

Part F TCEQ Public Water System or Sewer (Wastewater) Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX1870026 (7 digit ID)

Name of PWS: Commodore Cape Water System

Date of last TCEQ compliance inspection: (attach TCEQ letter)

Subdivisions served: Commodore Cape

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WQ (8 digit ID)

Name of Wastewater Facility:

Name of Permittee:

Date of last TCEQ compliance inspection: (attach TCEQ letter)

Subdivisions served:

Date of application to transfer permit submitted to TCEQ:

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water				Sewer	
	Non-metered		2"		Residential
105	5/8" or 3/4"		3"		Commercial
	1"		4"		Industrial
	1 1/2"		Other		Other
Total Water Connections:				105	Total Sewer Connections:

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☒ No ☐ Yes: (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: Sewer:

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.
Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_1870026_CP_20190228_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

Regulated Entity Name: COMMODORE CAPE WATER SYSTEM

Regulated Entity Number: RN102314697

Investigation # 1548562	Incident Numbers
Investigator: AYOKUNLE FALADE	Site Classification GW 51-250 CONNECTION
Conducted: 02/12/2019 -- 02/12/2019	SIC Code: 4941
Program(s): PUBLIC WATER SYSTEM/SUPPLY	
Investigation Type: Compliance Invest File Review	Location: Off FM 3277 Livingston TX
Additional ID(s): 1870026	
Address: 3595 FM 3277, LIVINGSTON, TX, 77351	Local Unit: REGION 10 - BEAUMONT
	Activity Type(s): PWSFRR - PWS NOV Record Review

Principal(s):

Role	Name
RESPONDENT	PURE UTILITIES LC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	MANAGER	MR STONEWALL JACKSON	Work (936) 327-7070
REGULATED ENTITY CONTACT	MANAGER	MR STONEWALL JACKSON	Work (936) 327-7070

Other Staff Member(s):

Role	Name
QA Reviewer	PAIGE PRITCHARD
Supervisor	CHRIS VIDRINE
Investigator	BRITTANY DAIGRE

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS GENERIC VIOLATIONS	1

Investigation Comments:

INTRODUCTION

COPY

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COMMODORE CAPE WATER SYSTEM - LIVINGSTON

2/12/2019 Inv. # - 1548562

Page 2 of 4

This file record review was conducted as a result of compliance documentation received on February 12, 2019. The compliance documentation was submitted to resolve alleged violations noted on May 24, 2018.

GENERAL FACILITY AND PROCESS INFORMATION

See Investigation No.: 1485944.

BACKGROUND

A Compliance Investigation was conducted on May 24, 2018. Alleged violations were noted during the investigation and documented in Investigation No. 1485944. A Notice of Violation (NOV) was issued on July 10, 2018.

ADDITIONAL INFORMATION

The compliance documentation received on February 12, 2019 was adequate to resolve all the outstanding alleged violations.

A Notice of Compliance Letter was mailed to the water system.

ATTACHMENT

1. Water System Documentation

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

Track Number: 680600

Resolution Status Date: 2/12/2019

Violation Start Date: 5/24/2018

Violation End Date: 2/12/2019

30 TAC Chapter 290.42(f)(1)(E)(i)(I)

Alleged Violation:

Investigation: 1485944

Comment Date: 06/29/2018

Failure by Commodore Cape WSC to provide secondary containment structures for all liquid chemical storage tanks.

During the investigation, it was noted that the water system did not provide secondary containment for its 30-gallon capacity polyphosphate storage facility at Plant 1. Please note that no containment facilities are required for hypochlorite solution containers that have a capacity of 55-gallons or less.

Investigation: 1548562

Comment Date: 02/12/2019

The water system now maintains secondary containment structure at the plant.

Recommended Corrective Action: Provide adequate containment structures large enough to hold the maximum amount of chemical that can be stored with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less, for all chemicals used at the water plant. Submit photographic documentation to the Beaumont Regional Office.

Resolution: On February 12, 2019, the Beaumont Regional Office received photographic documentation which displays the water system now maintains secondary containment structures for all liquid chemical storage tanks.

~~WITHDRAWN VIOLATION(S)~~

COMMODORE CAPE WATER SYSTEM - LIVINGSTON

2/12/2019 Inv. # - 1548562

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Track Number: 680601

Compliance Due Date: 11/07/2018

Violation Start Date: 5/24/2018

30.TAC Chapter 290.42(f)(1)(B)

Alleged Violation:

Investigation: 1485944

Comment Date: 06/13/2018

Failure by Commodore Cape WSC to provide day tanks for all chemicals used at the plant to minimize the possibility of severely overfeeding liquid chemicals from bulk storage facilities.

During the investigation, it was noted that the water system did not have day tanks for the 30-gallon polyphosphate and 50-gallon hypochlorite storage facilities at Plant 1 and the 30-gallon hypochlorite storage facility at Plant 2 which could reduce the incidence of overfeeding any chemical, nor does the water system have automatic shutdown capabilities from monitoring all treatment parameters within the plant.

Investigation: 1548562

Comment Date: 02/12/2019

It was noted that due to a clarification of the Texas Administrative Code requirements, the water system is no longer required to provide day tanks for their chemicals due to the tank holding less than a 274-gallon supply.

Recommended Corrective Action: Provide day tanks for each chemical used at the plant or employ adequate process control instrumentation such as automatic shutdown procedures for all treatment parameters to prevent overfeed incidents. Provide documentation to the Beaumont Regional Office once completed.

Resolution: Due to clarification of the rules on July 12, 2018, the TCEQ will not require day tanks at PWSs that were activated prior to August 2015, which use only groundwater and/or purchased treated water, that utilize bulk chemical storage facilities of 275-gallons or less (unless evidence of overfeeding is discovered, or a particular situation within the treatment plant appears to pose a threat to public health).

Signed


Environmental Investigator

Date

2/28/19

Signed


Supervisor

Date

2/28/19

COMMODORE CAPE WATER SYSTEM - LIVINGSTON

2/12/2019 Inv. # - 1548562

Page 4 of 4

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : Final

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ Notice of Registration

☐ Maps, Plans, Sketches

☐ Photographs

☐ Correspondence from the facility

☒ Other (specify) :

See Attachment

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 28, 2019

Mr. Stonewall Jackson, Manager
Pure Utilities LC
207 W Mill Street
Livingston, Texas 77351-3224

Re: Notice of Compliance with Notice of Violation (NOV) dated July 10, 2018:
Commodore Cape WS, Livingston (Polk County), Texas
PWS ID No.:1870026, RN No.: 102314697, Investigation No.:1548562

Dear Mr. Jackson:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office has received adequate compliance documentation on February 12, 2019 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on May 24, 2018. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Ayo Falade at the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Vidrine".

Chris Vidrine
Water Section Team Leader
Beaumont Region Office

CV/AF/bd

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

COMMODORE CAPE WATER SYSTEM

3595 FM 3277

LIVINGSTON, POLK COUNTY, TX 77351

Additional ID(s): 1870026

Investigation #

1548562

Investigation Date: 02/12/2019

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 680600

30 TAC Chapter 290.42(f)(1)(E)(II)(I)

Alleged Violation:

Investigation: 1485944

Comment Date: 06/29/2018

Failure by Commodore Cape WSC to provide secondary containment structures for all liquid chemical storage tanks.

During the investigation, it was noted that the water system did not provide secondary containment for its 30-gallon capacity polyphosphate storage facility at Plant 1. Please note that no containment facilities are required for hypochlorite solution containers that have a capacity of 55-gallons or less.

Investigation: 1548562

Comment Date: 02/12/2019

The water system now maintains secondary containment structure at the plant.

Recommended Corrective Action: Provide adequate containment structures large enough to hold the maximum amount of chemical that can be stored with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less, for all chemicals used at the water plant. Submit photographic documentation to the Beaumont Regional Office.

Resolution: On February 12, 2019, the Beaumont Regional Office received photographic documentation which displays the water system now maintains secondary containment structures for all liquid chemical storage tanks.

WITHDRAWN VIOLATION(S)

Track No: 680601

Compliance Due Date: 11/07/2018

30 TAC Chapter 290.42(f)(1)(B)

Alleged Violation:

Investigation: 1485944

Comment Date: 06/13/2018

Failure by Commodore Cape WSC to provide day tanks for all chemicals used at the plant to minimize the possibility of severely overfeeding liquid chemicals from bulk storage facilities.

During the investigation, it was noted that the water system did not have day tanks for the 30-gallon polyphosphate and 50-gallon hypochlorite storage facilities at Plant 1 and the 30-gallon hypochlorite storage facility at Plant 2 which could reduce the incidence of overfeeding any chemical, nor does the water system have automatic shutdown capabilities from monitoring all treatment parameters within the plant.

Investigation: 1548562

Comment Date: 02/12/2019

It was noted that due to a clarification of the Texas Administrative Code requirements, the water system is no longer required to provide day tanks for their chemicals due to the tank holding less than a 274-gallon supply.

Recommended Corrective Action: Provide day tanks for each chemical used at the plant or

COMMODORE CARR WATER CY TBM

Investigation # 1548562

employ adequate process control instrumentation such as automatic shutdown. Procedures for all treatment parameters to prevent overfeed incidents. Provide documentation to the Beaumont Regional Office once completed.

Withdrawal Comments: Due to clarification of the rules on July 12, 2018, the TCEQ will not require day tanks at PWSs that were activated prior to August 2015, which use only groundwater and/or purchased treated water, that utilize bulk chemical storage facilities of 276-gallons or less (unless evidence of overfeeding is discovered, or a particular situation within the treatment plant appears to pose a threat to public health).

Part F: TCEQ Public Water System or Sewer (Wastewater) Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX1870059 (7 digit ID)

Name of PWS: Forest Springs

Date of last TCEQ compliance inspection: 12/13/2016 (attach TCEQ letter)

Subdivisions served: Forest Springs

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WQ1870059 (8 digit ID)

Name of Wastewater Facility: Forest Springs

Name of Permittee: Forest Springs

Date of last TCEQ compliance inspection: 12/13/2016 (attach TCEQ letter)

Subdivisions served: Forest Springs

Date of application to transfer permit submitted to TCEQ: 12/13/2016

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water			Sewer	
	Non-metered	2"		Residential
156	5/8" or 3/4"	3"		Commercial
	1"	4"		Industrial
	1 1/2"	Other		Other
Total Water Connections:			156	Total Sewer Connections:

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☒ No ☐ Yes: Forest Springs (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: 156 Sewer: 156

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.
Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_1870059_CO_20170303_CCI
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

Regulated Entity Name: FOREST SPRINGS
Regulated Entity Number: RN101188654

OFFICE TO
MAR 03 2017
AUSTIN

Investigation # 1388462

Incident Numbers

Investigator: DUSTIN LORANCE

Site Classification GW 51-250 CONNECTION

Conducted: 01/18/2017 -- 01/18/2017

No Industry Code Assigned

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Investigation

**Location: OFF HWY 146 APPROX. 1.5 MIN OF
SCHWAB CITY, LIVINGSTON, TEXAS 77351**

Additional ID(s): 1870059

**Address: SAM RANDOLPH RD,
LIVINGSTON, TX, 77351**

Local Unit: REGION 10 - BEAUMONT

**Activity Type(s): PWSCCIGWCM - CCI GW PURCHASE
- COMMUNITY MANDATORY**

Principal(s):

Role	Name
RESPONDENT	PURE UTILITIES LC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY CONTACT	MANAGER	MR STONEWALL JACKSON	
PARTICIPATED IN	OPERATIONS MANAGER	MR CULLEN TIPTON	
PARTICIPATED IN	MANAGER	MR STONEWALL JACKSON	
REGULATED ENTITY MAIL CONTACT	MANAGER	MR STONEWALL JACKSON	Work (936) 327-7070 Cell (936) 327-1896
NOTIFIED	MANAGER	MR STONEWALL JACKSON	

FOREST SPRINGS - LIVINGSTON

1/18/2017 Inv. # - 1388462

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Other Staff Member(s):

Role	Name
QA Reviewer	HOLDEN BUTLER
Investigator	GAYLYN STRALEY
Investigator	FAIGE FRITCHARD
Investigator	CLAIRE CARLTON
Supervisor	BRITTNEY TEAKELL

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS INVESTIGATION - EQUIPMENT	2
MONITORING AND SAMPLING revised 06/2013	
PWS STANDARD FIELD	3
PWS EMERGENCY POWER INITIATIVE	1

Investigation Comments:

INTRODUCTION

Forest Springs Water System (WS) was investigated by Environmental Investigators Mr. Dustin Lorange, Ms. Paige Fritchard, and Mrs. Claire Carlton on January 18, 2017, to determine compliance with applicable public water system regulations. Mr. Stonewall Jackson, Manager, was contacted on January 2, 2017, to schedule the Comprehensive Compliance Investigation (CCI) for January 18, 2017. An investigative request was sent to the water system on January 17, 2017 (Attachment No. 1 - Investigative Request Letter).

An exit interview was conducted explaining the results of the investigation. A copy of the TCEQ Exit Interview Form and Customer Survey Form were provided to Mr. Jackson on January 18, 2017 (see Attachment No. 2 - Exit Interview Form).

A General Compliance Letter was mailed to the water system.

GENERAL FACILITY AND PROCESS INFORMATION

This is a community groundwater system which serves a total of 127 connections and an estimated population of 305 people, based on U.S. Census data. The water system consists of one well. Well No. 1 (G1870059A) was tested to produce 140 gallons per minute (gpm). The plant consists of the well, sodium hypochlorite for disinfection, a generator, a 0.03 million gallon (MG) ground storage tank, two 150 gpm service pumps, and a 0.005 MG pressure tank.

On July 18, 2012, the water system was granted an exception to the waterline depth requirement. The letter mentions that the exception is only for a section of pipe which crosses a ditch near the pressure tank at the plant location. The exception is contingent upon the line remaining fully insulated and that it must never fail due to problems related to above-ground installation (such as freezing).

The water system employs the following operators:

Cullen Tipton, Class C Ground Water, License No. WG0005970, Expires November 28, 2019

Stonewall Jackson, Class D Water, License No. WO0000014, Expires March 9, 2017

Royce Read, Class D Water, License No. WO0023089, Expires January 11, 2019

BACKGROUND

The previous CCI was conducted on May 5, 2014 and a violation was alleged for failure to have a complete plant operations manual. This violation has since been resolved. An Additional Issue was also listed for the water system recording the names of property owners instead of physical addresses for each sample site on their bacteriological chain of custody forms.

FOREST SPRINGS - LIVINGSTON

1/18/2017 Inv. # - 1388462

Page 3 of 4

A search of the Consolidated Compliance and Enforcement Data System (CCEDS) found that one complaint has been filed against the system since the previous CCI.

On June 1, 2015, the Beaumont Regional Office received a complaint (Incident No. 215026) alleging that the system was serving water with particles. No violations were alleged as a result of the investigation.

A search of CCEDS found no open enforcement cases against the water system.

ADDITIONAL INFORMATION

On January 18, 2017, the investigators met with Mr. Jackson and Mr. Cullen Tipton, Operator, to conduct the CCI.

The following records were reviewed: connection counts, American National Standards Institute (ANSI)/National Sanitation Foundation (NSF) certification for all chemicals used, plant operations manual, customer service agreement, customer service inspections, monthly operating reports, records for the amount of chemicals used, monthly flushing records, disinfectant residual sampling records, a distribution map, drought contingency plan, annual tank inspection forms, monitoring plan, and the bacteriological sampling records for the previous twelve months.

No recordkeeping violations were noted during the investigation.

Operation and maintenance- During the investigation, an evaluation of the water production and distribution system was conducted.

No operation and maintenance violations were noted during the investigation.

Capacity- During the investigation, the water system capacities were evaluated (see Attachment No. 3 - Water System Schematic, PWS Database Printout, & Water System Data Sheet).

The capacity was calculated and sampling results were documented as follows:

For the entire system, the water system is required to provide 0.6 gpm multiplied by (x) 127 connections equals (=) 76.2 gpm for total production, while the water system provides 140 gpm. The water system provides 0.005 MG of pressure storage capacity while 0.00254 MG is required. The water system provides 0.03 MG of total storage capacity while 0.0254 MG is required. The water system provides 300 gpm of service pump capacity while 254 gpm is required.

Sampling- During the investigation, a disinfectant residual, pH reading, and pressure test were conducted in the distribution system. The investigators obtained a free chlorine residual of 1.68 milligrams per liter (mg/L), a pH of 7.26 standard units (s.u.), and a pressure reading of 48 pounds per square inch (psi) at 265 Lost Lake Trail.

List of Attachments:

Attachment No. 1- Investigative Request Letter

Attachment No. 2- Exit Interview Form

Attachment No. 3- Water System Schematic, PWS Database Printout, & Water System Data Sheet

Attachment No. 4- Investigation Photographs

No Violations Associated with this Investigation

FOREST SPRINGS - LIVINGSTON

1/18/2017 Inv. # - 1388462

Page 4 of 4

Signed

Blakey J. Drance
Environmental Investigator

Date

3/3/17

Signed

Blakey
Supervisor

Date

3/3/17

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type)

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ Notice of Registration

☒ Maps, Plans, Sketches

☒ Photographs

☒ Correspondence from the facility

☐ Other (specify):

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 3, 2017

Mr. Stonewall Jackson, Manager
Pure Utilities, L.C.
207 W Mill Street
Livingston, Texas 77351-3224

Re: Public Water Supply Comprehensive Compliance Investigation at:
Forest Springs Water System, Livingston (Polk County), Texas
PWS ID No. 1870059; Investigation No. 1388462

Dear Mr. Jackson:

On January 18, 2017, Mr. Dustin Lorance, Ms. Paige Pritchard, and Mrs. Claire Carlton of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply. No violations are being alleged as a result of the investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Lorance in the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "Brittney Teakell".

Brittney Wortham-Teakell
Water Section Team Leader
Beaumont Region Office

BT/DL/gs

Part F TCEQ Public Water System or Sewer (Wastewater) Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX1870095 (7 digit ID)

Name of PWS: Lakeside Village Water

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: Lakeside Village

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WQ (8 digit ID)

Name of Wastewater Facility: _____

Name of Permittee: _____

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: _____

Date of application to transfer permit submitted to TCEQ: _____

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water				Sewer	
	Non-metered		2"		Residential
130	5/8" or 3/4"		3"		Commercial
	1"		4"		Industrial
	1 1/2"		Other		Other
Total Water Connections:				130	Total Sewer Connections:

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☒ No ☐ Yes: _____ (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: _____ Sewer: _____

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.

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1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_1870095_CP_201827_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

OFFICE TO
MAY 22 2019

Regulated Entity Name: LAKESIDE VILLAGE WATER

Regulated Entity Number: RN101234094

Investigation # 1559038

Incident Numbers

305147

Investigator: PAIGE PRITCHARD

Site Classification GW 51-250 CONNECTION

Conducted: 03/27/2019 -- 03/27/2019

SIC Code: 4941

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Investigation

Location: ROYAL WOOD DR LAKESIDE VILLAGE

Additional ID(s): 1870095

**Address: 3595 FM 3277,
 LIVINGSTON, TX, 77351**

Local Unit: REGION 10 - BEAUMONT

Activity Type(s): PWSCMPL - PWS Complaint

Principal(s):

Role	Name
RESPONDENT	PURE UTILITIES LC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY CONTACT	MANAGER	MR STONEWALL JACKSON	Work (936) 327-7070
REGULATED ENTITY MAIL CONTACT	MANAGER	MR STONEWALL JACKSON	Work (936) 327-7070

Other Staff Member(s):

Role	Name
QA Reviewer	VANESSA STANSBURY
Investigator	ABBY LYTLE
Supervisor	CHRIS VIDRINE
Investigator	MARISSA PELTIER
Investigator	CATHY LANDRY

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS INVESTIGATION - EQUIPMENT	PWS
MONITORING AND SAMPLING revised 06/2013	
PWS COMPLAINT INVESTIGATION	PWS

Investigation Comments:

INTRODUCTION

On March 21, 2019, the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office received one complaint identified as Incident No. 305147, against Pure Utilities Inc. - Lakeside Village Subdivision. The complainant alleged that the water system has a leak that is flooding their property. The complaint was assigned to TCEQ Environmental Investigator Ms. Paige Pritchard, who responded to the complaint on March 27, 2019.

GENERAL FACILITY and PROCESS INFORMATION

This is a community groundwater system which serves 121 connections and an estimated population of 289 people in one pressure plane.

BACKGROUND

No other complaints have been received against the water system within the past five years.

ADDITIONAL INFORMATION

On March 22, 2019, Ms. Pritchard contacted the complainant to discuss the nature of the complaint. The complainant stated that their property is being flooded by a leak from a waterline. The complainant stated that this has been ongoing for 18 months. The complainant stated that they have contacted the water system and the water system does not think that the water is coming from a leak. The investigator scheduled an onsite investigation for March 27, 2019.

On March 27, 2019, Ms. Pritchard, Mrs. Marissa Peltier and Mrs. Abby Lyte, Environmental Investigators arrived at the complainant's house. Upon arriving, the investigator inspected the complainant's backyard for ponding water, and it was noted that the complainant was in the middle of construction on the backyard. Ponding water was observed in the backyard in the construction areas. The investigator collected water from the puddle to see if a chlorine residual could be obtained. The investigator obtained a free chlorine residual of 0.04 milligrams per liter (mg/L). Please note that the oxidized manganese can interfere with free chlorine residual readings. The investigator believes this reading to be an interference with manganese. Next, the investigator walked around the outside of the complainant's fence and next to the complainant's neighbor's house to observe the ponding water. Ponding water and soft ground were noted in these areas; however, the investigator does not believe any water lines are located in that area since the meter boxes are located in the front of the houses. It appears the water lines run along the side of the roads and not the backyards of customer's houses. Please note that the amount of water ponding in this area is potentially due to the excessive amount of rainfall experienced in that area in the past year. The investigator noticed some ponding water down the side of the road. The investigator collected a water sample from the ponding water to run a free chlorine residual reading. A reading of 0.16 mg/L was obtained at the 714 East Lake Drive mailbox, which is suspected to be a potential water leak, since it is located on the street. Next, the investigator was then asked to sample some ponding water at neighboring houses in the distribution that were thought to be leaks. The investigator collected a water sample from ponding water located in the backyard of 664 East Lake Drive. Two free chlorine residuals of 0.22 mg/L and 0.16 mg/L were obtained from the ponding water. Please note that these readings are believed to be from the individuals onsite septic system or from them running the water hose to water their garden. Also, please note that any water leaks past the water meter on the customers side are considered the customers responsibility to repair. The investigator told this individual that they would be contacting the water system to come check out their onsite septic system, which is operated as well by Pure Utilities Inc. The investigator followed another individual to their residence at 185 Royalwood Dr. to observe another area of ponding water. Upon arrival the investigator noted that the ponding water was located in the individuals water meter box. A free chlorine residual of 0.21 mg/L was obtained from the meter box. Based on the chlorine residual and location, it is noted that this ponding water could be a potential water leak. Another individual approached the investigator regarding ponding water at their house. The investigator arrived at their residence and inspected the ponding water in their backyard it was noted that the water was very near to the lake and on a very large downhill slope, which was causing the water to pond. The individual then pointed out that an exposed water line was across the road from 801 East Lake Drive. The investigator noted this line was not buried 24 inches below ground surface. Lastly, the investigator traveled to the well site with a local resident who believed the well was leaking and causing the water seepage from the side of the hill near their home. The investigator inspected the well and surround area and did not note any leaks or cracks in the well casing or sealing block.

On March 28, 2019, the investigator contacted Mr. Stonewall Jackson, water system owner, to discuss the complaint and request records. The investigator told Mr. Jackson that the TCEQ had received a complaint

LAKESIDE VILLAGE WATER - LIVESTON

3/27/2019 Inv. # - 1559038

Page 3 of 5

regarding a water leak that is flooding their property. The investigator asked Mr. Jackson if he was aware of this issue in the water system. He stated that he has responded to a complaint similar in the past and that the water system noted that ground water comes out of the sides of the hills off East Lake Drive. Mr. Jackson believes it could potentially be a natural spring. He stated that all water lines for the system follow along the sides of the roads and do not cut across properties. The investigator informed Mr. Jackson about two spots that they believed could be potential leaks one is in front of the mailbox at 714 East Lake Dr. and the other is located in the meter box at 185 Royalwood Drive. The investigator also informed Mr. Jackson that one of the septic tanks located at 664 East Lake Dr. might need to be assessed for maintenance issues.

The investigator emailed an Exit Interview Form on March 28, 2019 requesting the following records be submitted to the Beaumont Regional Office within 14 days records for December 2018, January 2019, and February 2019: complaint records, all records regarding leaks, and a distribution system map.

On March 29, 2019, the water system submitted documentation. The water system submitted photographic documentation which displayed that the water in front of the mailbox at 714 East Lake Dr. is caused from a French drain located at the residence. The water system stated that they collected a chlorine reading at the location and received a 0.0 mg/L free chlorine reading. The water system stated that they investigated the onsite system located at 664 East Lake Dr. and noted that the septic system was not leaking at that residence. The water system stated that their water lines are near the street. They submitted photographic documentation of the ponding water on the property at 185 Royal Wood. Mr. Jackson noted that the ground was wet, but he believes the water to be caused from water seepage from the hill. The water system stated that they collected a free chlorine residual from the meter box at this location and a 0.0 mg/L free chlorine residual was obtained. The water system submitted photographic documentation that displayed that the exposed water line had been covered and a box was placed over the valves, so they would be easily accessible for the water system.

The water system will receive violation for failure to maintain water transmission lines 24 inches below ground surface. This violation will be noted and resolved based on the photographic documentation submitted. The water system will receive a violation for failure to submit records upon request to the Beaumont Regional Office. The water system was requested to submit December 2018, January 2019, and February 2019 complaint records, records regarding leaks, and a distribution system map. These records were never submitted.

On May 15, 2019 the investigator contacted the complainant to discuss the investigation. The complainant is still having flooding on their property due to the water seepage from the hill near their home. The investigator suggested that they contact the Ground Water Conservation District for their area. The investigator informed the complainant that the water system is receiving a violation for failure to submit the requested record and failure to maintain water transmission lines 24 inches below ground. The complainant stated that the investigator received chlorine residuals at 185 Royal Wood and 714 East Lake Dr. and wished to know why the water system was not being cited violations based on these results. The investigator explained that the water system stated that they received 0.0 mg/L chlorine residuals from these locations the next day. The investigator explained that the water system stated that the residual reading obtained by the investigator could be from a French drain noted at 714 East Lake Dr. that was documented coming from one of the residents home, and at 185 Royal Wood the water system believes this residual to be from a biological sheen they noted on the water or from the resident running their water hose near the meter box.

The complainant was mailed a copy of the investigation report.

The water system was mailed a Notice of Violation Letter.

List of Attachments:

- Attachment No. 1- Exit Interview Form
- Attachment No. 2- Investigation Photographs
- Attachment No. 3- Water System Documentation

NOV Date 05/21/2019 Method WRITTEN

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

LAKE SIDE VILLAGE WATER - WINGSTON

3/27/2019 Inv. # - 1559038

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Track Number: 713662

Compliance Due Date: 06/20/2019

Violation Start Date: 3/27/2019

30 TAC Chapter 290.46(f)(2)

Alleged Violation:

Investigation: 1559038

Comment Date: 05/21/2019

Failure by Pure Utilities Inc. -- Lakeside Village Subdivision to have operating records accessible for review upon request.

During the investigation, three months of the following records were requested to be submitted within 14 days: December 2018, January 2019, and February 2019 complaint records; records regarding leaks; and a distribution system map. The records were never submitted.

Recommended Corrective Action: Submit the requested records to the Beaumont Regional Office.

AREA OF CONCERN

Track Number: 713664

Resolution Status Date: 5/21/2019

Violation Start Date: 3/27/2019

Violation End Date: 3/29/2019

30 TAC Chapter 290.44(a)(4)

Alleged Violation:

Investigation: 1559038

Comment Date: 05/21/2019

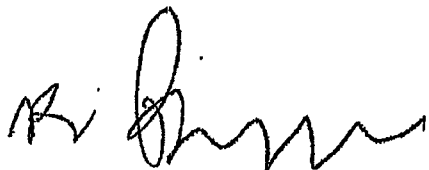
Failure by Pure Utilities Inc. -- Lakeside Village Subdivision to maintain water transmission and distribution lines at least 24 inches below ground.

During the investigation, the investigator noted an exposed water line and valves across the street from 801 East Lake Drive.

Recommended Corrective Action: Ensure the water transmission lines are located at least 24 inches below the ground surface.

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

Resolution: On March 29, 2019, the water system submitted photographic documentation that the water lines had been covered and boxes had been placed over the water valves.

Signed 
Environmental Investigator

Date 3/27/19

Signed 
Supervisor

Date 3/21/19

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)
☒ Letter to Facility (specify type) : N/A
☐ Investigation Report
☐ Sample Analysis Results
☐ Manifests
☐ Notice of Registration

☐ Maps, Plans, Sketches
☐ Photographs
☐ Correspondence from the facility
☒ Other (specify) :
See Attachments

Summary of Investigation Findings

LAKESIDE VILLAGE WATER

3595 FM 3277

LIVINGSTON, POLK COUNTY, TX 77351

Investigation #

1559038

Investigation Date: 03/27/2019

Additional ID(s): 1870095

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

Track No: 713862 Compliance Due Date: 06/20/2019

30 TAC Chapter 290.48(f)(2)

Alleged Violation:

Investigation: 1559038

Comment Date: 05/21/2019

Failure by Pure Utilities Inc. - Lakeside Village Subdivision to have operating records accessible for review upon request.

During the investigation, three months of the following records were requested to be submitted within 14 days: December 2018, January 2019, and February 2019 complaint records; records regarding leaks; and a distribution system map. The records were never submitted.

Recommended Corrective Action: Submit the requested records to the Beaumont Regional Office.

AREA OF CONCERN

Track No: 713864

30 TAC Chapter 290.44(a)(4)

Alleged Violation:

Investigation: 1559038

Comment Date: 05/21/2019

Failure by Pure Utilities Inc. - Lakeside Village Subdivision to maintain water transmission and distribution lines at least 24 inches below ground.

During the investigation, the investigator noted an exposed water line and valves across the street from 801 East Lake Drive.

Recommended Corrective Action: Ensure the water transmission lines are located at least 24 inches below the ground surface.

The system may also request an exception to the rule by submitting information to the TCEQ Water Supply division, Technical Review and Oversight Team, MC 156 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

Resolution: On March 29, 2019, the water system submitted photographic documentation that the water lines had been covered and boxes had been placed over the water valves.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 21, 2019

CERTIFIED MAIL {7015 0640 0004 7993 7107}
RETURN RECEIPT REQUESTED

Mr. Stonewall Jackson, Owner
207 West Mill St.
Livingston, Texas 77351-3224

**Re: Notice of Violation for Public Water Supply Complaint Investigation at:
Pure Utilities Inc., Lakeside Village Subdivision, Livingston (Polk County), Texas;
PWS ID No.: 1870095, Investigation No.: 1559038, RN No.: 101234094, Incident No.: 305147**

Dear Mr. Jackson:

On March 27, 2019, Paige Pritchard, Marissa Peltier and Abby Lytle of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region 10 Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as Area of Concern based on subsequent corrective action. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by June 20, 2019, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Beaumont Region 10 Office at (409) 898-3838 or the Central Office Publications Ordering Team at 512-239-0028.

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

Mr. Stonewall Jackson, Owner
May 21, 2019
Page 2

However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Pritchard in the Beaumont Region 10 Office at (409) 898-3838.

Sincerely,



Chris Vidrine
Water Section Team Leader
Beaumont Region 10 Office

CV/PP/cal

Enclosure: Summary of Investigation Findings

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

- Date of application to transfer permit *submitted* to TCEO:

- | Water | | | | Sewer | |
|--------------------------|--------------|--|-------|--------------------------|-------------|
| | Non-metered | | 2" | | Residential |
| 34 | 5/8" or 3/4" | | 3" | | Commercial |
| | 1" | | 4" | | Industrial |
| | 1 1/2" | | Other | | Other |
| Total Water Connections: | | | 34 | Total Sewer Connections: | |

- | Description of the Capital Improvement: | Estimated Completion Date: | Estimated Cost: |
|---|----------------------------|-----------------|
| | | |
| | | |
| | | |

- ☐
- No
- ☒
- Yes:

- Water: Sewer:

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.

Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_2290027_CO_20160510_RECORD REVIEW
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

Regulated Entity Name: MONT NECHES LAKE ESTATES

Regulated Entity Number: RN101258788

Investigation # 1329407

Incident Numbers

Investigator: BRITTNEY TEAKELL

Site Classification GW <=50 CONNECTION

Conducted: 04/25/2016 -- 04/25/2016

SIC Code: 4941

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Invest File Review

Location: OFF FM 92 SOUTH OF FM 1746

Additional ID(s): 2290027

Address: 3695 FM 3277,
LIVINGSTON, TX, 77351

Local Unit: REGION 10 - BEAUMONT

Activity Type(s): PWSFRR - PWS NOV Record Review

Principal(s):

Role

Name

RESPONDENT

PURE UTILITIES LC

Contact(s):

Role

Title

Name

Phone

REGULATED
ENTITY MAIL
CONTACT

MANAGER

MR STONEWALL
JACKSON

REGULATED
ENTITY
CONTACT

MANAGER

MR STONEWALL
JACKSON

Other Staff Member(s):

Role

Name

QA Reviewer

PAIGE PRITCHARD

Investigator

BRITTANY DAIGRE

Supervisor

RONALD HEBERT JR

Associated Check List

Checklist Name

Unit Name

PWS GENERIC VIOLATIONS

1

Investigation Comments:

INTRODUCTION

This file record review was conducted as a result of alleged violations noted against the Mont Neches Lake Estates Water System on January 21, 2015.

FILE COPY

**OFFICE TO
MAY 10 2016**

A U S T I N

MONT NECHES LAKE ESTATES - LIVINGSTON

4/25/2016 Inv. # - 1329407

Page 2 of 3

GENERAL FACILITY AND PROCESS INFORMATION

See Investigation No.: 1221552

BACKGROUND

A Comprehensive Compliance Investigation was conducted on January 21, 2015. Alleged violations were noted during the investigation and documented in Investigation No. 1221552. A Notice of Violation (NOV) was issued on February 26, 2015.

ADDITIONAL INFORMATION

Compliance documentation was not submitted to resolve the outstanding alleged violation.

A No Information Submitted Letter was mailed to the system.

~~NOV 05/10/2016~~ ~~NO INFORMATION SUBMITTED DEFICIENCY LETTER~~

~~OUTSTANDING ALLEGED VIOLATION(S)~~

~~ASSOCIATED TO A NOTICE OF VIOLATION~~

Track Number: 560441

Compliance Due Date: 06/09/2016

Violation Start Date: 1/21/2015

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

Alleged Violation:

Investigation: 1221552

Comment Date: 02/10/2015

Failure by the Mont Neches Water System to provide a Sanitary Control Easement or recorded deed and map that covers all of the property within 150 feet of the well.

During the investigation, it was noted that the water system does not maintain sanitary control easements or deeds and maps for all property within 150 feet of the well. No easements were found regarding the 5 properties which were noted to exist at least partially within 150 feet of the well.

Investigation: 1329407

Comment Date: 04/25/2016

Compliance documentation has not been submitted to resolve this outstanding alleged violation.

Recommended Corrective Action: Obtain the sanitary control easement or recorded deed and map for the property within 150 feet of the wells. Submit the documentation to the Beaumont Regional Office.

Signed

[Signature]
Environmental Investigator

Date

5/10/16

Signed

[Signature]
Supervisor

Date

5-10-16

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Maps, Plans, Sketches

___ Letter to Facility (specify type) : No Exam

___ Photographs

___ Investigation Report

___ Correspondence from the facility

___ Sample Analysis Results

___ Other (specify) :

___ Manifests

✓ none

___ Notice of Registration

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 10, 2016

CERTIFIED MAIL {7015 0640 0004 7999 2236}
RETURN RECEIPT REQUESTED

Mr. Stonewall Jackson, General Manager
Pure Utilities LLC
207 W Mill Street
Livingston, Texas 77351

Re: Failure to Submit Compliance Documentation for:
Mont Neches, Tyler County, Texas
PWS ID No.: 2290027; Investigation No.: 1329407

Dear Mr. Jackson:

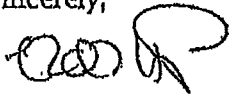
By letter dated February 26, 2015, the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office requested that you submit information to us by June 26, 2015, verifying that the outstanding alleged violations referenced in the letter have been corrected. The alleged violations were noted during the investigation of the above-referenced facility conducted on January 21, 2015. Enclosed for your information is a copy of the letter. As of this date, we have not received from you a written description of corrective action taken and the required compliance documentation for these alleged violations. Please submit this information to us by no later than June 9, 2016.

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

Mr. Stonewall Jackson, General Manager
Page 2
May 10, 2016

If you or members of your staff have any questions, please feel free to contact Mrs. Brittney Teakell in the Beaumont Region Office at 409-898-3838.

Sincerely,



Ronald Hebert, Water Section Manager
Beaumont Region Office

RH/BT/bd

Enclosure: Copy of Previous Letter

Summary of Investigation Findings

MONT NECHES LAKE ESTATES

3595 FM 3277

LIVINGSTON, TYLER COUNTY, TX 77351

Additional ID(s): 2290027

Investigation #

1329407

Investigation Date: 04/25/2016

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

Track No: 560441

Compliance Due Date: 06/08/2016

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

Alleged Violation:

Investigation: 1221552

Comment Date: 02/10/2015

Failure by the Mont Neches Water System to provide a Sanitary Control Easement or recorded deed and map that covers all of the property within 150 feet of the well.

During the investigation, it was noted that the water system does not maintain sanitary control easements or deeds and maps for all property within 150 feet of the well. No easements were found regarding the 5 properties which were noted to exist at least partially within 150 feet of the well.

Investigation: 1329407.

Comment Date: 04/25/2016

Compliance documentation has not been submitted to resolve this outstanding alleged violation.

Recommended Corrective Action: Obtain the sanitary control easement or recorded deed and map for the property within 150 feet of the wells. Submit the documentation to the Beaumont Regional Office.

Part F: TCEQ Public Water System or Sewer Wastewater Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX1460088 (7 digit ID)

Name of PWS: Riverboat Bend Trailer Park

Date of last TCEQ compliance inspection: 12/1/11 (attach TCEQ letter)

Subdivisions served: Riverboat Bend Trailer Park

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WQ00000000 (8 digit ID)

Name of Wastewater Facility: Kenefick

Name of Permittee: Kenefick

Date of last TCEQ compliance inspection: 12/1/11 (attach TCEQ letter)

Subdivisions served: Kenefick

Date of application to transfer permit submitted to TCEQ: 12/1/11

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water				Sewer	
	Non-metered		2"		Residential
42	5/8" or 3/4"		3"		Commercial
	1"		4"		Industrial
	1 1/2"		Other		Other
Total Water Connections:				Total Sewer Connections:	
				42	

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☐ No ☒ Yes: Kenefick (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: 42 Sewer:

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.

Read question 29 A and B to determine what information is required for your application.

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1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

[Questions or Comments >>](#)

[Query Home](#) [Customer Search](#) [RE Search](#) [ID Search](#) [Document Search](#) [Registration Detail](#) [TCEQ Home](#)

Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: **Public Water System/Supply Registration 1460088**

For: **RIVERBOAT BEND TRAILER PARK (RN102693546)**

304 RIVERBOAT BND, DAYTON

Registration Status: **ACTIVE**

Held by: **Pure Utilities, L.C. (CN600635171)** View 'Issued To' History

RESPONSIBLE PARTY Since 08/14/2006

Mailing Address: Not on file

Notice of Violations Current TCEQ Rules

NOV Date	Status	Citation/Requirement Provision	Allegation	Classification	Self Reporting Indicator
11/19/2014	RESOLVED	30 TAC Chapter 291, SubChapter F 291.93(3) (Not applicable to CH)	Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity, to submit to the executive director a planning report.	MODERATE	NO

[Site Help](#) | [Disclaimer](#) | [Web Policies](#) | [Accessibility](#) | [Our Compact with Texans](#) | [TCEQ Homeland Security](#) | [Contact Us](#) | [Central Registry](#) | [Search Hints](#) |
[Report Data Errors](#)
[Statewide Links: Texas.gov](#) | [Texas Homeland Security](#) | [TRAIL Statewide Archive](#) | [Texas Veterans Portal](#)

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Part F: TCEQ Public Water System or Sewer (Wastewater) Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX1460015 (7 digit ID)

Name of PWS: Six Lakes Subdivision

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: Six Lakes Subdivision

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WQ (8 digit ID)

Name of Wastewater Facility: _____

Name of Permittee: _____

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: _____

Date of application to transfer permit submitted to TCEQ: _____

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water				Sewer	
	Non-metered		2"		Residential
59	5/8" or 3/4"		3"		Commercial
	1"		4"		Industrial
	1 1/2"		Other		Other
Total Water Connections:				59	Total Sewer Connections:

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☒ No ☐ Yes: _____ (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: _____ Sewer: _____

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.

Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

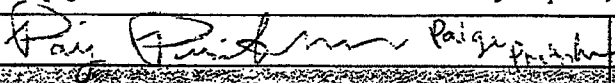

TCEQ EXH INTERVIEW FORM: Potential Violations and/or Records Requested					
Regulated Entity/Site Name	Six Lakes Subdivision			TCEQ And ID No. RV No. (optional)	1460005
Investigation Type	CCI	Contact Made In House (Y/N)		Purpose of Investigation	CCI
Regulated Entity Contact	StoneWall Jackson			Telephone No.	
Title	Manager			Date Contacted	7/10/19
				Date Faxed	

NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question and the clearly described potential problem. Other type of issues: fully describe.	
No.	Type	Rule Citation (if known)	Description of Issue
1	AV	290	Failure to have all openings to the atmosphere in the form of air release devices screened with 16 inch mesh screening or finer. Install mesh screening on the pressure tank release valve and the well pressure release device. Submit photographic documentation to the Beaumont Regional Office.

Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.			
 Paige Fink	7/10/19	 StoneWall Jackson	
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

If you have questions about any information on this form, please contact your local TCEQ Regional Office.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512-239-3282.

White Copy: Regulated Entity Representative Yellow Copy: TCEQ
TCEQ-20085 (Rev. 6/07)

(Note: Use additional pages as necessary) Page 1 of 1

Part F: TCEQ Public Water System or Sewer (Wastewater) Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction.
Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX1870149 (7 digit ID)

Name of PWS: Spring Creek Pure Utilities

Date of last TCEQ compliance inspection: [REDACTED] (attach TCEQ letter)Subdivisions served: Spring Creek

- B. For Sewer service:**

TCEQ Water Quality (WQ) Discharge Permit Number: **WQ 0000000000** (8 digit ID)

Name of Wastewater Facility: [REDACTED]

Name of Permittee: [REDACTED]

Date of last TCEQ compliance inspection: XXXXXXXXXX (attach TCEQ letter)

Subdivisions served: [REDACTED]

Date of application to transfer permit submitted to TCEQ: 2/22/2017

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water		Sewer	
	Non-metered	2"	Residential
135	5/8" or 3/4"	3"	Commercial
	1"	4"	Industrial
	1 1/2"	Other	Other
Total Water Connections:		135	Total Sewer Connections:

- [illegible]

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

- B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

- C. Is there a moratorium on new connections?

☐ No ☒ Yes:

- 25 Does the system being transferred operate within the corporate boundaries of a municipality?

25. Does the system being administered operate within the corporate boundaries of a municipality? ☒ No ☐ Yes: _____ (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: _____ Sewer: _____

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.
Read question 29 A and B to determine what information is required for your application.

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1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_1870149_CP_190412_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

Regulated Entity Name: SPRING CREEK PURE UTILITIES

Regulated Entity Number: RN101259885

Investigation # 1553778	Incident Numbers 305220
Investigator: DUSTIN LORANCE	Site Classification GW 51-250 CONNECTION
Conducted: 04/12/2019 -- 04/12/2019	SIC Code: 4941 NAIC Code: 221310
Program(s): PUBLIC WATER SYSTEM/SUPPLY	
Investigation Type: Compliance Investigation	Location: 1800 HWY 59 LOOP N
Additional ID(s): 1870149	
Address: 1800 HIGHWAY 59 LOOP N, LIVINGSTON, TX, 77351	Local Unit: REGION 10 - BEAUMONT Activity Type(s): PWSCMPL - PWS Complaint

Principal(s):

Role	Name
RESPONDENT	PURE UTILITIES LC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	MANAGER	MR STONEWALL JACKSON	
REGULATED ENTITY CONTACT	MANAGER	MR STONEWALL JACKSON	Cell (936) 327-1896 Work (936) 327-7070
PARTICIPATED IN	MANAGER	MR STONEWALL JACKSON	
PARTICIPATED IN	OPERATIONS MANAGER	MR CULLEN TIPTON	

Other Staff Member(s):

Role	Name
Supervisor	CHRIS VIDRINE
Investigator	AYOKUNLE FALADE
QA Reviewer	MARISSA PELTIER
Investigator	SAMANTHA BURGESS

OFFICE TO
11/10/2019
11:03:11

SPRING CREEK PURE UTILITIES ARLINGTON

4/12/2019 Inv. # - 1553778

Page 2 of 4

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS COMPLAINT INVESTIGATION	2
PWS INVESTIGATION - EQUIPMENT	1
MONITORING AND SAMPLING revised 06/2013	

Investigation Comments:

INTRODUCTION

On March 21, 2019, the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office received a complaint (Incident No. 305220) against Spring Creek Pure Utilities regarding discolored water. The complaint was assigned to TCEQ Environmental Investigator Dustin Lorange, who responded to the complaint on April 12, 2019.

GENERAL FACILITY AND PROCESS INFORMATION

Spring Creek Pure Utilities is a community groundwater system serving 112 connections and an estimated population of 268 people, based on the U.S. Census data.

BACKGROUND

A search of the Comprehensive Compliance and Enforcement Data System (CCEDS) found twenty complaints against the system within the past five years.

On February 6, 2015, the Beaumont Region Office received a complaint (Incident No. 209859) against the water system alleging that the system was serving discolored water. On March 5, 2015, an onsite investigation was conducted and no violations were cited during the course of this investigation.

On July 29-31, 2015, the Beaumont Region Office received eight complaints (Incident No. 217987) against Spring Creek Water System alleging low water pressure and discolored water. One of the complaints (Complainant No. 8) also alleged that the water causes a residue on their outside windows of their house and vehicle. On August 7, 2015, an onsite investigation was conducted and violations were noted. All of these violations have since been resolved.

On June 7, 2016, the Beaumont Region Office received a complaint (Incident No. 235216) against the water system alleging that the water is a brown color and the sediment in the water lines are causing the water filters to be replaced sooner than the expected product life. On June 24, 2016, an onsite investigation was conducted and no violations were cited during this investigation.

On January 24, 2017, the Beaumont Region Office received a complaint (Incident No. 251010) against the water system alleging the water system is not flushing on a regular basis causing the water to be muddy, resulting in the complainant having to change water filters. On February 1, 2017, an onsite investigation was conducted and no violations were cited during the investigation.

On March 12, 2018, the Beaumont Regional Office received nine complaints (Incident Nos. 280233, 280233-1, 280233-2, 280233-3, 280233-4, 280233-5, 280233-6, 280233-7, and 280233-8) against the water system. Incident Nos. 280233 and 280233-1 alleged black particles in the drinking water. Incident Nos. 280233-2, 280233-3, 280233-4, and 280233-5 alleged both dirty drinking water and low water pressure. Incident Nos. 280233-6, 280233-7, and 280233-8 alleged dirty drinking water. On March 19, 2018, an onsite investigation was conducted, and violations were noted. Some of the violations remain outstanding and are being tracked by the TCEQ Enforcement Division.

The previous Comprehensive Compliance Investigation (CCI) was conducted on August 22, 2018 and a violation was noted which was resolved as an Area of Concern. A General Compliance Letter was mailed to the water system on October 9, 2018.

ADDITIONAL INFORMATION

SPRING CREEK PURE UTILITIES - LIVINGSTON

4/12/2019 Inv. # - 1553778

Page 3 of 4

During the submittal of the complaint to the Beaumont Regional Office, the complainant provided photographs documenting discolored water at their residence. See Attachment No. 1 for the complainant's photographs.

On March 21, 2019 at approximately 3:45 PM, Mr. Lorance telephoned Mr. Ross Luedtke, TCEQ Enforcement Coordinator, to discuss the status of pending Enforcement Case No. 57270, which includes violations for the exceedance of the maximum contaminant level (MCL) for manganese and for failing to meet the conditions of an exception to use Layne RT media for arsenic removal. Please note that manganese is naturally occurring in well water and is considered a secondary constituent, as it causes aesthetic issues but poses no health threat to the consumer. Mr. Luedtke stated that the case is still being processed for initial review and that the water system has not yet submitted any compliance documentation.

At approximately 4 PM, Mr. Lorance telephoned the complainant to discuss the nature of their complaint. The complainant stated that the water is often discolored and that it was clear for several months before becoming dirty again approximately six to eight weeks ago. The complainant also explained that the water system is always flushing in their area. Mr. Lorance explained that the system has previously exceeded the MCL for manganese, which can cause discolored water, and that the violation is currently being processed into an enforcement case by the TCEQ Enforcement Division. Mr. Lorance agreed to contact the water system to discuss the complaint.

On March 22, 2019, at approximately 3:15 PM, Mr. Lorance telephoned Mr. Stonewall Jackson, Owner and Manager of Pure Utilities, to discuss the complaint. Mr. Jackson was unavailable, and a voicemail message was left.

On March 25, 2019, at approximately 9:30 AM, Mr. Jackson telephoned Mr. Lorance to discuss the complaint. Mr. Jackson stated that a few weeks ago they had too much air inside of the aeration tank which caused very discolored water to be released from the filters at the plant. Mr. Jackson explained that the system was thoroughly flushed and is now much better over the past week. He explained that they last flushed in the complainant's area of the distribution system on Friday, March 22nd and that the water was clear leaving the plant on Sunday, March 24th.

On March 26, 2019, at approximately 4 PM, Mr. Lorance telephoned Mr. Jackson to further discuss the complaint. Mr. Jackson stated that the water has become clearer over the past year due to better filter backwashing techniques.

At approximately 4:15 PM, Mr. Lorance telephoned the complainant to discuss the investigation findings. The complainant stated that the water was still discolored and that the water system is still flushing often in the area. The complainant e-mailed Mr. Lorance more photographs of discolored water noted at their residence. The complainant expressed concerns regarding public notices for arsenic that are often issued to customers. Mr. Lorance explained that according to the Texas Drinking Water Watch website, the water system has been below the MCL for arsenic for all TCEQ contractor collected samples within the past 12 months. It was explained that the public notices are related to a running annual average of arsenic results and they will likely cease if the water system continues to produce results below the MCL.

On April 11, 2019, the complainant submitted additional photographs of discolored water at their residence that were taken that morning.

On April 12, 2019, Mr. Lorance and Mr. Ayokunle Falade conducted CCI's for two other water systems for Pure Utilities. During this inspection, Mr. Lorance discussed the Spring Creek complaint with Mr. Jackson and Mr. Cullen Tipton, Pure Utilities Operator. The water system stated that they had flushed in the complainant's area on Wednesday, April 10th and earlier this morning. They stated that it was clear leaving the plant this morning and that it is likely stirring up sediments at the residence near dead-ends and causing discoloration due to the flushing of the lines. They explained that after flushing is complete, the water becomes clearer over time as the lines have been purged of older, more stagnant water.

At approximately 1:30 PM, the investigators and Pure Utilities staff arrived at the flush valve located at the end of Southcrest Court. After flushing for approximately 30 seconds, a white bucket was filled from the flush valve and the water appeared to be clear with no discoloration and very few solids. The investigators obtained a free chlorine residual of 0.38 milligrams per liter (mg/L) from the same water. Please note that the minimum requirement for free chlorine is 0.20 mg/L within the distribution system.

SPRING CREEK PURE UTILITIES - IVINGSTON

4/12/2019 Inv. # -1553778

Page 4 of 4

On April 15, 2019, at approximately 9:45 AM, Mr. Lorange telephoned the complainant to discuss the investigation findings. The complainant explained that the water was still discolored at their residence on Friday, April 12th and that the flushing always seems to make their water quality worse. Mr. Lorange discussed the possibility that the discoloration noted at the complainant's residence could be from their whole house filtration system being saturated with the discolored water during dead-end line flushing, thus causing the filter to become discolored although the water in the distribution system may be clear after flushing has been completed.

The water system was mailed a General Compliance Letter.

The complainant was mailed a copy of the investigation report.

List of Attachments:

Attachment No. 1- Complainant's Photographs

Attachment No. 2- Investigator Photographs

No Violations Accumulated to this Investigation

Signed

K. Lorange

Environmental Investigator

Date

6/10/19

Signed

[Signature]

Supervisor

Date

6/10/19

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Letter to Facility (specify type): *Canal Canyons*

___ Investigation Report

___ Sample Analysis Results

___ Manifests

___ Notice of Registration

___ Maps, Plans, Sketches

___ Photographs

___ Correspondence from the facility

___ Other (specify):

See Attachments

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 10, 2019

Mr. Stonewall Jackson, Manager
Pure Utilities, LC
207 West Mill Street
Livingston, Texas 77351-3224

Re: Public Water Supply Complaint Investigation at: Spring Creek Water System, Livingston (Polk County), Texas; Regulated Entity No. RN101259885, PWS ID No. 1870149, Investigation No. 1553778, Incident No. 305220

Dear Mr. Jackson:

On April 12, 2019, Mr. Dustin Lorange and Mr. Ayokunle Falade of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply. No violations are being alleged as a result of the investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Dustin Lorange in the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Vidrine".

Chris Vidrine
Beaumont Region Office
Texas Commission on Environmental Quality

CV/DL/sb

Part F: TCEQ Public Water System/Sewer/Wastewater Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX2040054 (7 digit ID)

Name of PWS: Tanglewood Forest Subdivision

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: Tanglewood Forest Subdivision

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WQ (8 digit ID)

Name of Wastewater Facility: _____

Name of Permittee: _____

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: _____

Date of application to transfer permit submitted to TCEQ: _____

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water				Sewer	
	Non-metered		2"		Residential
25	5/8" or 3/4"		3"		Commercial
	1"		4"		Industrial
	1 1/2"		Other		Other
Total Water Connections:				25	Total Sewer Connections:

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☒ No ☐ Yes: _____ (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: _____ Sewer: _____

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.
Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_2040054_CP_200726_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

Regulated Entity Name: TANGLEWOOD FOREST SUBDIVISION

Regulated Entity Number: RN102689791

Investigation # 1580481	Incident Numbers
Investigator: VANESSA STANSBURY	Site Classification GW <=50 CONNECTION
Conducted: 05/30/2019 -- 05/30/2019	SIC Code: 4941

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Investigation	Location:
Additional ID(s): 2040054	

Address: 207 W MILL ST,
LIVINGSTON, TX, 77351

Local Unit: REGION 10 - BEAUMONT
Activity Type(s): PWSCCIGWCM - CCI GW PURCHASE
- COMMUNITY MANDATORY

Principal(s):

Role	Name
RESPONDENT	PURE UTILITIES LC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY CONTACT	OWNER	MR STONEWALL JACKSON	
PARTICIPATED IN	OPERATIONS MANAGER	MR CULLEN TIPTON	
REGULATED ENTITY MAIL CONTACT	OWNER	MR STONEWALL JACKSON	
PARTICIPATED IN	OWNER	MR STONEWALL JACKSON	
NOTIFIED	OWNER	MR STONEWALL JACKSON	

Other Staff Member(s):

Role	Name
QA Reviewer	AYOKUNLE FALADE
Investigator	BRITTANY DAIGRE
Supervisor	RONALD HEBERT JR

COPY

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS INVESTIGATION - EQUIPMENT	EQUIP
MONITORING AND SAMPLING revised 06/2013	
PWS STANDARD FIELD	PWS

Investigation Comments:**INTRODUCTION**

The Tanglewood Forest Subdivision water system was investigated by Ms. Vanessa Stansbury and Mr. Ayokunle Falade, Environmental Investigators, on May 30, 2019 to determine compliance with applicable public water system regulations. Mr. Stonewall Jackson, Owner, was contacted on May 6, 2019 to tentatively schedule the Comprehensive Compliance Investigation (CCI) for May 23, 2019, which was later scheduled for May 30, 2019. An investigative request was e-mailed to Mr. Jackson on May 22, 2019 (see Attachment No. 1 - Investigative Request Letter).

An exit interview was conducted explaining the results of the investigation. A copy of the TCEQ Exit Interview Form and a Customer Survey Form were provided to the water system on May 30, 2019. See Attachment No. 2 for Exit Interview Form.

A Notice of Violation (NOV) Letter was mailed to the water system.

GENERAL FACILITY AND PROCESS INFORMATION

- System Type: Community
- Retail Connections: 25
- Maximum Daily Population: Approximately 73 (Based on U.S. Census Data)
- Wholesale Population: 0
- Maximum Daily Demand: 0.003703 MGD (Occurred during July 2018)
- Average Daily Demand: 0.002381 MGD (From May 2018 to April 2019)

Please note that only two dates of water usage records could be provided at the time of the investigation. The water system stated that the well meter was broken from at least May 1, 2018 to May 15, 2019. Please also note that the water system has since replaced the well meter and collected the first two readings on May 14, 2019 and May 21, 2019. This will be further discussed in the report.

Because no water usage records could be provided at the time of the investigation, the water system submitted a record of the estimated total monthly water usage based on total gallons of water sold with an added 15% to account for flushing and leaks that may have occurred within the water system. The Maximum Daily Demand noted above is the daily average of the month with the highest water usage, which was July 2018 with an estimated amount of 114,782 gallons. The Average Daily Demand noted above is the daily average of the estimated water usage noted from May 2018 to April 2019.

This is a community groundwater system that operates as one pressure plane served water by one plant. Plant No. 1 contains Well No. 1 (G2040054A) and Well No. 2 (2040054B). Well No. 1 was tested to provide 35 gallons per minute (gpm) while Well No. 2 was tested to provide 40 gpm. The plant uses hypochlorination for disinfection and polyphosphate for sequestration. This plant also contains two 0.001 MG pressure tanks.

For additional facility information see Attachment No. 3 - Water System Schematic, PWS Database Printout, and Water System Data Sheet.

The water system employs the following operator:

Cullen D. Tipton, Class C Groundwater, License No. WG0005970, Expires November 28, 2019.

BACKGROUND

The previous CCI was conducted on August 24, 2016, and the following violations were noted: failure to maintain

TANGLEWOOD FOREST SUBDIVISION - LIVINGSTON

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records regarding which dead end mains are flushed on a monthly basis.

A File Record Review was conducted on April 5, 2017, and no outstanding alleged violations were resolved at that time. A No Information Submitted Letter was mailed to the water system on May 9, 2017.

There have been two complaints filed against the system since the previous CCI.

On January 9 and 10, 2019, the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office received two complaints against Tanglewood Forest Subdivision (Incident No. 300112 and 300112-1), which alleged that there are constant water line breaks and replacement of a house filter within a short time period due to sediment. The complaint was investigated on January 14, 2019, and the following alleged violations were noted at that time; failure to maintain all distribution lines in a watertight condition, failure to maintain water transmission and distribution lines at least 24 inches below ground surface, failure to ensure the good working condition of the system's facilities and equipment, and failure to have operating records accessible for review upon request. An additional issue was also noted that suggested additional flushing activities be conducted within the distribution system.

The following alleged violation currently remains outstanding for this water system; failure to have operating records accessible for review upon request; failure to maintain water transmission and distribution lines at least 24 inches below ground surface; failure to maintain all distribution lines in a watertight condition; and failure to maintain records regarding which dead end mains are flushed on a monthly basis. These outstanding alleged violations will be discussed in this report.

A search of the Consolidated Compliance and Enforcement Data System (CCEDS) showed that there is one open enforcement case for this system.

Enforcement Case No. 3515, TCEQ Agreed Order Docket No. 1996-1723-PWS-E, was issued in response to violations noted by the regional investigators, and the Water Supply Division (WSD) against Tanglewood Forest Subdivision. The violations in this case have been resolved but the case still remains open at this time.

ADDITIONAL INFORMATION

On May 30, 2019, the investigators met with Mr. Jackson and Mr. Cullen Tipton, Operator, to conduct the CCI.

The following records were reviewed: connection counts, plant operations manual, American National Standards Institute (ANSI)/National Sanitation Foundation (NSF) certification for all chemicals, customer service agreement, customer service inspections, monthly operating reports, records for the amount of chemicals used, monthly flushing records, disinfectant residual sampling records, a distribution map, drought contingency plan, annual tank inspection forms, monitoring plan, the Revised Total Coliform Rule (RTCR) Sample Sitting Plan and Map, and the bacteriological sampling records for the previous twelve months.

During the CCI on August 24, 2016, it was noted that the water system did not maintain a record of which individual dead-end flush valves were flushed on a monthly basis. During the CCI on May 30, 2019, it was noted that the water system now maintains a record of which individual dead-end flush valves are flushed on a monthly basis.

During a complaint investigation on January 14, 2019, it was noted that the water system did not submit the three months of flushing records that the investigator had requested. During the CCI on May 30, 2019, the water system was able to provide the requested flushing records and a Standard Operating Procedure for providing information requested by the TCEQ in a timely manner. Please note that the flushing records were reviewed and appeared to be adequately maintained. This alleged violation will be resolved.

During the investigation, it was noted that the water system could not provide a sanitary control easement or deed and map for all of the property within 150 feet of Well Nos. 1 and 2. Please note that the water system only had a deed and map or sanitary control easements for Lot Nos. 90, 91, and 125. According to the San Jacinto County Appraisal District, the following four locations appear to be within 150 feet of both Well No. 1 and 2: Property ID No.: 78975, Owner Names: LTS Interests Inc., Location Address: Lot No. 92; Property ID No.: 79239, Owner Names: Herbert Herzog, Location Address: Lot No. 360; Property ID No.: 99536, Owner Names: "Multiple

TANGLEWOOD FOREST SUBDIVISION - LIVINGSTON

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Owners", Location Address: Lot No. 359; and Property ID No.: 79237, Owner Names: Donato and Lorena Hernandez, Location Address: Lot No. 358.

During the investigation, it was noted that the water system is collecting all of the required monthly bacteriological samples.

Operation and maintenance- During the investigation, an evaluation of the water production and distribution system was conducted.

During a complaint investigation on January 14, 2019, it was noted that there were multiple locations within the distribution system where distribution waterlines were exposed. During the CCI on May 30, 2019, the water system stated that they had adequately covered the exposed water lines and submitted photographic documentation to the Beaumont Regional Office during April 2019. On July 24, 2019, the water system resubmitted the photographic documentation, and it appeared that the following locations that were noted to have exposed waterlines and were labelled on the map included in Investigation No. 1539938 are now covered with dirt: Location No. 3, Location No. 7, Location No. 8, and Location No. 9. At that time, it was noted that photographic documentation has not been received for Location No. 1, Location No. 2, and Location No. 10. It was also noted that the submitted photograph for Location No. 4 appeared to still have an exposed waterline at that location. This alleged violation will remain outstanding until the water system has included photographic documentation showing that there are no exposed water lines located at Location No. 1, Location No. 2, Location No. 4, and Location No. 10.

During a complaint investigation on January 14, 2019, two waterline locations were noted to be leaking. During the CCI on May 30, 2019, the water system stated that they had repaired the two water leaks that were located on the left side of Magnolia Avenue near the Telephone Pole 7 and on the left side of Magnolia Avenue near Telephone Poles 8 and 9 and submitted photographic documentation to the Beaumont Regional Office in April 2019. On July 24, 2019, the water system resubmitted the photographic documentation, and it was noted that the two water leak locations appeared to have been repaired. This alleged violation will be resolved.

During the investigation, it was noted that the well meter for Well No. 2 was broken from at least May 1, 2018 to May 14, 2019, which prevented the water system from being able to collect data regarding the amount of water that was being used from Well No. 2 on a weekly basis until May 21, 2019 and May 28, 2019, which were the only two water usages the water system was able to provide at the time of the investigation.

During the investigation, it was noted that the two pressure tanks located at the water treatment plant were stained with a rust-like color and had mildew and pollen coating the sides. It was also noted that there was some pitting on the left-most pressure tank, especially on the right side of the tank. On June 10, 2019, the water system submitted photographic documentation showing that the pressure tanks had been washed. In the email, the water system stated that they were able to wash off any pollen, dust, or any other unwanted material that was previously stuck to the exterior of the pressure tanks. While reviewing the photographic documentation, it was noted that the pressure tanks' exterior still had rust-colored staining and there was no photographic documentation showing that the pitting on the exterior of the pressure tanks had been repaired. This alleged violation will remain outstanding until the water system can provide photographic documentation showing that they have painted the two pressure tanks.

On July 24, 2019, the water system submitted photographic documentation titled "TW Repair 9," which showed what appeared to be a flush valve located at ground level. Please note that the end of the flush valve was angled at approximately a 45 to 60-degree angle, which was enough to where rain water could potentially collect within the end of the pipe. It is suggested that the end of flush valve be elevated and angled in a downward position to prevent the chance of rainwater and flood waters from collecting within the discharge piping of the flush valve, which is only separated from the distribution system by a gate valve. This will be noted as an additional issue.

Capacity- During the investigation, the water systems capacity was evaluated (See Attachment No. 3- Water System Schematic, PWS Database Printout, & Water System Data Sheet).

The capacity was calculated, and the sampling results were documented as follows:

The water system is required to provide 1.5 gpm multiplied by (x) 25 connections equals (=) 37.5 gpm for total well production while the water system provides 75 gpm. The water system provides 0.002 MG of pressure tank

TANGLEWOOD FOREST SUBDIVISION - LIVINGSTON

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capacity while the water system is required to provide 0.00125 MG.

Sampling- During the investigation, a free chlorine residual of 3.4 milligrams per liter (mg/L) and a pressure reading of 71 pounds per square inch (psi) were documented at 882 Lone Oak after allowing the water to flush for approximately two to three minutes. At that time, the water system also collected a water sample from the same hose bibb, and a free chlorine residual of 3.47 mg/L was noted at that time. Please note that a photograph of the free chlorine residual noted by the water system could not be provided due to investigative oversight.

List of Attachments:

Attachment No. 1- Investigative Request Letter

Attachment No. 2- Exit Interview Form

Attachment No. 3- Water System Schematic, PWS Database Printout, & Water System Data Sheet

Attachment No. 4- Investigation Photographs

Attachment No. 5- Water System Documentation

Attachment No. 6- Map from Investigation No. 1539938

NOV Date: 05/30/2019 Method: AREA OF CONCERN

NOV Date: 07/16/2019 Method: WRITTEN

OUTSTANDING ALLEGED VIOLATION(S)

AS RELATED TO A NOTICE OF VIOLATION

Track Number: 703451

Compliance Due Date: 09/24/2019

Violation Start Date: 1/14/2019

30 TAC Chapter 290.44(a)(4)

Alleged Violation:

Investigation: 1539938

Comment Date: 02/18/2019

Failure by Pure Utilities LC-Tanglewood Forest Subdivision to maintain water transmission and distribution lines at least 24 inches below ground surface.

During the investigation, it was noted in multiple locations where distribution lines were exposed. Known areas include: Corner of Magnolia and Pecan Ln, in the north bend of Magnolia, two locations mid-way down Magnolia, near the south bend (in washout) of Magnolia, service line to the southmost house on Magnolia, south end of Magnolia is washed out and exposes main line majority of the way, and on Pine Trail between Pecan Ln and Loan Oak Dr.

On January 22, 2019, the Beaumont Regional Office received a photograph documenting the intersection of Pecan Ln. and Magnolia St. has been covered.

On February 18, 2019, Mr. Jackson was contacted regarding the exposed water lines on the south end of Magnolia St. in the natural washout. He responded confirming that this main line is terminated due to the washout and has been turned into a flush valve. Three months of flushing records were requested to verify if this dead end is flushed regularly.

Investigation: 1580481

Comment Date: 07/26/2019

During the CCI on May 30, 2019, the water system stated that they had adequately covered the exposed water lines and submitted photographic documentation to the Beaumont Regional Office during April 2019.

On July 24, 2019, the water system resubmitted the photographic documentation, and it appeared that the following locations that were noted to have exposed waterlines and were labelled the map included in Investigation No. 1539938 are now covered with dirt: Location No. 3, Location No. 7, Location No. 8, and Location No. 9. At that time, it was noted that photographic documentation has not been received for Location

TANGLEWOOD FOREST SUBDIVISION - LIVINGSTON

5/30/2019 Inv. # - 1580481

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No. 1, Location No. 2, and Location No. 10. It was also noted that the submitted photograph for Location No. 4 appeared to still have an exposed waterline at that location.

This alleged violation will remain outstanding until the water system has included photographic documentation showing that there are no exposed water lines located at Location No. 1, Location No. 2, Location No. 4, and Location No. 10.

Recommended Corrective Action: Ensure the water transmission lines are located at least 24 inches below the ground surface. Submit photographic documentation to the Beaumont Regional Office.

The system may also request an exception to the rule by submitting information to the TCEQ Water Supply Division, Plan and Technical Review Section, MC 159 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

Track Number: 721029

Compliance Due Date: 11/25/2019

Violation Start Date: 5/30/2019

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1580481

Comment Date: 07/24/2019

Failure by Pure Utilities L.C.-Tanglewood Forest Subdivision to maintain all plant facilities and equipment in a good working condition and appearance.

During the investigation, it was noted that the two pressure tanks located at the water treatment plant were stained with a rust-like color and had mildew and pollen coating the sides. It was also noted that there was some pitting on the left-most pressure tank, especially on the right side of the tank.

On June 10, 2019, the water system submitted photographic documentation showing that the pressure tanks had been washed. In the email, the water system stated that they were able to wash off any pollen, dust, or any other unwanted material that was previously stuck to the exterior of the pressure tanks. While reviewing the photographic documentation, it was noted that the pressure tanks' exterior still had rust-colored staining and there was no photographic documentation showing that the pitting on the exterior of the pressure tanks had been repaired.

This alleged violation will remain outstanding until the water system can provided photographic documentation showing that they have painted the two pressure tanks.

Recommended Corrective Action: Paint the exterior of the tanks with an AWWA approved paint that will protect the two pressure tanks located at the water treatment plant from further pitting and staining. Submit photographic documentation to the Beaumont Regional Office.

Track Number: 721030

Compliance Due Date: 11/25/2019

Violation Start Date: 5/30/2019

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

Alleged Violation:

Investigation: 1580481

Comment Date: 07/24/2019

Failure by Pure Utilities L.C.-Tanglewood Forest Subdivision to provide a Sanitary Control Easement or recorded deed and map that covers all of the property within 150 feet of the well.

TANGLEWOOD FOREST SUBDIVISION - LIVINGSTON

5/30/2019 Inv. # - 1580481

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During the investigation, it was noted that the water system could not provide a sanitary control easement or deed and map for all of the property within 150 feet of Well Nos. 1 and 2. Please note that the water system only had a deed and map or sanitary control easements for Lot Nos. 90, 91, and 125. According to the San Jacinto County Appraisal District, the following four locations appear to be within 150 feet of both Well No. 1 and 2: Property ID No.: 78975, Owner Names: LTS Interests Inc., Location Address: Lot No. 92; Property ID No.: 79239, Owner Names: Herbert Herzog, Location Address: Lot No. 360; Property ID No.: 99536, Owner Names: "Multiple Owners", Location Address: Lot No. 359; and Property ID No.: 79237, Owner Names: Donato and Lorena Hernandez, Location Address: Lot No. 358.

Recommended Corrective Action: Obtain the sanitary control easement or recorded deed and map for the property within 150 feet of Well No. 2. Submit the documentation to the Beaumont Regional Office.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

ASSOCIATED TO A NOTICE OF VIOLATION

Track Number: 619122

Resolution Status Date: 7/24/2019

Violation Start Date: 8/24/2016

Violation End Date: 5/30/2019

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

Alleged Violation:

Investigation: 1363766

Comment Date: 10/10/2016

Failure by Tanglewood Forest Subdivision to maintain records regarding which dead end mains are flushed on a monthly basis.

During the inspection, the investigator noted that the water system does not maintain a record of which individual dead end flush valves are flushed on a monthly basis. The water system explained that they perform the flushing activities required, but do not retain records of each individual flush valve being flushed, instead they list a date and write "all" in the flush valve description.

Investigation: 1403610

Comment Date: 04/19/2017

No compliance documentation was submitted in regards to this outstanding alleged violation.

Investigation: 1580481

Comment Date: 07/24/2019

The water system now maintains a record of which individual dead-end flush valves are flushed on a monthly basis.

Recommended Corrective Action: Begin maintaining a record of when each dead end main is flushed. Submit three months of flushing records to the Beaumont Regional Office.

Resolution: During the CCI on May 30, 2019, it was noted that the water system now maintains a record of which individual dead-end flush valves are flushed on a monthly basis.

Track Number: 703450

Resolution Status Date: 7/24/2019

Violation Start Date: 1/14/2019

Violation End Date: 7/24/2019

30 TAC Chapter 290.46(m)(4)

Alleged Violation:

Investigation: 1539938

Comment Date: 02/18/2019

Failure by Pure Utilities LC-Tanglewood Forest Subdivision to maintain all distribution lines in a watertight

TANGLEWOOD FOREST SUBDIVISION - LIVINGSTON

5/30/2019 Inv. # - 1580481

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condition.

During the investigation, there were two locations where leaks were documented. On the left side of the street, around the seventh telephone pole there was noted deterioration of the roadway and pooling water. A free chlorine residual was obtained and tested. The result was 0.25 milligrams per liter (mg/L), which indicated that this was indeed a leak. Then, between telephone poles 8 and 9 on the left side of the roadway, another area of pooling water was noted. A chlorine residual was obtained and tested. The result was 0.16 mg/L, which indicated a second leak. It appeared that in these two locations, tire tracks show that people drive off the roadway to avoid potholes and puncture the water lines.

No documentation has been received indicating that the leaks have been repaired.

Investigation: 1580481

Comment Date: 07/24/2019

During the CCI on May 30, 2019, the water system stated that they had repaired the two water leaks that were located on the left side of Magnolia Avenue near the Telephone Pole 7 and on the left side of Magnolia Avenue near Telephone Poles 8 and 9 and submitted photographic documentation to the Beaumont Regional Office in April 2019.

On July 24, 2019, the water system resubmitted the photographic documentation, and it was noted that the two water leak locations appeared to have been repaired.

Recommended Corrective Action: Repair the leaks and submit photographic documentation to the Beaumont Regional Office within 14 days.

Resolution: On July 24, 2019, the water system resubmitted photographic documentation showing that the two water leaks that were located on the left side of Magnolia Avenue near the Telephone Pole 7 and on the left side of Magnolia Avenue near Telephone Poles 8 and 9 have been repaired.

Track Number: 707721

Resolution Status Date: 7/24/2019

Violation Start Date: 2/18/2019

Violation End Date: 5/30/2019

30 TAC Chapter 290.46(f)(2)

Alleged Violation:

Investigation: 1539938

Comment Date: 03/04/2019

Failure by Pure Utilities LC-Tanglewood Forest Subdivision to have operating records accessible for review upon request.

On February 18, 2019, Mr. Jackson was contacted regarding the exposed water lines on the south end of Magnolia St. in the natural washout. He responded confirming that this main line is terminated due to the washout and has been turned into a flush valve. Three months of flushing records were requested to verify if this dead end is flushed regularly.

No documentation was received.

Investigation: 1580481

Comment Date: 07/24/2019

The water system provided the requested flushing records and a copy of a Standard Operating Procedure for submitting requested documentation to the TCEQ.

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

Resolution: During the CCI on May 30, 2019, the water system was able to provide the requested flushing records and a Standard Operating Procedure for providing information requested by the TCEQ in a timely manner. Please note that the flushing records were reviewed and appeared to be adequately maintained.

TANGLEWOOD FOREST SUBDIVISION - LIVINGSTON

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AREA OF CONCERN

Track Number: 721028

Resolution Status Date: 7/24/2019

Violation Start Date: 5/30/2019

Violation End Date: 5/30/2019

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1580481

Comment Date: 07/24/2019

Failure by Pure Utilities L.C.-Tanglewood Forest Subdivision to maintain all plant facilities and equipment in a good working condition and appearance.

During the investigation, it was noted that the well meter for Well No. 2 was broken from at least May 1, 2018 to May 14, 2019, which prevented the water system from being able to collect data regarding the amount of water that was being used from Well No. 2 on a weekly basis until May 21, 2019 and May 28, 2019, which were the only two water usages the water system was able to provide at the time of the investigation.

Recommended Corrective Action: Repair the well meter.

Resolution: During the investigation, it was noted that the well meter for Well No. 2 was repaired on May 14, 2019. The water system also showed the investigator the Standard Operating Procedure that has been created to ensure the good working condition of the water system's well meters in the future.

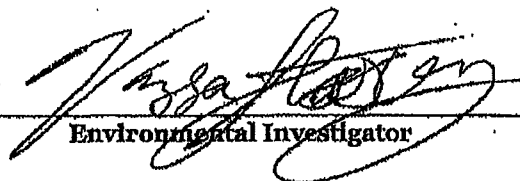
Additional Issues

Description Item #8

Additional Comments

On July 24, 2019, the water system submitted photographic documentation titled "TW Repair 9," which showed what appeared to be a flush valve located at ground level. Please note that the end of the flush valve was angled at approximately a 45 to 60-degree angle, which was enough to where rain water could potentially collect within the end of the pipe. It is suggested that the end of flush valve be elevated and angled in a downward position to prevent the chance of rainwater and flood waters from collecting within the discharge piping of the flush valve, which is only separated from the distribution system by a gate valve.

Signed




Environmental Investigator

Date

7-26-19

Signed



Supervisor

Date

7-26-19

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

✓ Letter to Facility (specify type) : WV

___ Investigation Report

___ Sample Analysis Results

___ Manifests

___ Notice of Registration

___ Maps, Plans, Sketches

✓ Photographs

✓ Correspondence from the facility

___ Other (specify) :

me

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 26, 2019

CERTIFIED MAIL {7015 0640 0004 7993 8616}
RETURN RECEIPT REQUESTED

Mr. Stonewall Jackson, Owner
Pure Utilities LC
207 W. Mill Street
Livingston, Texas 77351-3224

Re: Notice of Violation for Public Water Supply Comprehensive Compliance Investigation at:
Tanglewood Forest Subdivision, Oakhurst (San Jacinto County), Texas
RN102689791; PWS ID No. 2040054; Investigation No. 1580481

Dear Mr. Jackson:

On May 30, 2019, Ms. Vanessa Stansbury and Mr. Ayokunle Falade of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, concerns were noted which were alleged noncompliances that have been resolved as Areas of Concern based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by November 25, 2019 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

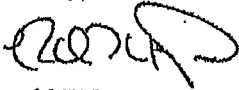
In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Beaumont Region Office at (409) 898-3838 or the Central Office Publications Ordering Team at 512-239-0028.

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

Mr. Stonewall Jackson, Owner
Page 2
July 26, 2019

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

Sincerely,



Ronald Hebert
Water Section Manager
Beaumont Region Office

RH/VS/bd

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

TANGLEWOOD FOREST SUBDIVISION
207 W MILL ST
LIVINGSTON, SAN JACINTO COUNTY, TX 77351

Investigation #
1580481
Investigation Date: 05/30/2019

Additional ID(s): 2040054

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

Track No: 703461 Compliance Due Date: 09/24/2019
30 TAC Chapter 290.44(a)(4)

Alleged Violation:

Investigation: 1539938

Comment Date: 02/18/2019

Failure by Pure Utilities LC-Tanglewood Forest Subdivision to maintain water transmission and distribution lines at least 24 inches below ground surface.

During the investigation, it was noted in multiple locations where distribution lines were exposed. Known areas include: Corner of Magnolia and Pecan Ln, in the north bend of Magnolia, two locations mid-way down Magnolia, near the south bend (in washout) of Magnolia, service line to the southmost house on Magnolia, south end of Magnolia is washed out and exposes main line majority of the way, and on Pine Trail between Pecan Ln and Loan Oak Dr.

On January 22, 2019, the Beaumont Regional Office received a photograph documenting the intersection of Pecan Ln. and Magnolia St. has been covered.

On February 18, 2019, Mr. Jackson was contacted regarding the exposed water lines on the south end of Magnolia St. in the natural washout. He responded confirming that this main line is terminated due to the washout and has been turned into a flush valve. Three months of flushing records were requested to verify if this dead end is flushed regularly.

Investigation: 1580481

Comment Date: 07/26/2019

During the CCI on May 30, 2019, the water system stated that they had adequately covered the exposed water lines and submitted photographic documentation to the Beaumont Regional Office during April 2019.

On July 24, 2019, the water system resubmitted the photographic documentation, and it appeared that the following locations that were noted to have exposed waterlines and were labelled the map included in Investigation No. 1539938 are now covered with dirt: Location No. 3, Location No. 7, Location No. 8, and Location No. 9. At that time, it was noted that photographic documentation has not been received for Location No. 1, Location No. 2, and Location No. 10. It was also noted that the submitted photograph for Location No. 4 appeared to still have an exposed waterline at that location.

This alleged violation will remain outstanding until the water system has included photographic documentation showing that there are no exposed water lines located at Location No. 1, Location No. 2, Location No. 4, and Location No. 10.

Recommended Corrective Action: Ensure the water transmission lines are located at least 24 inches below the ground surface. Submit photographic documentation to the Beaumont Regional Office.

The system may also request an exception to the rule by submitting information to the TCEQ Water Supply Division, Plan and Technical Review Section, MC 159 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

Track No: 721029 Compliance Due Date: 11/26/2019
30 TAC Chapter 290.46(m)

Summary of Investigation Findings

Alleged Violation:

Investigation: 1580481

Comment Date: 07/24/2019

Failure by Pure Utilities L.C.-Tanglewood Forest Subdivision to maintain all plant facilities and equipment in a good working condition and appearance.

During the investigation, it was noted that the two pressure tanks located at the water treatment plant were stained with a rust-like color and had mildew and pollen coating the sides. It was also noted that there was some pitting on the left-most pressure tank, especially on the right side of the tank.

On June 10, 2019, the water system submitted photographic documentation showing that the pressure tanks had been washed. In the email, the water system stated that they were able to wash off any pollen, dust, or any other unwanted material that was previously stuck to the exterior of the pressure tanks. While reviewing the photographic documentation, it was noted that the pressure tanks' exterior still had rust-colored staining and there was no photographic documentation showing that the pitting on the exterior of the pressure tanks had been repaired.

This alleged violation will remain outstanding until the water system can provide photographic documentation showing that they have painted the two pressure tanks.

Recommended Corrective Action: Paint the exterior of the tanks with an AWWA approved paint that will protect the two pressure tanks located at the water treatment plant from further pitting and staining. Submit photographic documentation to the Beaumont Regional Office.

Track No: 721030

Compliance Due Date: 11/25/2019

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

Alleged Violation:

Investigation: 1580481

Comment Date: 07/24/2019

Failure by Pure Utilities L.C.-Tanglewood Forest Subdivision to provide a Sanitary Control Easement or recorded deed and map that covers all of the property within 150 feet of the well.

During the investigation, it was noted that the water system could not provide a sanitary control easement or deed and map for all of the property within 150 feet of Well Nos. 1 and 2. Please note that the water system only had a deed and map or sanitary control easements for Lot Nos. 90, 91, and 128. According to the San Jacinto County Appraisal District, the following four locations appear to be within 150 feet of both Well No. 1 and 2: Property ID No.: 78975, Owner Names: LTS Interests Inc., Location Address: Lot No. 92; Property ID No.: 79239, Owner Names: Herbert Herzog, Location Address: Lot No. 360; Property ID No.: 99536, Owner Names: "Multiple Owners", Location Address: Lot No. 369; and Property ID No.: 78237, Owner Names: Donato and Lorena Hernandez, Location Address: Lot No. 368.

Recommended Corrective Action: Obtain the sanitary control easement or recorded deed and map for the property within 150 feet of Well No. 2. Submit the documentation to the Beaumont Regional Office.

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

Track No: 619122

30 TAC Chapter 290.40(f)(3)(A)(iv)

Alleged Violation:

Investigation: 1363768

Comment Date: 10/10/2016

Failure by Tanglewood Forest Subdivision to maintain records regarding which dead end mains are flushed on a monthly basis.

TANGLEWOOD FOREST DIVISION**Investigation # 1580481**

During the inspection, the investigator noted that the water system does not maintain a record of which individual dead end flush valves are flushed on a monthly basis. The water system explained that they perform the flushing activities required, but do not retain records of each individual flush valve being flushed, instead they list a date and write "all" in the flush valve description.

Investigation: 1403610

Comment Date: 04/19/2017

No compliance documentation was submitted in regards to this outstanding alleged violation.

Investigation: 1580481

Comment Date: 07/24/2019

The water system now maintains a record of which individual dead-end flush valves are flushed on a monthly basis.

Recommended Corrective Action: Begin maintaining a record of when each dead end main is flushed. Submit three months of flushing records to the Beaumont Regional Office.

Resolution: During the CCI on May 30, 2019, it was noted that the water system now maintains a record of which individual dead-end flush valves are flushed on a monthly basis.

Track No: 703450**30 TAC Chapter 290.46(m)(4)****Alleged Violation:**

Investigation: 1539938

Comment Date: 02/18/2019

Failure by Pure Utilities LC-Tanglewood Forest Subdivision to maintain all distribution lines in a watertight condition.

During the investigation, there were two locations where leaks were documented. On the left side of the street, around the seventh telephone pole there was noted deterioration of the roadway and pooling water. A free chlorine residual was obtained and tested. The result was 0.25 milligrams per liter (mg/L), which indicated that this was indeed a leak. Then, between telephone poles 8 and 9 on the left side of the roadway, another area of pooling water was noted. A chlorine residual was obtained and tested. The result was 0.16 mg/L, which indicated a second leak. It appeared that in these two locations, tire tracks show that people drive off the roadway to avoid potholes and puncture the water lines.

No documentation has been received indicating that the leaks have been repaired.

Investigation: 1580481

Comment Date: 07/24/2019

During the CCI on May 30, 2019, the water system stated that they had repaired the two water leaks that were located on the left side of Magnolia Avenue near the Telephone Pole 7 and on the left side of Magnolia Avenue near Telephone Poles 8 and 9 and submitted photographic documentation to the Beaumont Regional Office in April 2019.

On July 24, 2019, the water system resubmitted the photographic documentation, and it was noted that the two water leak locations appeared to have been repaired.

Recommended Corrective Action: Repair the leaks and submit photographic documentation to the Beaumont Regional Office within 14 days.

Resolution: On July 24, 2019, the water system resubmitted photographic documentation showing that the two water leaks that were located on the left side of Magnolia Avenue near the Telephone Pole 7 and on the left side of Magnolia Avenue near Telephone Poles 8 and 9 have been repaired.

Track No: 707721**30 TAC Chapter 290.46(f)(2)****Alleged Violation:**

Investigation: 1539938

Comment Date: 03/04/2019

Failure by Pure Utilities LC-Tanglewood Forest Subdivision to have operating records accessible for review upon request.

TANGLEWOOD FOREST SUBDIVISION

Investigation # 1680481

On February 18, 2019, Mr. Jackson was contacted regarding the exposed water lines on the south end of Magnolia St. in the natural washout. He responded confirming that this main line is terminated due to the washout and has been turned into a flush valve. Three months of flushing records were requested to verify if this dead end is flushed regularly.

No documentation was received.

Investigation: 1680481

Comment Date: 07/24/2019

The water system provided the requested flushing records and a copy of a Standard Operating Procedure for submitting requested documentation to the TCEQ.

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

Resolution: During the CCI on May 30, 2019, the water system was able to provide the requested flushing records and a Standard Operating Procedure for providing information requested by the TCEQ in a timely manner. Please note that the flushing records were reviewed and appeared to be adequately maintained.

AREA OF CONCERN

Track No: 721028

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1680481

Comment Date: 07/24/2019

Failure by Pure Utilities L.C.-Tanglewood Forest Subdivision to maintain all plant facilities and equipment in a good working condition and appearance.

During the investigation, it was noted that the well meter for Well No. 2 was broken from at least May 1, 2018 to May 14, 2019, which prevented the water system from being able to collect data regarding the amount of water that was being used from Well No. 2 on a weekly basis until May 21, 2019 and May 28, 2019, which were the only two water usages the water system was able to provide at the time of the investigation.

Recommended Corrective Action: Repair the well meter.

Resolution: During the investigation, it was noted that the well meter for Well No. 2 was repaired on May 14, 2019. The water system also showed the investigator the Standard Operating Procedure that has been created to ensure the good working condition of the water system's well meters in the future.

ADDITIONAL ISSUES**Description**

Item #8

Additional Comments

On July 24, 2019, the Water system submitted photographic documentation titled "TW Repair 9," which showed what appeared to be a flush valve located at ground level. Please note that the end of the flush valve was angled at approximately a 45 to 60-degree angle, which was enough to where rain water could potentially collect within the end of the pipe. It is suggested that the end of flush valve be elevated and angled in a downward position to prevent the chance of rainwater and flood waters from collecting within the discharge piping of the flush valve, which is only separated from the distribution system by a gate valve.

Part F: TCEQ Public Water System or Sewer (Wastewater) Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX1870064 (7 digit ID)

Name of PWS: Taylor Lake Estates Water System

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: Taylor Lake Estates

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WQ (8 digit ID)

Name of Wastewater Facility: _____

Name of Permittee: _____

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: _____

Date of application to transfer permit submitted to TCEQ: _____

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water				Sewer	
	Non-metered		2"		Residential
151	5/8" or 3/4"		3"		Commercial
	1"		4"		Industrial
	1 1/2"		Other		Other
Total Water Connections:			151	Total Sewer Connections:	

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☒ No ☐ Yes: _____ (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: _____ Sewer: _____

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.
Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_1870064_CP_20100610_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

Regulated Entity Name: TAYLOR LAKE ESTATES WATER SYSTEM

Regulated Entity Number: RN101283505

Investigation # 1555647

Incident Numbers

Investigator: DUSTIN LORANCE

Site Classification GW 51-250 CONNECTION

Conducted: 04/12/2019 -- 04/12/2019

SIC Code: 4941

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Investigation

Location: ON TAYLOR LAKE CIRCLE, OFF FM 2610
- 2 MILES W OF HWY 146

Additional ID(s): 1870064

Address: TAYLOR LAKE CIRCLE,
LIVINGSTON, TX, 77351

Local Unit: REGION 10 - BEAUMONT

Activity Type(s): PWSCCIGWCM - CCI GW PURCHASE
- COMMUNITY MANDATORY

Principal(s):

Role

Name

RESPONDENT

PURE UTILITIES LC

Contact(s):

Role

Title

Name

Phone

REGULATED
ENTITY MAIL
CONTACT

MANAGER

MR STONEWALL
JACKSON

Phone (936) 327-7070

NOTIFIED

MANAGER

MR STONEWALL
JACKSON

Phone (936) 327-7070

PARTICIPATED
IN

MANAGER

MR STONEWALL
JACKSON

Phone (936) 327-7070

REGULATED
ENTITY
CONTACT

MANAGER

MR STONEWALL
JACKSON

Phone (936) 327-7070

PARTICIPATED
IN

OPERATOR

MR CULLEN D TIPTON

Cell (936) 328-0906

OFFICE TO
JUN 11 2019

COPY

TAYLOR LAKE ESTATES WATER SYSTEM - LIVINGSTON

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Other Staff Member(s):

Role	Name
Supervisor	CHRIS VIDRINE
Investigator	AYOKUNLE PALADE
Investigator	BRITTANY DAIGRE
QA Reviewer	MARISSA PELTIER

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS STANDARD FIELD	2
PWS INVESTIGATION - EQUIPMENT	1
MONITORING AND SAMPLING revised 06/2013	

Investigation Comments:

INTRODUCTION

Taylor Lake Estates Water System was investigated by Environmental Investigators Mr. Dustin Lorange and Mr. Ayokunle Palade on April 12, 2019, to determine compliance with applicable public water system regulations. Mr. Stonewall Jackson, Manager, was contacted on March 29, 2019, to schedule the Comprehensive Compliance Investigation (CCI) for April 12, 2019. An investigative request was e-mailed to Mr. Jackson on March 29, 2019 (see Attachment No. 1 - Investigative Request Letter).

An exit interview was conducted explaining the results of the investigation. A copy of the TCEQ Exit Interview Form and Customer Survey Form were provided to Mr. Jackson on April 12, 2019. See Attachment No. 2 for Exit Interview Form.

Notice of Violation (NOV) Letter was mailed to the water system.

GENERAL FACILITY AND PROCESS INFORMATION

- Type of system: Community
- Total retail meters/connections: 149
- Retail population: 367 (based on U.S. Census Data)
- Wholesale meters/connections: 0
- Wholesale population: 0
- Average daily usage: 31,426 gallons from April 1, 2018 to March 31, 2019
- Maximum daily usage: 67,957 gallons on March 19, 2019

The water system is owned and operated by Pure Utilities, LC. The water system operates as one pressure plane served by two plants. The West Plant contains Well No. 1 (G1870064A), which was tested to produce 140 gallons per minute (gpm) at a meter located prior to the pressure tanks. The plant also consists of a sand settling tank, sodium hypochlorite for disinfection, a 0.022 million-gallon (MG) ground storage tank, a service pump rated at 150 gpm, and two 0.001 MG pressure tanks. The East Plant contains Well No. 2 (G1870064B), which was tested to produce 55 gpm at a meter located prior to the pressure tank. The plant also consists of blended phosphate for sequestration and corrosion control, a sand settling tank, sodium hypochlorite for disinfection, two 0.012 MG ground storage tanks, two service pumps rated at 120 gpm and 140 gpm, and a 0.003 MG pressure tank.

For additional facility information, see Attachment No. 3 - Water System Schematic, PWS Database Printout, and Water System Data Sheet.

On June 27, 2014, the water system was granted an exception to the individual well meter requirements for Well Nos. 1 and 2. This exception is contingent upon a daily record of total production for both plants and the two flow meters must be calibrated every 12 months.

The water system employs the following operator:

Cullen Tipton, Class C Ground Water, License No. WG0005970, Expires November 28, 2019

BACKGROUND

The previous CCI was conducted on August 24, 2016, and the following violations were noted during the course of the investigation: failure to maintain the intruder resistant fence; failure to have an appropriate liquid level indicator on one of the 0.012 MG ground storage tanks at the East Plant; failure to comply with the requirements of a granted exception; failure to maintain records regarding which dead end mains are flushed on a monthly basis; and failure to have working well meters at both the East and West Plants.

The following alleged violations remain outstanding: failure to maintain the intruder resistant fence; failure to have an appropriate liquid level indicator on one of the 0.012 MG ground storage tanks at the East Plant; failure to comply with the requirements of a granted exception; and failure to maintain records regarding which dead end mains are flushed on a monthly basis.

A search of the Consolidated Compliance and Enforcement Data System (CCEDS) found that no complaints have been filed against the system since the previous CCI.

A search of CCEDS displayed no open enforcement cases for the system.

ADDITIONAL INFORMATION

On April 14, 2019, the investigators met with Mr. Jackson and Mr. Cullen Tipton Operator, to conduct the CCI.

The following records were reviewed: connection counts, American National Standards Institute (ANSI)/National Sanitation Foundation (NSF) certification for all chemicals used, plant operations manual, customer service agreement, customer service inspections, monthly operating reports, records for the amount of chemicals used, monthly flushing records, disinfectant residual sampling records, a distribution map, drought contingency plan, annual tank inspection forms, monitoring plan, the bacteriological sampling records for the previous twelve months, and Revised Total Coliform Rule sample siting plan and map.

During the investigation, it was noted that the water system is now recording the date that each dead-end main is flushed every month. This is adequate to resolve the active violation noted during the previous CCI for the failure to maintain records regarding which dead-end mains are flushed on a monthly basis.

During the investigation, it was noted that the water system is now calibrating the flow meters every 12 months and recording the total production on a weekly basis. On May 22, 2019, the Beaumont Regional Office received operating logs which display that the water system is now recording the flow from each meter on a daily basis.

During the investigation, it was noted that the water system does not maintain copies of all well completion data. The water system could not provide the driller's log or cementing certificate for both wells.

During the investigation, it was noted that the water system is taking all required monthly bacteriological samples.

Operation and maintenance- During the investigation, an evaluation of the water production and distribution system was conducted.

During the investigation, it was noted that the water system has added markings which convert from inches to feet on the liquid level indicator for one of the 0.012 MG ground storage tanks at the East Plant. This is adequate to resolve the active violation noted during the previous CCI for the failure to have an appropriate liquid level indicator on one of the 0.012 MG ground storage tanks at the East Plant.

During the investigation, the following issues were noted with the fencing at the East Plant: broken stands of barbed wire and broken support posts on right side upon entering the plant. The following issues were noted with the fencing at the West Plant: broken support posts on right and left side fencing upon entering the plant and broken barbed wire post on the right side fencing. The violation noted during the previous CCI for the failure to maintain the intruder resistant fence remains outstanding.

Capacity and Sampling- During the investigation, the water system capacities were evaluated (see Attachment No.

TAYLOR LAKE ESTATES WATER SYSTEM - LIVINGSTON

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3 - Water System Schematic, PWS Database Printout, & Water System Data Sheet). The capacity was calculated and sampling results were documented as follows:

The water system is required to provide 0.6 gpm multiplied (x) by 149 connections equals (=) 89.4 gpm total production required while they provide 195 gpm. The water system is required to provide 0.00298 MG of pressure storage capacity while 0.005 MG is provided. The water system is required to provide 0.0298 MG of total storage capacity while they provide 0.046 MG. The water system is required to provide 298 gpm of service pump capacity while 410 gpm is provided.

Sampling- During the investigation, a disinfectant residual and pressure test were conducted in the distribution system. The investigator obtained a pressure reading of 54 pounds per square inch (psi) and a free chlorine residual of 1.31 milligrams per liter (mg/L) at 1574 East Taylor Lake Circle.

List of Attachments:

Attachment No. 1- Investigative Request Letter

Attachment No. 2- Exit Interview Form

Attachment No. 3- Water System Schematic, PWS Database Printout, & Water System Data Sheet

Attachment No. 4- Investigation Photographs

Attachment No. 5- Water System Documentation

NOV Date: 06/10/2019 Method: WRITTEN

OUTSTANDING ALLEGED VIOLATION(S)

AS NOTICED BY AN OFFICIAL OF VIOLATION

Track Number: 619083

Compliance Due Date: 08/09/2019

Violation Start Date: 8/24/2016

30 TAC Chapter 290.38(39)

30 TAC Chapter 290.41(e)(3)(O)

30 TAC Chapter 290.42(m)

30 TAC Chapter 290.43(e)

Alleged Violation:

Investigation: 1363698

Comment Date: 09/23/2016

Failure by Taylor Lake Estates to maintain the intruder resistant fence.

During the investigation, it was noted that the fence at the East plant was missing three strands of barbed wire on part of the fence.

Investigation: 1447003

Comment Date: 10/16/2017

No compliance documentation has been submitted regarding this outstanding violation.

Investigation: 1505083

Comment Date: 08/13/2018

No compliance documentation has been submitted regarding this outstanding alleged violation.

Investigation: 1555647

Comment Date: 05/13/2019

During the investigation, the following issues were noted with the fencing at the East Plant: broken stands of barbed wire and broken support posts on right side upon entering the plant. The following issues were noted with the fencing at the West Plant: broken support posts on right and left side fencing upon entering the plant and broken barbed wire post on the right side fencing.

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

TAYLOR LAKE ESTATES WATER SYSTEM - LIVINGSTON

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Track Number: 716128

Compliance Due Date: 10/08/2019

Violation Start Date: 4/12/2019

30 TAC Chapter 290.46(n)(3)

Alleged Violation:

Investigation: 1555647

Comment Date: 05/29/2019

Failure by Taylor Lake Estates Water System to maintain copies of well completion data.

During the investigation, it was noted that the water system does not maintain copies of all well completion data. The water system could not provide the driller's log or cementing certificate for both wells.

Recommended Corrective Action: Provide copies of the driller's log and cementing certificates for both wells to the Beaumont Regional Office and the TCEQ Water Supply Division or request an exception to this requirement by writing to TCEQ Water Supply Division, Plan and Technical Review Section, MC 159 PO Box 19087, Austin, Texas 78711-3087; phone (512) 239-4691.

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

Track Number: 619084

Resolution Status Date: 6/3/2019

Violation Start Date: 8/24/2016

Violation End Date: 4/12/2019

30 TAC Chapter 290.43(c)(4)

Alleged Violation:

Investigation: 1363698

Comment Date: 03/01/2017

Failure by Taylor Lake Estates to have an appropriate liquid level indicator on one of the 0.012 MG ground storage tanks at the East plant.

During the investigation, it was noted at the East plant that one of the 0.012 MG ground storage tanks was not equipped with an altitude gauge that displays in feet of water, instead it read in inches of water.

Investigation: 1447003

Comment Date: 10/16/2017

No compliance documentation has been submitted regarding this outstanding violation.

Investigation: 1505083

Comment Date: 08/13/2018

No compliance documentation has been submitted regarding the outstanding alleged violation.

Investigation: 1555647

Comment Date: 05/13/2019

The water system has added markings which convert from inches to feet on the liquid level indicator.

Recommended Corrective Action: Replace the liquid level indicator with a gauge that displays in feet of water. Submit photographic documentation of the appropriate meter on the tank to the Beaumont Regional Office.

Resolution: During the investigation on April 12, 2019, it was noted that the water system has added markings which convert from inches to feet on the liquid level indicator for one of the 0.012 MG ground storage tanks at the East Plant.

TAYLOR LAKE ESTATES WATER SYSTEM - LIVINGSTON

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Track Number: 619085

Resolution Status Date: 6/10/2019

Violation Start Date: 8/24/2016

Violation End Date: 5/22/2019

30 TAC Chapter 290.39(1)(5)

Alleged Violation:

Investigation: 1363698

Comment Date: 03/01/2017

Failure by Taylor Lake Estates to comply with the requirements of a granted exception.

During the investigation, it was noted the water system did not comply with the conditions of a granted exception regarding the well meter requirements at the East and West plants. The exception is contingent upon a daily record of total production for both wells and the two flow meters being calibrated every 12 months. It was noted the water system was calibrating the meters every three years and the total well production was being obtained on a weekly basis instead of daily.

Investigation: 1447003

Comment Date: 10/16/2017

No compliance documentation has been submitted regarding the outstanding alleged violation.

Investigation: 1505083

Comment Date: 09/17/2018

No compliance documentation has been submitted regarding this outstanding alleged violation.

Please note that per an email conversation with Mrs. Michaela Garza, Enforcement Coordinator with the TCEQ Enforcement Division on September 13, 2018. The TCEQ Enforcement Division would not consider this violation to be a complete failure by the water system. It was noted that since the water system does obtain well meter production readings weekly and calibrate the well meters every three years. This violation should be cited as a category C violation instead of a category B.

Investigation: 1555647

Comment Date: 06/10/2019

During the investigation, it was noted that the water system is now calibrating the flow meters every 12 months and is recording the total production on a weekly basis.

Recommended Corrective Action: Submit one month of daily total well production readings along with a standard operating procedure (SOP) for collecting daily well production samples and calibration of the well meter every year to the Beaumont Regional Office.

Resolution: On May 22, 2019, the Beaumont Regional Office received operating logs which display that the water system is now recording the flow from each meter on a daily basis.

Track Number: 619086

Resolution Status Date: 5/13/2019

Violation Start Date: 8/24/2016

Violation End Date: 4/12/2019

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

Alleged Violation:

Investigation: 1363698

Comment Date: 03/01/2017

Failure by Taylor Lake Estates to maintain records regarding which dead end mains are flushed on a monthly basis.

During the inspection, the investigator noted that the water system does not maintain a record of which individual dead end mains are flushed on a monthly basis. The water system explained that they perform the flushing activities required, but do not retain records of each individual dead end being flushed, instead they

TAYLOR LAKE ESTATES WATER SYSTEM - LIVINGSTON

4/12/2019 Inv.# - 1555647

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state a date and write "all" in the flush valve description.

Investigation: 1447003

Comment Date: 10/16/2017

No compliance documentation has been submitted to resolve this outstanding violation.

Investigation: 1505083

Comment Date: 08/13/2018

No compliance documentation has been submitted regarding this outstanding alleged violation.

Investigation: 1555647

Comment Date: 05/13/2019

The water system is now recording the date that each dead-end main is flushed every month.

Recommended Corrective Action: Begin maintaining a record of when each dead end main is flushed. Submit three months of flushing records to the Beaumont Regional Office.

Resolution: During the investigation on April 12, 2019, it was noted that the water system is now recording the date that each dead-end main is flushed every month.

Signed


Environmental Investigator

Date

6/10/19

Signed


Supervisor

Date

6/10/19

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Maps, Plans, Sketches

☒ Letter to Facility (specify type): NA

___ Photographs

___ Investigation Report

___ Correspondence from the facility

___ Sample Analysis Results

☒ Other (specify):

___ Manifests

See Attachment

___ Notice of Registration

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 10, 2019

**CERTIFIED MAIL {7015 0640 0004 7993 8296}
RETURN RECEIPT REQUESTED**

Mr. Stonewall Jackson, Manager
Pure Utilities, L.C.
207 W Mill St
Livingston, Texas 77351

Re: Notice of Violation for Public Water Supply Comprehensive Compliance Investigation at:
Taylor Lake Estates Water System, Livingston (Polk County), Texas
Regulated Entity No. RN101283505, PWS ID No. 1870064, Investigation No. 1555647

Dear Mr. Jackson:

On April 12, 2019, Mr. Dustin Lorange and Mr. Ayokunle Falade of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by October 8, 2019 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations.

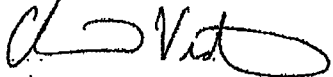
In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Beaumont Region Office at (409) 898-3838 or the Central Office Publications Ordering Team at 512-239-0028.

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

Mr. Stonewall Jackson, Manager
Page 2
June 10, 2019

If you or members of your staff have any questions, please feel free to contact Mr. Dustin Lorange in the Beaumont Region Office at (409) 898-3838.

Sincerely,



Chris Vidrine, Water Section Team Leader
Beaumont Region Office
Texas Commission on Environmental Quality

CV/DL/bd

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

TAYLOR LAKE ESTATES WATER SYSTEM

TAYLOR LAKE CIRCLE
LIVINGSTON, POLK COUNTY, TX 77351

Investigation #

1555647
Investigation Date: 04/12/2019

Additional ID(s): 1870064

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

Track No: 619083 Compliance Due Date: 08/09/2019

30 TAG Chapter 290.38(39)
30 TAC Chapter 290.41(e)(3)(C)
30 TAC Chapter 290.42(m)
30 TAC Chapter 290.43(e)

Alleged Violation:

Investigation: 1363698

Comment Date: 09/23/2016

Failure by Taylor Lake Estates to maintain the intruder resistant fence.

During the investigation, it was noted that the fence at the East plant was missing three strands of barbed wire on part of the fence.

Investigation: 1447003

Comment Date: 10/16/2017

No compliance documentation has been submitted regarding this outstanding violation.

Investigation: 1505083

Comment Date: 08/13/2018

No compliance documentation has been submitted regarding this outstanding alleged violation.

Investigation: 1555647

Comment Date: 05/13/2019

During the investigation, the following issues were noted with the fencing at the East Plant: broken stands of barbed wire and broken support posts on right side upon entering the plant. The following issues were noted with the fencing at the West Plant: broken support posts on right and left side fencing upon entering the plant and broken barbed wire post on the right side fencing.

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

Track No: 716128 Compliance Due Date: 10/08/2019

30 TAC Chapter 290.46(n)(3)

Alleged Violation:

Investigation: 1555647

Comment Date: 05/29/2019

Failure by Taylor Lake Estates Water System to maintain copies of well completion data.

During the investigation, it was noted that the water system does not maintain copies of all well completion data. The water system could not provide the driller's log or cementing certificate for both wells.

Recommended Corrective Action: Provide copies of the driller's log and cementing certificates for both wells to the Beaumont Regional Office and the TCEQ Water Supply Division or request an exception to this requirement by writing to TCEQ Water Supply Division, Plan and Technical Review Section, MC 159 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

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

Track No: 619084

30 TAC Chapter 290.43(c)(4)

Alleged Violation:

Investigation: 1363698

Comment Date: 03/01/2017

Failure by Taylor Lake Estates to have an appropriate liquid level indicator on one of the 0.012 MG ground storage tanks at the East plant.

During the investigation, it was noted at the East plant that one of the 0.012 MG ground storage tanks was not equipped with an altitude gauge that displays in feet of water, instead it read in inches of water.

Investigation: 1447003

Comment Date: 10/16/2017

No compliance documentation has been submitted regarding this outstanding violation.

Investigation: 1505083

Comment Date: 08/13/2018

No compliance documentation has been submitted regarding the outstanding alleged violation.

Investigation: 1555647

Comment Date: 08/13/2019

The water system has added markings which convert from inches to feet on the liquid level indicator.

Recommended Corrective Action: Replace the liquid level indicator with a gauge that displays in feet of water. Submit photographic documentation of the appropriate meter on the tank to the Beaumont Regional Office.

Resolution: During the investigation on April 12, 2019, it was noted that the water system has added markings which convert from inches to feet on the liquid level indicator for one of the 0.012 MG ground storage tanks at the East Plant.

Track No: 619085

30 TAC Chapter 290.38(1)(5)

Alleged Violation:

Investigation: 1363698

Comment Date: 03/01/2017

Failure by Taylor Lake Estates to comply with the requirements of a granted exception.

During the investigation, it was noted the water system did not comply with the conditions of a granted exception regarding the well meter requirements at the East and West plants. The exception is contingent upon a daily record of total production for both wells and the two flow meters being calibrated every 12 months. It was noted the water system was calibrating the meters every three years and the total well production was being obtained on a weekly basis instead of daily.

Investigation: 1447003

Comment Date: 10/16/2017

No compliance documentation has been submitted regarding the outstanding alleged violation.

Investigation: 1505083

Comment Date: 09/17/2018

No compliance documentation has been submitted regarding this outstanding alleged violation.

Please note that per an email conversation with Mrs. Michaelle Garza, Enforcement Coordinator with the TCEQ Enforcement Division on September 13, 2018, The TCEQ Enforcement Division would not consider this violation to be a complete failure by the water system. It was noted that since the water system does obtain well meter production readings weekly and calibrate the well meters every three years. This violation should be cited as a category C violation instead of a category B.

TAYLOR LAKE ESTATES WATER SYSTEM

Investigation: 1555647

Investigation # 1555647

Comment Date: 06/10/2019

During the investigation, it was noted that the water system is now calibrating the flow meters every 12 months and is recording the total production on a weekly basis.

Recommended Corrective Action: Submit one month of daily total well production readings along with a standard operating procedure (SOP) for collecting daily well production samples and calibration of the well meter every year to the Beaumont Regional Office.

Resolution: On May 22, 2019, the Beaumont Regional Office received operating logs which display that the water system is now recording the flow from each meter on a daily basis.

Track No: 619086**30 TAC Chapter 290.46(f)(3)(A)(iv)****Alleged Violation:**

Investigation: 1363698

Comment Date: 03/01/2017

Failure by Taylor Lake Estates to maintain records regarding which dead end mains are flushed on a monthly basis.

During the inspection, the investigator noted that the water system does not maintain a record of which individual dead end mains are flushed on a monthly basis. The water system explained that they perform the flushing activities required, but do not retain records of each individual dead end being flushed, instead they state a date and write "all" in the flush valve description.

Investigation: 1447003

Comment Date: 10/16/2017

No compliance documentation has been submitted to resolve this outstanding violation.

Investigation: 1505083

Comment Date: 08/13/2018

No compliance documentation has been submitted regarding this outstanding alleged violation.

Investigation: 1555647

Comment Date: 05/13/2019

The water system is now recording the date that each dead-end main is flushed every month.

Recommended Corrective Action: Begin maintaining a record of when each dead end main is flushed. Submit three months of flushing records to the Beaumont Regional Office.

Resolution: During the investigation on April 12, 2019, it was noted that the water system is now recording the date that each dead-end main is flushed every month.

Part F: TCEQ Public Water System or Sewer (Wastewater) Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX1870131 (7 digit ID)

Name of PWS: Texas Water Supply

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: Texas Water Supply

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WQ - (8 digit ID)

Name of Wastewater Facility: _____

Name of Permittee: _____

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: _____

Date of application to transfer permit submitted to TCEQ: _____

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water				Sewer	
	Non-metered		2"		Residential
69	5/8" or 3/4"		3"		Commercial
	1"		4"		Industrial
	1 1/2"		Other		Other
Total Water Connections:				69	Total Sewer Connections:

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☒ No ☐ Yes: _____ (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: _____ Sewer: _____

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

Part C Mapping and MCA

ALL applications require mapping information to be filed in conjunction with the STM application.

Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_1870131_CP_190322_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

Regulated Entity Name: TEXAS WATER SUPPLY

Regulated Entity Number: RN101259679

Investigation # 1540888	Incident Numbers
Investigator: PAIGE PRITCHARD	Site Classification GW 51-250 CONNECTION
Conducted: 01/30/2019 -- 01/30/2019	SIC Code: 4941
Program(s): PUBLIC WATER SYSTEM/SUPPLY	
Investigation Type: Compliance Invest File Review	Location: ON CARTHAGE ST W OF HWY 59 OFF FM 942 ON FAGAN FARM RD
Additional ID(s): 1870131	
Address:	Local Unit: REGION 10 - BEAUMONT
	Activity Type(s): PWSFRR - PWS NOV Record Review

Principal(s):

Role	Name
RESPONDENT	PURE UTILITIES LC

Contact(s):

Role	Title	Name	Phone	
REGULATED ENTITY CONTACT	MANAGER	MR STONEWALL JACKSON	Work Cell	(936) 327-7170 (936) 327-1896
REGULATED ENTITY MAIL CONTACT	MANAGER	MR STONEWALL JACKSON		

Other Staff Member(s):

Role	Name
Supervisor	CHRIS VIDRINE
QA Reviewer	VANESSA STANSBURY
Investigator	BRITTANY DAIGRE

Associated Check List

<u>Checklist Name</u> PWS GENERIC VIOLATIONS	<u>Unit Name</u> PWS
--	--------------------------------

Investigation Comments:

INTRODUCTION

This file record review was conducted to resolve alleged violations noted on January 18, 2017.

TEXAS WATER SUPPLY - LEGGETT

1/30/2019 Inv. # - 1540888

Page 2 of 3

GENERAL FACILITY AND PROCESS INFORMATION

See Investigation No.: 1389832

BACKGROUND

A Comprehensive Compliance Investigation (CCI) was conducted on January 18, 2017. Alleged violations were noted during the CCI and documented in Investigation No. 1389832. A Notice of Violation (NOV) was issued on March 10, 2017.

ADDITIONAL INFORMATION

No documentation has been submitted to resolve some of the outstanding alleged violation.

A No Documentation Submitted Letter was mailed to the system.

~~NOV 03/22/2017 INVESTIGATION NO. 1389832 NO INFORMATION SUBMITTED TO TCEQ BY 03/22/2017~~

~~OUTSTANDING ALLEGED VIOLATION(S)~~

~~ASSOCIATED TO A NOTICE OF VIOLATION~~

Track Number: 633288

Compliance Due Date: 04/22/2019

Violation Start Date: 1/18/2017

30 TAC Chapter 290.105(b)

Alleged Violation:

Investigation: 1389832

Comment Date: 03/08/2017

Failure by Texas Water Supply to comply with the Secondary Constituent Level of 7.0 s.u. for pH.

During the investigation, a pH sample was obtained in distribution by the investigator which displayed a result of 6.32 s.u. Please note the minimum allowed pH to be maintained is 7.0 s.u.

Investigation: 1540888

Comment Date: 02/04/2019

No compliance documentation has been submitted regarding this outstanding alleged violation.

Recommended Corrective Action: Perform an engineering assessment to determine what operational or design modifications are required to meet the secondary constituent level for pH within the distribution system.

If the engineering assessment determines that operational changes are appropriate, submit notification to the executive director regarding the change in treatment. 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. Construct facilities in accordance with the approved plans.

05 301770
MVS SS 2AM
2019 02 04

Signed

Dawn Pearson
Environmental Investigator

Date

3/22/19

Signed

[Signature]
Supervisor

Date

3/22/2019

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☐ Maps, Plans, Sketches

☒ Letter to Facility (specify type) : M Response

☐ Photographs

☐ Investigation Report

☐ Correspondence from the facility

☐ Sample Analysis Results

☐ Other (specify) :

☐ Manifests

☐ Notice of Registration

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 22, 2019

**CERTIFIED MAIL (7015 0640 0004 7993 7749)
RETURN RECEIPT REQUESTED**

Mr. Stonewall Jackson, Manager
Pure Utilities
207 West Mill Street
Livingston, Texas 77351

Re: Failure to Submit Compliance Documentation for:
Texas Water Supply, Livingston (Polk County), Texas
PWS ID No.: 1870131; Investigation No.: 1540888; RN No.: 101259679

Dear Mr. Jackson:

By letter dated March 10, 2017, the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office requested that you submit information to us by July 10, 2017 verifying that the outstanding alleged violations referenced in the letter have been corrected. The alleged violations were noted during the investigation of the above-referenced facility conducted on January 18, 2017. Enclosed for your information is a copy of the letter. As of this date, we have not received from you a written description of corrective action taken and the required compliance documentation for these alleged violations. Please submit this information to us by no later than April 22, 2019.

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

If you or members of your staff have any questions, 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 "Chris Vidrine".

Chris Vidrine
Water Section Team Leader
Beaumont Region Office

CV/PP/bd

Enclosure: Copy of Previous Letter

Summary of Investigation Findings

TEXAS WATER SUPPLY	Investigation # 1389832
POLK COUNTY,	Investigation Date: 01/18/2017
Additional ID(s): 1870131	

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

Track No: 633288 Compliance Due Date: 07/10/2017
30 TAC Chapter 290.106(b)

Alleged Violation:
Investigation: 1389832

Comment Date: 03/08/2017

Failure by Texas Water Supply to comply with the Secondary Constituent Level of 7.0 s.u. for pH.

During the investigation, a pH sample was obtained in distribution by the investigator which displayed a result of 6.32 s.u. Please note the minimum allowed pH to be maintained is 7.0 s.u.

Recommended Corrective Action: Perform an engineering assessment to determine what operational or design modifications are required to meet the secondary constituent level for pH within the distribution system.

If the engineering assessment determines that operational changes are appropriate, submit notification to the executive director regarding the change in treatment. 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. Construct facilities in accordance with the approved plans.

AREA OF CONCERN

Track No: 633289
30 TAC Chapter 290.121(b)(1)

Alleged Violation:
Investigation: 1389832

Comment Date: 03/08/2017

Failure by Texas Water Supply to have a complete monitoring plan.

During the investigation it was noted that the monitoring plan was incomplete. The water system's new sample site list for distribution disinfectant residuals and bacteriological samples was not included in the document.

Recommended Corrective Action: Update the monitoring plan. Submit a copy of the updated monitoring plan and a Standard Operating Procedure (SOP) to the Beaumont Regional Office.

Resolution: On January 18, 2017, the Beaumont Regional Office received an updated version of the monitoring plan and a Standard Operating Procedure, which appeared to be adequate.

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

- Date of application to transfer permit *submitted* to TCEQ:

- | Water | | | | Sewer | |
|--------------------------|--------------|--|-------|--------------------------|-------------|
| | Non-metered | | 2" | | Residential |
| 34 | 5/8" or 3/4" | | 3" | | Commercial |
| | 1" | | 4" | | Industrial |
| | 1 1/2" | | Other | | Other |
| Total Water Connections: | | | 34 | Total Sewer Connections: | |

- | Description of the Capital Improvement: | Estimated Completion Date: | Estimated Cost: |
|---|----------------------------|-----------------|
| | | |
| | | |
| | | |

- ☐ No ☒ Yes:

- ☒ No ☐ Yes: _____ (name of municipality)

Water: Sewer:

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.

Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.

PWS_2290043_CP_20000412_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Pure Utilities, L.C.
Customer Number: CN600635171

OFFICE TO

JUN 11 2019

Regulated Entity Name: TOWN BLUFF WATER SYSTEM

Regulated Entity Number: RN101268191

Investigation # 1555645

Incident Numbers

Investigator: DUSTIN LORANCE

Site Classification GW <=50 CONNECTION

Conducted: 04/12/2019 -- 04/12/2019

SIC Code: 4941

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Investigation

Location: OFF FM 92, SOUTH OF FM 1746

Additional ID(s): 2290043

Address:

Local Unit: REGION 10 - BEAUMONT

**Activity Type(s): PWSCCIGWCM - CCI GW PURCHASE
- COMMUNITY MANDATORY**

Principal(s):

Role	Name
RESPONDENT	PURE UTILITIES LC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	MANAGER	MR STONEWALL JACKSON	Work (936) 327-7070 Fax (936) 566-5379
NOTIFIED	MANAGER	MR STONEWALL JACKSON	
REGULATED ENTITY CONTACT	OPERATOR	MR CULLEN TIPTON	Work (936) 328-0906
PARTICIPATED IN	OPERATOR	MR CULLEN TIPTON	
PARTICIPATED IN	MANAGER	MR STONEWALL JACKSON	

Other Staff Member(s):

Role	Name
QA Reviewer	MARISSA PELTIER
Investigator	AYOKUNLE FALADE
Investigator	PHYLLIS LACAZE
Supervisor	CHRIS VIDRINE

TOWN BLUFF WATER SYSTEM - LIVINGSTON

4/12/2019 Inv. # - 1555645

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Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS STANDARD FIELD	2
PWS INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING revised 06/2013	1

Investigation Comments:

INTRODUCTION

Town Bluff Water System was investigated by Environmental Investigators Mr. Dustin Lorange and Mr. Ayokunle Falade on April 12, 2019, to determine compliance with applicable public water system regulations. Mr. Stonewall Jackson, Manager, was contacted on March 29, 2019, to schedule the Comprehensive Compliance Investigation (CCI) for April 12, 2019. An investigative request was e-mailed to Mr. Jackson on March 29, 2019 (see Attachment No. 1 - Investigative Request Letter).

An exit interview was conducted explaining the results of the investigation. A copy of the TCEQ Exit Interview Form and Customer Survey Form were provided to Mr. Jackson on April 12, 2019. See Attachment No. 2 for Exit Interview Form.

A Notice of Violation (NOV) Letter was mailed to the water system.

GENERAL FACILITY AND PROCESS INFORMATION

- Type of system: Community
- Total retail meters/connections: 34
- Retail population: 88 (based on U.S. Census Data)
- Wholesale meters/connections: 0
- Wholesale population: 0
- Average daily usage: 16,624 gallons from April 1, 2018 to March 31, 2019
- Maximum daily usage: 34,771 gallons on March 19, 2019

The water system is owned and operated by Pure Utilities, LC. The water system operates as one pressure plane served by two plants. The Well No. 1 Plant contains Well No. 1 (G2290043A), which was tested to produce 67 gallons per minute (gpm). The plant also consists of sodium hypochlorite for disinfection and a 0.0025 million-gallon (MG) pressure tank. The Well No. 2 Plant contains Well No. 2 (G2290043B), which was tested to produce 65 gpm. The plant also consists of sodium hypochlorite for disinfection along with a 0.00055 MG and 0.001 MG pressure tank.

For additional facility information, see Attachment No. 3 - Water System Schematic, PWS Database Printout, and Water System Data Sheet.

By letter dated March 26, 2002, the water system was granted an exception for the pressure tank capacity requirement. The exception was contingent upon the system having no more than 16 connections, well capacity remaining at 45 gpm, pressure tank capacity remaining at 775 gallons and maintaining proper water pressure. The water system no longer meets any of these conditions except for the water pressure requirement, and, therefore, the exception is no longer valid.

The water system employs the following operator:

Cullen Tipton, Class C Ground Water, License No. WG0005970, Expires November 28, 2019

BACKGROUND

The previous CCI was conducted on June 3, 2016, and the following alleged violations were noted during the course of the investigation: failure to maintain records regarding which dead-end mains are flushed on a monthly basis; failure to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations; failure to maintain a copy of the monitoring plan at each plant; and

TOWN BLUFF WATER SYSTEM - LIVINGSTON

4/12/2019 Inv. # - 1555645

Page 3 of 6

failure to maintain the intruder resistant fence.

The following alleged violations remain outstanding and will be addressed in this report: failure to maintain records regarding which dead-end mains are flushed on a monthly basis and failure to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.

A search of the Consolidated Compliance and Enforcement Data System (CCEDS) found that no complaints have been filed against the system since the previous CCI.

A search of CCEDS displayed no open enforcement cases for the system.

ADDITIONAL INFORMATION

On April 14, 2019, the investigators met with Mr. Jackson and Mr. Cullen Tipton Operator, to conduct the CCI.

The following records were reviewed: connection counts, American National Standards Institute (ANSI)/National Sanitation Foundation (NSF) certification for all chemicals used, plant operations manual, customer service agreement, customer service inspections, monthly operating reports, records for the amount of chemicals used, monthly flushing records, disinfectant residual sampling records, a distribution map, drought contingency plan, annual tank inspection forms, monitoring plan, the bacteriological sampling records for the previous twelve months, and Revised Total Coliform Rule sample siting plan and map.

During the investigation, it was noted that the water system is now recording the date that each dead-end main is flushed every month. This is adequate to resolve the active violation noted during the previous CCI for the failure to maintain records regarding which dead-end mains are flushed on a monthly basis.

During the investigation, it was noted that the water system is now checking the accuracy of their disinfectant residual analyzer and recording the results at least once every 90 days. This is adequate to resolve the active violation noted during the previous CCI for the failure to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.

During the investigation, it was noted that the water system does not maintain copies of all well completion data. The water system could not provide the driller's log or cementing certificate for both wells.

During the investigation, it was noted that the water system is taking all required monthly bacteriological samples.

Operation and maintenance- During the investigation, an evaluation of the water production and distribution system was conducted.

No operation and maintenance violations were noted during the investigation.

Capacity and Sampling- During the investigation, the water system capacities were evaluated (see Attachment No. 3 - Water System Schematic, PWS Database Printout, & Water System Data Sheet). The capacity was calculated and sampling results were documented as follows:

The water system is required to provide 1.5 gpm multiplied (x) by 34 connections equals (=) 51 gpm total production required while they provide 132 gpm. The water system is required to provide 0.0017 MG of pressure storage capacity while 0.00405 MG is provided.

Sampling- During the investigation, a disinfectant residual and pressure test were conducted in the distribution system. The investigator obtained a pressure reading of 77 pounds per square inch (psi) and a free chlorine residual of 0.99 milligrams per liter (mg/L) at 1878 CR 4400.

List of Attachments:

Attachment No. 1- Investigative Request Letter

Attachment No. 2- Exit Interview Form

Attachment No. 3- Water System Schematic, PWS Database Printout, & Water System Data Sheet

TOWN BLUFF WATER SYSTEM - LIVINGSTON

4/12/2019 Inv. # - 1555645

Page 4 of 6

Attachment No. 4- Investigation Photographs

NOV Date: 06/11/2019 **Method:** WRITTEN

OUTSTANDING ALLEGED VIOLATION(S)

ASSOCIATED TO A NOTICE OF VIOLATION

Track Number: 716094

Compliance Due Date: 10/09/2019

Violation Start Date: 4/12/2019

30 TAC Chapter 290.46(n)(3)

Alleged Violation:

Investigation: 1555645

Comment Date: 05/29/2019

Failure by Town Bluff Water System to maintain copies of well completion data.

During the investigation, it was noted that the water system does not maintain copies of all well completion data. The water system could not provide the driller's log or cementing certificate for both wells.

Recommended Corrective Action: Provide copies of the driller's log and cementing certificates for both wells to the Beaumont Regional Office and the TCEQ Water Supply Division or request an exception to this requirement by writing to TCEQ Water Supply Division, Plan and Technical Review Section, MC 159 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: 609328

Resolution Status Date: 5/9/2019

Violation Start Date: 6/3/2016

Violation End Date: 4/12/2019

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

Alleged Violation:

Investigation: 1338709

Comment Date: 07/28/2016

Failure by Town Bluff Water System to maintain records regarding which dead end mains are flushed on a monthly basis.

During the inspection, the investigator noted that the water system does not maintain a record of the dates dead ends are flushed. The water system explained that they perform the flushing activities required, but do not retain records of the date each individual flush valve is flushed, they include a date and write all in the flush valve description.

Investigation: 1403615

Comment Date: 04/19/2017

No compliance documentation was submitted regarding this outstanding alleged violation.

Investigation: 1555645

Comment Date: 05/09/2019

The water system now records the dates that each dead-end main is flushed every month.

Recommended Corrective Action: Begin maintaining a record of when each dead end main is flushed. Submit three months of flushing records to the Beaumont Regional Office.

TOWN BLUFF WATER SYSTEM - J. KINGSTON

4/12/2019 Inv. # - 1555645

Page 5 of 6

Resolution: During the investigation on April 12, 2019, it was noted that the water system is now recording the date that each dead-end main is flushed every month.

Track Number: 609329

Resolution Status Date: 5/9/2019

Violation Start Date: 6/3/2016

Violation End Date: 4/12/2019

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

Alleged Violation:

Investigation: 1338709

Comment Date: 07/28/2016

Failure by Town Bluff Water System to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.

During the investigation, it was noted that the water system does not accuracy check the manual disinfectant residual analyzer with the complete set of secondary standards. The water system stated that they accuracy check the middle solution only. It was noted that the water system has a low range standard kit which contains low, middle and high range standards. These standards are used to confirm consistent instrument response. The water system stated that they accuracy check with the middle range solution only.

Investigation: 1403615

Comment Date: 04/19/2017

No compliance documentation was submitted regarding this outstanding alleged violation.

Investigation: 1555645

Comment Date: 05/09/2019

The water system now checks the accuracy of their disinfectant analyzer and records the results at least once every 90 days.

Recommended Corrective Action: Perform adequate accuracy checks on the disinfection residual analyzer. Submit two accuracy check results to the Beaumont Regional Office and a Standard Operating Procedure (SOP) regarding using all solutions in the collection of secondary standards.

Resolution: During the investigation on April 12, 2019, it was noted that the water system is now checking the accuracy of their disinfectant residual analyzer and recording the results at least once every 90 days.

Signed

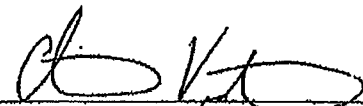


Environmental Investigator

Date

6/10/19

Signed



Supervisor

Date

6/10/19

TOWN BLUFF WATER SYSTEM - LIVINGSTON

4/12/2019 Inv. # - 1555645

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Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type): NEW

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ Notice of Registration

☐ Maps, Plans, Sketches

☐ Photographs

☐ Correspondence from the facility

☒ Other (specify):

See Attachments

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 11, 2019

**CERTIFIED MAIL (7015 0640 0004 7993 6582)
RETURN RECEIPT REQUESTED**

Mr. Stonewall Jackson, Manager
Pure Utilities, LC
207 West Mill Street
Livingston, Texas 77351

Re: Notice of Violation for Public Water Supply Comprehensive Compliance Investigation at:
Town Bluff Water System, Livingston (Tyler County), Texas
Regulated Entity No.: RN101268191, PWS ID No.: 2290043
Investigation No.: 1555645

Dear Mr. Jackson:

On April 12, 2019, Mr. Dustin Lorange and Mr. Ayokunle Falade of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by October 9, 2019 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Beaumont Region Office at (409) 898-3838 or the Central Office Publications Ordering Team at (512) 239-0028.

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

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

Austin Headquarters: 512-239-1000 • tceq.texas.gov • How is our customer service? tceq.texas.gov/customer/survey 225

printed on recycled paper

Mr. Stonewall Jackson
Page 2
June 11, 2019

If you or members of your staff have any questions, please feel free to contact Mr. Lorange in the Beaumont Region Office at (409) 898-3838.

Sincerely,



Mr. Chris Vidrine, Water Section Team Leader
Beaumont Regional Office
Texas Commission on Environmental Quality

CV/DL/pl

Attachment: Summary of Investigation Findings

Summary of Investigation Findings

TOWN BLUFF WATER SYSTEM

Investigation #

Investigation Date: 04/12/2019

, TYLER COUNTY,

Additional ID(s): 2290043

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

Track No: 716094 Compliance Due Date: 10/09/2019

30 TAC Chapter 290.46(n)(3)

Alleged Violation:

Investigation: 1555645

Comment Date: 05/29/2019

Failure by Town Bluff Water System to maintain copies of well completion data.

During the investigation, it was noted that the water system does not maintain copies of all well completion data. The water system could not provide the driller's log or cementing certificate for both wells.

Recommended Corrective Action: Provide copies of the driller's log and cementing certificates for both wells to the Beaumont Regional Office and the TCEQ Water Supply Division or request an exception to this requirement by writing to TCEQ Water Supply Division, Plan and Technical Review Section, MC 159 PO Box 13087, Austin, Texas 78711-3087; phone (512) 239-4691.

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

Track No: 609328

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

Alleged Violation:

Investigation: 1338709

Comment Date: 07/28/2016

Failure by Town Bluff Water System to maintain records regarding which dead end mains are flushed on a monthly basis.

During the inspection, the investigator noted that the water system does not maintain a record of the dates dead ends are flushed. The water system explained that they perform the flushing activities required, but do not retain records of the date each individual flush valve is flushed, they include a date and write all in the flush valve description.

Investigation: 1403615

Comment Date: 04/19/2017

No compliance documentation was submitted regarding this outstanding alleged violation.

Investigation: 1556645

Comment Date: 05/09/2019

The water system now records the dates that each dead-end main is flushed every month.

Recommended Corrective Action: Begin maintaining a record of when each dead end main is flushed. Submit three months of flushing records to the Beaumont Regional Office.

Resolution: During the investigation on April 12, 2019, it was noted that the water system is now recording the date that each dead-end main is flushed every month.

Track No: 609329

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

TOWN BLUFF WATER SYSTEM

Investigation # 1555645

Alleged Violation:

Investigation: 1338709

Comment Date: 07/28/2016

Failure by Town Bluff Water System to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.

During the investigation, it was noted that the water system does not accurately check the manual disinfectant residual analyzer with the complete set of secondary standards. The water system stated that they accurately check the middle solution only. It was noted that the water system has a low range standard kit which contains low, middle and high range standards. These standards are used to confirm consistent instrument response. The water system stated that they accurately check with the middle range solution only.

Investigation: 1403615

Comment Date: 04/19/2017

No compliance documentation was submitted regarding this outstanding alleged violation.

Investigation: 1555645

Comment Date: 05/09/2019

The water system now checks the accuracy of their disinfectant analyzer and records the results at least once every 90 days.

Recommended Corrective Action: Perform adequate accuracy checks on the disinfection residual analyzer. Submit two accuracy check results to the Beaumont Regional Office and a Standard Operating Procedure (SOP) regarding using all solutions in the collection of secondary standards.

Resolution: During the investigation on April 12, 2019, it was noted that the water system is now checking the accuracy of their disinfectant residual analyzer and recording the results at least once every 90 days.

Part F TCEQ Public Water System or Sewer (Wastewater) Information

Complete Part F for EACH Public Water or Sewer system to be transferred subject to approval of the transaction. Attach a separate sheet with this information if you need more space for additional systems being transferred.

22. A. For Public Water System (PWS):

TCEQ PWS Identification Number: TX2290012 (7 digit ID)

Name of PWS: Whitetail Ridge Lakes Estates

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: Whitetail Ridge Lakes Estates

B. For Sewer service:

TCEQ Water Quality (WQ) Discharge Permit Number: WO (8 digit ID)

Name of Wastewater Facility: _____

Name of Permittee: _____

Date of last TCEQ compliance inspection: _____ (attach TCEQ letter)

Subdivisions served: _____

Date of application to transfer permit submitted to TCEQ: _____

23. List the number of existing connections, by meter/connection type, to be affected by the proposed transaction:

Water				Sewer	
	Non-metered		2"		Residential
73	5/8" or 3/4"		3"		Commercial
	1"		4"		Industrial
	1 1/2"		Other		Other
Total Water Connections:				73	Total Sewer Connections:

24. A. Are any improvements required to meet TCEQ or Commission standards?

☒ No ☐ Yes

B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):

Description of the Capital Improvement:	Estimated Completion Date:	Estimated Cost:

C. Is there a moratorium on new connections?

☒ No ☐ Yes:

25. Does the system being transferred operate within the corporate boundaries of a municipality?

☒ No ☐ Yes: _____ (name of municipality)

If yes, indicate the number of customers within the municipal boundary.

Water: _____ Sewer: _____

26. A. Does the system being transferred purchase water or sewer treatment capacity from another source?

☒ No ☐ Yes: If yes, attach a copy of purchase agreement or contract.

Capacity is purchased from: _____

Water: _____

Sewer: _____

B. Is the PWS required to purchase water to meet capacity requirements or drinking water standards?

☒ No ☐ Yes

C. What is the amount of water supply or sewer treatment purchased, per the agreement or contract? What is the percent of overall demand supplied by purchased water or sewer treatment (if any)?

	Amount in Gallons	Percent of demand
Water:		0.00%
Sewer:		0.00%

D. Will the purchase agreement or contract be transferred to the Transferee?

☒ No ☐ Yes:

27. Does the PWS or sewer treatment plant have adequate capacity to meet the current and projected demands in the requested area?

☐ No ☒ Yes:

28. List the name, class, and TCEQ license number of the operator that will be responsible for the operations of the water or sewer utility service:

Name (as it appears on license)	Class	License No.	Water or Sewer

ALL applications require mapping information to be filed in conjunction with the STM application.
Read question 29 A and B to determine what information is required for your application.

29. A. For applications requesting to transfer an entire CCN, without a CCN boundary adjustment, provide the following mapping information with each of the seven (7) copies of the application:

1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The following guidance should be adhered to:
 - i. If the application requests to transfer certificated service areas for both water and sewer, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.