclosed is a summary which lists the investigation findings. During the investigation, 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, an outstanding alleged violation was identified for which compliance documentation is required. Furthermore, an Additional Issue was noted. Please submit to this office by December 28, 2014, 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 (713) 767-3650 or the Central Office Publications Ordering Team at (512) 239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader Ms. Leticia De Leon, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Leticia De Leon". The signature is fluid and cursive, with the first name "Leticia" being more prominent than the last name "De Leon".

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

LD/MVH

cc: Montgomery County Environmental Health Services

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

COE COUNTRY

Investigation #
1192808
Investigation Date: 09/29/2014

, MONTGOMERY COUNTY,

Additional ID(s): 1700318

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

Track No: 439684 Compliance Due Date: 01/12/2012

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

Alleged Violation:

Investigation: 916246

Comment Date: 07/01/2011

Ground Water Sources and Development

Failure to make available sanitary control easements for well # 9 at the time of inspection, or executive director approval for a substitute authorized in 290.41(c)(1)(F)(iv). A sanitary easement, or approved substitute, covering all property within 150 feet of the well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in the well area. Residential type wells within the easement must be constructed to public water well standards. A copy of the recorded document must be submitted for our records. For your convenience, we have enclosed a sample easement document.

With the approval of the executive director, political subdivisions which have adopted and enforce equivalent ordinances or land use restrictions may substitute these documents for sanitary control easements. The water system may request an exception to this requirement by contacting the Water Supply Division, Public Drinking Water Section, Technical Review & Oversight Team at 512-239-4691. Please be reminded that all requests for exceptions must be in writing and supported with adequate documentation.

At the time of the inspection, the regulated entity had submitted a request for an exception to the sanitary easement rule for Wells 1 & 2 at the S. Wiggins plant (Wells 7 & 8), however, the new well (Well 9) is not included in the approval in iWUD dated June 28, 2011.

Investigation: 1192808

Comment Date: 11/11/2014

At the time of the investigation, raw water bacteriological samples were being collected each month from all three wells at the S. Wiggins Plant.

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

AREA OF CONCERN

Track No: 553560

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

Alleged Violation:

Investigation: 1192808

Comment Date: 11/11/2014

Failure to cap or plug the open pipes penetrating concrete sealing block surrounding the well with a properly constructed cap or plug.

At the time of the investigation, an open pipe penetrated the well sealing block.

Recommended Corrective Action: Submit to the Region 12 Office documentation

demonstrating that the well sealing block had been sealed.

Resolution: On October 13, 2014, the Region 12 Office received a photograph demonstrating compliance.

ADDITIONAL ISSUES

Description

DRINKING WATER STANDARDS
GOVERNING WATER QUALITY AND
REPORTING REQUIREMENTS FOR PWS:
(SUBCHAPTER F) Meets applicable 290.101
through 290.122 standards?

Additional Comments

At the time of the investigation, the distribution chlorine residuals were noted on the operator log, but there was no location noted. The location, date, time and chlorine residual of the distribution sample must be recorded. The sample sites are selected from the Monitoring Plan and should be rotated to ensure that the samples that are collected and analyzed are representative of the system.

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

May 22, 2015

Mr. Mark Pinter, President
HMW SUD
PO BOX 837
Pinehurst, Texas 77362-0837

Re: Notice of Compliance with Notice of Violation (NOV) dated November 20, 2014:
Coe Country, 32036 South Wiggins, Pinehurst, Montgomery County, Texas
Regulated Entity No.: 101227163
TCEQ ID No.: 1700318 Investigation No.: 1252029

Dear Mr. Pinter:

On December 4, 2014, 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 September 29, 2014. 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. Destiny Winning, in the Houston Region Office at (713) 767-3650.

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/DW/mar

Enclosure: Summary of Investigation Findings

cc: Montgomery County Environmental Health Services

COE COUNTRY

Investigation #

1252029

Investigation Date: 05/11/2015

, MONTGOMERY COUNTY,

Additional ID(s): 1700318

Track No: 439684

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

Alleged Violation:

Investigation: 916246

Comment Date: 07/01/2011

Ground Water Sources and Development

Failure to make available sanitary control easements for well # 9 at the time of inspection, or executive director approval for a substitute authorized in 290.41(c)(1)(F)(iv). A sanitary easement, or approved substitute, covering all property within 150 feet of the well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in the well area. Residential type wells within the easement must be constructed to public water well standards. A copy of the recorded document must be submitted for our records. For your convenience, we have enclosed a sample easement document.

With the approval of the executive director, political subdivisions which have adopted and enforce equivalent ordinances or land use restrictions may substitute these documents for sanitary control easements. The water system may request an exception to this requirement by contacting the Water Supply Division, Public Drinking Water Section, Technical Review & Oversight Team at 512-239-4691. Please be reminded that all requests for exceptions must be in writing and supported with adequate documentation.

At the time of the inspection, the regulated entity had submitted a request for an exception to the sanitary easement rule for Wells 1 & 2 at the S. Wiggins plant (Wells 7 & 8), however, the new well (Well 9) is not included in the approval in iWUD dated June 28, 2011.

Investigation: 1192808

Comment Date: 11/11/2014

At the time of the investigation, raw water bacteriological samples were being collected each month from all three wells at the S. Wiggins Plant.

Investigation: 1252029

Comment Date: 05/11/2015

Failure to make available sanitary control easements for well #9 (S. Wiggins Plant) at the time of inspection.

At the time of the investigation, raw water bacteriological samples were being collected each month from all three wells at the S. Wiggins Plant.

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

Resolution: The regulated entity provided a copy of the sanitary control easements for well #9, TCEQ Well ID G1700318H on December 04, 2014.

ATTACHMENT 5
PWS 1700307 – Deer Ridge
Letter stating no alleged violations



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 13, 2015

Mr. Mark Pinter, President
HMW SUD
PO Box 837
Pinehurst, Texas 77362-0837

Re: Comprehensive Compliance Investigation at:
Deer Ridge Subdivision, 24803 Doe Trail, Magnolia, Montgomery County, Texas
Regulated Entity No.: 101245165 TCEQ ID No.: 1700307 Investigation No.: 1217222

Dear Mr. Pinter:

On December 29, 2014, Ms. Sharon Patry of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation; however, please see the attached Additional Issue. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Patry in the Houston Region Office at (713) 767-3650.

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/SJP/mar

Enclosure: Summary of Investigation Findings

cc: Montgomery County Environmental Health Services