

11:01 AM

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.

08/14/19

Summary Balance Sheet

Accrual Basis

As of December 31, 2017

	Dec 31, 17
ASSETS	
Current Assets	
Checking/Savings	7,088.88
Other Current Assets	1,960.00
Total Current Assets	9,048.88
Other Assets	3,797.18
TOTAL ASSETS	12,846.06
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	-207.82
Total Current Liabilities	-207.82
Total Liabilities	-207.82
Equity	13,053.88
TOTAL LIABILITIES & EQUITY	12,846.06

11:01 AM

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.

08/14/19

Summary Balance Sheet

Accrual Basis

As of December 31, 2016

	Dec 31, 16
ASSETS	
Current Assets	
Checking/Savings	56,133.37
Other Current Assets	1,960.00
Total Current Assets	58,093.37
Other Assets	3,577.43
TOTAL ASSETS	<u>61,670.80</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	-207.82
Total Current Liabilities	-207.82
Total Liabilities	-207.82
Equity	61,878.62
TOTAL LIABILITIES & EQUITY	<u>61,670.80</u>

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08/15/19

Accrual Basis

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.
Balance Sheet Prev Year Comparison
As of August 15, 2019

99

	Aug 15, 19	Aug 15, 18	\$ Change	% Change
Equity				
Opening Balance Equity	55.00	55.00	0.00	0.0%
Retained Earnings	26,883.87	12,998.88	13,884.99	106.8%
Net Income	-43,767.30	3,633.97	-47,401.27	-1,304.4%
Total Equity	-16,828.43	16,687.85	-33,516.28	-200.8%
TOTAL LIABILITIES & EQUITY	<u>63,800.56</u>	<u>13,997.83</u>	<u>49,802.73</u>	<u>355.8%</u>

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.
Balance Sheet Prev Year Comparison
As of August 15, 2019

	Aug 15, 19	Aug 15, 18	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
First Bank and Trust Grant	4,157.22	4,157.22	0.00	0.0%
Southside Bank	1,512.68	4,083.43	-2,570.75	-63.0%
Total Checking/Savings	5,669.90	8,240.65	-2,570.75	-31.2%
Other Current Assets				
Due from Simply Aquatics	10,218.17	0.00	10,218.17	100.0%
Loans To Employees	431.38	0.00	431.38	100.0%
Petty Cash	673.00	1,960.00	-1,287.00	-65.7%
Total Other Current Assets	11,322.55	1,960.00	9,362.55	477.7%
Total Current Assets	16,992.45	10,200.65	6,791.80	66.6%
Fixed Assets				
Mini Excavator	6,011.14	0.00	6,011.14	100.0%
Timberlane Water System	35,000.00	0.00	35,000.00	100.0%
Total Fixed Assets	41,011.14	0.00	41,011.14	100.0%
Other Assets				
Loans To Shareholders	5,796.97	3,797.18	1,999.79	52.7%
Total Other Assets	5,796.97	3,797.18	1,999.79	52.7%
TOTAL ASSETS	63,800.56	13,997.83	49,802.73	355.8%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Accounts Payable				
Accounts Payable	30,886.13	-207.82	31,093.95	14,962.0%
Total Accounts Payable	30,886.13	-207.82	31,093.95	14,962.0%
Total Current Liabilities	30,886.13	-207.82	31,093.95	14,962.0%
Long Term Liabilities				
N/P - 2018 Nissan Frontier	22,807.46	0.00	22,807.46	100.0%
N/P - Mini Excavator	247.24	-2,482.20	2,729.44	110.0%
N/P - Southside (Timberlane WS)	26,688.16	0.00	26,688.16	100.0%
Total Long Term Liabilities	49,742.86	-2,482.20	52,225.06	2,104.0%
Total Liabilities	80,628.99	-2,690.02	83,319.01	3,097.3%

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.
Balance Sheet Prev Year Comparison
 As of December 31, 2018

101

	Dec 31, 18	Dec 31, 17	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
First Bank and Trust Grant	4,157.22	5,680.22	-1,523.00	-26.8%
Southside Bank	7,088.81	1,408.66	5,680.15	403.2%
Total Checking/Savings	11,246.03	7,088.88	4,157.15	58.6%
Other Current Assets				
Due from Simply Aquatics	10,218.17	0.00	10,218.17	100.0%
Petty Cash	0.00	1,960.00	-1,960.00	-100.0%
Total Other Current Assets	10,218.17	1,960.00	8,258.17	421.3%
Total Current Assets	21,464.20	9,048.88	12,415.32	137.2%
Fixed Assets				
Mini Excavator	6,011.14	0.00	6,011.14	100.0%
Timberlane Water System	35,000.00	0.00	35,000.00	100.0%
Total Fixed Assets	41,011.14	0.00	41,011.14	100.0%
Other Assets				
Loans To Shareholders	5,796.97	3,797.18	1,999.79	52.7%
Total Other Assets	5,796.97	3,797.18	1,999.79	52.7%
TOTAL ASSETS	68,272.31	12,846.06	55,426.25	431.5%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Accounts Payable				
Accounts Payable	5,101.29	-207.82	5,309.11	2,554.7%
Total Accounts Payable	5,101.29	-207.82	5,309.11	2,554.7%
Total Current Liabilities	5,101.29	-207.82	5,309.11	2,554.7%
Long Term Liabilities				
N/P - Mini Excavator	1,832.34	0.00	1,832.34	100.0%
N/P - Southside (Timberlane WS)	34,399.81	0.00	34,399.81	100.0%
Total Long Term Liabilities	36,232.15	0.00	36,232.15	100.0%
Total Liabilities	41,333.44	-207.82	41,541.26	19,989.1%

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Accrual Basis

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.
Balance Sheet Prev Year Comparison
As of December 31, 2018

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	Dec 31, 18	Dec 31, 17	\$ Change	% Change
Equity				
Opening Balance Equity	55.00	55.00	0.00	0.0%
Retained Earnings	12,998.88	61,823.62	-48,824.74	-79.0%
Net Income	13,884.99	-48,824.74	62,709.73	128.4%
Total Equity	26,938.87	13,053.88	13,884.99	106.4%
TOTAL LIABILITIES & EQUITY	<u>68,272.31</u>	<u>12,846.06</u>	<u>55,426.25</u>	<u>431.5%</u>

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.
Balance Sheet Prev Year Comparison
 As of December 31, 2017

	Dec 31, 17	Dec 31, 16	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
Chase Bank	0.00	-1,114.66	1,114.66	100.0%
First Bank and Trust Grant	5,680.22	57,256.00	-51,575.78	-90.1%
Southside Bank	1,408.66	-7.97	1,416.63	17,774.5%
Total Checking/Savings	7,088.88	56,133.37	-49,044.49	-87.4%
Other Current Assets				
Petty Cash	1,960.00	1,960.00	0.00	0.0%
Total Other Current Assets	1,960.00	1,960.00	0.00	0.0%
Total Current Assets	9,048.88	58,093.37	-49,044.49	-84.4%
Other Assets				
Loans To Shareholders	3,797.18	3,577.43	219.75	6.1%
Total Other Assets	3,797.18	3,577.43	219.75	6.1%
TOTAL ASSETS	12,846.06	61,670.80	-48,824.74	-79.2%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Accounts Payable				
Accounts Payable	-207.82	-207.82	0.00	0.0%
Total Accounts Payable	-207.82	-207.82	0.00	0.0%
Total Current Liabilities	-207.82	-207.82	0.00	0.0%
Total Liabilities	-207.82	-207.82	0.00	0.0%
Equity				
Opening Balance Equity	55.00	55.00	0.00	0.0%
Retained Earnings	61,823.62	182,410.80	-120,587.18	-66.1%
Net Income	-48,824.74	-120,587.18	71,762.44	59.5%
Total Equity	13,053.88	61,878.62	-48,824.74	-78.9%
TOTAL LIABILITIES & EQUITY	12,846.06	61,670.80	-48,824.74	-79.2%

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.
Balance Sheet Prev Year Comparison
 As of December 31, 2016

	Dec 31, 16	Dec 31, 15	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
Chase Bank	-1,114.66	-1,114.66	0.00	0.0%
First Bank and Trust Grant	57,256.00	178,900.00	-121,644.00	-68.0%
Southside Bank	-7.97	3,551.52	-3,559.49	-100.2%
Total Checking/Savings	56,133.37	181,336.86	-125,203.49	-69.0%
Other Current Assets				
Petty Cash	1,960.00	560.00	1,400.00	250.0%
Total Other Current Assets	1,960.00	560.00	1,400.00	250.0%
Total Current Assets	58,093.37	181,896.86	-123,803.49	-68.1%
Other Assets				
Loans To Shareholders	3,577.43	568.94	3,008.49	528.8%
Total Other Assets	3,577.43	568.94	3,008.49	528.8%
TOTAL ASSETS	61,670.80	182,465.80	-120,795.00	-66.2%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Accounts Payable				
Accounts Payable	-207.82	0.00	-207.82	-100.0%
Total Accounts Payable	-207.82	0.00	-207.82	-100.0%
Total Current Liabilities	-207.82	0.00	-207.82	-100.0%
Total Liabilities	-207.82	0.00	-207.82	-100.0%
Equity				
Opening Balance Equity	55.00	55.00	0.00	0.0%
Retained Earnings	182,410.80	199,166.63	-16,755.83	-8.4%
Net Income	-120,587.18	-16,755.83	-103,831.35	-619.7%
Total Equity	61,878.62	182,465.80	-120,587.18	-66.1%
TOTAL LIABILITIES & EQUITY	61,670.80	182,465.80	-120,795.00	-66.2%

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.
Balance Sheet Prev Year Comparison
 As of December 31, 2015

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	Dec 31, 15	Dec 31, 14	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
Chase Bank	-1,114.66	-1,114.66	0.00	0.0%
First Bank and Trust Grant	178,900.00	200,100.00	-21,200.00	-10.6%
Southside Bank	3,551.52	336.29	3,215.23	956.1%
Total Checking/Savings	181,336.86	199,321.63	-17,984.77	-9.0%
Other Current Assets				
Petty Cash	560.00	-100.00	660.00	660.0%
Total Other Current Assets	560.00	-100.00	660.00	660.0%
Total Current Assets	181,896.86	199,221.63	-17,324.77	-8.7%
Other Assets				
Loans To Shareholders	568.94	0.00	568.94	100.0%
Total Other Assets	568.94	0.00	568.94	100.0%
TOTAL ASSETS	182,465.80	199,221.63	-16,755.83	-8.4%
LIABILITIES & EQUITY				
Equity				
Opening Balance Equity	55.00	55.00	0.00	0.0%
Retained Earnings	199,166.63	5,458.62	193,708.01	3,548.7%
Net Income	-16,755.83	193,708.01	-210,463.84	-108.7%
Total Equity	182,465.80	199,221.63	-16,755.83	-8.4%
TOTAL LIABILITIES & EQUITY	182,465.80	199,221.63	-16,755.83	-8.4%

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Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.

Statement of Cash Flows

January through December 2018

	Jan - Dec 18
OPERATING ACTIVITIES	
Net Income	13,884.99
Adjustments to reconcile Net Income to net cash provided by operations:	
Due from Simply Aquatics	-10,218.17
Petty Cash	1,960.00
Accounts Payable	5,309.11
Net cash provided by Operating Activities	10,935.93
INVESTING ACTIVITIES	
Mini Excavator	-6,011.14
Timberlane Water System	-35,000.00
Loans To Shareholders	-1,999.79
Net cash provided by Investing Activities	-43,010.93
FINANCING ACTIVITIES	
N/P - Mini Excavator	1,832.34
N/P - Southside (Timberlane WS)	34,399.81
Net cash provided by Financing Activities	36,232.15
Net cash increase for period	4,157.15
Cash at beginning of period	7,088.88
Cash at end of period	<u>11,246.03</u>

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Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.

Statement of Cash Flows

January 2016 through December 2017

Jan '16 - Dec 17

OPERATING ACTIVITIES	
Net Income	-169,411.92
Adjustments to reconcile Net Income to net cash provided by operations:	
Petty Cash	-1,400.00
Accounts Payable	-207.82
Net cash provided by Operating Activities	-171,019.74
INVESTING ACTIVITIES	
Loans To Shareholders	-3,228.24
Net cash provided by Investing Activities	-3,228.24
Net cash increase for period	-174,247.98
Cash at beginning of period	181,336.86
Cash at end of period	<u>7,088.88</u>

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Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.

Statement of Cash Flows

January 2015 through December 2016

	Jan '15 - Dec 16
OPERATING ACTIVITIES	
Net Income	-137,343.01
Adjustments to reconcile Net Income to net cash provided by operations:	
Petty Cash	-2,060.00
Accounts Payable	-207.82
Net cash provided by Operating Activities	-139,610.83
INVESTING ACTIVITIES	
Loans To Shareholders	-3,577.43
Net cash provided by Investing Activities	-3,577.43
Net cash increase for period	-143,188.26
Cash at beginning of period	199,321.63
Cash at end of period	<u>56,133.37</u>

Vista Verde Water Systems, Inc. dba Simply Aquatics, Inc.

Statement of Cash Flows

January 2014 through December 2015

	Jan '14 - Dec 15
OPERATING ACTIVITIES	
Net Income	176,952.18
Adjustments to reconcile Net Income to net cash provided by operations:	
Petty Cash	-560.00
Net cash provided by Operating Activities	176,392.18
INVESTING ACTIVITIES	
Loans To Shareholders	-568.94
Net cash provided by Investing Activities	-568.94
Net cash increase for period	175,823.24
Cash at beginning of period	5,513.62
Cash at end of period	<u>181,336.86</u>

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 25, 2019

Mr. Kevin Hester, President
SIMPLY AQUATICS, INC.
P.O. Box 157
Kirbyville, Texas 75956

Re: Proposed Agreed Order
SIMPLY AQUATICS, INC. dba El Pinon Estates Water System
RN102675303; Public Water Supply ID No. 2030013
Docket No. 2019-0045-PWS-E; Enforcement Case No. 57118
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Hester:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against SIMPLY AQUATICS, INC. dba El Pinon Estates Water System for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during an investigation conducted on October 23, 2018, a record review conducted on January 9, 2019, and documented in a letter dated December 28, 2018, from the TCEQ Beaumont Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$6,424. We are proposing a one-time offer to defer \$1,284 of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is \$5,140. The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Corpus Christi or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save SIMPLY AQUATICS, INC. dba El Pinon Estates Water System and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Mr. Kevin Hester
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Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing SIMPLY AQUATICS, INC. dba El Pinon Estates Water System, Docket No. 2019-0045-PWS-E) to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

SEP You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 30 days of receipt of this proposed order.**

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <http://www.tceq.texas.gov/legal/sep/> or contact the Enforcement Coordinator listed below.

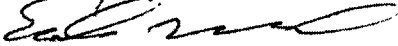
Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, 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 the Central Office Publications Ordering Team at (512) 239-0028.

Mr. Kevin Hester
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For any questions or comments about this matter or to arrange a meeting, please contact Mr. Epifanio Villarreal of my staff at (361) 825-3421.

Sincerely,



Qor Epifanio Villarreal
Megan Hamilton, Manager
Enforcement Division
Texas Commission on Environmental Quality

MH/ev

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet, Site Compliance History

cc: Mr. Kevin Hester, President, SIMPLY AQUATICS, INC., 921 County Road 3065, Kirbyville, Texas, 75956

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
SIMPLY AQUATICS, INC. DBA EL	§	TEXAS COMMISSION ON
PINON ESTATES WATER	§	
SYSTEM	§	
RN102675303	§	ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2019-0045-PWS-E**

I. JURISDICTION AND STIPULATIONS



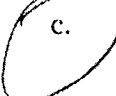

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SIMPLY AQUATICS, INC. dba El Pinon Estates Water System (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located five miles south of Highway 83 on Farm-to-Market Road 705 in San Augustine County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 56 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch.5 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$6,424 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,140 of the penalty and \$1,284 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms

or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

1. During an investigation conducted on October 23, 2018, an investigator documented that the Respondent:
 - a.  Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(ii), (f)(3)(B)(iv), and (f)(3)(D)(i). Specifically, the following records were not available for review: copies of Boil Water Notices, results of microbiological analyses, and chlorine analyzer calibration records.
 - b.  Failed to obtain a sanitary control easement for all land within 150 feet of the Facility's Well No. 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
 - c.  Failed to locate the top of the water distribution lines below the frost line and in no case less than 24 inches below ground surface, in violation of 30 TEX. ADMIN. CODE § 290.44(a)(4). Specifically, there were exposed distribution water lines in front of the following residences: 338 County Road 478, 455 County Road 478, and 463 County Road 478.
 - d.  Failed to maintain a thorough and up-to-date plant operations manual of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(I). Specifically, the plant operations manual did not contain emergency protocols for natural and

man-made disasters and emergency contact information for local/state/federal agencies.

e. Failed to maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b). Specifically, the monitoring plan was not being maintained at the water treatment plant and did not include information regarding lead and copper sampling frequency, methods, sampling locations, and compliance calculations.

f. Failed to provide a minimum well capacity of 0.6 gallon per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE 290.45(b)(1)(C)(i). Specifically, the Facility had 56 connections requiring 33.6 gpm well capacity. However, the Facility provided only 12 gpm, indicating a 64% deficiency.

g. Failed to provide a minimum total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 56 connections requiring 11,200 gallons total storage capacity. However, the Facility provided zero gallons, indicating a 100% deficiency.

h. Failed to provide two or more pumps having a minimum total capacity of 2.0 gpm per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 56 connections requiring 112 gpm service pump capacity. However, the Facility provided zero gallons, indicating a 100% deficiency.

i. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, trees and vegetation were growing over and through the intruder-resistant fencing, which was partially constructed using string trimmer line and electrical wiring. Additionally, the bottom of the sand filter was rusting and the pipes for Pressure Tank Nos. 1 and 2 had vegetation growing around them. It was also noted that the foundation for Pressure Tank No. 3, the 350-gallon pressure tank, had uneven cement blocks that had a gap between them and pieces of wood that were helping to hold the pressure tank stable.

j. Failed to provide the Facility's three pressure tanks with an easily readable pressure gauge and pressure release device, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2). Specifically, Pressure Tank Nos. 2 and 3 did not have pressure gauges and Pressure Tank Nos. 1 and 3 did not have pressure release devices.

k. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v).

Specifically, the electrical wiring located within the chlorination room was not in conduit.

l.

Failed to provide Well No. 1 with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J). Specifically, the concrete sealing block extended less than three feet from the exterior well casing in several directions.

m.

Failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit the test results proving that the well is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u). Specifically, Well No. 2, located at Plant No. 2, was capped on December 26, 2012. However, it has not been tested or plugged.

n.

Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in accordance with 30 TEX. ADMIN. CODE § 290.46(n)(3). Specifically, well completion data for Well No. 1 was not kept on file.

o.

Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46(i).

2. During a record review conducted on January 9, 2019, an investigator documented that the Respondent failed to pay Public Health Service fees, and/or associated late fees, for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2019, in accordance with 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SIMPLY AQUATICS, INC. dba El Pinon Estates Water System, Docket No. 2019-0045-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Maintain water works operation and maintenance records, including but not limited to copies of Boil Water Notices, results of microbiological analyses, and chlorine analyzer calibration records, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92030013. The payment shall be sent with the notation "SIMPLY AQUATICS, INC. dba El Pinon Estates Water System, Account No. 92030013" to the address listed in Ordering Provision No. 1.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.
 - c. Within 60 days after the effective date of this Order:
 - i. Update and maintain the plant operations manual of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to removing the trees and vegetation growing inside the intruder-resistant fence, repairing/replacing the intruder-resistant fence, repairing/replacing the sand filter, removing the vegetation around the pipes for Pressure Tank Nos. 1 and 2, and repairing/replacing the foundation for Pressure Tank No. 3, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Ensure that all electrical wiring located within the chlorination room is installed in accordance with a local or national code, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- iv. Maintain a copy of an up-to-date chemical and microbiological monitoring plan at each water treatment plant, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
 - v. Update the chemical and microbiological monitoring plan to include information regarding lead and copper sampling frequency, methods, sampling locations, and compliance calculations, in accordance with 30 TEX. ADMIN. CODE § 290.121.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i through 2.c.v.
- e. Within 90 days after the effective date of this Order:
- i. Obtain and record a sanitary control easement for all land within 150 feet of the Facility's Well No.1, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(l). The exception request shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
P.O. Box 13087
Austin, Texas 78711-30870
 - ii. Ensure that the water transmission and distribution lines located at 338 County Road 478, 455 County Road 478, and 463 County Road 478 are below the frost line and in no case less than 24 inches below the ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.44;
 - iii. Provide an easily readable pressure gauge on Pressure Tank Nos. 2 and 3 and a pressure release device on Pressure Tank Nos. 1 and 3, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iv. Provide Well No. 1 with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - v. Adopt an adequate plumbing ordinance, regulation, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - vi. Keep on file copies of well completion data for Well No. 1 as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i through 2.c.vi.
- g. Within 180 days after the effective date of this Order:
 - i. Provide a minimum well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a minimum total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - iii. Provide two or more pumps having a minimum total capacity of 2.0 gpm per connection at each pump station or pressure plane, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iv. Ensure that the abandoned Well No. 2 is properly plugged with cement according to 16 TEX. ADMIN. CODE ch. 76 or submit the test results proving that the well is in a non-deteriorated condition, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- h. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g.i through 2.g.iv. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of
SIMPLY AQUATICS, INC. dba El Pinon Estates Water System

If mailing address has changed, please check this box and provide the new address below:

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

Compliance History Report for CN603139346, RN102675303, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN603139346, Simply Aquatics, Inc. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102675303, EL PINON ESTATES WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 5 MILES SOUTH OF HWY 83 ON FM 705 SAN AUGUSTINE, SAN AUGUSTINE COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2030013

Compliance History Period: September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

Date Compliance History Report Prepared: January 08, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 08, 2014 to January 08, 2019

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: EPIFANIO VILLARREAL **Phone:** (361) 825-3421

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? Simply Aquatics, Inc. OWNER since 2/7/2018
- 4) Who was/were the prior owner(s)/operator(s)? WHITE, CURTIS, OWNER, 1/1/1800 to 2/6/2018
WHITE, BRENDA, OWNER, 1/1/1919 to 2/6/2018

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 **Effective Date:** 10/25/2014 **ADMINORDER** 2013-1012-PWS-E (Findings Order-Default)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failure to have a sanitary control easement for well number 1.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 30 TAC Chapter 290, SubChapter F 290.121(b)
 Description: Failure to develop, maintain and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)
 Description: Failure to maintain the well meter calibration records for at least three years. Specifically, at the time of the investigation, it was documented that the Respondents did not have the well meter calibration records available for review.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: Failure to post a legible sign at each production, treatment and storage facility that contains the name of the facility and an emergency telephone number where a responsible official can be contacted. Specifically, at the time of the investigation, there was no sign posted at the site of Well No. 1

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)

Description: Failure to provide the Facility's pressure tank with a pressure release device. Specifically, at the time of the investigation, it was documented that the second 550 gallon pressure tank in series at Plant No. 1 did not have a pressure release device.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was documented that the electrical wiring in the Plant No. 1 pump room was not properly installed in electrical conduit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility's 30 service connections require a minimum well capacity of 45 gpm; however, the Facility only provides 16.5 gpm, indicating a 63.33% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum pressure tank capacity of 1,500 gallons. Specifically, the Facility's 30 service connections require a minimum pressure tank capacity of 1,500 gallons; however, the Facility only provides a pressure tank capacity of 1,450 gallons, indicating a 3.33% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2010 - The system failed to provide the Consumer Confidence Report (CCR) for 2010 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: DLQOR MR PN 1Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: DBP1 MR 1Q2013 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 01/01/2013 to 03/31/2013 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: DBP1 MR 4Q2012 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 10/01/2012 to 12/31/2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: DBP1 MR 3Q2012 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 07/01/2012 to 09/30/2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: DBP1 MR 2Q2012 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 04/01/2012 to 06/30/2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: DBP1 MR 1Q2012 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 01/01/2012 to 03/31/2012 within the required timeline.

Classification: Moderate

Assets Being Transferred

Item	Original Purchase Price	Service Date	Accumulated Depreciation
Plant Building	\$3,000		\$900
Submersible Pumps	\$3,750	2-13-16	\$2,250
Chlorinator Pump	\$500	5-1-16	\$360
Distribution Pumps	\$5,000	2-20-16	\$3,000
Piping	\$3,000	1-3-15 - 2-6-16	\$1,800
Wells	\$3,759	3-5-16	\$1,611
Fencing	\$3,000		\$1,800
Ground Storage Tanks	\$10,000		\$1,500
Pressure Tanks	\$3,000		\$600

PWS_2020054_CP_20180831_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

Customer: MINALDI, BEVERLY LEE
Customer Number: CN601838089

Regulated Entity Name: TIMBERLANE WATER SYSTEM

Regulated Entity Number: RN101182624

Investigation # 1512573	Incident Numbers
Investigator: OLIVEREEN LE ROUX	Site Classification GW <=50 CONNECTION
Conducted: 08/29/2018 -- 08/29/2018	SIC Code: 4941
Program(s): PUBLIC WATER SYSTEM/SUPPLY	
Investigation Type: Compliance Invest File Review	Location: SOUTH OF HEMPHILL OFF HWY 87 AT THE END FM 2928
Additional ID(s): 2020054	
Address: ,	Local Unit: REGION 10 - BEAUMONT
	Activity Type(s): PWSFRR - PWS NOV Record Review

Principal(s):

Role	Name
RESPONDENT	BEVERLY L MINALDI

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY CONTACT	OWNER/OPERATOR	MS BEVERLY MINALDI	Cell (409) 543-5321 Work (409) 962-1912 Office (409) 727-8180 Office (409) 722-1897
REGULATED ENTITY MAIL CONTACT	OWNER/OPERATOR	MS BEVERLY MINALDI	Home (409) 722-1897 Cell (409) 543-5321

Other Staff Member(s):


Role	Name
Supervisor	RONALD HEBERT JR
Investigator	BRITTANY DAIGRE
QA Reviewer	DUSTIN LORANCE

Associated Check List

<u>Checklist Name</u> PWS GENERIC VIOLATIONS	<u>Unit Name</u> PWS
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Investigation Comments:

INTRODUCTION

OFFICE TO
AUG 31 2018


COPY

TIMBERLANE WATER SYSTEM - HEMPHILL

8/29/2018 Inv. # - 1512573

Page 2 of 6

This file record review was conducted as a result of compliance documentation submitted by Timberlane Water System on August 8, 2018. The compliance documentation was submitted to resolve alleged violations noted on December 11, 2017.

GENERAL FACILITY AND PROCESS INFORMATION
See Investigation No.: 1466529

BACKGROUND

A Comprehensive Compliance Investigation (CCI) was conducted on December 11, 2017. Alleged violations were noted during the CCI and documented in Investigation No. 1466529. A Notice of Violation (NOV) was issued on February 7, 2018.

ADDITIONAL INFORMATION

The compliance documentation submitted on August 8, 2018 was adequate to resolve some of the outstanding alleged violations.

A Partial Compliance Letter was mailed to the system.

Attachment:

1. Water System Documentation

NOV Date 08/31/2018 **Method** PARTIAL COMPLIANCE LETTER

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

Track Number: 665524

Compliance Due Date: 08/09/2018

Violation Start Date: 12/11/2017

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

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to accuracy check the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.

During the investigation, it was noted that the disinfectant residual analyzer used by the water system has never been accuracy checked by the operator.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents have been submitted regarding this outstanding violation.

Investigation: 1512573

Comment Date: 08/29/2018

No compliance documentation has been submitted regarding this outstanding violation.

Recommended Corrective Action: Begin accuracy checking the manual disinfectant residual analyzers at least once every 90 days using a chlorine solutions of known concentrations. Submit a record of the accuracy checks conducted on all meters the system uses.

Track Number: 665536

Compliance Due Date: 08/09/2018

Violation Start Date: 12/11/2017

30 TAC Chapter 290.121

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to maintain a complete monitoring plan.

During the investigation, it was noted that there was no plant schematic available in the monitoring plan and it was also missing the lead and copper section including methods, frequency, compliance calculations and sampling locations.

Investigation: 1497324

Comment Date: 06/14/2018

Compliance documents submitted by the water system were insufficient to resolve the alleged violation.

Investigation: 1512573

Comment Date: 08/29/2018

No compliance documentation has been submitted regarding this outstanding violation.

Recommended Corrective Action: Update the monitoring plan to include a plant schematic and the missing lead and copper information. Submit a copy to the Beaumont Regional Office.

Track Number: 665544

Compliance Due Date: 08/09/2018

Violation Start Date: 12/11/2017

30 TAC Chapter 290.43(d)(9)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure Timberlane Water System to install three or more pressure tanks at one site without prior approval.

During the inspection, it was noted that the water system had five pressure tanks in series. The system has a 525 gallon pressure tank and four 119 gallon pressure tanks all in series. The four 119 gallon pressure tanks have been installed since the previous CCI. The Timberlane Water System has not notified the executive director prior to making any significant change to the water system's pressure maintenance.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents were submitted to resolve the outstanding alleged violation.

Investigation: 1512573

Comment Date: 08/31/2018

Compliance documents submitted by the water system were insufficient to resolve the alleged violations. An exception request was submitted to Technical Review and Oversight Team on August 1, 2018, but exception has not yet been granted.

Recommended Corrective Action: Remove the fourth and fifth pressure tanks in the series or the water system may request another exception to this requirement by writing to the TCEQ Water Supply division, Technical Review and Oversight Team, MC 155 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

ASSOCIATED TO A NOTICE OF VIOLATION

Track Number: 665518

Resolution Status Date: 8/29/2018

Violation Start Date: 12/11/2017

Violation End Date: 8/29/2018

30 TAC Chapter 290.44(h)(1)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to provide an adequate backflow prevention device at any residence or establishment where an actual or potential contamination hazard exists.

During the investigation, it was noted that the water system provides water to a customer who also has a private well. While the customer is not being served at this time because the meter has been turned off, the customer could begin using water at any time and would require a reduced-pressure principle backflow prevention assembly.

Significant deficiencies could be subject to 40 Code of Federal Regulations (CFR) Subpart S-Groundwater Rule regarding significant deficiencies if not corrected or part of a state approved corrective action plan by the violation deadline.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents have been submitted regarding this outstanding violation.

Investigation: 1512573

Comment Date: 08/28/2018

The water system has removed the connection.

Recommended Corrective Action: Install an acceptable backflow prevention device at the location where required or remove the connection from the water system. Submit the results of a backflow test form or photographic documentation which shows the connection has been removed to the Beaumont Regional Office.

Resolution: On August 8, 2018, the Beaumont Regional Office received photographic evidence that water system has removed the connection.

Track Number: 665537

Resolution Status Date: 8/29/2018

Violation Start Date: 12/11/2017

Violation End Date: 8/29/2018

30 TAC Chapter 290.42(j)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to utilize an ANSI/NSF Standard 60 approved disinfectant.

During the inspection, it was noted that the water system uses store bought bleach (Great Value), which is not ANSI/NSF Standard 60 certified.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents were submitted to resolve the alleged violation.

Investigation: 1512573

Comment Date: 08/29/2018

The water system now utilizes and ANSI/NSF Standard 60 approved disinfectant.

Recommended Corrective Action: Begin using an ANSI/NSF Standard 60 certified disinfectant. Submit receipts of purchase and proof of ANSI/NSF Standard 60 certification to the Beaumont Regional Office.

Resolution: On August 8, 2018, the Beaumont Regional Office received documentation which displays that the water system now uses an ANSI/NSF Standard 60 approved disinfectant.

Track Number: 665539

Resolution Status Date: 8/29/2018

Violation Start Date: 12/11/2017

Violation End Date: 8/29/2018

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to maintain the ground storage tank in a good condition or appearance.

During the inspection, it was noted that the paint on the 0.019 MG ground storage tank was chipping and the tank is rusted. The top of the 0.019 MG ground storage tank also had leaves and debris from trees on top.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents were submitted to resolve the outstanding alleged violation.

Investigation: 1512573

Comment Date: 08/29/2018

The water system now maintains the ground storage tank in a good condition or appearance.

Recommended Corrective Action: Re-paint the ground storage tank and clean debris off of the top of the tank. Submit photographic documentation to the Beaumont Regional Office once the tank has been repainted.

Resolution: On August 8, 2018, the Beaumont Regional Office received photographic documentation which displays that the ground storage tank is in good condition and appearance.

Track Number: 665540

Resolution Status Date: 8/29/2018

Violation Start Date: 12/11/2017

Violation End Date: 8/29/2018

30 TAC Chapter 290.39(j)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to notify the executive director prior to making any significant change to the water system's production, treatment, storage, pressure maintenance, or distribution facilities.

During the inspection, it was noted that the water system added four 119 gallon pressure tanks at the plant since the last CCI. Timberlane Water System did not notify the executive director prior to making a significant change to the water system's pressure maintenance.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents were submitted to resolve the outstanding alleged violation.

Investigation: 1512573

Comment Date: 08/29/2018

The water system has notified the executive director regarding the additions of the pressure tanks.

Recommended Corrective Action: Submit notification to the executive director regarding the additions of the pressure tanks. Notifications shall be sent to TCEQ Water Supply division, Technical Review and Oversight Team, MC 155 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

Resolution: On August 8, 2018, the Beaumont Regional Office received documentation which displays that the water system notified the executive director regarding the addition of the pressure tanks.

Signed [Signature] Date 8-31-18
Environmental Investigator

Signed [Signature] Date 8-31-18
Supervisor

Attachments: (in order of final report submittal)

- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : PCI
- Investigation Report
- Sample Analysis Results
- Manifests
- Notice of Registration

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify) :
APD

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Jon Niermann, *Commissioner*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 31, 2018

**CERTIFIED MAIL {7015 0640 0004 7757 1976}
RETURN RECEIPT REQUESTED**

Mrs. Beverly Minaldi, Owner
Timberlane Water System
PO Box 1611
Nederland, Texas 77627

Re: Unresolved Alleged Violations for Comprehensive Compliance Investigation at:
Timberlane Water System, Hemphill (Sabine County), Texas
PWS ID No.: 2020054; Investigation No.: 1512573

Dear Mrs. Minaldi:

The Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office has previously requested that you submit compliance documentation for the alleged violations noted during the investigation of the above-referenced facility conducted on December 11, 2017. We have received acceptable compliance documentation from you for all of the alleged violations except those listed in the enclosed summary. Please be advised that you are responsible for correcting these remaining problems. These unresolved alleged violations will be placed in your file to be evaluated during any subsequent investigation.

If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Paige Pritchard in the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Hebert".

Ronald Hebert
Water Section Team Leader
Beaumont Regional Office

RH/PP/bd

Attachment: Summary of Unresolved Investigation Findings

Summary of Investigation Findings

TIMBERLANE WATER SYSTEM

Investigation #

1512573
Investigation Date: 08/29/2018

, SABINE COUNTY,

Additional ID(s): 2020054

WATER TREATING REGULATORY VIOLATIONS
ASSOCIATED WITH THE CITY OF TAMULAMON

Track No: 665524 Compliance Due Date: 08/09/2018
30 TAC Chapter 290.46(s)(2)(C)(I)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to accuracy check the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.

During the investigation, it was noted that the disinfectant residual analyzer used by the water system has never been accuracy checked by the operator.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents have been submitted regarding this outstanding violation.

Investigation: 1512573

Comment Date: 08/29/2018

No compliance documentation has been submitted regarding this outstanding violation.

Recommended Corrective Action: Begin accuracy checking the manual disinfectant residual analyzers at least once every 90 days using a chlorine solutions of known concentrations. Submit a record of the accuracy checks conducted on all meters the system uses.

Withdrawal Comments:

Track No: 665536 Compliance Due Date: 08/09/2018
30 TAC Chapter 290.121

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to maintain a complete monitoring plan.

During the investigation, it was noted that there was no plant schematic available in the monitoring plan and it was also missing the lead and copper section including methods, frequency, compliance calculations and sampling locations.

Investigation: 1497324

Comment Date: 06/14/2018

Compliance documents submitted by the water system were insufficient to resolve the alleged violation.

Investigation: 1512573

Comment Date: 08/29/2018

No compliance documentation has been submitted regarding this outstanding violation.

Recommended Corrective Action: Update the monitoring plan to include a plant schematic and the missing lead and copper information. Submit a copy to the Beaumont Regional Office.

Track No: 665544 Compliance Due Date: 08/09/2018
30 TAC Chapter 290.43(d)(9)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure Timberlane Water System to install three or more pressure tanks at one site without prior approval.

During the inspection, it was noted that the water system had five pressure tanks in series. The system has a 525 gallon pressure tank and four 119 gallon pressure tanks all in series. The four 119 gallon pressure tanks have been installed since the previous CCI. The Timberlane Water System has not notified the executive director prior to making any significant change to the water system's pressure maintenance.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents were submitted to resolve the outstanding alleged violation.

Investigation: 1512573

Comment Date: 08/31/2018

Compliance documents submitted by the water system were insufficient to resolve the alleged violations. An exception request was submitted to Technical Review and Oversight Team on August 1, 2018, but exception has not yet been granted.

Recommended Corrective Action: Remove the fourth and fifth pressure tanks in the series or the water system may request another exception to this requirement by writing to the TCEQ Water Supply division, Technical Review and Oversight Team, MC 155 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

Withdrawal Comments:



Track No: 665518

30 TAC Chapter 290.44(h)(1)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to provide an adequate backflow prevention device at any residence or establishment where an actual or potential contamination hazard exists.

During the investigation, it was noted that the water system provides water to a customer who also has a private well. While the customer is not being served at this time because the meter has been turned off, the customer could begin using water at any time and would require a reduced-pressure principle backflow prevention assembly.

Significant deficiencies could be subject to 40 Code of Federal Regulations (CFR) Subpart S-Groundwater Rule regarding significant deficiencies if not corrected or part of a state approved corrective action plan by the violation deadline.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents have been submitted regarding this outstanding violation.

Investigation: 1512573

Comment Date: 08/28/2018

The water system has removed the connection.

Recommended Corrective Action: Install an acceptable backflow prevention device at the location where required or remove the connection from the water system. Submit the results of a backflow test form or photographic documentation which shows the connection has been removed to the Beaumont Regional Office.

Resolution: On August 8, 2018, the Beaumont Regional Office received photographic evidence that water system has removed the connection.

Track No: 665537

30 TAC Chapter 290.42(j)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to utilize an ANSI/NSF Standard 60 approved disinfectant.

During the inspection, it was noted that the water system uses store bought bleach (Great Value), which is not ANSI/NSF Standard 60 certified.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents were submitted to resolve the alleged violation.

Investigation: 1512573

Comment Date: 08/29/2018

The water system now utilizes and ANSI/NSF Standard 60 approved disinfectant.

Recommended Corrective Action: Begin using an ANSI/NSF Standard 60 certified disinfectant. Submit receipts of purchase and proof of ANSI/NSF Standard 60 certification to the Beaumont Regional Office.

Resolution: On August 8, 2018, the Beaumont Regional Office received documentation which displays that the water system now uses an ANSI/NSF Standard 60 approved disinfectant.

Withdrawal Comments:

Track No: 665539

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to maintain the ground storage tank in a good condition or appearance.

During the inspection, it was noted that the paint on the 0.019 MG ground storage tank was chipping and the tank is rusted. The top of the 0.019 MG ground storage tank also had leaves and debris from trees on top.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents were submitted to resolve the outstanding alleged violation.

Investigation: 1512573

Comment Date: 08/29/2018

The water system now maintains the ground storage tank in a good condition or appearance.

Recommended Corrective Action: Re-paint the ground storage tank and clean debris off of the top of the tank. Submit photographic documentation to the Beaumont Regional Office once the tank has been repainted.

Resolution: On August 8, 2018, the Beaumont Regional Office received photographic documentation which displays that the ground storage tank is in good condition and appearance.

Withdrawal Comments:

Track No: 665540

30 TAC Chapter 290.39(j)

Alleged Violation:

Investigation: 1466529

Comment Date: 02/06/2018

Failure by Timberlane Water System to notify the executive director prior to making any significant change to the water system's production, treatment, storage, pressure maintenance, or distribution facilities.

During the inspection, it was noted that the water system added four 119 gallon pressure tanks at the plant since the last CCI. Timberlane Water System did not notify the executive director prior to making a significant change to the water system's pressure maintenance.

Investigation: 1497324

Comment Date: 06/14/2018

No compliance documents were submitted to resolve the outstanding alleged violation.

Investigation: 1512573

Comment Date: 08/29/2018

The water system has notified the executive director regarding the additions of the pressure tanks.

Recommended Corrective Action: Submit notification to the executive director regarding the additions of the pressure tanks. Notifications shall be sent to TCEQ Water Supply division, Technical Review and Oversight Team, MC 155 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

Resolution: On August 8, 2018, the Beaumont Regional Office received documentation which displays that the water system notified the executive director regarding the addition of the pressure tanks.

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Texas Commission on Environmental Quality



Attachment 1

Timberlane Water System
PWS ID No. 2020054
Investigation No. 1512573

Water System Documentation

#1 Compliance -
photographic evidence showing the
removal of the water meter

Track # 665518

Docs received: Aug. 8, 2018 @ 2:00 pm
(hand delivered)

Simply Aquatics, Inc.

P.O. Box 849
Kirbyville, TX 75956
Phone # (409) 420-0774
Fax # (409) 420-0776

DATE	INVOICE #
7/25/2018	27485

BILL TO
Timberlane Water System, Inc. P.O. Box 1611 Nederland, TX 77627

Check Out Our New Website!!!!
www.simplyaquaticsinc.com
E-mail -
admin@simplyaquaticsinc.com

REP	P.O. #	TERMS	DUE DATE	LOCATION NAME
CR	N/A	Net 30	8/24/2018	Water Well
ITEM	DESCRIPTION	QTY	RATE	AMOUNT
Labor	Dug & Pulled Meter from Customer's Yard to Satisfy TCEQ Requirements	1	50.00	50.00
Bleach	Gallons	10	5.00	50.00

TIMBERLANE WATER SYSTEMS, INC.
 P.O. BOX 1611
 NEDERLAND, TX 77627

09-04
 DATE 8/2/18

1711
 35-1054/1130
 18576
 CHECK NUMBER

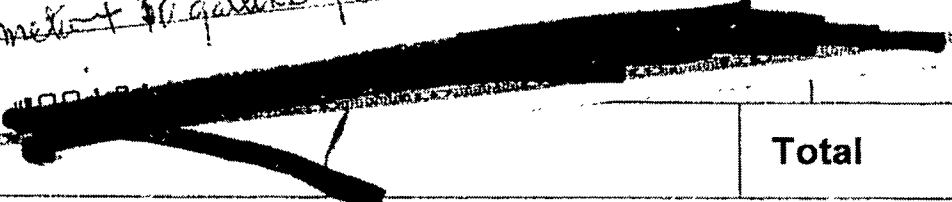
PAY TO THE ORDER OF Simply Aquatics
One hundred and no/100

\$ 100.00
 DOLLARS

BBVA Compass
 Compass Bank
 P.O. Box 1611
 Nederland, TX

Beverly J. Ferrell

OR Pulling meter + 10 gallons of bleach



Total	\$100.00
--------------	----------



Compliance Issue #4

Track # 665537

Simply Aquatics, Inc.

P.O. Box 849

Kirbyville, TX 75956

Phone # (409) 420-0774

Fax # (409) 420-0776

DATE	INVOICE #
7/25/2018	27485

BILL TO
Timberlane Water System, Inc. P.O. Box 1611 Nederland, TX 77627

Check Out Our New Website!!!!
www.simplyaquaticsinc.com
E-mail -
admin@simplyaquaticsinc.com

REP	P.O. #	TERMS	DUE DATE	LOCATION NAME
CR	N/A	Net 30	8/24/2018	Water Well
ITEM	DESCRIPTION	QTY	RATE	AMOUNT
Labor	Dug & Pulled Meter from Customer's Yard to Satisfy TCEQ Requirements	1	50.00	50.00
Bleach	Gallons	10	5.00	50.00

TIMBERLANE WATER SYSTEMS, INC.
P.O. BOX 1611
NEDERLAND, TX 77627

08-04

DATE 8/2/18

1711
35-1054/1130
18876
CHECK NUMBER

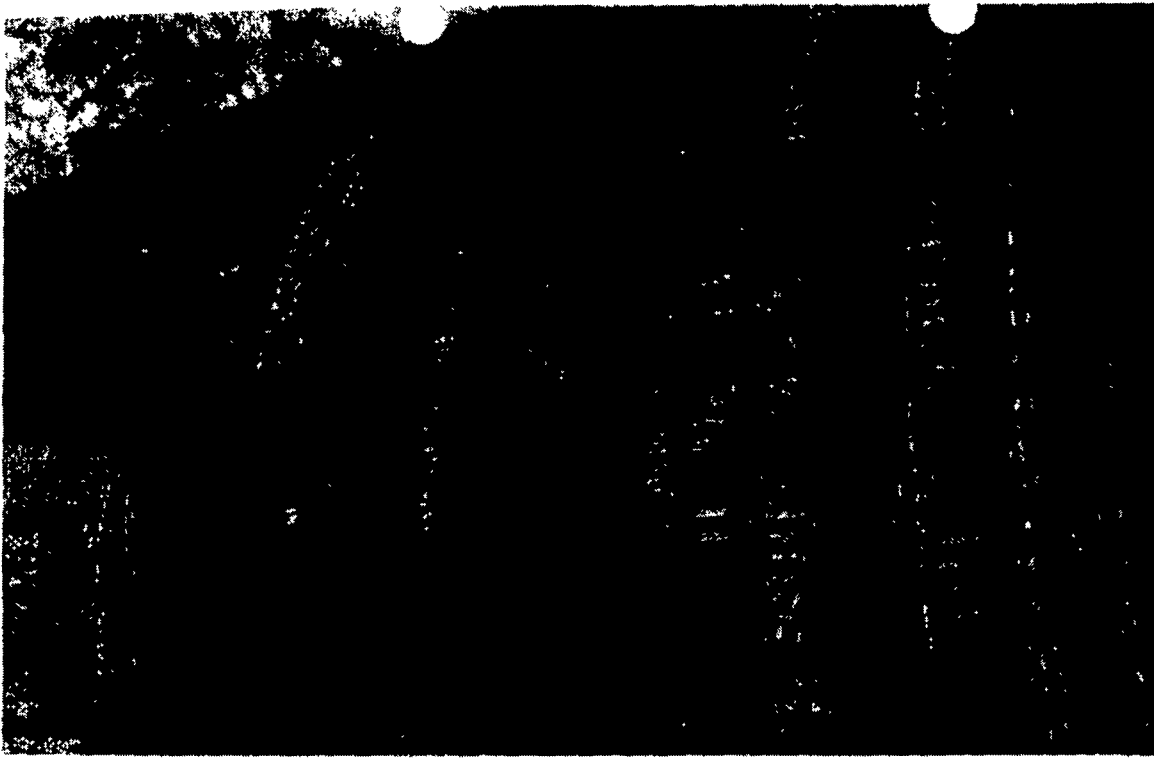
PAY TO THE ORDER OF Simply Aquatics
One hundred and 00/100
\$100.00 DOLLARS

BBVA Compass
Compass Bank
Port Neches, TX

Building meter + 10 gallons of bleach

Beverly J. [Signature]

Total	\$100.00
-------	----------



#5 Ground Storage Tank

1. Paint purchased from Sherwin/Williams
2. Painted by Caleb

Track # 665539

Grd. St. TANK PAINT CO.



SHERWIN-WILLIAMS.

SHERWIN-WILLIAMS
2724 NEDERLAND AVE
NEDERLAND TX 77627 7015

Visit www.sherwin-williams.com
Store 7008 CHARLES
(409) 722-2778
Fax - (409) 722-7392

SALE
No. 1439-1

ACCOUNT: 3011-3424-3 JOB 01 MINALDI CONSTRUCTION LLC

PO: TIMBLAN WATER TANK

MINALDI CONSTRUCTION LLC
1037 BOWLIN AVE
PORT NECHES TX 77651 5503

DATE: 02/10/18
TIME: 1:55 PM

2-Q639
E01/10357 10

(409) 749-9900

* INDICATES SALE PRICE

SALES NUMBER	SIZE	PRODUCT	DESCRIPTION	QTY	PRICE	VALUE
173-1660	9 INCH	10870190	S-W 8701 SIX PACK CO Discount (\$15.00)	1	13.29	13.29 1.99
173-5149	9 INCH	10534990	S-W 5349 TRAY	1	2.99	2.99
6403-40041	5 GAL	B50AZ6	KKU MTL PR GRV --	10	47.57	475.70
7112-49493	5 GAL	B54W101	IND EN PURE WHITE	10	39.67	396.70

Thank You
receipt required for refund

SUBTOTAL BEFORE TAX	086.69
8.250% SALES TAX: 1-447762700	71.15
TOTAL	\$959.84
CHECK# 4055	-959.84

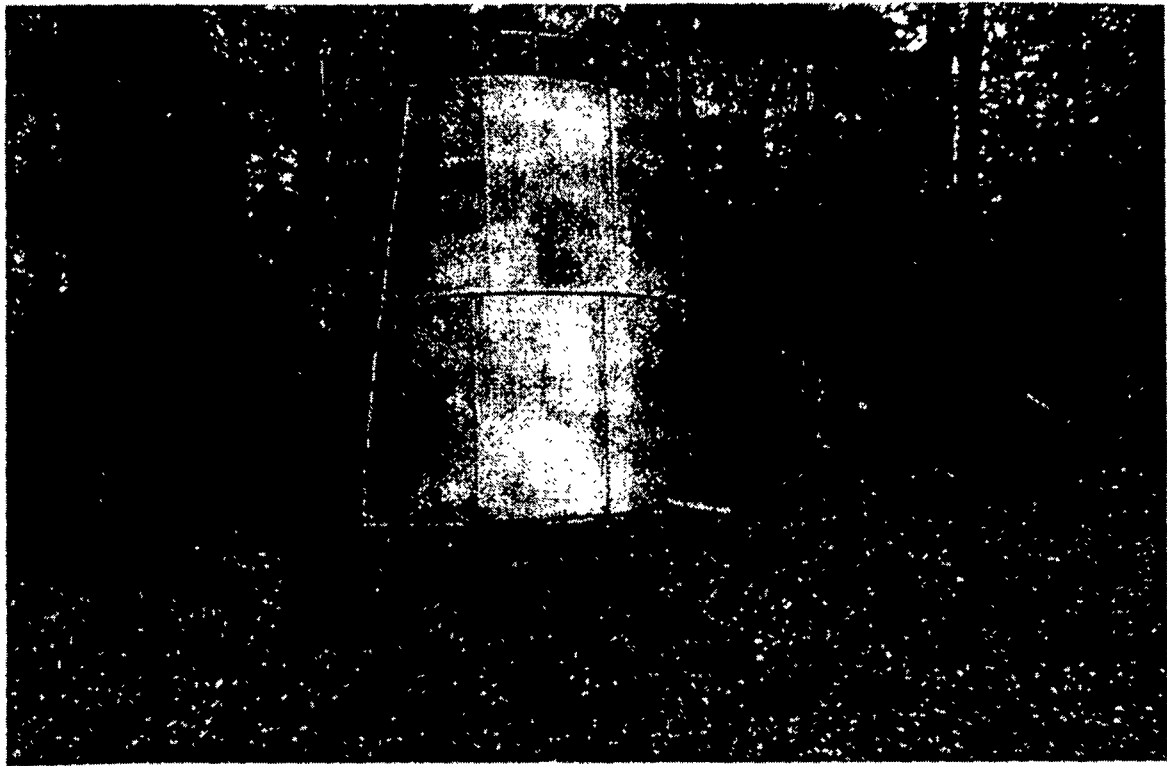
Returns cannot be processed for 14 days.

 *****NEW*****
 Buy Online from Local Store
mySW.com

STORE HOURS

SUNDAY 10:00 AM - 6:00 PM
 MONDAY - FRIDAY 7:00 AM - 7:00 PM
 SATURDAY 8:00 AM - 6:00 PM





Compliance Issue #6

Notification of The additional pressure tanks that changes the amount of water under pressure for Timberlane Water System, (Allows for the increase in residential users

Track # 665540

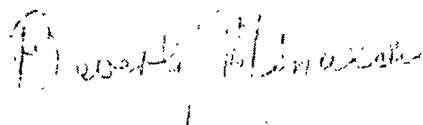
TO: T.C.E.Q. EXECUTIVE DIRECTOR
T.C.E.Q. WATER SUPPLY DIVISION
TECHNICAL REVIEW AND OVERSIGHT TEAM
MC 155
P.O. BOX 13087
AUSTIN, TX 78711-3087

February 24, 2018

FROM: TIMBERLANE WATER SYSTEM
BEVERLY MINALDI - OWNER/OPERATOR
P.O. BOX 1611
NEDERLAND, TX 77627

RE: EXCEPTION FOR 4TH & 5TH PRESSURE TANK IN SERIES

Recently, it was necessary to replace the large pressure tank with four smaller pressure tanks. The large tank had been repaired after getting a pin hole leak, by using a weld. As operator, I considered this repair to be dangerous, and felt there was a need for a safer pressure tank system. This water system depends on two slow producing wells. In order to provide the minimum amount of water for each household, there is a large capacity ground storage tank and more pressure tanks than normally needed. Please allow Timberlane Water System to use additional pressure tanks. Future T.C.E.Q. requirements and future water use is anticipated with the additional capacity. The additional tanks have ANSI & NSF approval. An EXCEPTION to use the additional tanks would be appreciated.



Beverly Minaldi



Texas Commission on Environmental Quality
Technical Review and Oversight Team

Exceptions Request
Submittal Form

(Please complete this form and submit with your exception request. More instructions on other side)

Requestor Information

Full Name: Moulds Beverly Owner/Operator
Last First Title
Address: Timbalone Water System, LLC
Address Line 1 (Name of engineering firm or public water system you represent)
3412 Memphis Ave.
Address Line 2 (Street address)
Nederland, Texas TX 77627
City State ZIP Code
Contact Phone: 281-761-7511 Fax: _____
Alternate Phone: 281-543-5321

Public Water System (PWS) Information

PWS Name: Timbalone Water System, LLC
7-DIGIT PWS ID (REQUIRED): 301054 Plant / Facility Description: 2 Groundwell, on Toledo Bend
Type of Exception: To increase pressure from 6 to 40 psi
30 TAC 290 Rule: 30 TAC 290.001(1) TCEQ Well ID(s) if applicable: _____

Summary of Exception Request

Click here to enter text.

150

Well x TROL 550

installed to replace
pressure tank that suddenly
leaked, (was patched with weld)
but considered dangerous.

The number of residences served
increased from 43 to 48

Pressure tank replaced
with # smaller pressure
tanks. Needed increased
pressure tanks to
accommodate increase of
residences.

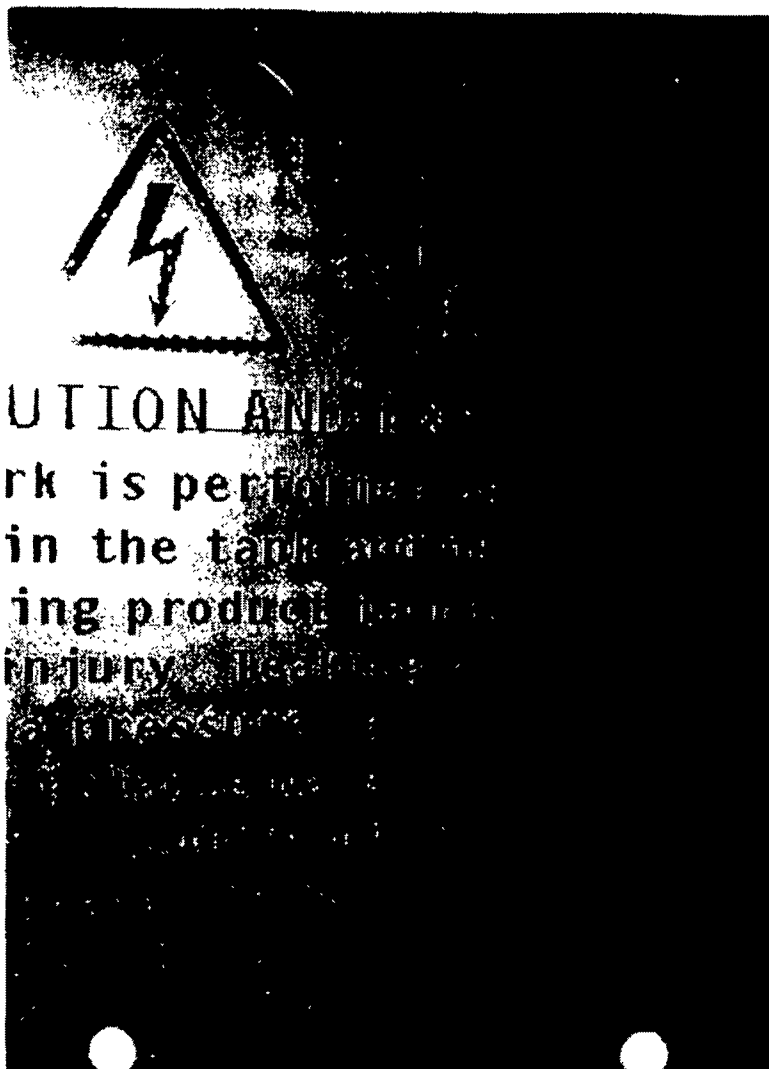


Production units are nearly constant. The number of
current customers is 49, with an increase of
5 more per day at the moment.

Well x TROL 350



Pipes
Joining
pressure
TANKS
Metal f
with S
etc.



The Metal Plate
ON ALL of the
New pressure
tanks. The
information on
The plates conta
the important
Specifications

Closer photo
of metal plates



Pressure Gauge
w/ back of
gauge



154

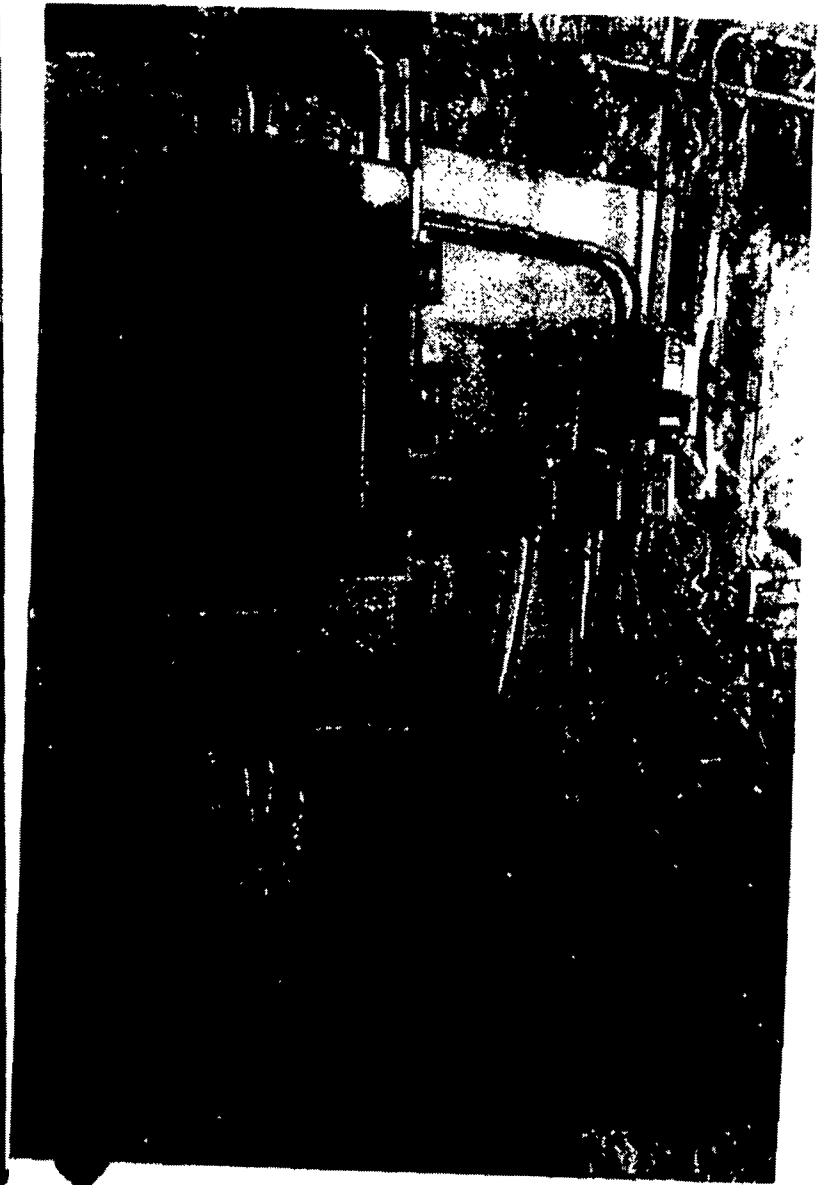


*The man in the dark
is the man in the dark*

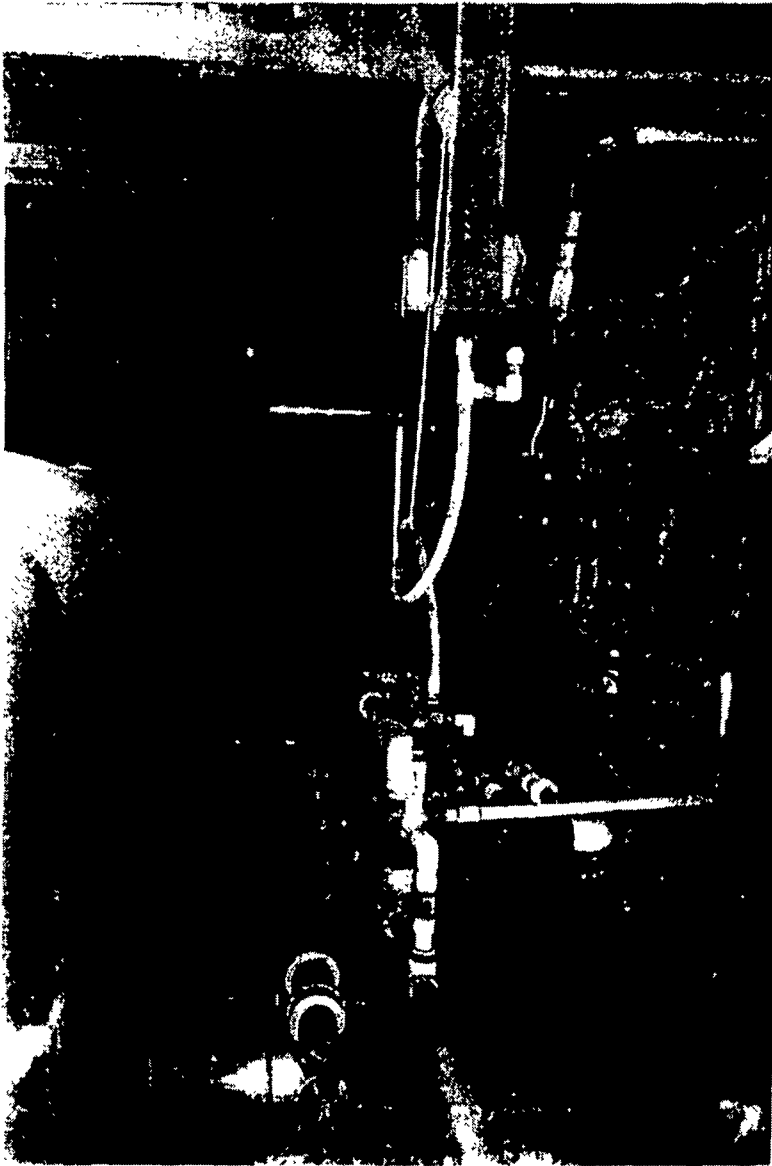




Pressure Gauge



Electrical wiring for
4 distribution pumps



Overall view of pipes, valves,
fittings from pressure tanks
to distribution pumps - (on left)



Closeup view of pipes, filters,
and valves between tanks
* Note tight joints - no leaks

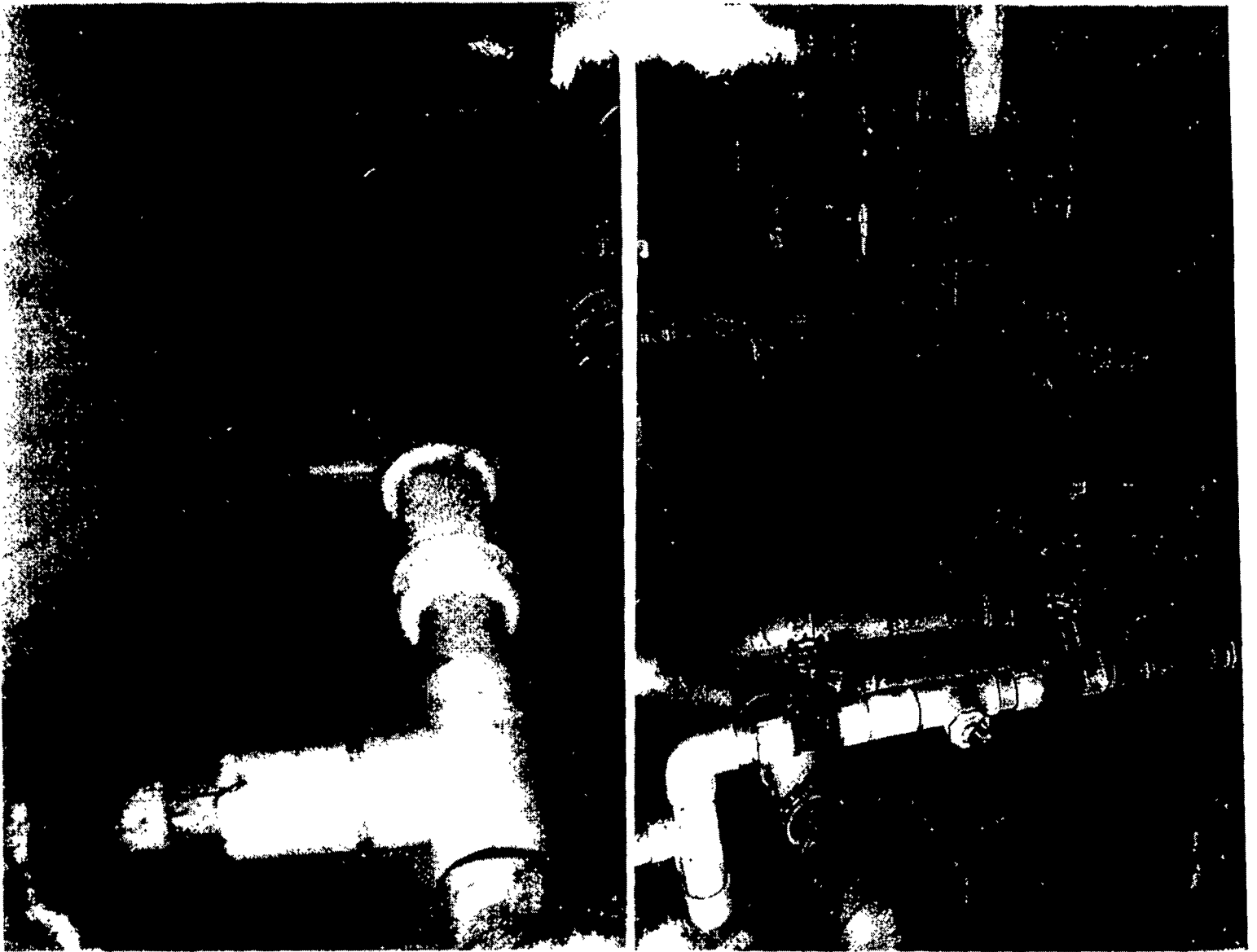


Figure 1. Schematic diagram of the experimental setup.



Search Website...

SEARCH

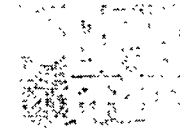
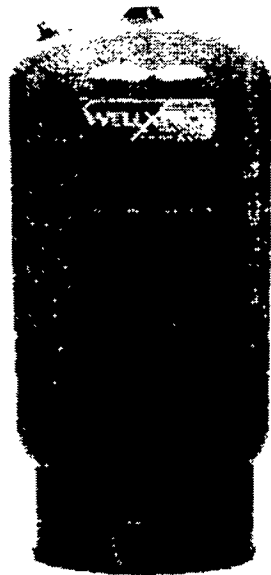
GUARANTEED SAME DAY SHIPPING

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[Tanks & Accessories](#)
[Metal Well Tanks](#)
[Amtrol Well-X-Trol WX-350 Well Pressure Tank 119 gal](#)

Amtrol Well-X-Trol WX-350 Well Pressure Tank 119 gal



Part Number: WX-350
Alt. Part Number: 151S1

0.0 No Reviews Write the First Review

In Stock, New

Quantity:

Price: \$1,194.17

Qty: 1



You might like:

- [Booster Pumps](#)
- [Well Tank Accessories](#)

You may also need:

- [Well-X-Trol Tank Fittings Package TFP5-RV - 20/40 psi Pressure Switch, \\$138.18](#)
- [Well-X-Trol Tank Fittings Package TFP5-RV - 30/50 psi Pressure Switch, \\$138.18](#)
- [Well-X-Trol Tank Fittings Package TFP5-RV - 40/60 psi Pressure](#)

4 ★★★★★
Google
Customer Reviews

\$1,149.99

\$55.42 more ea

How do we compare:

@ h2oPurificationSystems

13

▶ DETAILS

▶ PROS

▶ REVIEWS

ACCESSORIES

Well-X-Trol WX-350 Well Pressure Tank

The Well-X-Trol WX-350 well tank delivers unparalleled performance and longevity, making them the most recognized brand on the market. With its sealed air charge and unique water chamber design, Well-X-Trol is the choice of professionals. WX-350 now comes standard with Tuf-Kote indoor/outdoor coating technology. This coating allows the well water storage tank to withstand the harshest environments, giving you years of worry-free service.

- Heavy duty butyl diaphragm
- Stainless steel system connection
- Stainless steel air stem
- Virgin polypropylene liner
- 100% Helium tested
- Drawdown 20/40 Setting: 43.6 gallons
- Drawdown 30/50 Setting: 40.5 gallons
- Drawdown 40/60 Setting: 35 gallons
- 7 year warranty
- NSF Standard 61 listed

Well-Rite WR-360 Well Pressure Storage Tank

Steel 119 Gal

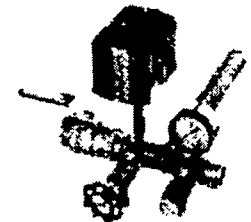


WR-360

\$129.99

Well-X-Trol Tank Fittings Package TFP5-

RV



TFP5-RV

▶ \$138.18

Qty:

7 - Request for Approval of Additional
Pressure Tanks for Timken Lane Water System
Contact Mark Micol with Technical Review
and Oversight team. He received information
on 8/1/18 - Will take time to review but
he was very positive

Track # 665544

TO: T.C.E.Q.

JULY 20, 2018

FROM: TIMBERLANE WATER SYSTEM

BEVERLY MINALDI – OWNER OPERATOR

P.O. BOX 1611

NEDERLAND, TX 77627

409-722-1897

RE: SUMMARY OF REQUEST FOR AN EXCEPTION

The water system suddenly had a leak occur in one of the pressure tanks. We repaired it by welding a patch on the leak. We were advised that it would continue to be a dangerous problem and should be replaced. We secured a loan and hired Chris Hufstatler (Jones Water Well Service) to advise and recommend a solution. He installed four Well-x troll 350 pressure tanks. He drains and checks these tanks and my distribution pumps every three months. The pressure tanks have a greater capacity than needed at this time, but we feel that changing regulations and customer-based expenses may necessitate this increased capacity in the near future. Removal of one tank would be an unnecessary expense. The additional tank is not a problem. It is an added capacity for our small system. We have 50 current connections. We did not have time to get prior approval for the additional tank.

We are requesting an exception to the rule of no more than three pressure tanks by adding one additional pressure tank.

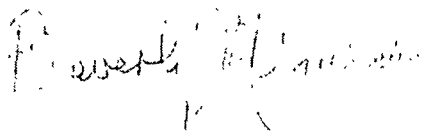
TO: T.C.E.Q. EXECUTIVE DIRECTOR
T.C.E.Q. WATER SUPPLY DIVISION
TECHNICAL REVIEW AND OVERSIGHT TEAM
MC 155
P.O. BOX 13087
AUSTIN, TX 78711-3087

February 24, 2018

FROM: TIMBERLANE WATER SYSTEM
BEVERLY MINALDI - OWNER/OPERATOR
P.O. BOX 1611
NEDERLAND, TX 77627

RE: EXCEPTION FOR 4TH & 5TH PRESSURE TANK IN SERIES

Recently, it was necessary to replace the large pressure tank with four smaller pressure tanks. The large tank had been repaired after getting a pin hole leak, by using a weld. As operator, I considered this repair to be dangerous, and felt there was a need for a safer pressure tank system. This water system depends on two slow producing wells. In order to provide the minimum amount of water for each household, there is a large capacity ground storage tank and more pressure tanks than normally needed. Please allow Timberlane Water System to use additional pressure tanks. Future T.C.E.Q. requirements and future water use is anticipated with the additional capacity. The additional tanks have ANSI & NSF approval. An EXCEPTION to use the additional tanks would be appreciated.



Beverly Minaldi



Texas Commission on Environmental Quality
Technical Review and Oversight Team

Exceptions Request
Submittal Form

(Please complete this form and submit with your exception request. More instructions on other side)

Requestor Information

Full Name: M. Gould Reverly Owner, Operator
Last First Title

Address: Industrial Water System, LLC
Address Line 1 (Name of engineering firm or public water system you represent)

9101 W. Highway 100
Address Line 2 (Street address)

Medenbald Texas 77627
City State ZIP Code

Contact Phone: 817-234-1234 Fax: _____

Alternate Phone: 817-234-1234

Public Water System (PWS) Information

PWS Name: Industrial Water System, LLC

7-DIGIT PWS ID (REQUIRED): 30301 Plant / Facility Description: 2 Groundwells on Toledo Bend

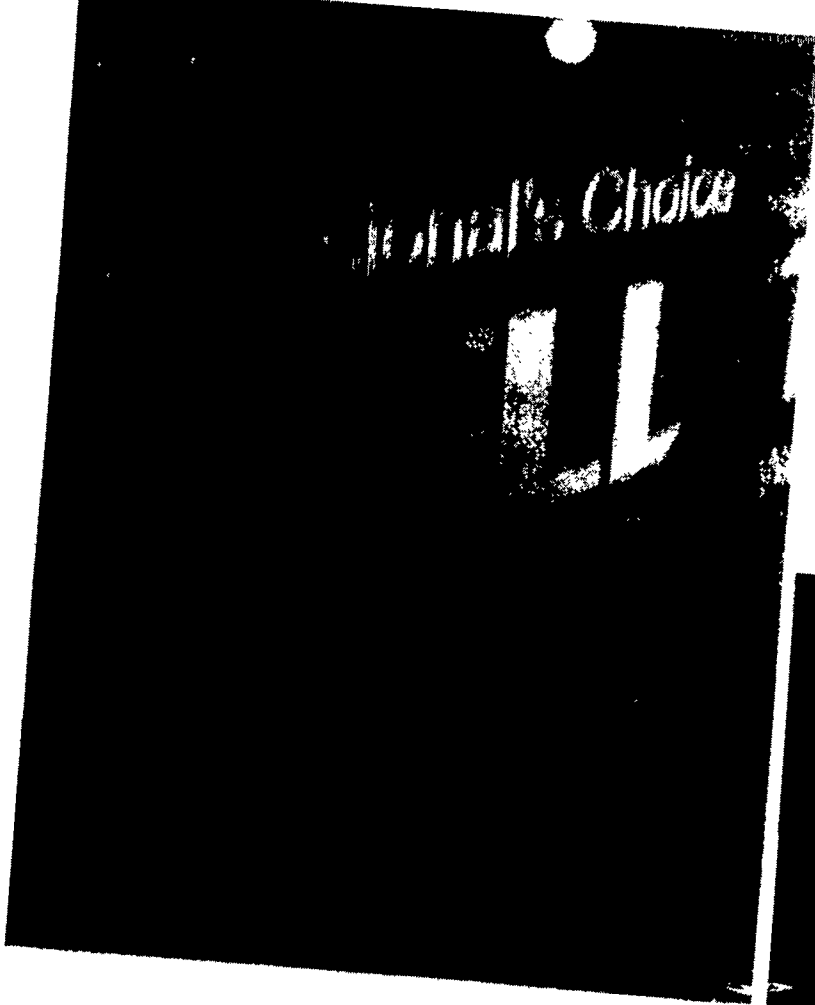
Type of Exception: 12 high pressure tanks to four

30 TAC 290 Rule: 30.291, 30.292, 30.293 TCEQ Well ID(s) if applicable: _____

Summary of Exception Request

Click here to enter text.

164



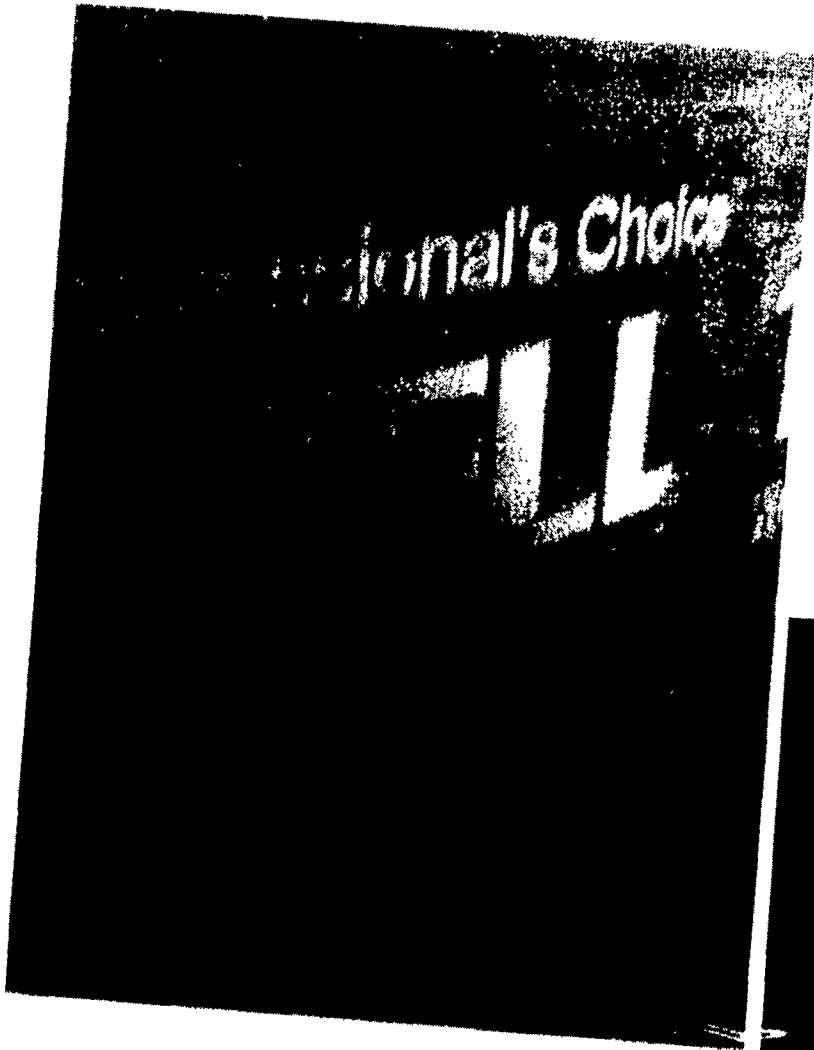
Well x ROL --

installed To replace
pressure tank that suddenly
leaked, (was patched with weld)
but considered dangerous.

The number of residences served
increased from 43 to 48



Pressure Tank replaced
with # smaller pressure
TANKS. Needed increased
pressure tanks to
Accomodate increase of
residences.

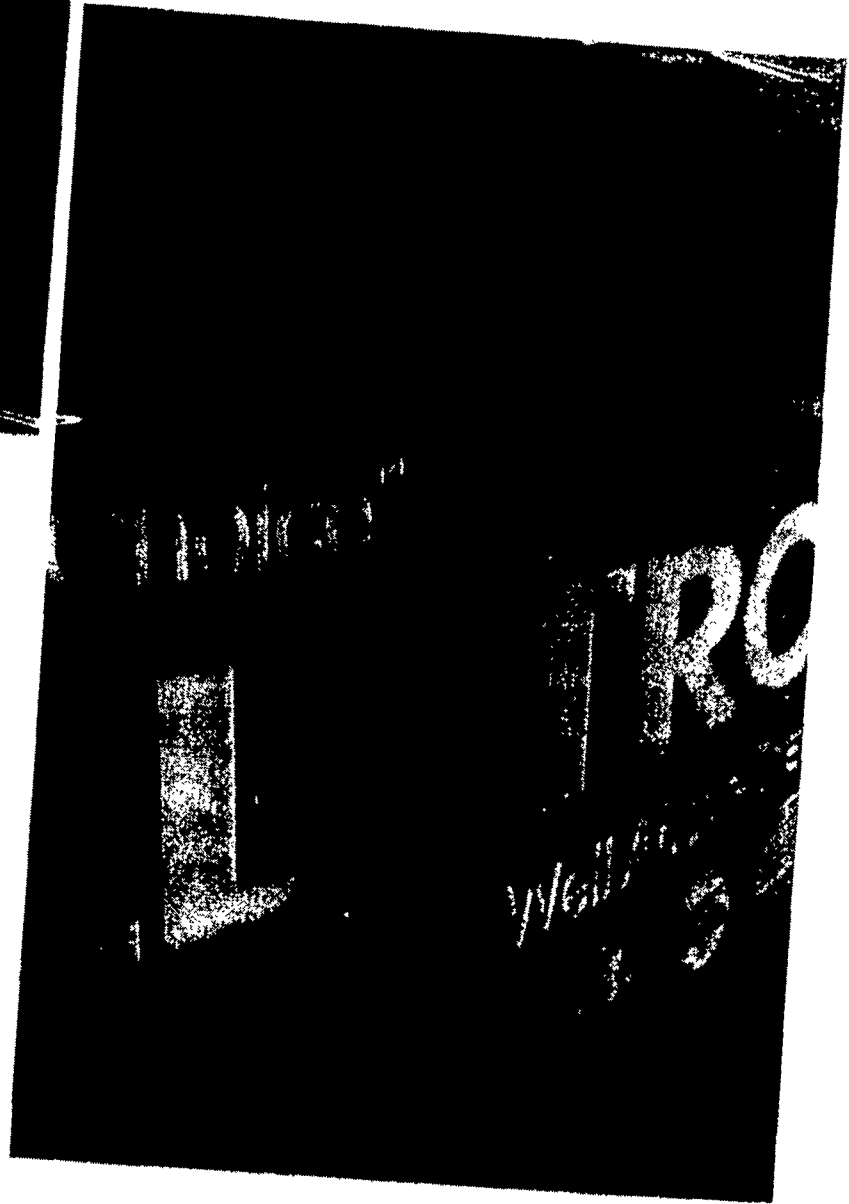


Pressure tank replaced
with # smaller pressure
TANKS. Needed increased
pressure tanks to
Accomodate increase of
residences.

Well x TROL 330

installed to replace
pressure tank that suddenly
leaked. (was patched with weld)
but considered dangerous.

The number of residences served
increased from 43 to 49



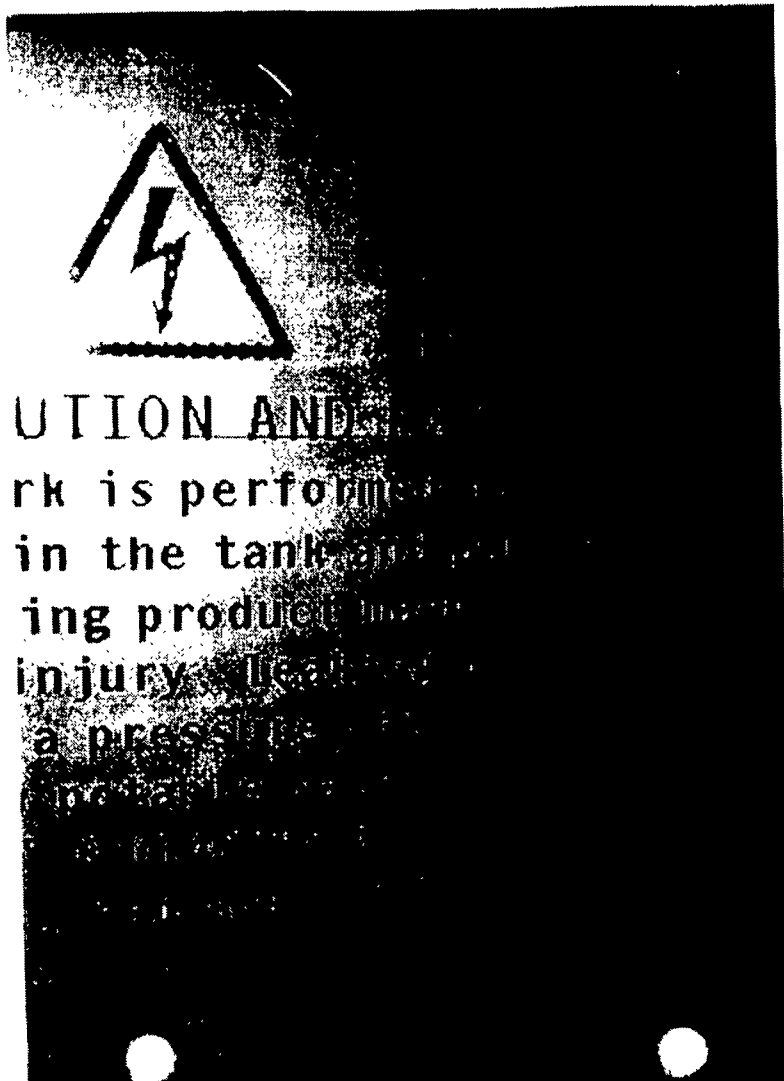


Well x TROL 350

Well x TROL 350



Pipes
Joining
Pressure
Tanks
Metal plates
with Spec
etc,

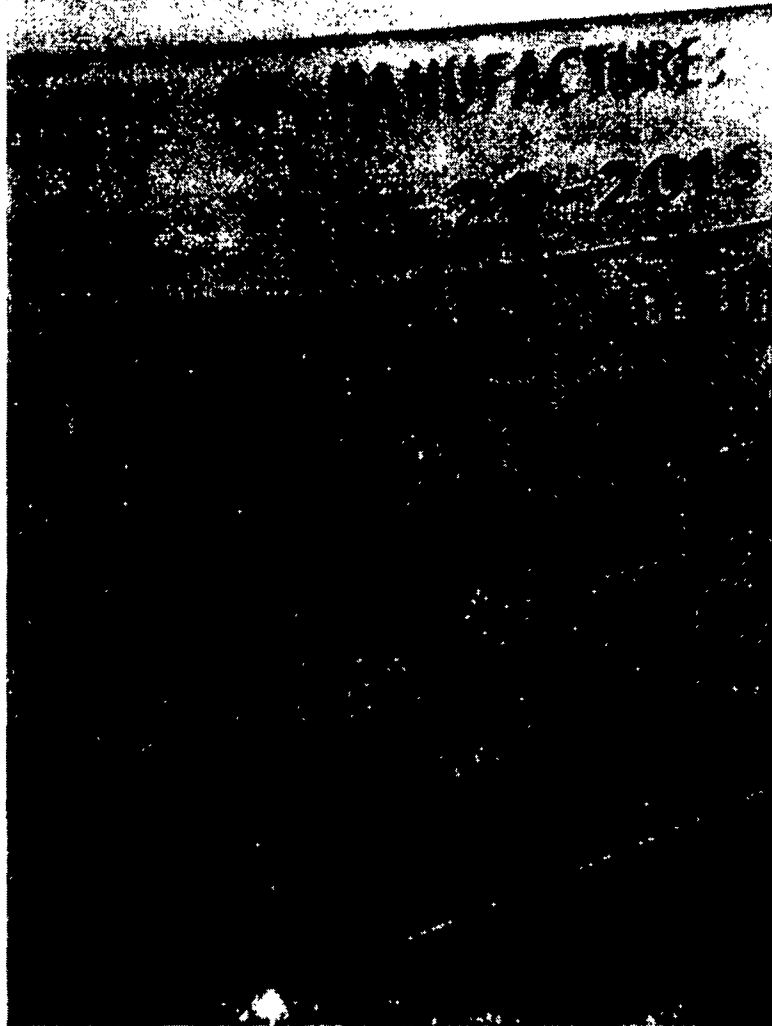


The Metal Plates
on all of the
New pressure
tanks. The
information on
the plates conta
the important
Specifications

Closer photo
of metal plates

IX-350

WIX



Pressure Change
in back of
page

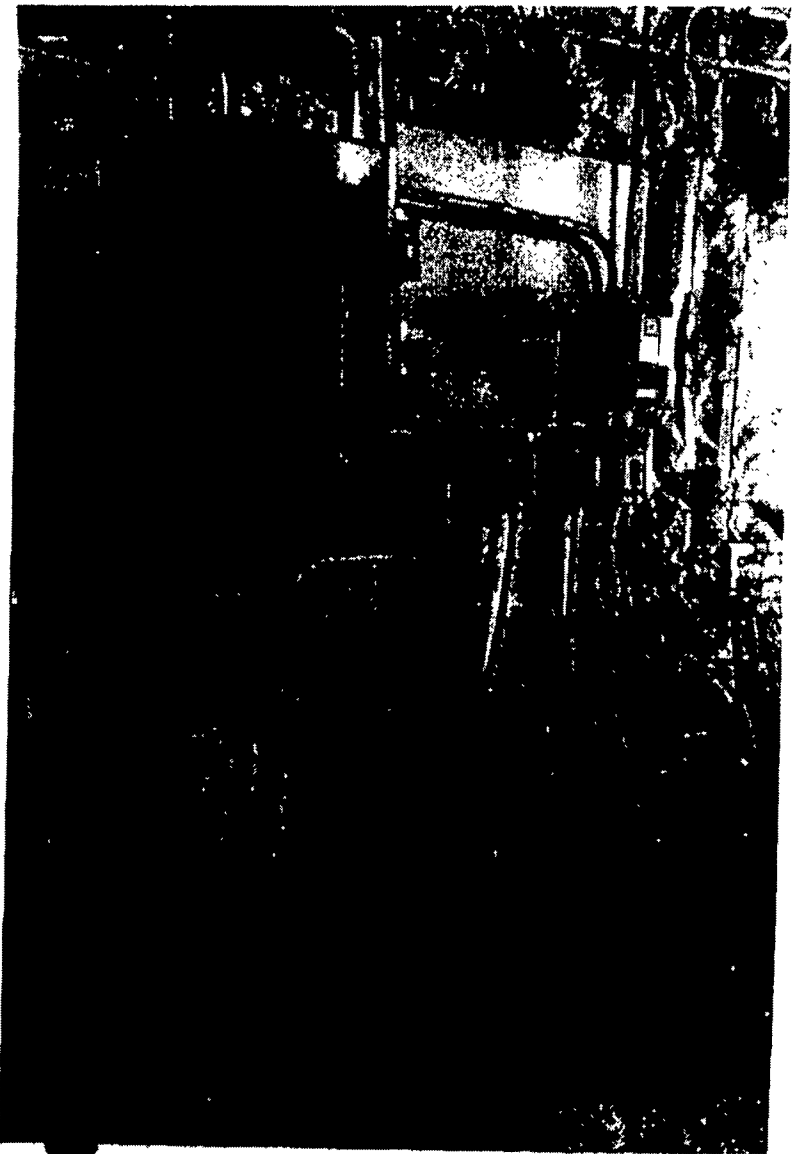




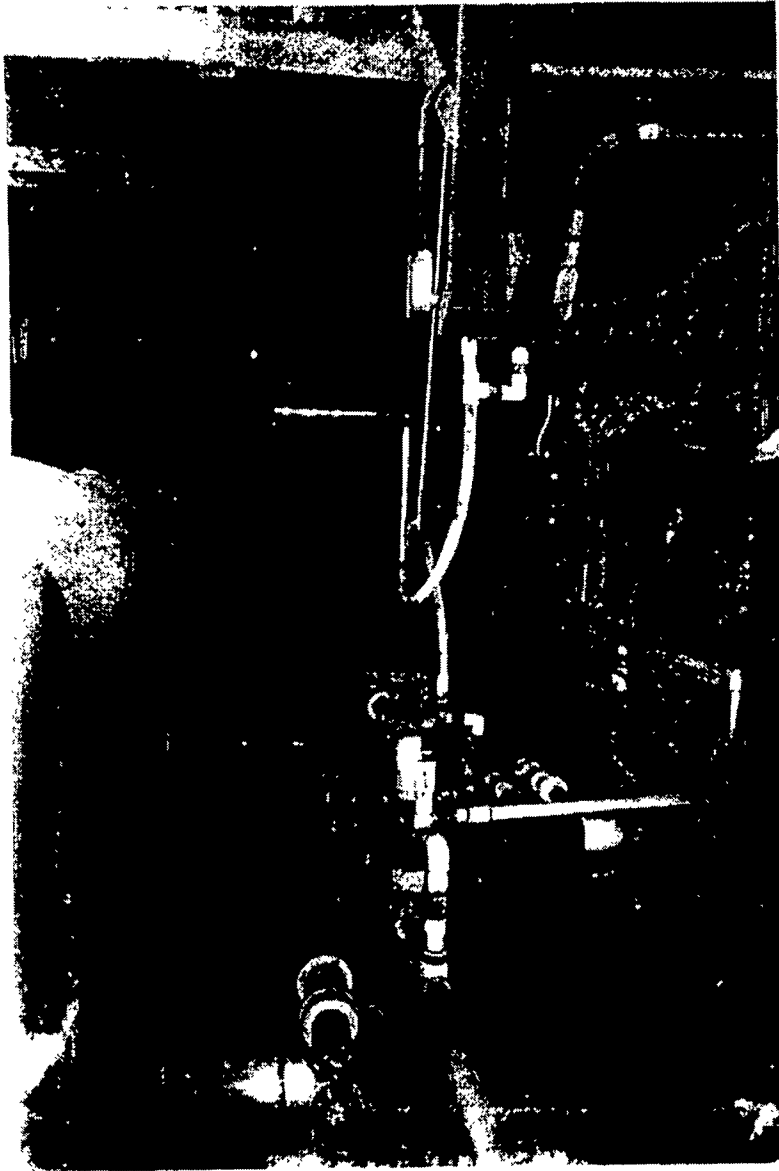
Figure 1. A photograph of a mechanical device, possibly a camera or projector, with a prominent circular lens or dial on the left side.



Pressure Gauge



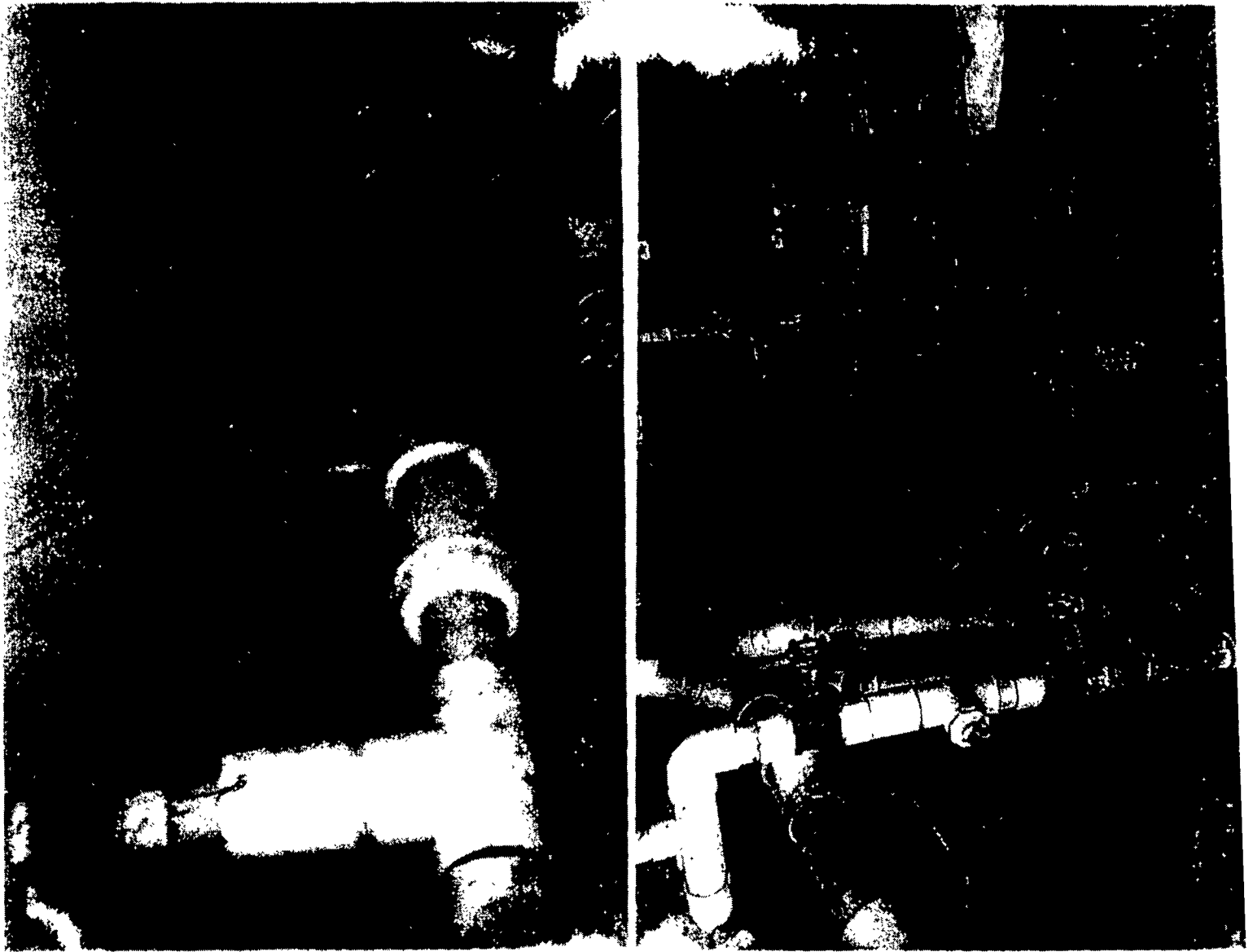
Electrical wiring for
4 distribution pumps



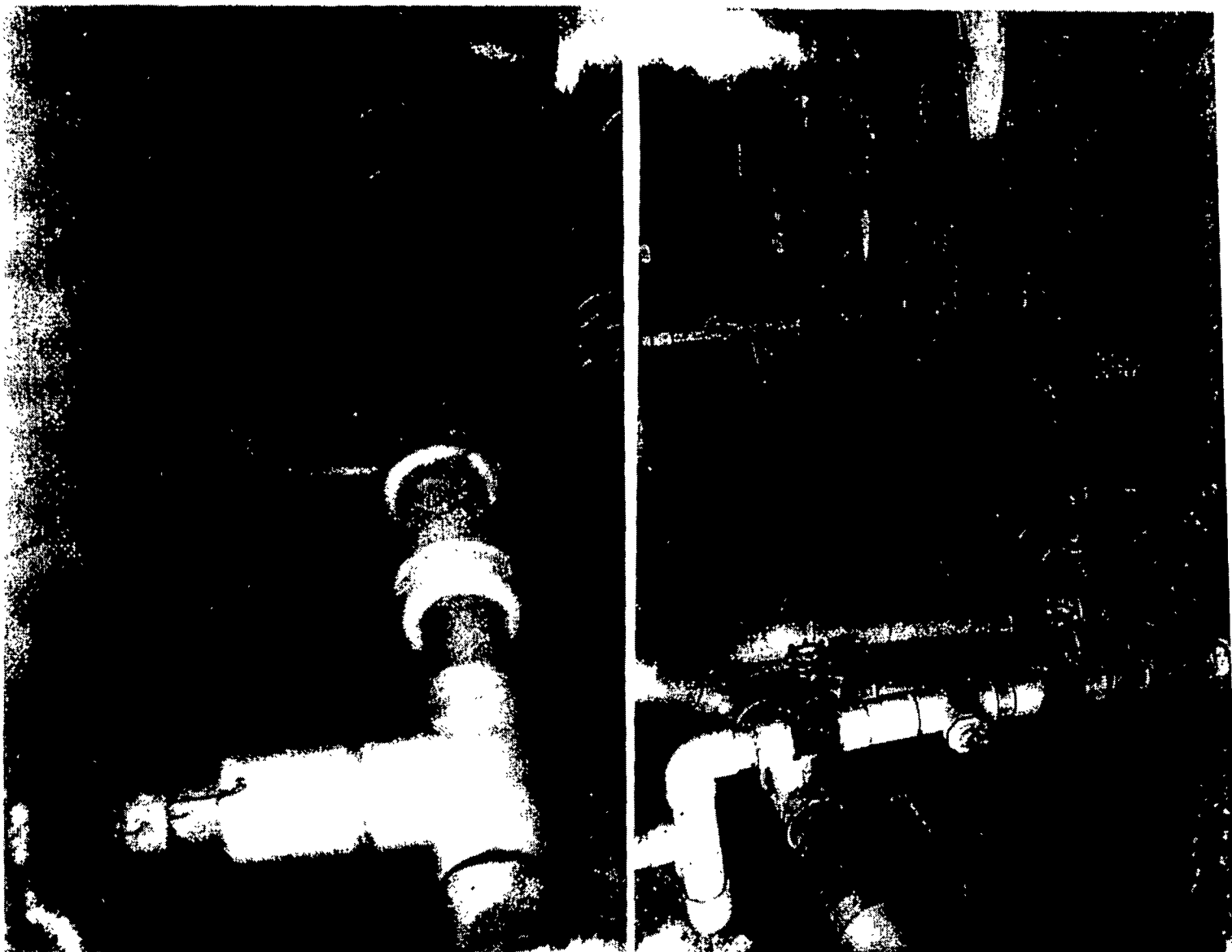
Overall view of pipes, valves,
fittings from pressure tanks
to distribution pumps (see left)



Closeup view of pipes, fittings,
and valves between tanks
* Note tight joints - no leaks



More Views of pipes etc



More views of paper etc.

Search Website...

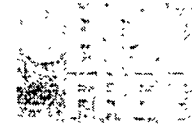
SEARCH

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Amtrol Well-X-Trol WX-350 Well Pressure Tank 119 gal



Part Number: WX-350
Alt. Part Number: 151S1

0.0 No Reviews [Write the First Review](#)

Stock: 100
Price: \$100.00

Qty: 1



You might like:

- [Booster Pumps](#)
- [Well Tank Accessories](#)

You may also need:

- [Well-X-Trol Tank Fittings Package TFP5-RV - 20/40 psi Pressure Switch, \\$138.18](#)
- [Well-X-Trol Tank Fittings Package TFP5-RV - 30/50 psi Pressure Switch, \\$138.18](#)
- [Well-X-Trol Tank Fittings Package TFP5-RV - 40/60 psi Pressure](#)

4.7 ★★★★★
Google
Customer Reviews

\$1,149.99

\$55.42 more ea

How do we compare?

@ h2oPurificationSystems



▶ DETAILS . SPECS ▶ REVIEWS

Well-X-Trol WX-350 Well Pressure Tank

The Well-X-Trol WX-350 well tank delivers unparalleled performance and longevity, making them the most recognized brand on the market. With its sealed air charge and unique water chamber design, Well-X-Trol is the choice of professionals. WX-350 now comes standard with Tuf-Kote indoor/outdoor coating technology. This coating allows the well water storage tank to withstand the harshest environments, giving you years of worry-free service.

- Heavy duty butyl diaphragm
- Stainless steel system connection
- Stainless steel air stem
- Virgin polypropylene liner
- 100% Helium tested
- Drawdown 20/40 Setting: 43.6 gallons
- Drawdown 30/50 Setting: 40.5 gallons
- Drawdown 40/60 Setting: 35 gallons
- 7 year warranty
- NSF Standard 61 listed

ACCESSORIES

Well-Rite WR-360 Well Pressure Storage Tank

Steel 119 Gal

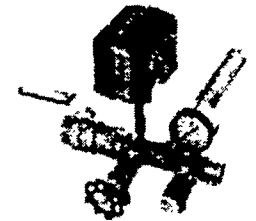


WR-360

▶ \$1,149.99

Well-X-Trol Tank Fittings Package TFP5-

RV

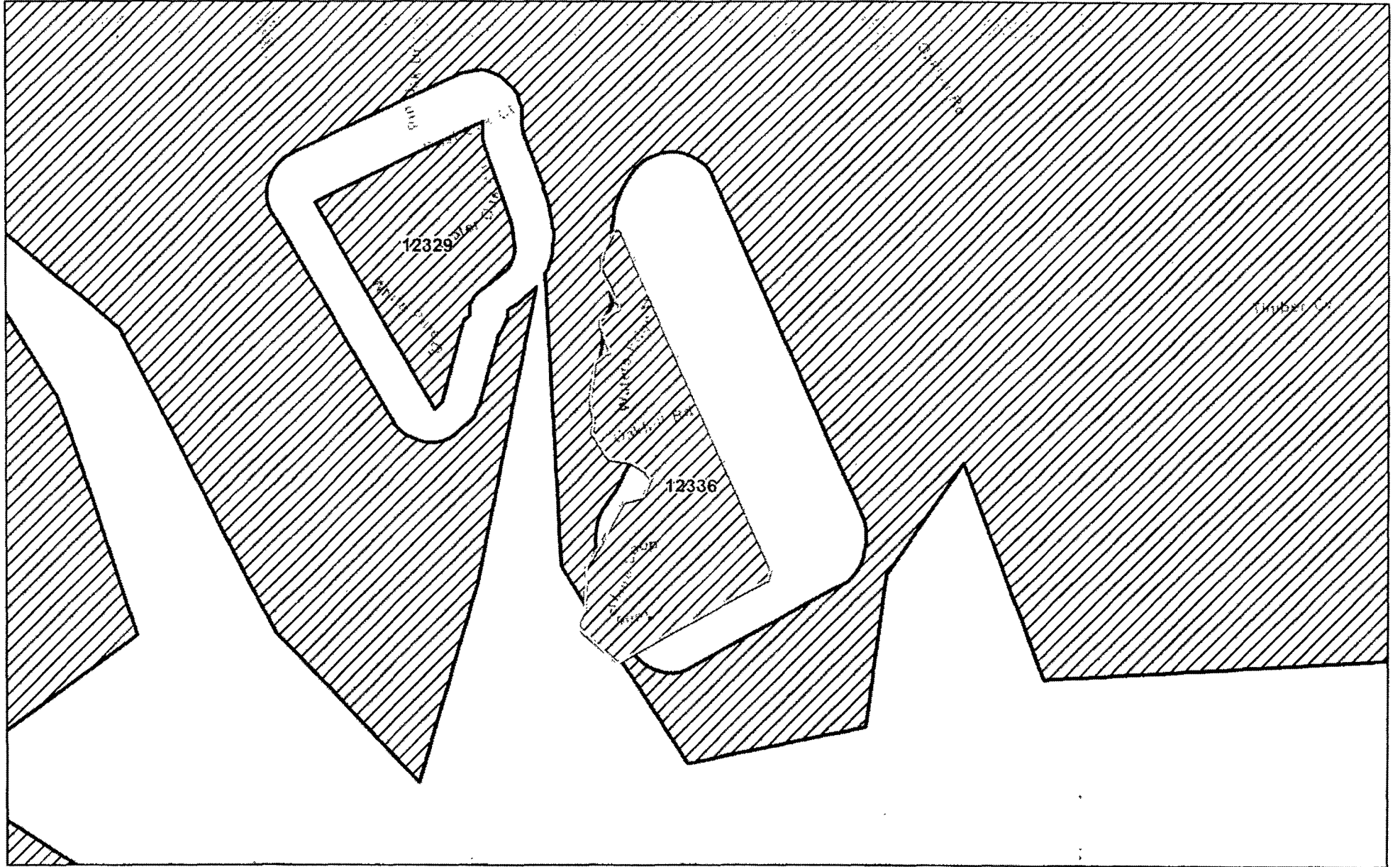


TFP5-RV

▶ \$138.18

Qty:

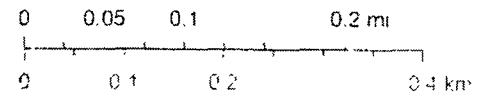
Simply Aquatics, Inc (CCN No. 12359) STM Timberlane Water System, Inc (CCN No. 12336)



February 27, 2019

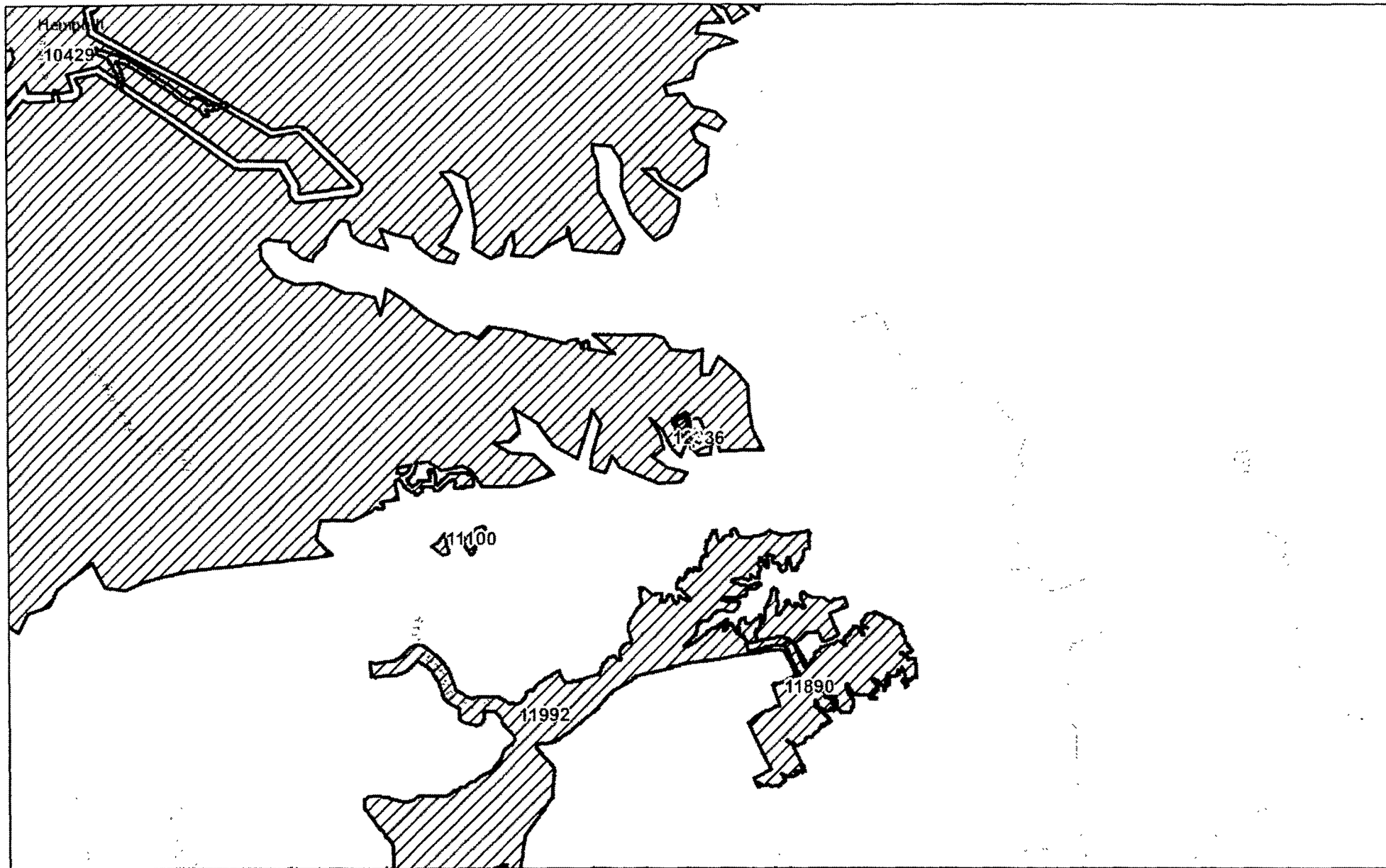
178

1:9,028



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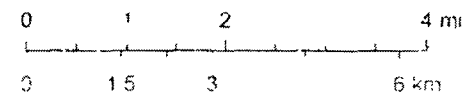
Simply Aquatics, Inc (CCN No. 12359) STM Timberlane Water System, Inc (CCN No. 12336)



February 27, 2019

179

1:144,448



CCN No. 12336, 12359, 11890, 11992, 11000

TIMBERLANE SUBDIVISION

WOODGARD SURVEY
A-382

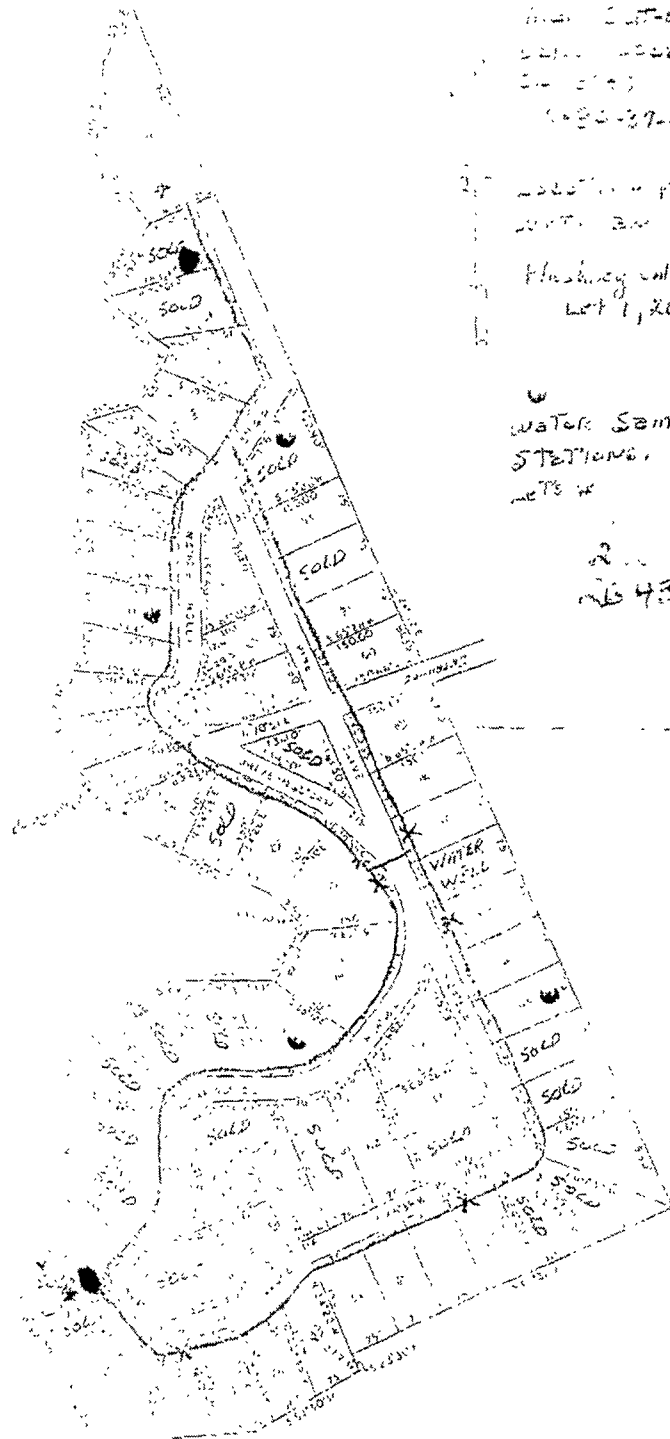
SACRED ...
TERRACE

FILED FOR RECORD THIS ... DAY OF ... 1959
IN THE COUNTY OF ... TEXAS

COUNTY CLERK, ... TEXAS

STATE OF TEXAS
COUNTY OF ...
I, ...

REGISTERED ...
NO. 10, 1977



... CUT-OFF
...
1955-27-45-49

...
... 'X'

... values
Lot 1, 26 *

Water Sampling
STATIONS,
... *

2 ...
43, 54

From: "Theresa Cisneros" <theresa.cisneros@tceq.texas.gov>
Subject: Regulatory Assessment Reporting
Date: Wed, August 14, 2019 10:47 am
To: "lauren.monk@simplyaquaticsinc.com" <lauren.monk@simplyaquaticsinc.com>

Lauren,

In reviewing Regulatory Assessment Fee (RAF) reporting for:

CCN 12336 TIMBERLANE WATER SYSTEM, this utility is current on RAF.

CCN 13259 Simply Aquatics, is missing the reporting for Calendar Year 2018.

To report use this link at <https://www3.tceq.texas.gov/sunss/> (the secure code is the last 4 digits of the CCN number) or review the Utility User Guide at <https://www.tceq.texas.gov/waterdistricts/districts/reporting>. TCEQ mailed an invoice account 89932059 which was paid on 03/11/2019 for the amount of 356.21 check number 1226. Once RAF is reported online the amount due might be different.

Feel free to contact me if any questions.

Thanks,

Theresa (Teri) Cisneros
Drinking Water Inventory and Protection Team
Drinking Water Special Functions Section
Water Supply Division
Texas Commission on Environmental Quality
Phone: 512-239-6963
Fax: 512-239-6050
E-mail: Theresa.Cisneros@tceq.texas.gov

Attachments:

untitled-[1]
Size: 0.9 k
Type: text/plain

Your transaction is complete. Thank you for using TCEQ ePay.

Note: It may take up to 3 working days for this electronic payment to be processed and be reflected in the TCEQ ePay system. Print this receipt and the vouchers for your records. An email receipt has also been sent.

Transaction Information

Trace Number: 582LA000355253
Date: 08/14/2019 10:30 AM
Payment Method: ACH - Authorization 0000000000
Amount: \$318.13
ePay Actor: Lauren Monk
Actor Email: lauren.monk@simplyaquaticsinc.com
IP: 75.106.97.55

Payment Contact Information

Name: Lauren Monk
Company: Simply Aquatics Inc
Address: P O Box 157, Kirbyville, TX 75956
Phone: 409-672-9810

Cart Items

Click on the voucher number to see the voucher details.

Voucher	Fee Description	AR Number	Amount
429185	REGULATORY ASSESSMENT FEE	89932059	\$318.13
Total fees for transaction:		\$318.13	

[Return to SUNSS](#)

Note: It may take up to 3 working days for this electronic payment to be processed and be reflected in the TCEQ ePay system. Print this receipt for your records.

From: steers@tceq.texas.gov
Subject: TCEQ ePay Receipt for 582FA000355253
Date: Wed, August 14, 2019 11:31 am
To: lauren.monk@simplyaquaticsinc.com

This is an automated message from the TCEQ ePay system. Please do not reply.

Trace Number: 582EA000355253
Date: 08/14/2019 10:30 AM
Payment Method: ACH - Authorization 0000000000
Amount Paid: \$318.13

Actor: Lauren Monk
Email: lauren.monk@simplyaquaticsinc.com

Payment Contact: Lauren Monk
Phone: 409-622-9810
Company: Simply Aquatics Inc
Address: P O Box 157, Kirbyville, TX 75956

Fees Paid:

Fee Description	AR Number	Amount
REGULATORY ASSESSMENT FEE	89932059	\$318.13

Total Fees For Transaction: \$318.13

Voucher: 429185

Trace Number: 582FA000355253
Date: 08/14/2019 10:30 AM
Payment Method: ACH - Authorization 0000000000
Amount Paid: \$318.13

Fee Paid: REGULATORY ASSESSMENT FEE
Billing Name: SIMPLY AQUATICS
Billing Address: PO BOX 157, KIRBYVILLE, TX 75956

To print out a copy of the receipt and vouchers for this transaction
either click on or copy and paste the following url into your browser:

https://www3.tceq.texas.gov/epay/index.cfm?fuseaction=cor.search&trace_num_txt=582EA000355253.

This e-mail transmission and any attachments are believed to have been sent free of any virus or other defect that might affect any computer system into which it is received and opened. It is, however, the recipient's responsibility to ensure that the e-mail transmission and any attachments are virus free, and the sender accepts no responsibility for any damage that may in any way arise from their use

Contact Information:

Name: Nancy Fountain

Title: Office Manager

Address P.O. Box 849 Kirbyville, TX 75956

Phone: (409) 420-0774

Fax: (409) 420-0776

Water System Phone: (409) 622-9810

Email: admin@simplyaquaticsinc.com

Relationship to Applicant: Office Manager at Simply Aquatics, Inc.

Name: Lauren Monk

Title: Administrative Assistant

Address: P.O Box 157 Kirbyville TX, 75956

Phone: (409) 622-9810

Fax: (409) 420-0776

Email: lauren.monk@simplyaquaticsinc.com

Relationship to Applicant: Administrative Assistant at Simply Aquatics, Inc

Oath for Transferor (Transferring Entity)

STATE OF Texas
COUNTY OF Newton

I, Beverly Minaldi being duly sworn, file this application for sale, transfer, merger, consolidation, acquisition, lease, or rental, as Timberlane Water System

(owner, member of partnership, title as officer of corporation, or authorized representative)

I attest that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the documents filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein with respect to Applicant are true and correct. Statements about other parties are made on information and belief. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Commission.

I further state that I have provided to the purchaser or transferee a written disclosure statement about any contributed property as required under Texas Water Code § 13.301(j) and copies of any outstanding enforcement Orders of the Texas Commission on Environmental Quality, the Public Utility Commission of Texas, or Attorney General and have also complied with the notice requirements in Texas Water Code § 13.301(k).

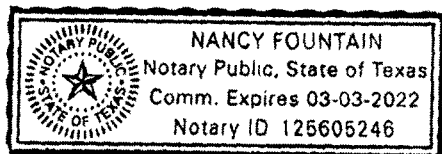
Beverly Minaldi
AFFIANT

(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public in and for the State of Texas
this day the 2nd of November, 2018

SEAL



Nancy Fountain
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

Nancy Fountain
PRINT OR TYPE NAME OF NOTARY

My commission expires: 03/03/2022

Oath for Transferee (Acquiring Entity)

STATE OF Texas

COUNTY OF Newton

I, Kevin Hester being duly sworn, file this application for sale, transfer, merger, consolidation, acquisition, lease, or rental, as Simply Aquatics, Inc. - President
(owner, member of partnership, title as officer of corporation, or authorized representative)

I attest that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the documents filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein with respect to Applicant are true and correct. Statements about other parties are made on information and belief. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Commission.

I further state that I have been provided with a copy of the 16 TAC § 24.109 Commission rules. I am also authorized to agree and do agree to be bound by and comply with any outstanding enforcement orders of the Texas Commission on Environmental Quality, the Public Utility Commission of Texas or the Attorney General which have been issued to the system or facilities being acquired and recognize that I will be subject to administrative penalties or other enforcement actions if I do not comply.

[Handwritten Signature]

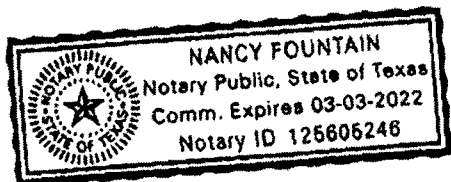
AFFIANT

(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public in and for the State of Texas
this day the 2nd of November, 2018

SEAL



[Handwritten Signature]
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

Nancy Fountain
PRINT OR TYPE NAME OF NOTARY

My commission expires: 03/03/2022

186

FLASH DRIVE
ATTACHED

TO VIEW PLEASE CONTACT
CENTRAL RECORDS
512-936-7180