

Summary of Enforcement Actions								
Permit #	System Name	Enforcement Status	Enf. Comment	Outstanding Enforcement Requirement Action	Outstanding Improve Desc	Estimated Cost	Anticipated Return to Compliance	Order Issued to
TX0200190	Centennial Place	Resolved	Agreed Order (8/24/2016) - Pressure tank capacity violation and paperwork issues	None	None	N/A		Aqua Utilities
TX1700555	Cimarron Country	Resolved	Agreed Order (2/27/2018) - Water quality monitoring and corrosion control (Notice of Compliance 3/16/2018)	None	None	N/A		Aqua Texas
TX2200045	Cottonwood Hill Est	Resolved	Agreed Order (9/25/2018) - Failure to maintain adequate chlorine residual (Certification of Compliance 10/15/2018)	None	None	N/A		Aqua Utilities
		Resolved	Agreed Order (12/4/2018) - Exceedances of the radionuclide MCL due to natural radium	Reduce Radium levels below the MCL	construct improvements to system source water blending	\$ 75,000	8/31/2020	Aqua Utilities
TX1010947	Cricket Hill Estates	Open	Agreed Order (9/24/2019) Maintenance of as-built drawings that were never provided at acquisition (Notice of Compliance 10/11/2019)					Aqua Utilities
TX1010254	Cypress Place	Open	Draft Agreed Order (4/22/2020) - Records Retention	TCEQ wants well completion data for very old wells drilled before Aqua TX owned the system	TBD	Unk	unk	Aqua Utilities
TX0860098	Deerwood Subdivision	Resolved	Agreed Order (10/30/2019) Failure to have as built plans Record drawings completed March 2019 (Notice of Compliance 11/1/2019)	None	None	N/A	Currently in Compliance	Aqua Utilities
TX1260092	Garden Acres	Resolved	Agreed Order (11/4/2019) - Failure to have a contract with supplier of water (who is prohibited in providing same	None	None	N/A		Aqua Utilities
		Open	Agreed Oder (1/14/2020) - Failure to have sufficient well capacity Drilled the well to resolve contract issue but below TCEQ required volume	Increase source capacity	Aqua is trying to secure land to drill another well	Unk	End of 2020	Aqua Utilities
TX0360100	Hackberry Creek	Resolved	Agreed Order (7/7/2017) - Arsenic MCL (Notice of compliance 1/12/2018)	None	None	N/A		Aqua Utilities
TX0860005	Harper Road Estates	Open	Agreed Order (10/16/2018) - Well Capacity, GST leak, Fence issues& Booster Capacity	Increase well capacity	Land purchased awaiting permit from GWCD to drill well	\$ 275,000	End of 2020	Aqua Utilities
TX0200349	Heights Country Subd	Resolved	Agreed Order (6/7/2016) - Pressure tank inspection (Notice of Compliance 3/3/2017)	None	None	N/A		Aqua Utilities
TX2200090	Heritage Oaks	Open	Draft Agreed Order (4/3/2020) - Insufficient Well Capacity Violation	Increase well capacity	Drill well or find alternate source	Unk	End of 2021	Aqua Utilities
TX2270173	Hill Country NW Cherry Hollow	Resolved	Agreed Order (11/2/2016) - Exceedance of radiological MCLs due to naturally occurring radium (Return to Compliance 1/13/2017)	None	None	N/A		Aqua Utilities
		Open	Agreed Order (9/19/2017) - Insufficient elevated storage	Increase effective elevated storage	Engineering ongoing to add a third pressure plane through the use of a new booster station thereby increasing the effective elevated storage	\$ 250,000	End of 2020	Aqua Utilities
TX1160028	Holiday Estates	Resolved	Agreed Order (10/4/2017) - Violation of HAAS MCL due to supplier of water providing non-compliant water This is a purchased water system with no facilities (Returned to Compliance with 2/28/2017 sample) Yes, AO was 8 months after returning to compliance	None	None	N/A		Aqua Development

Summary of Enforcement Actions								
Permit #	System Name	Enforcement Status	Enf. Comment	Outstanding Enforcement Requirement Action	Outstanding Improve Desc.	Estimated Cost	Anticipated Return to Compliance	Order Issued to
TX1330011	Ingram	Resolved	Agreed Order (2/14/2017) - Insufficient well capacity and leaks in storage tanks Well Capacity has been resolved and 2 of 3 tanks have been replaced	Maintain all tanks in water tight condition	Complete construction on last tank replacement	\$225,000 (2019) \$275,000 (2018) \$575,000 (2017)	End of 2019	Aqua Utilities
TX1840016	La Junta	Open	Draft Agreed Order (1/31/2020) - Insufficient Well Capacity Violation	Increase well capacity	Drill well or find alternate source	Unk	End of 2021	Aqua Utilities
TX1700543	Lake Conroe Village	Open	Draft Agreed Order (8/16/2019) - water plant capacity violations	provide additional well, storage and booster pump capacity	Aqua has decided to replace and/or upgrade the entire water production facility due to limits in size and condition	\$250,000 (2019) \$650,000 (2020)	End of 2020	Aqua Utilities
TX0360081	Leaning Oaks	Resolved	Agreed Order (2/14/2017) - Various paperwork violations, paint condition on pressure tanks and insufficient well capacity (Certification of Compliance 12/12/2017) System had interconnection and was merged into another Aqua system	None	None	N/A		Aqua Utilities
TX1340019	London	Resolved	Draft Agreed Order (2/7/2019) - Exceedances of radionuclide MCL, naturally occurring gross Alpha Aqua has already drilled a new well to use for blending with existing source	Return to compliance with MCL	None	\$ 150,000	End of 2019	Aqua Utilities
TX2200208	Lunar Lane	Resolved	Agreed Order (12/6/2016) - Failure to have fence around well that was on a residential lot surrounded by a stone wall (Certification of Compliance - 1/5/2017)	None	None	N/A		Aqua Utilities
TX0200347	Meadowland Subdivision	Resolved	Agreed Order (8/4/2015) - Well Capacity violations	None - received both an alternative capacity requirement and drilled another well	None		Work is complete pending certification of compliance	Aqua Utilities
TX0200227	Mooreland Subdivision Blks 1 - 4	Resolved	Agreed Order (7/12/2016) - Missing Tank inspections, Map and manuals (Notice of Compliance received 7/25/2017)	None	None	N/A		Aqua Utilities
TX0860086	Northwest Hills	Open	Agreed Order (4/10/2018) - As built plans, source capacity, sanitary control easements Built a new water plant in 2018	Obtain sanitary control setback or gain an exception	Will file for an exception.	\$393,259 (2018)		Aqua Utilities
TX0200146	Oak Bend Estates	Resolved	Agreed Order (5/24/2016) failure to have a plant operations manual (Notice of Compliance 2/8/2017)	None	None	N/A		Aqua Utilities
TX1460100	Oak Meadows Subdivision II & III	Resolved	Agreed Order 2/2/2016 - Capacity violations (Notice of Compliance 1/16/2018)	None	None	N/A		Aqua Utilities
TX1110084	Ridge Utilities	Open	Agreed Order (10/30/2019) - Source capacity violations	Increase well capacity	Interconnect with Kenwood (An Aqua System)	\$ 60,000	6/30/2020	Aqua Texas
TX0270141	Rio Ancho	Open	Draft Agreed Order (2/21/2020) - Failure to maintain adequate system pressure	Enforce watering schedules on customers using excessive water for irrigation	None		8/1/2020	Aqua Utilities
TX0790396	Rose Meadows III	Resolved	Agreed Order (4/10/2018) - Leaking tank and paperwork. (Certification of Compliance 4/19/2018)	None	None	N/A		Aqua Utilities

Summary of Enforcement Actions								
Permit #	System Name	Enforcement Status	Enf. Comment	Outstanding Enforcement Requirement Action	Outstanding Improve Desc	Estimated Cost	Anticipated Return to Compliance	Order Issued to
TX1840130	Saddle Club	Resolved	Agreed Order (3/15/2015) - Violation so of the Radium & Gross Alpha MCL (Certification of Compliance 2/19/2019) (returned to compliance with MCL Sept 2018)	None	None	N/A		Aqua Utilities
TX2460046	San Gabriel River Ranch	Resolved	Agreed Order (8/2/2016) - Well capacity violations (Certification of Compliance - 11/6/2017)	None	None	N/A		Aqua Utilities
TX2270054	Sandy Creek Ranches	Open	Agreed Order (12/4/2015) - Well Capacity violations Since the order became effective two new wells have been drilled Growth has required additional well capacity	Secure additional source capacity	Aqua has secured additional property to drill two new wells	\$ 900,000	End of 2021	Aqua Utilities
TX0610218	Spring Hill	Resolved	Agreed Order (9/19/2018) - Alleged discharge of wastewater Water from the well blow off went to the ditch and contained sand in it	None	None	N/A	This is a combined order with three other facilities and all must returned to compliance before order can be closed	Aqua Utilities
		Open	Agreed Order (11/27/2018) - Well Capacity Violations	Increase well capacity	Property purchase is being finalized Well design and construction to follow	\$ 600,000	End of 2020	Aqua Utilities
TX1230083	Sunchase Subdivision	Resolved	Agreed Order (7/16/2019) - Chlorine residual maintenance due to chemical feed pump failure (Notice of Compliance 7/24/2019)	None	None	N/A		Aqua Texas
TX1700641	Timberloch Estates	Resolved	Agreed Order (6/21/2016) - Well capacity Violations (Notice of Compliance 4/25/2017)	None	None	N/A		Aqua Texas
TX0610203	Trail Creek	Resolved	Agreed Order (8/1/2017) - Violations of minimum pressure Excessive irrigation resulted in low pressure incidents Transmission main up sized to accommodate (Notice of Compliance - 7/20/2018)	None	None	N/A		Aqua Utilities
TX0360084	Trinity Cove	Resolved	Agreed Order 2/22/2016 - Well capacity violations (Notice of Compliance 1/12/2018)	None	None	N/A		Aqua Utilities
TX1300034	Walnut Hills	Resolved	Draft Agreed Order (1/22/2019) Failure to have as built plans Record drawings completed November 2018 Notice of Compliance received 10/8/2019	None	None	N/A	Currently in Compliance	Aqua Utilities
TX1260101	Walden Estates	Open	Draft Agreed Order (2/10/2020) - Well Capacity Violations	Increase well capacity	Drill or upgrade well	Unk	End of 2021	Aqua Utilities
TX1700128	Walnut Springs	Open	Notice of Enforcement - (5/21/2020) Small leak on pressure tank valve	Fix leak	Aqua Texas intended to replace the pressure tank and saw no reason to repair a minor leak and cause the system to be depressurized when the valve would be replaced with the new tank	\$ 120,000	9/1/2020	Aqua Texas
TX1013195	Walraven Subdivision	Resolved	Agreed Order (4/6/2015) - Gross Alpha MCL violations	None	None	N/A		Aqua Development
		Open	Proposed Agreed Order (1/6/2020) - Gross Alpha MCL violations	None	None	na	Well repaired in 2019	Aqua Texas
TX0930042	West Magnolia Forest	Resolved	Agreed Order (7/1/2014) - Well Capacity Violations (Notice of Compliance 9/9/2015)	None	None	N/A		Aqua Utilities
TX0200254	Westwood Subd	Open	Proposed Agreed Order (4/25/2019) - well and pressure tank capacity violations	Increase well capacity and Pressure tank capacity	Upgrade pressure tank and rehabilitate well	\$ 75,000	End of 2019	Aqua Utilities
TX0200019	Weybridge Subd	Resolved	Agreed Order (3/21/2017)- Inspection violations for records maintenance and sanitary control easement exception (Notice of Compliance 1/12/2018)	None	None	N/A		Aqua Utilities

Summary of Enforcement Actions								
Permit #	System Name	Enforcement Status	Enf. Comment	Outstanding Enforcement Requirement Action	Outstanding Improve Desc.	Estimated Cost	Anticipated Return to Compliance	Order Issued to
TX0200229	Windsong	Open	Draft Agreed Order (8/7/2019) - Source water capacity and as built plans	Provide 1.5 gpm/connection well capacity	Rehabilitate two wells and install new pressure tank	\$ 50,000	Complete	Aqua Utilities
TX1840138	Woodlands of Parker Co & Old B	Resolved	Agreed Order (3/20/2018) - Late submission of corrosion control and source water recommendations (Returned to Compliance before order was effective)	None	None	N/A		Aqua Development

Bryce W. Shaw, Ph.D., P.E., Chairman
Lobby Baker, Commissioner
Zak Cova, Commissioner
Richard A. Hyde, P.E., Executive Director



1050027
Shepherd

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 19, 2014

RECEIVED
NOV 21 2014

Mr. Scot Foltz, Regulatory and Compliance Manager
Aqua Utilities, Inc.
1109 Clayton Lane
Austin, Texas 78723

BY: [Signature]

Re: Notice of Compliance with Agreed Order
Aqua Utilities, Inc.; RN102682341
Docket No. 2014-0511-PWS-E; Enforcement Case No. 48526

Dear Mr. Foltz:

This letter is to inform you that a review of Texas Commission on Environmental Quality (TCEQ) records concerning the above-referenced enforcement matter indicates that Aqua Utilities, Inc. has fulfilled the requirements of the Agreed Order effective on September 22, 2014. Specifically, Aqua Utilities, Inc. has fulfilled the technical requirements and has paid the administrative penalty assessed in the Agreed Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary at this time with respect to this enforcement matter. The Order will terminate on September 22, 2019, provided Aqua Utilities, Inc. maintains compliance with all terms and conditions of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Michael Tucker at (512) 239-6924.

Sincerely,

Handwritten signature of Carmen Pedraza.

Carmen Pedraza, Work Leader
Enforcement Division

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



Chaparral - 1050029
P. 1111

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 19, 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Scot Foltz, Regulatory and Compliance Manager
Aqua Utilities Inc.
1109 Clayton Lane
Austin, Texas 78723

Re: TCEQ Enforcement Action
Aqua Utilities Inc.
Docket No. 2014-0511-PWS-E

Dear Mr. Foltz:

Enclosed for your records is a fully-executed copy of the Agreed Order for the above-referenced matter.

Please review the enclosed Agreed Order, particularly the "Ordering Provisions" section, to determine if further action will be required of you, such as the completion of technical requirements to achieve compliance. When technical requirements are listed (usually Ordering Provision No. 2 or 3), a deadline will be provided based on a specific number of days after the effective date. The effective date of this Agreed Order is three days after the date printed at the top of this letter.

Should you have any questions, please contact Raymond Mejia, the Enforcement Coordinator assigned to this matter, at (512) 239-5460.

Sincerely,

Candice Garrett

Candice Garrett
Enforcement Division

Enclosure

cc: Raymond Mejia, Enforcement Division
Public Water Supply Section Manager, Region 11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES INC.
RN102682341

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-0511-PWS-E

I. JURISDICTION AND STIPULATIONS

On SEP 17 2014, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located off Bliss Spillar Road, southwest of Manchaca, Hays County, Texas (the "Facility") that has approximately 146 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 26, 2014.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Five Hundred Twenty-Three Dollars (\$1,523) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Two Hundred Nineteen Dollars (\$1,219) of the administrative penalty and Three Hundred Four Dollars (\$304) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full

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

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide the results of the triennial synthetic organic chemical contaminants (methods 504, 515.4, and 531.1) sampling to the Executive Director and failed to provide public notification regarding the failure to provide triennial synthetic organic chemical monitoring results for the January 1, 2010 to December 31, 2012 monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.107(e) and 290.122(c)(2)(A), as documented during a record review conducted on March 10, 2014.
2. Failed to collect the triennial metal and mineral samples and provide the results to the Executive Director and failed to provide public notification regarding the failure to collect triennial metal and mineral samples for the January 1, 2010 to December 31, 2012 monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.106(c)(4) and (e) and 290.122(c)(2)(A), as documented during a record review conducted on March 10, 2014.
3. Failed to provide the results of the annual nitrate sampling to the Executive Director and failed to provide public notification regarding the failure to provide annual nitrate results for the 2012 monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.122(c)(2)(A), as documented during a record review conducted on March 10, 2014.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities Inc., Docket No. 2014-0511-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) and 290.107 (Organic Contaminants);
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are collected, analyzed by the Facility's laboratories, and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) and 290.107 (Organic Contaminants); and
 - iii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including but not limited to providing public notification regarding the failure to provide triennial synthetic organic chemical monitoring results, collect triennial metal and mineral samples, and provide annual nitrate results, in accordance with 30 TEX. ADMIN. CODE § 290.122.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation

including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions Nos. 2.a.i through 2.a.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be

copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Bryan Sinclair

For the Executive Director

9/17/2014

Date

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

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

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

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

Signature
Robert Laughman

6/26/2014

Date

Robert Laughman

Name (Printed or typed)
Authorized Representative of
Aqua Utilities Inc.

President

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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



PWS/1330036 /CO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 9, 2013

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

Re: Erlund Subdivision - Public Water System ID No. 1330036
85% Planning Report
Engineer Contact Telephone: (512) 990-4400
Plan Review Log No. P-02192013-081
Kerr County, Texas

CN602787509; RN102677820

RECEIVED
APR 13 2013

BY:

Dear Mr. Mitchell:

On February 19, 2013, the Texas Commission on Environmental Quality (TCEQ) received your letter dated February 15, 2013 submitting a 85% planning report for the above referenced public water system. Based on the information submitted, the water system has generally complied with 30 Texas Administrative Code (TAC) Chapter 291.93(3), Subchapter F.

The water system currently has 246 active connections and, according to your letter, all required capacities, except well capacity are below 85% of its existing capacity. Currently, the well capacity is 160 gallon per minute (gpm) and the required capacity for this system is 147 gpm, which is at 92% of its current existing capacity. Your letter indicated the water system is built out and is not planning to make any improvements in the water system.

Please refer to the TCEQ Utilities Technical Review Team's Log Number P-02192013-081 in all correspondence for this project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below.

<http://www.tceq.texas.gov/utilities/planrev.html>

Mr. Larry E. Mitchell
Page 2
April 9, 2013

For future reference, you can review part of the Utilities Technical Review Team's database to see if we have received your project. This is available on the TCEQ's homepage on the Internet at the following address:

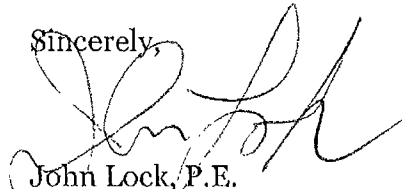
<http://www.tceq.texas.gov/utilities/planrev.html#status>

You can download most of the well construction checklists and the latest revision of Chapter 290 "Rules and Regulations for Public Water Systems" from this site.

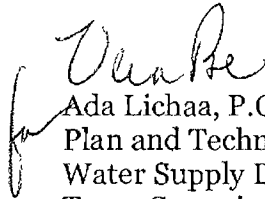
If you have any questions concerning this letter or need further assistance, please contact Pritesh Tripathi at (512)239-3794 or by email at "pritesh.tripathi@tceq.texas.gov" or by correspondence at the following address:

Utilities Technical Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



John Lock, P.E.
Utilities Technical Review Team, MC-159
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Ada Lichaa, P.G., Manager
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

PT/JL/AL/av

cc: TCEQ Central Records PWS File 1330036
TCEQ Region No.13 Office - San Antonio

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



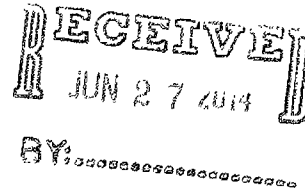
*Following WRA
for 76*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 26, 2014

CERTIFIED MAIL



R. L. Laughman, President
Larry Mitchell, Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723-2476

RE: Aqua Utilities, Inc.
TCEQ Docket No. 2013-2043-PWS-E; Registration No. 1330154
Agreed Order Assessing Administrative Penalties and Requiring Certain Action

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Enforcement Coordinator or the Staff Attorney. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3319.

Sincerely,

Bridget C. Bohac

Bridget C. Bohac
Chief Clerk

BCB/lg

Enclosure

cc: Lisa Westbrook, Staff Attorney, TCEQ Litigation Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN102678950

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2013-2043-PWS-E

At its JUN 18 2014 agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located five miles west of Comfort on United States Highway 87 in Kerr County, Texas (the "Facility") that has approximately 101 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on September 30, 2013, TCEQ staff documented that the running annual average concentration for combined radium-226 and radium-228 was 6 picoCuries per liter ("pCi/L") for the first quarter 2012 and 6 pCi/L for the first quarter of 2013 at entry point No. 1, and the running annual average concentration for the combined radium-226 and radium-228 was 6 pCi/L for the fourth quarter of 2012 and 6 pCi/L for the first quarter of 2013 at entry point No. 2.
3. The Respondent received notice of the violations on October 21, 2013.
4. The Executive Director recognizes that on September 5, 2012, the Respondent gained conditional approval from the TCEQ for a pilot study to remove the combined radium-226 and radium-228 from the entry point No. 1 and entry point No. 2.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 5 pCi/L for combined radium-226 and radium-228, based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Nine Hundred Ninety Dollars (\$990) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Nine Hundred Ninety Dollars (\$990) of the administrative penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order and shall be waived only upon full compliance with all the the terms and conditions contained in this Agreed Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, the deferred amount of the administrative penalty shall become immediately due and payable without demand or notice, and the Executive Director may request the Respondent to pay all or part of the deferred administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Nine Hundred Ninety Dollars (\$990) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2013-2043-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 2.e.;
 - b. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.e. below. These reports shall include information regarding actions taken to provide water which meets the MCL for combined radium-226 and radium-228;
 - c. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below to demonstrate compliance with Ordering Provision No. 2.a.;
 - d. Within 1,095 days after the effective date of this Agreed Order, return to compliance with the MCL for combined radium-226 and radium-228, in accordance with 30 TEX. ADMIN. CODE § 290.108; and
 - e. Within 1,110 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Bryan W. Shaw
For the Commission

Pamela Martin
For the Executive Director

5/2/14
Date

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

I understand that by entering into this Agreed Order, Aqua Utilities, Inc., waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

LM R.L. Laughman
Signature

February 6, 2014
Date

R.L. Laughman
Name (Printed or typed)
Authorized Representative of
Aqua Utilities, Inc.

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

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



Fallen of WTR - JH

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 20, 2014

Mr. R. L. Laughman, President
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723-2476

Re: Notice of Compliance with Agreed Order
Aqua Utilities, Inc.; RN102678950
Docket No. 2013-2043-PWS-E; Enforcement Case No. 47915

Dear Mr. Laughman:

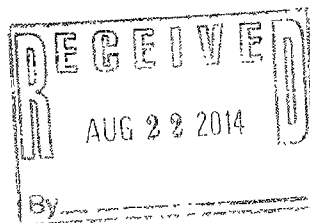
This letter is to inform you that a review of Texas Commission on Environmental Quality (TCEQ) records concerning the above-referenced enforcement matter indicates that Aqua Utilities, Inc. has fulfilled the requirements of the Agreed Order effective on June 29, 2014. Specifically, Aqua Utilities, Inc. has fulfilled the technical requirements of the Agreed Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary at this time with respect to this enforcement matter. The Order will terminate on June 29, 2019, provided Aqua Utilities, Inc. maintains compliance with all terms and conditions of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Ryan Byer at (512) 239-2571.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carmen Pedraza".

Carmen Pedraza, Work Leader
Enforcement Division



cc: Manager, Water Section, San Antonio Regional Office, TCEQ
Mr. Larry Mitchell, Compliance Manager, Aqua Utilities, Inc., 1106 Clayton Lane,
Suite 400W, Austin, Texas 78723-2476

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



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 24, 2016

Mr. Scot W. Foltz
Aqua Utilities, Inc.
1106 Clayton Ln., Ste. 400W
Austin, TX 78723

RECEIVED

JUN 27 2016

Re: Lakewood Water - Public Water System ID No. 0100047
85% Rule Planning Report
Engineer Contact Telephone: (512) 990-4400
Plan Review Log No. P-04252016-134
Bandera County, Texas

TX ADMIN-AUSTIN

CN602787509; RN102674728

Dear Mr. Foltz:

On April 25, 2016, the Texas Commission on Environmental Quality (TCEQ) received your 85% planning report. Your report indicates that, based on 224 connections, the provided existing pressure tank capacity (91%) has exceeded the 85% Rule. **Your action plan consists of the following:**

- Add additional pressure tank capacity prior to reaching 250 connections (100%), which is anticipated to be five years out.

Please submit plans and specifications prior to construction.

The Lakewood Water public water supply system provides treatment.

An appointed engineer must notify the TCEQ's Region 13 Office in San Antonio at (210) 490-3096 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3).

Please refer to the Plan Review Team's Log No. **P-04252016-134** in all correspondence for this project.

Please Note: In order to determine if a new source of water or a new treatment process results in corrosive or aggressive finished water that may endanger human health, we are requesting additional sampling and analysis of lead, alkalinity (as calcium carbonate), calcium (as calcium carbonate) and sodium in addition to the required chemical test results for public water system new sources. We are requiring these additional sampling results as listed in our currently revised checklists (Public Well Completion Data Checklist for Interim Use - Step 2 and Membrane Use Checklist - Step 2) which can be found on TCEQ's website at the following address:

Mr Scott W. Foltz
Page 2
June 24, 2016

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Please include these additional sampling results in well completion submittals, membrane use submittals, and other treatment process submittals.

New surface water sources will need to also include lead, total dissolved solids, pH, alkalinity (as calcium carbonate), chloride, sulfate, calcium (as calcium carbonate) and sodium with the analysis required in 30 TAC Section 290.41(e)(1)(F).

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

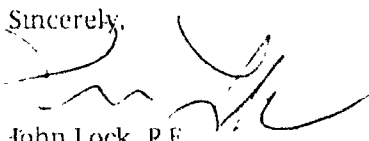
<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.


If you have any questions, please contact John Lock at (512)239-4710 or by email at john.lock@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



John Lock, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/JL/av

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 6, 2013

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

Re: Aqua Utilities, Inc. dba AquaTexas, Inc.; RN101721702
Docket No. 2012-1296-PWS-E; Case No. 44405

Dear Mr. Laughman:

This letter is a courtesy notice to inform you that the above-referenced Agreed Order issued by the Texas Commission on Environmental Quality ("TCEQ") has been transferred to the Enforcement Division's Compliance Monitoring Section.

Please review the ordering provisions to ensure you comply with the requirements of the Order in a timely manner. The deadline for the first technical requirement is February 13, 2013. Please be aware that most orders require a notarized certification of compliance. The TCEQ may initiate additional enforcement action should compliance documentation be deficient or delinquent.

Compliance documentation should be submitted by mail to:

Compliance Monitoring Section, Enforcement Division
Attn: Anne Ruthstrom, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Please reference Docket No. 2012-1296-PWS-E in your correspondence. If you have any questions, please contact me by phone at (512) 239-0855 or by fax at (512) 239-0134.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anne Ruthstrom".

Anne Ruthstrom, Enforcement Coordinator
Enforcement Division

cc: Manager, Water Section, Austin Regional Office, TCEQ
Mr. Larry Mitchell, Environmental Coordinator, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400 W, Austin, Texas 78723-2476

PWS 2270043
Bea Crisp PR
Main

RECEIVED

FEB 8 2013

AUSTIN, TEXAS

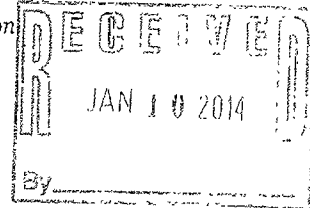
Bryan W. Shaw, Ph.D., Chairman
Toby Baker, Commissioner
Zak Covar, Executive Director



Bear Creek - 2270043
Pres

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution



January 8, 2013

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

Re: Notice of Compliance with Agreed Order
Aqua Utilities, Inc. dba Aqua Texas, Inc.; RN101721702
Docket No. 2012-1296-PWS-E; Enforcement Case No. 44405

Dear Mr. Laughman:

This letter is to inform you that a review of Texas Commission on Environmental Quality (TCEQ) records concerning the above-referenced enforcement matter indicates that Aqua Utilities, Inc. dba Aqua Texas, Inc. has fulfilled the requirements of the Agreed Order effective on February 3, 2013. Specifically, Aqua Utilities, Inc. dba Aqua Texas, Inc. has fulfilled the technical requirements and has paid the administrative penalty assessed in the Agreed Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary at this time with respect to this enforcement matter. The Order will terminate on February 3, 2018, provided Aqua Utilities, Inc. dba Aqua Texas, Inc. maintains compliance with all terms and conditions of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Ms. Anne Ruthstrom at (512) 239-0855.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carmen Pedraza".

Carmen Pedraza, Work Leader
Enforcement Division

cc: Manager, Water Section, Austin Regional Office, TCEQ
Mr. Larry E. Mitchell, Environmental Compliance Coordinator, Aqua Texas, Inc.,
1106 Clayton Lane, Suite 400 West, Austin, Texas 78723-2476
Mr. Steve Blackhurst, P.E., Regulatory and Compliance Manager, Aqua Utilities,
Inc., 1106 Clayton Lane, Suite 400 West, Austin, Texas 78723-2476



December 8, 2014

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

Re: Aqua Texas, Inc. TCEQ Docket No. 2013-2123-PWS-E; Registration No. 1780019; Agreed order Assessing Administrative Penalties and Requiring Certain Actions

Dear Sir or Madam:

As required in the referenced Agreed Order, Aqua Texas has begun the process of negotiating a water purchase contract to help ensure the facility can maintain compliance with the TTHM MCL.

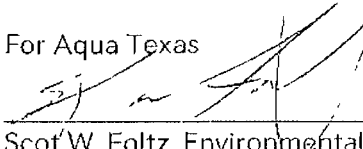
The following documents to meet ordering provisions 2.a.:

- Email from Mr. Brent Reeh, Area Operations Manager – Aqua Texas, to Nueces WSC requesting a contract.
- Nueces WSC Board Agenda where the request was discussed and approved for further negotiation.

Provision 2.b. states within 105 days after the effective date of this Agreed Order, submit written certification with the above order.

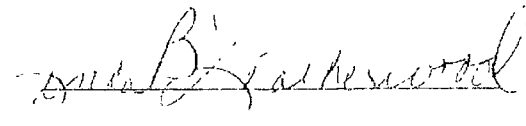
"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate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

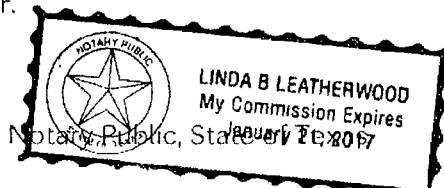
For Aqua Texas


Scot W. Foltz, Environmental Compliance Manager

State of Texas
County of Travis

This instrument was acknowledge before me this 8th day of December 2014 by
Scot W. Foltz, Environmental Compliance Manager.





Should you have any questions or need additional documentation, please call me at
512-990-4400, extension 56101, or contact me by e-mail at
swfoltz@AquaAmerica.com.

Sincerely,


Scot W. Foltz
Environmental Compliance Manager

SWF
Attachments

cc: Public Drinking Water Section Manager, TCEQ
Technical Review and Oversight Team, TCEQ
Brian Robinson, Field Supervisor, Central Texas Region
Brent Reeh, Area Manager, Central Texas Region
Mike Pickel, Senior Engineer and Environmental Compliance, Aqua America,
Inc

Foltz, Scot W.

From: Reeh, Brent C.
Sent: Monday, December 08, 2014 8:23 AM
To: Foltz, Scot W.
Subject: FW: Golden Acres - Wholesale Water Contract - Renewal

From: Carola Serrato [<mailto:cserrato@stwa.org>]
Sent: Monday, November 03, 2014 4:12 PM
To: Reeh, Brent C.
Subject: RE: Golden Acres - Wholesale Water Contract - Renewal

Brent,

Unfortunately, we are finalizing an agenda for this Friday as I write this response. But, we will be meeting again before the end of the year to adopt a FY 15 budget and amend the current FY 14 budget.

It appears that there are three (3) items that would need to be placed on the agenda.

The Board will likely be willing to renew the current contract for the next 10 years after reviewing the current rates.

With regards to the last item pertaining to purchasing the system, I don't believe that their opinion will have changed from the previous one that they have expressed, which is that they are not interested in purchasing the system unless Aqua Utilities makes the necessary upgrades

I am not certain about your comment on the disinfection byproducts. The last quarter's TTHM results exceeded the 80 ppb but not enough to exceed the running quarterly average. We have taken samples since and the levels are below the 80 ppb. Precisely what do you mean by "how would you like Aqua to have these items addressed"? Do you not have your own results that are being collected and do those coincide exactly with the same dates as NWSC? You can view NWSC's results on the TCEQ website to see that the Corporation had not experienced problems in quite some time.

Carola G. Serrato
NWSC General Manager

From: Reeh, Brent C. [<mailto:BCReeh@aquaaamerica.com>]
Sent: Monday, November 03, 2014 3:44 PM
To: Carola G. Serrato
Subject: Golden Acres - Wholesale Water Contract - Renewal

Carola,

I was going through all my contracts for wholesale water and saw that our contract with Nueces Water Supply Corp expired, February 20, 2014. Aqua would like to extend the contract for an additional 10 years
Attached is the expired water contract for your review.

FYI –

We have noticed there have been several months of lab results for TTHM and chloramines that have not been to TCEQ regulations. In the future how would you like Aqua to have these items addressed?

Also, Aqua is once again wanting to see if there is any interest in NWSC purchasing the Golden Acres water system. What does Aqua need to do to have this placed on the next Board agenda? And when is the next NWSC Board meeting,
time and date?

Thanks,
Brent

AQUA.

Brent C. Reeh
CTX Area Manager
3209 Hillbilly Lane
Austin, Texas 78746
512.330.9904 - Office
512.330.9784 - FAX

NUECES WATER SUPPLY CORPORATION

MEMORANDUM

TO: Nueces Water Supply Corporation Board of Directors
FROM: William Staff, President
DATE: November 17, 2014
SUBJECT: Nueces Water Supply Corporation Meeting Notice and Agenda

A Regular Meeting of the Nueces Water Supply Corporation Board of Directors is scheduled for:

Friday, November 21, 2014

10:00 a.m.

South Texas Water Authority Boardroom
111 Sage Road
Kingsville, Texas

to consider and act upon any lawful subject which may come before it, including among others, the following:

Agenda

1. Call to order.
2. Citizen comments.
3. Approval of Minutes. (Attachment 1)
4. Treasurer's Report/Payment of Bills. (Attachment 2)
5. Fiscal Year 2014 Budget Amendments (Attachment 3)
6. Proposed Fiscal Year 2015 Budget and retail water rates. (Attachment 4)
7. **Resolution 14-04**, Resolution adopting the recommended Fiscal Year 2015 Budget (Attachment 5)
8. Management Contract with South Texas Water Authority.
9. TCEQ Enforcement Action and Wholesale Water Supply Contract with South Texas Water Authority. (Attachment 6)
10. All matters pertaining to TxDOT Upgrades to Hwy 77 to I-69 standard from Driscoll to Kingsville and from Robstown to Driscoll (Attachment 7)
11. NWSC Election Procedures for Members' Meetings. (Attachment 8)

P.O. BOX 415
KINGSVILLE, TEXAS 78364-0415

NWSC Agenda 11/21/2014
Page 1 of 2

(361)592-1720
TOLL FREE # 1-866-543-5333
FAX (361)692-0338 or (361)592-5965

12. TCEQ Notice of Lead and Copper Rule Monitoring Violation. (Attachment 9)

13. Extension of contract with Aqua Utilities for service to Golden Acres and purchase of Golden Acres Water System. (Attachment 10)

14. Adjournment.

The Board may go into closed session at any time when permitted by Chapter 551, Government Code. Before going into closed session a quorum of the Board must be assembled in the meeting room, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551, Government Code, authorizing the closed session.

WS/CGS/fvr
Attachment

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

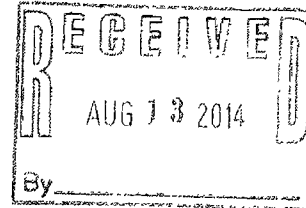


Yellen Gann
Brian

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 12, 2014



CERTIFIED MAIL

Robert L. Laughman, President
Larry Mitchell, Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723-2476

RE: Aqua Utilities, Inc.
TCEQ Docket No. 2013-2123-PWS-E; Registration No. 1780019
Agreed Order Assessing Administrative Penalties and Requiring Certain Action

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Enforcement Coordinator or the Staff Attorney. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3319.

Sincerely,

Bridget C. Bohac

Bridget C. Bohac
Chief Clerk

BCB/lg

Enclosure

cc: Jim Fisher, Enforcement Coordinator, TCEQ Enforcement Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AUG 12 2014

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN102671880

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-2123-PWS-E

At its AUG 06 2014 agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 779 County Road 77 in Nueces County, Texas (the "Facility") that has approximately 60 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on October 28, 2013, TCEQ staff documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfectant Byproducts at Site 1 were 0.107 milligrams per liter ("mg/L") for the fourth quarter of 2012, 0.148 mg/L for the first quarter of 2013, 0.135 mg/L for the second quarter of 2013, and 0.117 mg/L for the third quarter of 2013.
3. The Respondent received notice of the violations on or about November 19, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Three Hundred Sixty-Six Dollars (\$366) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Three Hundred Sixty-Six Dollars (\$366) of the administrative penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order and shall be waived only upon full compliance with all the terms and conditions contained in this Agreed Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, the deferred amount of the administrative penalty shall become immediately due and payable without demand or notice, and the Executive Director may require the Respondent to pay all or part of the deferred administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Three Hundred Sixty-Six Dollars (\$366) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order

completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2013-2123-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Agreed Order, begin negotiating a water purchase contract that will enable the Facility to comply with the MCL for TTHM within 1,095 days of the effective date of this Agreed Order, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - b. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.k. below to demonstrate compliance with Ordering Provision No. 2.a.;
 - c. Within 1,095 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
 - d. Within 1,110 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.

In lieu of Ordering Provision Nos. 2.a. through 2.d:

- e. Within 120 days after the effective date of this Agreed Order, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the MCL for TTHM. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days after the effective date of this Agreed Order. If the Respondent purchases or sells water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study. The evaluation shall be sent to the addresses listed in Ordering Provision No. 2.k.;

- f. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k. below to demonstrate compliance with Ordering Provision No. 2.e.;
- g. Within 180 days after the effective date of this Agreed Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 2.k.;
- h. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.k. below. These reports shall include information regarding actions taken to provide water which meets the MCL for TTHM;
- i. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k. below to demonstrate compliance with Ordering Provision No. 2.g.;
- j. Within 1,095 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
- k. Within 1,110 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.j. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Bryan W. Shaw
For the Commission

Pam M. Noveck
For the Executive Director

6/4/14
Date

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

I understand that by entering into this Agreed Order, Aqua Utilities, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

Robert L. Laughman
Signature

1/7/2014
Date

Robert L. Laughman
Name (Printed or typed)
Authorized Representative of
Aqua Utilities, Inc.

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

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



PWS_2270173_CO_20171025_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 25, 2017

Mr. Joe W. Lane, P.E.
Collier Consulting, Inc.
590 East Southloop
Stephenville, Texas 76401

Re: Hill Country Northwest Cherry Hollow - Public Water System ID No. 2270173
Proposed Radionuclide Treatment System - West Plant
Engineer Contact Telephone: (254) 966-8741
Plan Review Log No. P-10032017-014
Travis County, Texas

CN602787509; RN101502730

Dear Mr. Lane:

On October 3, 2017, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated August 31, 2017 for the proposed radionuclide treatment system for the above referenced public water system. Additional and revised planning materials were received on October 16, 2017 via email. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems and is **conditionally approved for construction** if the project plans and specifications meet the following requirement:

1. All the conditions stated in TCEQ letter dated July 21, 2017 granting an exception request to innovative/alternative treatment shall still be met by this project.
2. This submittal constitutes notification of the change in treatment as required by 30 TAC Section 290.117(i)(9)(B). In accordance with 30 TAC Section 290.117(d)(2)(E), systems that change treatment or have the addition or deletion of a source of water may be required by the TCEQ to conduct additional monitoring to ensure that the system maintains minimal levels of corrosion. Based upon this change in treatment, the TCEQ is removing any previous approvals for reduced Lead and Copper Rule monitoring frequency and requiring your system to return to routine sampling for two consecutive six-month periods. **The new two consecutive six-month sampling schedule will be changed to the next viable sampling period by a TCEQ lead and copper program coordinator.** If you have any questions or concerns about the new sampling schedule please contact the lead and copper program at 512-239-4691. Required monitoring is:
 - a) **Routine Tap Sampling:** Lead and copper tap sampling during two consecutive six-month periods [290.117(c)(2)(A)(ii)].
 - b) **Water Quality Parameter Sampling:** Water quality parameters (WQPs) monitoring at the frequency and locations in the following table and during the same timeframe as the two consecutive 6-month lead and copper tap sampling noted above.

WQP List	Location	Frequency
<ul style="list-style-type: none">• pH• Total Alkalinity (as CaCO₃)• Calcium• Calcium (as CaCO₃)• Chloride• Iron• Manganese• Sodium• Sulfate• Conductivity• TDS• temperature• orthophosphate or silica	Routine number of distribution sites and all entry points	Quarterly

Note: Orthophosphate (measured as phosphate-phosphorous (PO₄-P)) must be measured only when an inhibitor containing a phosphate compound is used; inhibitors that contain phosphate include orthophosphate and polyphosphate. Silica must be measured only when an inhibitor containing silicate compound is used.

After successful monitoring with no Action Levels Exceedances you will eligible to have a reduced monitoring schedule again if new sources or new treatment are not added.

As stated above, WQPs will be required for all entry points and distributions sites during four quarters during the two consecutive 6-month lead and copper tap sampling. Please provide a signed and sealed engineering report (see attached engineering report outline guidance) within 7 months of the start date of the first six month period on the results of the first two quarter of WQP samples and the first six-month tap sample results and a discussion on the corrosiveness of the treated water from the change in treatment. The report shall be submitted to:

Vera Poe, P.E.
Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

The submittal consisted of five sheets of engineering drawings and technical specifications. The approved project consists of:

- Two (2) WRT treatment skids utilizing Z-88* and Z-92* (if needed) to treat total flow of 200 gallons per minute (gpm) from water wells (Well Nos. 1, 2 and 7);
- New pump building to house new treatment and existing gas chlorination system;
- Relocation and modifications of the existing yard piping and disinfection feed systems to accommodate new treatment system;
- Electrical controls; and
- Various valves, fittings and related appurtenances.

Mr. Joe W. Lane, P.E.
Page 3
October 25, 2017

This approval is for the construction of the above listed items only. Any wastewater components contained in this design were not considered.

The Hill Country Northwest Cherry Hollow public water supply system provides water treatment.

The project is located at existing water plant site located at approximately 580 feet northwest of the intersection of Sandy Ridge Lane and Lindeman Loop in Travis County, Texas.

An appointed engineer must notify the TCEQ's Region 11 Office in Austin at (512) 339-2929 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC Section 290.39(h)(3).

Please refer to the Plan Review Team's Log No. P-10032017-014 in all correspondence for this project.

Please note for future submittals: In order to determine if a new source of water or a new treatment process results in corrosive or aggressive finished water that may endanger human health, we are requesting additional sampling and analysis of lead, alkalinity (as calcium carbonate), calcium (as calcium carbonate) and sodium in addition to the required chemical test results for public water system new sources. We are requiring these additional sampling results as listed in our currently revised checklists (Public Well Completion Data Checklist for Interim Use - Step 2 and Membrane Use Checklist - Step 2) which can be found on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Please include these additional sampling results in well completion submittals, membrane use submittals, and other treatment process submittals.

New surface water sources will need to also include lead, total dissolved solids, pH, alkalinity (as calcium carbonate), chloride, sulfate, calcium (as calcium carbonate) and sodium with the analysis required in 30 TAC Section 290.41(e)(1)(F).

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

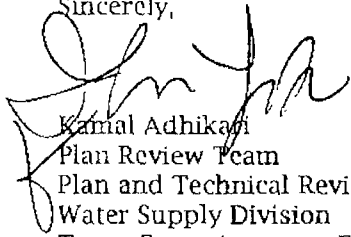
You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

Mr. Joe W. Lane, P.E.
Page 4
October 25, 2017

If you have any questions concerning this letter or need further assistance, please contact Kamal Adhikari at (512)239-0680 or by email at kamal.adhikari@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



Kamal Adhikari
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/JL/KA/db

cc: Hill Country Northwest Cherry Hollow - Attn: Water Utilities Official, 1106 Clayton Lane,
Suite 400W, Austin, TX 78723-2476

Mr. Joe W. Lane, P.E.
Page 5
October 25, 2017

bcc: TCEQ Central Records PWS File 2270173 P-10032017-014
TCEQ Region No. 11 Office - Austin
TCEQ PWSINV, MC-155
TCEQ Plan Review Team - Attn.: Troy Richardson

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

September 27, 2016

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Lane
Austin, Texas 78723

RECEIVED

SEP 29 2016

TX ADMIN-AUSTIN

Re: Proposed Agreed Order
Hill Country Northwest Cherry Hollow; RN101502730
Public Water Supply ID No. 2270173
Docket No. 2016-0624-PWS-E; Enforcement Case No. 52258
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Foltz:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Aqua Utilities, Inc. for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during a record review conducted from April 7, 2016 through April 11, 2016, and documented in a letter dated April 21, 2016, from the TCEQ Austin Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of Nine Hundred Ninety-Nine Dollars (\$999). We are proposing a one-time offer to defer One Hundred Ninety-Nine Dollars (\$199) of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is Eight Hundred Dollars (\$800). The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

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

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing Aqua Utilities, Inc., Docket No. 2016-0624-PWS-E) to:

Mr. Scot Foltz
Page 2
September 27, 2016

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

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

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

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

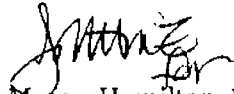
Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

Mr. Scot Foltz
Page 3
September 27, 2016

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Sarah Kim of my staff at (512) 239-4728.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Hamilton", with a stylized flourish at the end.

Megan Hamilton, Manager
Enforcement Division
Texas Commission on Environmental Quality

MH/sk

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN101502730**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-0624-PWS-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located two miles north of Nameless Road on Lindeman Lane near Jonestown, Travis County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 316 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$999 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$800 of the penalty and \$199 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

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

II. ALLEGATIONS

During a record review conducted from April 7, 2016 through April 11, 2016, an investigator documented that the Respondent:

1. Failed to provide two or more service pumps that have a total capacity of at least 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the East Plant had two service pumps, but one of the pumps was non-operational for over a year.
2. Failed to provide an elevated storage tank capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, it was documented that the Facility has 316 service connections and has no elevated storage capacity or pressure tank capacity, which is a 100% deficiency.
3. Failed to provide emergency power that will deliver water at a rate of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Respondent failed to provide an emergency power source, such as a back-up generator, which is required for facilities that have inadequate elevated storage and serve 250 or more service connections.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2016-0624-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Order:
 - i. Provide a minimum elevated storage capacity of 100 gallons per connection or a minimum pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a minimum of two or more service pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide emergency power that will deliver water at a minimum of 0.35 gpm per connection to the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - b. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii. The certification shall be signed by the Respondent and shall include the following certification language:

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

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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

lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

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

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

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

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

Signature

Date

Name (Printed or typed)
Authorized Representative of
Aqua Utilities, Inc.

Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Order.

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

Screening Date 29-Apr-2016

Docket No. 2016-0624-PWS-E

PCW

Respondent Aqua Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 52258

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101502730

Media [Statute] Public Water Supply

Enf. Coordinator Sarah Kim

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 11%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with the same/similar violations and three NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 11%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 11%

Screening Date 29-Apr-2016

Docket No. 2016-0624-PWS-E

PCW

Respondent Aqua Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 52258

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101502730

Media [Statute] Public Water Supply

Enf. Coordinator Sarah Kim

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide two or more service pumps that have a total capacity of at least 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the East Plant had two service pumps, but one of the pumps was non-operational for over a year.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Harm Moderate	Minor
Release Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Without adequate service pump capacity, customers of the water system could experience water outages and backflow problems exposing persons served by the Facility to contaminants that would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 1

22 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$300

One monthly event is recommended, calculated from the date of the investigation, April 7, 2016, to the screening date, April 29, 2016.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$605

Violation Final Penalty Total \$333

This violation Final Assessed Penalty (adjusted for limits) \$333

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 52258
Req. Ent. Reference No. RN101502730
Media Public Water Supply
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Description Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	-\$5,000	4-Aug-2015	26-Apr-2017	1.73	\$29	\$576	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the service pump and provide a total service pump capacity of 2.0 gpm per connection, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$605

Screening Date 29-Apr-2016

Docket No. 2016-0624-PWS-E

PCW

Respondent Aqua Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 52258

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101502730

Media [Statute] Public Water Supply

Enf. Coordinator Sarah Kim

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide an elevated storage tank capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Facility has 316 service connections and has no elevated storage capacity or pressure tank capacity, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide adequate elevated storage or pressure tank capacity may cause low pressure problems or outages and could expose persons served by the Facility to contaminants that would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 1

22 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$300

One monthly event is recommended, calculated from the date of the investigation, April 7, 2016, to the screening date, April 29, 2016.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,210

Violation Final Penalty Total \$333

This violation Final Assessed Penalty (adjusted for limits) \$333

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 52258
Reg. Ent. Reference No. RN101502730
Media Public Water Supply
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$10,000	4-Aug-2015	26-Apr-2017	1.73	\$58	\$1,153	\$1,210
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an elevated storage tank capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,210

Screening Date 29-Apr-2016
Respondent Aqua Utilities, Inc.
Case ID No. 52258
Reg. Ent. Reference No. RN101502730
Media [Statute] Public Water Supply
Enf. Coordinator Sarah Kim

Docket No. 2016-0624-PWS-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(v) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide emergency power that will deliver water at a rate of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply. Specifically, the Respondent failed to provide an emergency power source, such as a back-up generator, which is required for facilities that have inadequate elevated storage and serve 250 or more service connections.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide emergency power could cause water outages and expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 1

22 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$300

One monthly event is recommended, calculated from the date of the investigation, April 7, 2016, to the screening date, April 29, 2016.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,471

Violation Final Penalty Total \$333

This violation Final Assessed Penalty (adjusted for limits) \$333

Economic Benefit Worksheet

Respondent Aqua Utilities, Inc.
Case ID No. 52258
Reg. Ent. Reference No. RN101502730
Media Public Water Supply
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$70,000	4-Aug-2015	26-Apr-2017	1.73	\$403	\$8,068	\$8,471
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to purchase an emergency power source which would deliver water at a minimum of 0.35 gpm per connection, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$70,000

TOTAL

\$8,471

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

Compliance History Report for CN602787509, RN101502730, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN602787509, Aqua Utilities, Inc.

Classification: SATISFACTORY

Rating: 6.34

Regulated Entity: RN101502730, HILL COUNTRY
NORTHWEST CHERRY HOLLOW

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 2 MILES NORTH OF NAMELESS ROAD ON LINDEMAN LANE NEAR JONESTOWN, TRAVIS COUNTY, TEXAS

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2270173

Compliance History Period: September 01, 2010 to August 31, 2015

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: August 18, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 18, 2011 to August 18, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Sarah Kim

Phone: (512) 239-4728

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | | | |
|---|--------------|--|-----------|-----------------|----------|
| 1 | Date: | 08/25/2015 | (1268930) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) | | | |
| | Description: | Failure to protect well unit with an intruder-resistant fence to prevent possible contamination or damage to facilities by trespassers | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii) | | | |

Description: Failure to have two or more pumps having a total capacity of 2.0 gpm per connection or that have a total capacity of 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service.

Self Report? NO Classification: Moderate

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

Description: Failure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection.

Self Report? NO Classification: Minor

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

Description: Failure to provide emergency power or an elevated storage capacity of 100 gallons per connection.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)

Description: Failure to collect samples for total coliform, fecal coliform, E. coli, or other fecal indicator organisms at the location and frequency as directed by the TCEQ.

- 2 Date: 10/29/2015 (1328914)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1);
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: GA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for gross alpha with a RAA of 16 pCi/L.
- 3 Date: 02/02/2016 (1328914)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1);
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: GA MCL 3Q2015 - During the 3rd quarter of 2015 the system violated the maximum contaminant level for gross alpha with a RAA of 17 pCi/L.
- 4 Date: 03/29/2016 (1328914)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1);
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: GA MCL 4Q2015 - During the 4th quarter of 2015 the system violated the maximum contaminant level for gross alpha with a RAA of 17 pCi/L.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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



Will Co NW - CH
227 0173
J.P.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 20, 2016

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

RECEIVED

DEC 20 2016

TX ADMIN-AUSTIN

Re: Aqua Utilities, Inc.; RN101502730
Docket No. 2016-0669-PWS-E; Case No. 52318

This letter is a courtesy notice to inform you that the above-referenced Agreed Order issued by the Texas Commission on Environmental Quality ("TCEQ") has been transferred to the Enforcement Division's Compliance Monitoring Section.


Please review the ordering provisions to ensure you comply with the requirements of the Order in a timely manner. The deadline for the last technical requirement November 23, 2019. Please be aware that most orders require a notarized certification of compliance. The TCEQ may initiate additional enforcement action should compliance documentation be deficient or delinquent.

Compliance documentation should be submitted by mail to:

Compliance Monitoring Section, Enforcement Division
Attn: Brandon Cook, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Please reference Docket No. 2016-0669-PWS-E in your correspondence. If you have any questions, please contact me by phone at (512)239-4593, by fax at (512)239-4562, or by email at Brandon.Cook@Tceq.Texas.gov.

Sincerely,


Brandon Cook, Enforcement Coordinator
Enforcement Division
Enclosed: A copy of the Agreed Order.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN101502730

§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2016-0669-PWS-E

On NOV 02 2016, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located off of Sandy Ridge, north of Lindeman Loop near Jonestown, Travis County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 316 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. During a record review conducted on April 11, 2016 through April 29, 2016, TCEQ staff documented that the running annual average concentrations of gross alpha particle activity were 16 picoCuries per liter ("pCi/L") for the second quarter of 2015, 17 pCi/L for the third quarter of 2015, and 17 pCi/L for the fourth quarter of 2015.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 15 pCi/L for gross alpha particle activity, based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$351 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The amount of \$351 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2016-0669-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:

- a. Within 120 days after the effective date of this Order, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the MCL for gross alpha particle activity. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days after the effective date of this Order. If the Respondent purchases or sells water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study. The evaluation shall be sent to the addresses listed in Ordering Provision No. 2.g.
- b. Within 135 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 2.g.
- d. Within 180 days after the effective date of this Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.g below. These reports shall include information regarding actions taken to provide water which meets the MCL for gross alpha particle activity.
- e. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below to demonstrate compliance with Ordering Provision No. 2.c.
- f. Within 1,095 days after the effective date of this Order, return to compliance with the MCL for gross alpha particle activity, in accordance with 30 TEX. ADMIN. CODE § 290.108.
- g. Within 1,110 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.f. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I

am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Bryan L. Shaw
For the Commission

11-8-16
Date

Dan Miller for Ramiro Garcia, Jr.
For the Executive Director

9.22.16
Date

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

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

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

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

RL Robert L. Laughman
Signature

July 18, 2016
Date

Robert L. Laughman
Name (Printed or typed)
Authorized Representative of
Aqua Utilities, Inc.

President
Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Order.

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

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

November 9, 2016

FIRST CLASS MAIL

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

RE: Aqua Utilities, Inc.
TCEQ Docket No. 2016-0669-PWS-E; Registration No. 2270173
Agreed Order Assessing Administrative Penalties and Requiring Certain Actions

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Texas Commission on Environmental Quality's Enforcement Division at (512) 239-2545 or the Litigation Division at (512) 239-3400. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Office of the Chief Clerk at (512) 239-3319.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

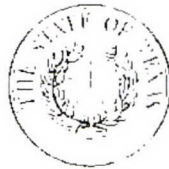
Bridget C. Bohac
Chief Clerk

BCB/lg

Enclosure

cc: Steven Hall, Enforcement Coordinator, TCEQ Enforcement Division

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



PWS_1330011_CO_20170418_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 18, 2017

RECEIVED

APR 24 2017

TX ADMIN-AUSTIN

Mr. Clarence L. Littlefield, P.E.
Southwest Engineers, Inc.
307 Saint Lawrence Street
Gonzales, Texas 78629

Re: Ingram Water Supply - Public Water System ID No. 1330011
Proposed Water Well No.10
Engineer Contact Telephone: (830) 672-7546
Plan Review Log No. P-02172017-136
Kerr County, Texas

CN601570773; RN102689163

Dear Mr. Littlefield:

On February 17, 2017, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated February 14, 2017, for the proposed Water Well No.10 for the above referenced public water system. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems and **conditionally approved for construction** if the project plans and specifications meet the following requirements:

Four corrosive indices (Modified Larson's Ratio Langelier Saturation Index, Ryznar Stability Index and the Aggressive Index) will be used to calculate corrosivity of the water from new source(s). Corrosive or aggressive water could result in aesthetic problems, increased levels of toxic metals, and deterioration of household plumbing and fixtures. **If the water appears to be corrosive**, the system will be required to conduct a study and submit an engineering report that addresses corrosivity issues or may choose to install corrosion control treatment **before use may be granted**. All changes in treatment require submittal of plans and specifications for approval by TCEQ.

Texas Water Code Section 36.0015 allows for the creation of groundwater conservation districts (GCDs) as the preferred method of groundwater management. GCDs manage groundwater in many counties and are authorized to regulate production and spacing of water wells. **Public water systems drilling wells within an existing GCD are responsible for meeting the GCD's requirements.** The authorization provided in this letter does not affect GCD authority to manage groundwater or issue permits.

The design engineer or water system representative is required to notify the Plan Review Team in writing by fax at (512) 239-6972 or emailing kamal.adhikari@tceq.texas.gov and cc: vera.poe@tceq.texas.gov at least 48 hours before the well casing pressure cementing begins. If pressure cementing is to begin on Monday, then they must give notification on the preceding

Mr. Clarence L. Littlefield, P.E.
Page 2
April 18, 2017

Thursday. If pressure cementing is to begin on Tuesday, then they must give notification on the preceding Friday.

The TCEQ does not approve this well for use as a public water supply at this time. We have enclosed a copy of the "Public Well Completion Data Checklist for Interim Approval (Step 2)". We provide this checklist to help you in obtaining approval to use this well.

The submittal consisted of three sheets of engineering drawings, technical specifications and an engineering summary. The proposed project consists of:

- One (1) public water supply well drilled to 705 feet with 597 linear feet (lf) of 8½-inch outside diameter (od) pressure-cemented steel casing;
- 100 lf of 8½-inch od pipe based stainless steel screen, 10 lf of 8½-inch od blank steel liner;
- The well is rated for 250 gallons per minute (gpm) yield with a 50 horsepower, 6-inch, submersible pump set at 650 feet deep. The design capacity of the pump is 230 gpm at 630 feet total dynamic head;
- Well head concrete sealing block and well head piping including flow meter, vent, sample tap, and air release valve; and
- Various valves, fittings and related appurtenances.

This approval is for the construction of the above listed items only.

The Ingram Water Supply public water system provides water treatment.

The project is located within the existing water plant site located approximately 0.23 miles west of the intersection of Ingram hills Road and Sunshine Road in Kerr County, Texas.

An appointed engineer must notify the TCEQ's Region 13 Office in San Antonio at (210) 490-3096 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC Section 290.39(h)(3).

Please refer to the Plan Review Team's Log No. P-02172017-136 in all correspondence for this project.

Please Note: In order to determine if a new source of water or a new treatment process results in corrosive or aggressive finished water that may endanger human health, we are requesting additional sampling and analysis of lead, alkalinity (as calcium carbonate), calcium (as calcium carbonate) and sodium in addition to the required chemical test results for public water system new sources. We are requiring these additional sampling results as listed in our currently revised checklists (Public Well Completion Data Checklist for Interim Use - Step 2 and Membrane Use Checklist - Step 2) which can be found on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Please include these additional sampling results in well completion submittals, membrane use submittals, and other treatment process submittals.

Mr. Clarence L. Littlefield, P.E.
Page 3
April 18, 2017

New surface water sources will need to also include lead, total dissolved solids, pH, alkalinity (as calcium carbonate), chloride, sulfate, calcium (as calcium carbonate) and sodium with the analysis required in 30 TAC Section 290.41(e)(1)(F).

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

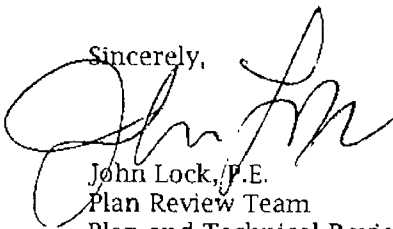
<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

If you have any questions concerning this letter or need further assistance, please contact Kamal Adhikari at (512)239-0680 or by email at kamal.adhikari@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



John Lock, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/JL/KA/db

Enclosure: "Public Well Completion Data Checklist for Interim Approval (Step 2)"

cc: Ingram Water Supply -Attn: Water Utilities Official, 1106 Clayton Lane, Suite 400W,
Austin, Texas 78723-2476

Mr. Clarence L. Littlefield, P.E.

Page 4

April 18, 2017

bcc: TCEQ Central Records PWS File 1330011
TCEQ Region No. 13 Office - San Antonio
TCEQ PWSINV, MC-155

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

October 13, 2016

RECEIVED

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

TX ADMIN-AUSTIN

Re: Revised Proposed Agreed Order
Aqua Utilities, Inc.; RN102689163; Public Water Supply ID No. 1330011
Docket No. 2016-0939-PWS-E; Enforcement Case No. 52558
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Laughman:

Please find enclosed a revised proposed agreed order based on discussions Ms. Michaelle Garza of my staff had with Mr. Scot Foltz of Aqua Utilities, Inc. in a telephone conference held on August 23, 2016 and subsequent documentation submitted on September 12, 2016. The following revisions have been made: Section IV (Ordering Provisions): The technical requirements have been modified to reflect 365 days to provide the minimum well capacity (No. 2.c.) and 730 days to complete repairs for the ground storage tank leaks (No. 2.e).

Although this revised order replaces the proposed order enclosed in the Texas Commission on Environmental Quality ("TCEQ") letter dated August 8, 2016, the terms and conditions noted in the that letter still apply. If you agree with the revised order as proposed, please sign and return this order with an original signature **and** the penalty payment of \$456 within two weeks of the date of this letter, (check payable to "TCEQ" and referencing Aqua Utilities, Inc., Docket No. 2016-0939-PWS-E) to:

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

Mr. Robert Laughman
Page 2
October 13, 2016

Enclosed for your convenience is a return envelope. Please note that any agreements we reach are subject to final approval by the Commission. For any questions or comments about this matter, please contact Ms. Michaelle Garza of my staff at (210) 403-4076.

Sincerely,



Megan Hamilton, Manager
Enforcement Division
Texas Commission on Environmental Quality

MH/mg

Enclosures: Revised Proposed Agreed Order, Return Envelope

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN102689163**

**§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-0939-PWS-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located in Ingram, Kerr County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,800 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$570 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$456 of the penalty and \$114 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

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

II. ALLEGATIONS

During an investigation conducted on March 22, 2016, an investigator documented that the Respondent:

1. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4). Specifically, the ground storage tank ("GST") located at the well no. 6 facility and two GSTs located at the well nos. 3 and 4 facility were leaking in multiple areas.
2. Failed to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, with 1,800 connections, the Facility is required to provide 1,080 gpm in well capacity. However, only 998.5 gpm was provided, which is a 7.5% deficiency.
3. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(v), and (f)(3)(E)(iv). Specifically, the following records were not available for review and/or not being maintained: records of backflow prevention device programs and copies of the Customer Service Inspection reports.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2016-0939-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, compile and begin maintaining for review properly completed water works operation and maintenance records, including but not limited to records of backflow prevention device programs and copies of the Customer Service Inspection reports, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 365 days after the effective date of this Order, provide a minimum well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - d. Within 380 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
 - e. Within 730 days after the effective date of this Order, begin maintaining all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, including but not limited to repairing the GST leaks located at the well no. 6 facility and the well nos. 3 and 4 facility, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - f. Within 745 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts,

and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

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

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

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

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

Signature

Date

Name (Printed or typed)
Authorized Representative of
Aqua Utilities, Inc.

Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Order.

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

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



PWS_2460046_CO_20161206_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution
December 6, 2016

Mr. Clarence L. Littlefield, P.E.
Southwest Engineers
307 Saint Lawrence
Gonzales, Texas 78629

RECEIVED

Re: San Gabriel River Ranches - Public Water System ID No. 2460046
Proposed Well Nos. 4 & 5
Engineer Contact Telephone: (830) 672-7546
Plan Review Log No. P-10072016-040
Williamson County, Texas

TX ADMIN-AUSTIN

CNG02787509; RN101250306

Dear Mr. Littlefield:

On October 7, 2016, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated October 4, 2016 for the proposed Well Nos. 4 & 5 for the above referenced public water system. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems and conditionally approved for construction if the project meets the following requirements:

1. Four corrosive indices (Modified Larson's Ratio Langelier Saturation Index, Ryznar Stability Index and the Aggressive Index) will be used to calculate corrosivity of the water from new source(s). Corrosive or aggressive water could result in aesthetic problems, increased levels of toxic metals, and deterioration of household plumbing and fixtures. **If the water appears to be corrosive, the system will be required to conduct a study and submit an engineering report that addresses corrosivity issues or may choose to install corrosion control treatment before use may be granted. All changes in treatment require submittal of plans and specifications for approval by TCEQ.**
2. Based on the easement documents submitted, a portion of the land within 150 feet from the well site is located in street and right of way. Public water systems are required to secure the easements for all the lands within 150 feet from the well site including the right of way. **During the submission of well completion report, please secure an easement with appropriate authority and submit the recorded easement for the portion of the land that is within the right of way of San Gabriel Hideaway Cove or submit a written exception request for sanitary control easement requirement for that portion of the land to Technical Review and Oversight Team (TROT) of the TCEQ at the following address:**

Technical Review and Oversight Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

For information about the exception process, please go to the URL below:

<http://www.tceq.texas.gov/drinkingwater/trot/exception>

Please note that an "Exception Request Form" (available as a link to the webpage above) must be completed for all exception submittals.

If after you have reviewed the information available at the webpage above you have a question regarding the exception process, please call (512) 239-4691 and ask to speak to a member of the TROT about exception process.

Texas Water Code Section 36.0015 allows for the creation of groundwater conservation districts (GCDs) as the preferred method of groundwater management. GCDs manage groundwater in many counties and are authorized to regulate production and spacing of water wells. **Public water systems drilling wells within an existing GCD are responsible for meeting the GCD's requirements.** The authorization provided in this letter does not affect GCD authority to manage groundwater or issue permits.

The design engineer or water system representative is required to notify the Plan Review Team in writing by fax at (512) 239-6972 or emailing priresh.tripathi@tceq.texas.gov and cc: vera.poe@tceq.texas.gov at least 48 hours before the well casing pressure cementing begins. If pressure cementing is to begin on Monday, then they must give notification on the preceding Thursday. If pressure cementing is to begin on Tuesday, then they must give notification on the preceding Friday.

The TCEQ does not approve these wells for use as a public water supply at this time. We have enclosed a copy of the "Public Well Completion Data Checklist for Interim Approval (Step 2)". We provide this checklist to help you in obtaining approval to use this well.

The submittal consisted of five sheets of engineering drawings, technical specifications and an engineering summary. The proposed project consists of:

- Two (2) public water supply well Nos. 4 and 5, each drilled to 550 feet with 345 linear feet (lf) of 6⁵/₈-inch inside diameter (id) pressure cemented steel casing;
- 140 lf of 6⁵/₈-inch id stainless steel perforated screen, 10 lf of 6⁵/₈-inch id blank steel, with 12¹/₄-inch underream and 200 lf of gravel pack;
- Each well is rated for 75 gallons per minute (gpm) yield with a 15 horsepower submersible pump set at 483 feet below ground level. The design capacity of the pump is 75 gpm at 432 feet total dynamic head;
- Intruder resistance fences;
- All weather access roads; and
- Related valves, fittings and accessories.

This approval is for the construction of the above listed items only.

The San Gabriel River Ranches public water system provides water treatment.

The project is located approximately 600 feet southeast of the intersection of San Gabriel Ranch Road and Round Up Drive in Williamson County, Texas.

An appointed engineer **must** notify the TCEQ's Region 11 Office in Austin at (512) 339-2929 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as

Mr. Clarence L. Littlefield, P.E.
Page 3
December 6, 2016

to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3).

Please refer to the Plan Review Team's Log No. **P-10072016-040** in all correspondence for this project.

Please Note: In order to determine if a new source of water or a new treatment process results in corrosive or aggressive finished water that may endanger human health, we are requesting additional sampling and analysis of lead, alkalinity (as calcium carbonate), calcium (as calcium carbonate) and sodium in addition to the required chemical test results for public water system new sources. We are requiring these additional sampling results as listed in our currently revised checklists (Public Well Completion Data Checklist for Interim Use – Step 2 and Membrane Use Checklist – Step 2) which can be found on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Please include these additional sampling results in well completion submittals, membrane use submittals, and other treatment process submittals.

New surface water sources will need to also include lead, total dissolved solids, pH, alkalinity (as calcium carbonate), chloride, sulfate, calcium (as calcium carbonate) and sodium with the analysis required in 30 TAC Section 290.41(e)(1)(F).

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

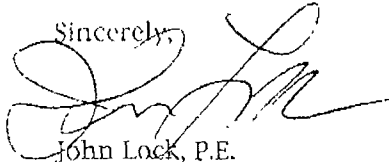
You can download the latest revision of 30 TAC Chapter 290 - [Rules and Regulations for Public Water Systems](#) from this site.

Mr. Clarence L. Littlefield, P.E.
Page 4
December 6, 2016

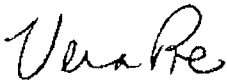
If you have any questions concerning this letter or need further assistance, please contact Pritesh Tripathi at (512)239-3794 or by email at pritesh.tripathi@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



John Lock, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/JL/PT/svr

Enclosure: "Public Well Completion Data Checklist for Interim Approval (Step 2)"

cc: San Gabriel River Ranches, Attn: Scot Foltz, Environmental Compliance Manager, 1106 Clayton Lane, Suite 400 West, Austin, Texas 78723-2476

Public Well Completion Data Checklist For Interim Approval (Step 2)

Texas Commission on Environmental Quality
Water Supply Division
Plan Review Team MC-159
P.O. Box 13087, Austin, Texas 78711-3087

Public Water System I.D. No. _____
TCEQ Log No. P- _____

The following list is a brief outline of the "Rules for Public Water Systems", 30 TAC Chapter 290 regarding proposed Water Supply Well Completion. Failure to submit the following items may delay project approval. Copies of the rules may be obtained from **Texas Register, 1019 Brazos St, Austin, TX, 78701-2413, Phone: (512) 463-5561** or downloaded from the website:

<http://www.tceq.texas.gov/rules/indxpathdf.html>

Any well proposed as a source of water for a public water supply **must have plans approved for construction** by TCEQ. Please include the well construction approval letter with your submittal of well completion data listed below must be submitted for TCEQ evaluation. Based on this submitted data, interim approval may be given for use of the well.

1. ☐ Site map(s) at appropriate scales showing the following: [§290.41(c)(3)(A)]
 - ☐ (i) Final location of the well with coordinates;
 - ☐ (ii) Named roadways;
 - ☐ (iii) All property boundaries within 150 feet of the final well location and the property owners' names;
 - ☐ (iv) Concentric circles with the final well location as the center point with radii of 10 foot, 50 foot, 150 foot, and ¼ mile;
 - ☐ (v) Any site improvements and existing buildings;
 - ☐ (vi) Any existing or potential pollution hazards; and
 - ☐ (vii) Map must be scalable with a north arrow.
2. ☐ A copy of the recorded deed of the property on which the well is located showing the Public Water System (PWS) as the landowner, and/or any of the following: [§290.41(c)(1)(F)(iv)]
 - ☐ (i) Sanitary control easements (filed at the county courthouse and bearing the county clerk's stamp) covering all land within 150 feet of the well not owned by the PWS (for a sample easement see TCEQ Form 20698);
 - ☐ (ii) For a political subdivision, a copy of an ordinance or land use restriction adopted and enforced by the political subdivision which provides an equivalent or higher level of sanitary protection to the well as a sanitary control easement; and/or
 - ☐ (iii) A copy of a letter granting an exception to the sanitary control easement rule issued by TCEQ's Technical Review and Oversight Team.
3. ☐ Construction data on the completed well: [§290.41(c)(3)(A)]
 - ☐ (i) Final installed pump data including capacity in gallons per minute (gpm), total dynamic head (tdh) in feet, motor horsepower, and setting depth;
 - ☐ (ii) Bore hole diameter(s) (must be 3" larger than casing OD) and total well depth;
 - ☐ (iii) Casing size, length, and material (e.g. 200 lf of 12" PVC ASTM F480 SDR-17);
 - ☐ (iv) Length and material of any screens, blanks, and/or gravel packs utilized;

- ☐ (v) Cementing depth and pressure method (one of the methods in latest revision of AWWA Standard A-100, Appendix C, excluding the dump bailer and tremie methods);
 - ☐ (vi) Driller's geologic log of strata penetrated during the drilling of the well;
 - ☐ (vii) Cementing certificate; and
 - ☐ (viii) Copy of the official State of Texas Well Report (some of the preceding data is included on the Well Report).
4. ☐ A U.S. Geological Survey 7.5-minute topographic quadrangle map (include quadrangle name and number) or a legible copy showing the location of the completed well; [§290.41(c)(3)(A)]
5. ☐ Record of a 36-hour continuous pump test on the well showing stable production at the well's rated capacity. Include the following: [§290.41(c)(3)(G)]
- ☐ (i) Test pump capacity in gpm, tdl in feet, and horsepower of the pump motor;
 - ☐ (ii) Test pump setting depth;
 - ☐ (iii) Static water level (in feet); and
 - ☐ (iv) Draw down (in feet).
6. ☐ Three bacteriological analysis reports for samples collected on three successive days showing raw well water to be free of coliform organisms. Reports must be for samples of raw (untreated) water from the disinfected well and submitted to a laboratory accredited by TCEQ, accredited to perform these test; and [§290.41(c)(3)(F)(i)]
7. ☐ Chemical analysis reports for well water samples showing the water to be of acceptable quality for the most problematic contaminants listed below. Reports must come from a laboratory accredited by TCEQ, accredited to perform these test. Maximum contaminant level (MCL) and secondary constituent level (SCL) units are in mg/l (except arsenic). [§290.41(c)(3)(G) and §290.104 and §290.105]

MCL	PRIMARY	SCL	SECONDARY	SCL	SECONDARY	SCL	SECONDARY
10 (as N)	Nitrate	0.2	Aluminum	5.0	Zinc	300	Sulfate
1 (as N)	Nitrite	1.0	Copper	1,000	Total Dissolved Solids	300	Chloride
10 µg/l	Arsenic	0.3	Iron	2.0	Fluoride	≥ 7.0	pH
4.0	Fluoride	0.05	Manganese	N/A	Lead		

Corrosive Water Parameters	
Parameter	Units
Alkalinity as CaCO ₃	mg/l
Calcium as CaCO ₃	mg/l
Sodium	mg/l

All systems located in a high-risk county (see page 3) shall submit radiological analysis reports for water samples showing the water to be of acceptable quality for the contaminants listed below. Reports must come from a TCEQ accredited laboratory for interim use of the well.

MCL	CONTAMINANT
15 pCi/L	Gross alpha
5 pCi/L	Radium-226/228
50 pCi/L	Beta particle
30 µg/L	Uranium

WHERE: pCi/L = pico curies per liter, µg/L = micrograms per liter

Please be aware when you review your radiological data that if the report has gross alpha over 15 pCi/L and individual uranium isotopes are not reported, you will have to resample or reanalyze and resubmit radionuclide results. If you see gross alpha plus radium-228 over 5 pCi/L, and don't have radium-226, you will have to resample or reanalyze and resubmit complete results.

LIST OF COUNTIES WHERE RADIONUCLIDE TESTING IS REQUIRED

Please be aware that we have added the requirement for analysis for **radionuclides** for high-risk counties. For elevated levels of any contaminants found in a test well, treatment or blending may be required.

COUNTY	STATE CODE #
Atascosa	007
Bandera	010
Bexar	015
Bosque	018
Brazoria	020
Brewster	022
Burnet	027
Concho	048
Culberson	055
Dallam	056
Dawson	058
Erath	072
Fort Bend	079
Frio	082
Garza	085
Gillespie	086
Gray	090
Grayson	091
Harris	101

COUNTY	STATE CODE #
Hudspeth	115
Irion	118
Jeff Davis	122
Jim Wells	125
Kendall	130
Kent	132
Kerr	133
Kleberg	137
Liberty	146
Llano	150
Lubbock	152
McCulloch	154
Mason	160
Matagorda	161
Medina	163
Midland	165
Montgomery	170
Moore	171

COUNTY	STATE CODE #
Parker	184
Pecos	186
Polk	187
Presidio	189
Refugio	196
San Jacinto	204
San Saba	206
Tarrant	220
Travis	227
Tyler	229
Upton	231
Val Verde	233
Victoria	235
Walker	236
Washington	239
Wichita	243
Williamson	246
Zavala	254

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

November 16, 2016

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

Re: Aqua Utilities Inc.; RN101250306
Docket No. 2016-0445-PWS-E; Case No. 52090

This letter is a courtesy notice to inform you that the above-referenced Agreed Order issued by the Texas Commission on Environmental Quality ("TCEQ") has been transferred to the Enforcement Division's Compliance Monitoring Section.

Please review the ordering provisions to ensure you comply with the requirements of the Order in a timely manner. The deadline for the first technical requirement is January 29, 2016. Please be aware that most orders require a notarized certification of compliance. The TCEQ may initiate additional enforcement action should compliance documentation be deficient or delinquent.

Compliance documentation should be submitted by mail to:

Compliance Monitoring Section, Enforcement Division
Attn: Corinna Willis, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Please reference Docket No. 2016-0445-PWS-E in your correspondence. If you have any questions, please contact me by phone at (512)239-2504 or by fax at (512)239-0134.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corinna Willis".

Corinna Willis, Enforcement Coordinator
Enforcement Division

RECEIVED

NOV 17 2016

TX ADMIN-AUSTIN

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN101250306

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2016-0445-PWS-E

I. JURISDICTION AND STIPULATIONS

On **AUG 02 2016**, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located 3 miles north of Texas State Highway 29 on County Road 214 in Liberty Hill, Williamson County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 241 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049 and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$157 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$126 of the penalty and \$31 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

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

II. ALLEGATIONS

During an investigation conducted on March 10, 2016, an investigator documented that the Respondent failed to provide a minimum well capacity of 0.6 gallon per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility has 241 connections and should have a minimum well capacity of 144.6 gpm. However, the Facility was providing 104 gpm, which is a 28% deficiency.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2016-0445-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Order, provide a minimum well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - b. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and

substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Bryan Sinclair
For the Executive Director

8/2/2016
Date

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

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

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

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

5/11/16
Robert Laughman
Signature

5/11/16
Date

Robert Laughman
Name (Printed or typed)
Authorized Representative of
Aqua Utilities, Inc.

President
Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Order.

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 5, 2016

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

Re: TCEQ Enforcement Action
Aqua Utilities, Inc.
Docket No. 2016-0445-PWS-E

Dear Mr. Laughman:

Enclosed for your records is a fully-executed copy of the Agreed Order for the above-referenced matter.

Please review the enclosed Agreed Order, particularly the "Ordering Provisions" section, to determine if further action will be required of you, such as the completion of technical requirements to achieve compliance. When technical requirements are listed (usually Ordering Provision No. 2 or 3), a deadline will be provided based on a specific number of days after the effective date. The effective date is as stated in the enclosed Agreed Order.

Should you have any questions, please contact Abigail Lindsey, the Enforcement Coordinator assigned to this matter, at (512) 239-2576.

Sincerely,

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

Michael Parrish
Enforcement Division

Enclosure

cc: Abigail Lindsey, Enforcement Division
Water Section Manager, Region 11

Aqua Texas, Inc.
Sandy Creek Ranches Water System
Big Sandy Well No. 4
WRGS Project No: 006-002-16

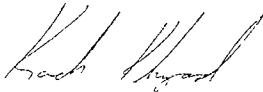
B I D T A B U L A T I O N

July 21, 2016

BIDDER	Item 1	Item 2	Total Bid
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Hydro Resources	\$ 17,000.00	\$ 70,000.00	\$ 87,000.00
Apex Drilling	\$ 14,700.00	\$ 127,725.18	\$ 142,425.18
Layne	\$ 42,764.00	\$ 87,241.00	\$ 130,005.00
Alsay, Inc.	\$ 75,000.00	\$ 166,000.00	\$ 241,000.00

I, KAVEH KHORZAD, LICENSED PROFESSIONAL
GEOSCIENTIST DO HEREBY DECLARE THAT THE ABOVE BID
TABULATIONS WERE TAKEN DIRECTLY FROM THE BID
OPENING ON



KAVEH KHORZAD, P.G. #1126
REGISTERED PROFESSIONAL GEOSCIENTIST OF TEXAS
WETROCK GROUNDWATER SERVICES, L.L.C.

AQUA TEXAS, INC.		Hydro Resources Mid Continent, Inc.	Apex Drilling, Inc.	Layne	Alsay, Inc.
BIG SANDY WELL NO. 4 PROJECT		31866 RR 12 Dripping Spgs. Tx 78620	P O Box 867 Marble Falls, TX 78654	1800 Hughes Landing Boulevard, Suite 700 The Woodlands, TX 77380	3359 S E Loop 410 San Antonio, TX 78222
Tabulation - July 21, 2016		512-858-4375	830-798-2739	281-475-2578	210-628-1090
ITEM	UNIT	BASE BID	PRICE	PRICE	PRICE
1	L.S.	Pilot Hole	\$ 17,000.00	\$ 14,700.00	\$ 42,764.00
2	L.S.	Well Completion	\$ 70,000.00	\$ 127,725.18	\$ 87,241.00
TOTAL 1-2		\$ 87,000.00	\$ 142,425.18	\$ 130,005.00	\$ 241,000.00
ITEM	UNIT	ADDITIVE/DEDUCTIVE ITEMS	PRICE	PRICE	PRICE
3	L.S.	Mobilization	\$ 5,000.00	\$ 1,500.00	\$ 20,297.00
4	L.F.	8 3/4-inch borehole	\$ 11.00	\$ 15.00	\$ 30.00
5	L.S.	Electric Logs	\$ 3,000.00	\$ 2,800.00	\$ 5,067.00
6	L.F.	12 3/4-inch borehole	\$ 15.00	\$ 40.00	\$ 27.00
7	L.S.	Caliper Log	\$ 3,000.00	\$ 1,500.00	\$ 3,865.00
8	L.F.	6-inch steel casing	\$ 20.00	\$ 40.00	\$ 21.00
9	L.F.	6-inch Stainless Steel Screen	\$ 90.00	\$ 170.00	\$ 83.00
10	L.F.	6-inch steel blank	\$ 20.00	\$ 40.00	\$ 10.00
11	L.F.	Filter Pack	\$ 15.00	\$ 38.00	\$ 24.00
12	L.F.	Pressure Cement	\$ 20.00	\$ 43.00	\$ 20.00
13	HR.	Cleaning/Development	\$ 500.00	\$ 500.00	\$ 450.00
14	HR.	36 hour pump test	\$ 200.00	\$ 222.22	\$ 290.00
15	L.S.	TCEQ Water Sample	\$ 2,000.00	\$ 1,500.00	\$ 2,934.00
16	L.S.	Total Depth Video Survey	\$ 1,500.00	\$ 1,800.00	\$ 1,500.00
17	L.S.	Well head completion	\$ 4,000.00	\$ 2,500.00	\$ 5,147.00
18	L.S.	Pump & 15 HP Motor	\$ 5,400.00	\$ 6,292.00	\$ 9,695.00
19	L.S.	Control Panel	\$ 3,200.00	\$ 3,560.00	\$ 1,786.00
20	L.F.	3-inch Galv. Stl. Discharge Pipe	\$ 9.50	\$ 11.89	\$ 8.00
21	L.F.	1-inch PVC e-line assembly	\$ 1.00	\$ 0.69	\$ 1.00
22	L.F.	No. 10 Power Cable	\$ 1.50	\$ 1.69	\$ 2.50
23	L.S.	Plug pilot bore	\$ 5,000.00	\$ 6,960.00	\$ 1,200.00
24	Gal.	Vac Truck (per 1,000 gallons)	\$ 350.00	-	-