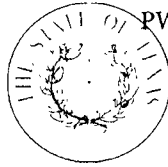


Bryan W. Shaw, Ph D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



PWS_2270054_CO_20151008_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 8, 2015

Ms. Pauline M. Gray, P.E.
Jay Engineering Co., Inc.
P.O. Box 12201
Leander, Texas 78764-1220

Re: Sandy Creek Ranches Subdivision - Public Water System ID No. 2270054
Proposed Pump Station Improvements at Big Sandy Drive
Engineer Contact Telephone: (512) 259-3882
Plan Review Log No. P-08142015-099
Travis County, Texas

CN602787509; RN100843143

Dear Ms. Gray:

On August 14, 2015, the Texas Commission on Environmental Quality (TCEQ) received your letter dated August 12, 2015 submitting planning material for the proposed pump station improvements for the above referenced public water system. Based on our review, 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** provided that the project meets the following requirements:

1. The water storage tank shall have a liquid level indicator located at the tank site. The indicator can be a float with a moving target, an ultrasonic level indicator, or a pressure gauge calibrated in feet of water. If an elevated tank or standpipe has a float with moving target indicator, it must also have a pressure indicator located at ground level. Pressure gauges must not be less than three inches in diameter and calibrated at not more than two-foot intervals. Remote reading gauges at the owner's treatment plant or pumping station will not eliminate the requirement for a gauge at the tank site unless the tank is located at the plant or station per 30 TAC Section 290.43(c)(4).
2. As required in 30 TAC Section 290.43(d) (6), pressure tank installations should be equipped with slow closing valves and time delay pump controls to eliminate water hammer and reduce the chance of tank failure.
3. Specifications for waterline and wastewater line separation distances must comply with all guidelines as required in 30 TAC Section 290.44(e) of the latest edition of the TCEQ's rules.

The submittal consisted of two sets of plans with 16 sheets of engineering drawings and technical specifications. The approved project consists of:

- Approximately 900 linear feet of 4-inch, American Water Works Association (AWWA) Standard C-900 Class 150 polyvinyl chloride waterline;
- Replacement of existing standpipe with a 40,000 gallon bolted galvanized steel AWWA D103 standard standpipe;
- 7,500 gallon American Society of Mechanical Engineers code hydropneumatic water pressure tank;
- Replacement of existing two booster pumps and bladder tanks with four booster pumps, each rated at 250 gallons per minute;
- One 80 kilowatt diesel powered generator with weatherproof enclosure and sound attenuation;
- Intruder resistance fences; and
- Valves, fittings yard piping and related appurtenances.

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

The Sandy Creek Ranches Subdivision public water supply system provides water treatment.

An appointed engineer must notify the TCEQ's Region 11 in Austin at (512) 239-2929 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 work has been completed essentially according to the plans and change orders on file with the TCEQ as required in 30 TAC Section 290.39(h)(3).

Please refer to the Utilities Technical Review Team's Log No. P-08142015-099 in all correspondence for this project. This will help complete our review and prevent it from being considered a new project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittal 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.

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

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 at the following address:

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

You can download most of the well construction checklists and the latest revision of 30 TAC Chapter 290 – Rules and Regulations for Public Water Systems from this site.

Mr. Pauline M. Gray, P.E.

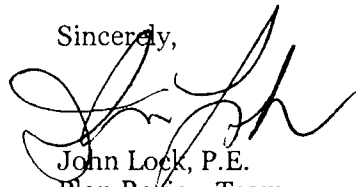
Page 3

October 8, 2015

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

PT/JL/VP/av

cc: Sandy Creek Ranches Subdivision, Attn: Scot W. Foltz, Compliance Manager, 1106
Clayton Lane, Suite 400W, Austin, Texas 78723-2476

Mr. Pauline M. Gray, P.E.

Page 4

October 8, 2015

bcc: TCEQ Central Records PWS File 2270054 (Sandy Creek Ranches Subdivision)
TCEQ Region No. 11 Office - Austin
TCEQ PWSINV, MC-155

RECEIVED

TXADMIN-AUSTIN

October 25, 2016

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

Re: Sandy Creek Ranches Subdivision - Public Water System ID No 2270054
Proposed Big Sandy Well No 4
Engineer Contact Telephone: (830) 672-7346
Plan Review Log No P-09022016-014
Reference Log No P-06152016-090
Travis County, Texas

CNG02787509, RN100843143

Dear Mr. Littlefield:

On September 2, 2016, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated August 26, 2016 for the proposed Big Sandy Well No 4. 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 requirement(s):

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. A Sanitary Control Easement Exception was filed on September 23, 2016 by Wet Rock Groundwater Services, LLC, Mr. Bryon W. Boyd, P.G. for this well. The Approved Exception shall be submitted with the well completion data submittal.

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.

Mr. Clarence L. Littlefield, P.E.
Page 2
October 25, 2016

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 Robert.Sims@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 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 a response letter, and technical specifications that are unsigned and unsealed by a Licensed Texas Professional Engineer. The proposed project consists of:

- One (1) public water supply well drilled to 540 feet with 410 linear feet (lf) of 6 5/8-inch outside diameter (od) steel casing and pressure-cemented 365 lf;
- 120 lf of 6 5/8-inch od stainless steel 0.280-inch slot screen, 10 lf of 6 5/8 od blank steel liner, with 12 1/4-inch underream and 170 feet gravel pack;
- The well is rated for 75 gallons per minute (gpm) yield with a 15 horsepower, 4-inch submersible pump set at 508 feet deep. The design capacity of the pump is 75 gpm at 508 feet total dynamic head;
- Intruder resistant fencing,
- All-weather access road; and
- All necessary valves, fittings, yard piping, and appurtenances.

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

The Sandy Creek Ranches Subdivision public water supply system provides water treatment.

The project is located west of US 183 and west of the intersection of FM 2243 (Nameless Road) and Round Mountain Road at the intersection of Big Sandy Drive and Spreading Oaks Drive in Travis County, Texas.

An appointed engineer must notify the TCEQ's Region 11 Office 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 §290.39(h)(3).

Please refer to the Plan Review Team's Log No P-09022016-014 in all correspondence for this project.

Mr. Clarence L. Littlefield, P.E.
Page 3
October 25, 2016

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
October 25, 2016

If you have any questions concerning this letter or need further assistance, please contact Robert W. Sims, P.E. at (512) 239-4664 or by email at Robert.Sims@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,



Robert W. Sims, 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/RWS/av

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

cc: Sandy Creek Ranches Subdivision, Attn: Mr. Scot W. Foltz, 1106 Clayton Lane, Suite 400w, 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://tceq.texas.gov/rules/index011.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 lb 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, tdh 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)] NOTE: Chlorine residual is a field test and concentration shall be noted on the Chain of Custody.
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] NOTE: pH is a field test and the pH level shall be noted on the Chain of Custody.

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 (field test)
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 excellent quality for the contaminants listed below. Reports must come from a TCEQ accredited laboratory for internal use at the well.

WELL	CONTAMINANT
5 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 radio to include 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	043
Culberson	055
Dallam	056
Dawson	058
Erath	072
Fort Bend	079
Frio	082
Garza	085
Gillespie	086
Guy	090
Grayson	091
Harris	101

COUNTY	STATE CODE #
Hudspeth	115
Irion	118
Jeff Davis	122
Jim Wells	125
Kendall	130
Kem	132
Kern	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	185
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	251

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



RECEIVED
JUN 21 2017
TX ADMIN-AUSTIN

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 14, 2017

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

Re: Notice of Compliance with Agreed Order
Aqua Texas, Inc.; RN100843143
Docket No. 2012-0569-PWS-E; Enforcement Case No. 43756

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 Texas, Inc. has fulfilled the requirements of the Agreed Order effective on October 13, 2012. Specifically, 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 remain on the compliance history for this regulated entity for five years from the effective date of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Christopher Moreno at (512)239-2618.

Sincerely,

A handwritten signature in black ink, appearing to read "Gilbert Angelle", is written over a horizontal line.

Gilbert Angelle, Work Leader
Enforcement Division

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



Sandy Creek Ranch
2270054

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 10, 2012

CERTIFIED MAIL RETURN RECEIPT REQUESTED

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

RECEIVED
OCT 11 2012
BY: [signature]

Re: TCEQ Enforcement Action
Aqua Texas, Inc.
Docket No. 2012-0569-PWS-E

Dear Mr. Laughman:

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

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

Sincerely,

Debra Barber

Debra Barber
Enforcement Division

Enclosure

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA TEXAS, INC.
RN100843143

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

AGREED ORDER DOCKET NO. 2012-0569-PWS-E

I. JURISDICTION AND STIPULATIONS

On SEP 27 2012, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Texas, 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 at 23350 Big Sandy Drive in Travis County, Texas (the "Facility") that has approximately 203 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 March 5, 2012.
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 Six Hundred Sixty-Five Dollars (\$665) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Hundred Thirty-Two Dollars (\$532) of the administrative penalty and One Hundred Thirty-Three Dollars (\$133) 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 failed to provide an elevated storage 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), as documented during an investigation conducted on May 20, 2011 and a record review conducted on February 24, 2012. Specifically, it was documented that with 203 connections in the Big Sandy pressure plane, the Facility is required to provide 20,300 gallons of elevated storage capacity. The elevated storage available at the Facility was 10,000 gallons, which is 51% deficient.

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 Texas, Inc., Docket No. 2012-0569-PWS-E" to:

Financial Administration Division, Revenues 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 240 days after the effective date of this Agreed Order, provide an elevated storage capacity of 100 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- b. Within 255 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.a. 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:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
2800 South IH 35, Suite 100
Austin, Texas 78704-5712

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 Silb
For the Executive Director

9/27/2012
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.

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

June 07, 2012
Date
President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, 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*



August 22, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 22, 2016

RECEIVED

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

TX ADMIN-AUSTIN

Re: Fourth Amended Schedule for Compliance with Ordering Provisions
Aqua Texas, Inc.; RN100843143
Docket No. 2012-0569-PWS-E; Enforcement Case No. 43756
Agreed Order Effective Date: October 13, 2012

Dear Mr. Laughman:

We are in receipt of electronic mail received July 25, 2016, from Mr. Scot Foltz, Environmental Compliance Manager, which requested an amended schedule for completion of Ordering Provision Nos. 2.a and 2.b of the above-referenced Agreed Order. The request also provided specific reasons for delays.

Based upon the reviewed information, we approve an amended schedule as requested. The new deadline for compliance with Ordering Provision Nos. 2.a and 2.b is December 31, 2016, provided an interim report demonstrating progress towards compliance is submitted by October 31, 2016.

Thank you for your continuing efforts to achieve compliance. If you have any questions, please contact Christopher Moreno of the Enforcement Division staff at (512)239-2618.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Sinclair".

Bryan Sinclair, Director
Enforcement Division

cc: Mr. Scot W. Foltz, Environmental Compliance Coordinator, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723
Mr. Larry E. Mitchell, Environmental Compliance Coordinator, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723
Mr. Steve Blackhurst, Regulatory and Compliance Manager, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723



July 25, 2016

Mr. Christopher Moreno
TCEQ-Enforcement Division (MC-149A)
P. O. Box 13087
Austin, Texas 78711-3087

Re: RN100843143; PWS I.D. 2270054, Docket Number 2012-0569-PWS-E

Dear Mr. Moreno:

The needed construction is underway and is progressing well. Unfortunately earlier delays in design and budgeting caused the majority of the delay. There has been a slight delay in the manufacturing of the tank but as of earlier this month the tank was ready to be shipped and shouldn't cause a significant issue.

We have completed transmission line work and the hydro-pneumatic tank is installed, the booster building is complete and yard piping and header work is under way. The foundation for the new tank has also been completed.

We are requesting until December 31, 2016, to achieve compliance with ordering provisions 2.a and b. This is to permit sufficient time to complete the construction, test the facilities and ensure proper operations. If you have questions you may contact me at (512) 990-4400 x 56101 or by email at SWFoltz@AquaAmerica.com

Respectively,

A handwritten signature in black ink, appearing to read "Scot W. Foltz". The signature is stylized with a large, sweeping "S" and a long, horizontal stroke extending to the right.

Scot W. Foltz
Environmental Compliance Manager

cc: Mike Merka, Field Supervisor, Central Texas, Aqua Texas
Chris Crockett, Chief Environmental Officer, Aqua America, Inc.

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



Sandy Creek
mark

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 8, 2015

Mr. Robert L. Laughman
President
Aqua Utilities, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010-3489

RECEIVED

JAN 07 2016

TX ADMIN-AUSTIN

Re: TCEQ Enforcement Action
Aqua Utilities, Inc.
Docket No. 2015-0954-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 Yuliya Dunaway, the Enforcement Coordinator assigned to this matter, at (210) 403-4077.

Sincerely,

Candice Garrett

Candice Garrett
Enforcement Division

Enclosure

cc: Yuliya Dunaway, 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.
RN100843143

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

AGREED ORDER DOCKET NO. 2015-0954-PWS-E

I. JURISDICTION AND STIPULATIONS

On DEC 04 2015, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. ("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 at 14503 Round Mountain Road near Leander, Travis County, Texas (the "Facility") that has approximately 577 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 June 15, 2015.
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 Two Hundred Ten Dollars (\$210) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Sixty-Eight Dollars (\$168) of the administrative penalty and Forty-Two Dollars (\$42) 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 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), as documented during a record review conducted on May 27, 2015. Specifically, the Facility's 577 connections require a minimum production capacity of 346 gpm. However, it was documented that only 252 gpm was provided, which is a 27% deficiency.

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. 2015-0954-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 540 days after the effective date of this Agreed Order, provide a minimum well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - b. Within 555 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.a. 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:

Water Section Manager
Austin Regional Office
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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Bryan Sinclair
For the Executive Director

12/4/2015
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.

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

Robert L. Laughman
Signature

9/22/2015
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 IV, Paragraph 1 of this Agreed Order.

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



Sandy Creek
mark

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 8, 2015

Mr. Robert L. Laughman
President
Aqua Utilities, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010-3489

RECEIVED

JAN 07 2016

TX ADMIN-AUSTIN

Re: TCEQ Enforcement Action
Aqua Utilities, Inc.
Docket No. 2015-0954-PWS-E

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Sincerely,

Candice Garrett

Candice Garrett
Enforcement Division

Enclosure

cc: Yuliya Dunaway, 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.
RN100843143

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

AGREED ORDER DOCKET NO. 2015-0954-PWS-E

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Enforcement Division, MC 149A
Texas Commission on Environmental Quality
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Austin, Texas 78711-3087

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Bryan Sinclair
For the Executive Director

12/4/2015
Date

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

Robert L. Laughman
Signature

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

9/22/2015
Date

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.

nike

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



PWS_2270054_CO_20161115_Exception

Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

November 15, 2016

RECEIVED

Mr. Bryan W. Boyd, P.G.
Wet Rock Groundwater Services, LLC
317 Ranch Road 620 South, Suite 203
Austin, Texas 78734

* ADMIN-AUSTIN

Re: Sandy Creek Ranches Subdivision - PWS ID No. 2270054
Request for an Exception to the Sanitary Control Easement Rule
Proposed Big Sandy Well No. 4 (TCEQ Well ID Unassigned)
Travis County, Texas
RN 100843143 | CN 601570773

Dear Mr. Boyd,

On September 23, 2016, the Texas Commission on Environmental Quality (TCEQ) received your letter dated September 19, 2016, requesting an exception to the requirement that all public water supply wells have properly recorded sanitary control easements as specified in Title 30 of the Texas Administrative Code (30 TAC) §290.41(c)(1)(F). This request is for the Sandy Creek Ranches Subdivision's proposed Big Sandy Well No. 4 (TCEQ Well ID Unassigned). The submittal indicated that the well is not constructed at this time.

The TCEQ has determined that the inability to secure sanitary control easements indicates that this groundwater source may be susceptible to fecal contamination and may result in a risk to public health. Based on this concern, and in order to allow monitoring of the well to determine if the well has been impacted by lack of sanitary control, we are **temporarily granting** your request for an exception to the sanitary control easement requirement under the conditions listed below. This temporary exception applies to all of the property owned by: Douglas Coplin (Property ID 354417; Lot 33 & W 112 ft of Lot 32 Sandy Creek Ranches Phs 1 Sec 2 Title Canceled to Real Estate) and Julio Martinez (Property ID 354415; Lot 31 (1.64 AC) Sandy Creek Ranches Phs 1 Sec 2) within a 150-foot radius of proposed Big Sandy Well No. 4. In accordance with 30 TAC §290.46(b) and §290.109(c)(4)(E), the public water system (PWS) is required to fulfill the conditions of approval outlined below.

Condition 1:

- Upon placing the well into service, the Public Water System (PWS) must begin collecting one raw water sample per month from Well No. 4. The PWS must submit the sample for bacteriological analysis at a TCEQ-accredited laboratory with a current National Environmental Laboratory Accreditation Program (NELAP) certification, and maintain these records on site.

Please note that this monitoring requirement does not imply approval to use this well as a source. You must receive approval to use the well from the TCEQ Plan Review Team. Once you receive approval, a TCEQ Source ID will be assigned to the

well by the Drinking Water Special Functions Section. If for any reason the well is put in use prior to a TCEQ Source ID being assigned, the PWS may be subject to enforcement action

The sampling procedure should be the same as the one used when collecting routine distribution samples. Please ensure that the sample is delivered to the laboratory clearly labeled with the proper TCEQ Well ID (G2270054"X" where "X" will be the specific well identifier assigned by the TCEQ) and marked "RAW."

For a list of TCEQ-accredited laboratories see our website at:

www.tceq.texas.gov/assets/public/compliance/compliance_support/qa/txnelap_lab_list.pdf

Please note that this monthly monitoring requirement will remain in effect should a final exception be granted following the review of the bacteriological sample results. These samples are in addition to the normally required monthly distribution bacteriological samples and must be collected at a point prior to the disinfectant injection point. The sample results should be submitted in the same manner as the results of the monthly distribution bacteriological samples.

Once twelve (12) consecutive monthly bacteriological sample results have been received and reviewed, the TCEQ will evaluate the results and reissue, if appropriate, an exception without an expiration date. Additional monitoring and/or treatment may be required based on the results of the raw water bacteriological samples.

If any of the samples come back positive, please follow the instructions in Enclosure 1: *Instructions for Positive Bacteriological Samples*.

Please update your system's monitoring plan to reflect the monitoring requirements outlined in this letter and mail to the TCEQ Monitoring Plan Coordinator at the following address:

Monitoring Plan Coordinator (MC 155)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Additional information is available in TCEQ's Regulatory Guidance No. 384 (RG-384), *How to Develop a Monitoring Plan for a Public Water System*, or on our website at:

www.tceq.texas.gov/permitting/water_supply/pdw/monitoring_plans/monitoring_plans.html

All public water system monitoring plans are required to be kept up-to-date and on file at the system at all times and must be presented to TCEQ staff upon request.

Condition 2:

- **This temporary exception will expire in 36 months from the date of this letter (November 15, 2019).**

We note you provided in your submittal a map showing the location of the proposed well and property boundaries, plans including the proposed well, a copy of the recorded deed for the property owned by the PWS, the copies of the letters requesting sanitary control easements and the certified mail receipts, and a statement that sanitary hazards prohibited by the required sanitary easement are not located within a 150-foot radius of the proposed Well No. 4.

Mr. Bryan W. Boyd, P.G.
Page 3 of 3
November 15, 2016

A copy of this letter and all related monitoring data must be maintained with the water system's records for as long as this exception is in effect. These records must be made available to TCEQ staff upon request. If contamination of a well occurs which is not remediated through treatment, a new properly constructed well may be required at another location and abandonment, proper plugging, and sealing of the abandoned well will be required.

All exceptions are subject to periodic review and may be revoked or amended if warranted as specified in 30 TAC §290.39(l)(2) or evidence is found that granting of an exception results in a degradation of water quality or water supply. Noncompliance with any condition stated in this exception letter may result in enforcement action as specified in 30 TAC §290.39(l)(5). This exception is not intended to waive compliance with any other TCEQ requirement in 30 TAC Chapter 290. This exception cannot be used as a defense in any enforcement action resulting from noncompliance with any other requirement of 30 TAC Chapter 290.

If you have questions concerning this letter, or if we can be of additional assistance, please contact Sang Han at sang.han@tceq.texas.gov, by telephone at (512) 239-2509, or by correspondence at the following address:

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

Sincerely,



Tamira Konkin-Garcia, Team Leader
Technical Review and Oversight Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

TKG/shh

Enclosure 1: *Instructions for Positive Bacteriological Samples*

cc: Mr. Brent Reeh, Manager, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, TX
78723-2476

Instructions for Positive Bacteriological Samples

If multiple raw water samples are found to be **positive** for total coliform and **negative** for *E. coli* and other fecal indicators, additional treatment may be required and the conditions established in the exception letter may be revised. TCEQ personnel recommend reviewing the sample collection protocol to ensure proper sample collection methods are in place. Personnel also recommend well disinfection according to American Water Works Association (AWWA) well disinfection standards.

If a raw water sample is found to be **positive** for total coliform and **positive** for *E. coli* or other fecal indicators, Groundwater Rule requirements include:

- A. Issuance of a Public Notice to water system customers in accordance with 30 TAC §290.122(a) within 24 hours of being notified of the positive result.
- B. Notification to all consecutive systems served by the well within 24 hours of being notified of the positive result.
- C. Notification to TCEQ Drinking Water Quality Team personnel at 512-239-4691 or GWRdata@tceq.texas.gov within 24 hours of being notified of the positive result.
- D. Implementation of one or more of the Corrective Actions described in 30 TAC §290.116 as indicated by TCEQ Drinking Water Quality Team personnel.

Additionally, the exception may be revoked or the conditions established in the exception letter may be revised.

Information on the Groundwater Rule can be found by calling 512-239-4691 and asking to speak to a member of the Drinking Water Quality Team or at the following website:

http://www.tceq.texas.gov/drinkingwater/microbial/gwr_mam.html

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



RECEIVED

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

TX ADMIN-AUSTIN

October 28, 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 91 7199 9991 7033 3026 0945

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

Re: Notice of Enforcement
B & W Gatherings Wastewater Treatment Facility
RN101518926, TPDES Permit No. WQ0011332001, EPA ID No. TX0062014
CCEDS Investigation No. 1363397

Dear Mr. Laughman:

We have conducted a record review investigation of the self-reported data for the above-referenced permit and noted the following alleged violations.

Alleged Violations

1.	Failure to comply with the permit effluent limit for Total Suspended Solids daily average (mg/L) at Outfall 001A for the monitoring periods ending 03/31/2016 and 04/30/2016.
2.	Failure to comply with other permit effluent limits during the period of 01/2016 through 07/2016.

The Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violations, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

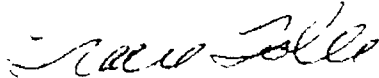
Mr. Robert Laughman
Page 2

Also, if you believe the violations documented in this notice have been cited in error, **and** you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below.

Manager, Water Section
Enforcement Division, MC 219
Re: Enforcement Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Ms. Tennille Thomas of my staff at (512) 239-1269.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracie Tolle".

Ms. Tracie Tolle, Work Leader
Compliance Monitoring Team (MC 224)
Texas Commission on Environmental Quality



Protecting Texas by Reducing and Preventing Pollution

RECEIVED
MAY 26 1966
By _____

Re: Notice of Compliance with Agreed Order
Aqua Utilities, Inc.; RN101518926
Docket No. 2014-0193-MWD-E; Enforcement Case No. 48237

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 August 1, 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 remain on the compliance history for this regulated entity for five years from the effective date of the Order.

Sincerely,

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

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



By M. Mathew
11332-001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 17, 2015

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

RECEIVED

NOV 23 2015

TX ADMIN-AUSTIN

Re: Third Amended Schedule for Compliance with Ordering Provisions
Aqua Utilities, Inc.; RN101518926
Docket No. 2014-0193-MWD-E; Enforcement Case No. 48237
Agreed Order Effective Date: August 1, 2014

Dear Mr. Laughman:

We are in receipt of letters dated August 27, 2015 and October 16, 2015, from Mr. Abel Bautista, which requested an amended schedule for completion of Ordering Provision No. 2 of the above-referenced Agreed Order. Your letter also provided specific reasons for delays.

Based upon the reviewed information, we approve an amended schedule. The new deadline for compliance with Ordering Provision No. 2 is February 29, 2016.

Thank you for your continuing efforts to achieve compliance. If you have any questions, please contact John Shelton of the Enforcement Division staff at (512)239-2563.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Sinclair".

Bryan Sinclair, Director
Enforcement Division

cc: Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Utilities, Inc., 2211
Louetta Road, Spring, Texas 77388
Mr. Scot W. Foltz, Environmental Compliance Manager, 1106 Clayton Lane, Suite 400W,
Austin, Texas, 78723

Mike

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution
March 30, 2015

RECEIVED

MAR 30 2015

TXADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Utilities
1106 Clayton Ln., Ste. 400
Austin, TX 78723

Re: Compliance Evaluation Investigation at:
B & W Gatherings Wastewater Treatment Plant, north of Highcrest Drive and Moss
Downs Drive, near Granite Shoals, Burnet County
Regulated Entity No.: RN101518926, TCEQ ID No.: WQ0011332001,
EPA ID No.: TX0062014

Dear Mr. Foltz:

On February 20, 2015, Ms. Patricia Phillips of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for wastewater treatment. No violations are being alleged as a result of the investigation, however, please see the enclosed Additional Issue.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Stewart".

Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta Rd.,
Spring, TX 77388 (include Attachment)

Attachment: Summary of Investigation Findings

Summary of Investigation Findings

B & W GATHERING WWTP

Investigation #

1227883

Investigation Date: 02/20/2015

, BURNET COUNTY,

Additional ID(s): TX0062014
WQ0011332001

No Violations Associated to this Investigation

ADDITIONAL ISSUES

Description

Is the regulated entity compliant with the self-monitored effluent limitations?

Additional Comments

The permit holder has an active Agreed Order Docket No. 2014-0193-MWD-E for effluent exceedances between 01/2013-08/2013. According to enforcement procedures, self-reported violations that occurred after 08/2013 cannot be included in enforcement action while the technical requirements of the active Agreed Order are still open and compliance has not been certified. The current on-site investigation noted 8 instances of noncompliance with the permit parameters during the review period of December 2013 - January 2015:
TSS Daily Average exceeded for Feb., March, Aug., and Nov. 2014
BOD5-day Daily Average exceeded for June and Aug. 2014
Total Phosphorus Daily Average exceeded for March 2014
Chlorine residual minimum level was not met for April 2014
The permittee is reminded that self-reported effluent violations are subject to enforcement, including penalties, upon review by the Enforcement Division.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 24, 2016

CERTIFIED MAIL #91 7199 9991 7033 2846 0067
RETURN RECEIPT REQUESTED

Mr. Scott Foltz, Manager
Aqua Utilities
1106 Clayton Ln., Ste. 400
Austin, TX 78723

RECEIVED

JUN 27 2016

TX ADMIN-AUSTIN

Re: Notice of Violation for Compliance Evaluation Investigation at:
B&W Gatherings WWTF, Highcrest Dr., Granite Shoals (Burnet County), Texas
TCEQ Additional ID:WQ0011332001, EPA ID No:TX0062014, Investigation No. 1337746

Dear Mr. Foltz:

On June 8, 2016, Michael Daniels of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, an alleged violation was identified for which compliance documentation was required. Based on the information you have provided, the TCEQ has adequate documentation to resolve the alleged violation. Therefore, no further action is required. Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

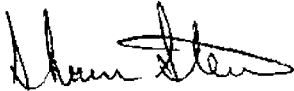
In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at 512-339-2929 or the Central Office Publications Ordering Team at 512-239-0028.

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

Mr. Scott Foltz
Page 2
June 24, 2016

If you or members of your staff have any questions, please feel free to contact Mr. Michael Daniels in the Austin Region Office at 512-339-2929.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Stewart". The signature is fluid and cursive, with a large, stylized "S" at the beginning.

Shawn Stewart
Water Program Work Leader
Austin Region Office

SS/mjd

cc: Mr. Abel Bautista, Compliance Coordinator, Aqua Texas, 2211 Louetta Rd., Spring, TX 77388 (include Summary of Investigation Findings)
Mr. Michael Merka, Supervisor, Aqua Texas, 3209 Hillbilly Ln., Austin, TX 78746 (include Summary of Investigation Findings)

Summary of Investigation Findings

B & W GATHERING WWTP

Investigation #

, BURNET COUNTY,

1337746
Investigation Date: 06/08/2016

Additional ID(s): TX0062014
WQ0011332001

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

Track No: 608358

2D TWC Chapter 26.121(a){1}

Alleged Violation:

Investigation: 1337746

Comment Date: 06/21/2016

Failed to prevent an unauthorized discharge. On March 23, 2016, an estimated 2,000 to 3,000 gallons of wastewater were discharged from the collection system at 1902 Lake Crest Drive into the ditch when a contractor hit the low pressure force main. A portion of the discharge reached Lake LBJ. A fish kill was not observed.

Recommended Corrective Action: Take actions to stop the discharge, repair the leak, clean up the affected area, and report the discharge to the TCEQ.

Resolution: The flow in the low pressure force main was stopped. A dam was built to stop the flow of wastewater into the lake. A vacuum truck recovered approximately 2,000 gallons of wastewater. HTH was spread on the ground to disinfect the affected area. The broken service line was replaced. The TCEQ was notified by telephone and by written report.

ADDITIONAL ISSUES

Description

Is the regulated entity compliant with the self-monitored effluent limitations?

Additional Comments

The TSS daily average limit of 5 mg/L was exceeded in March 2016 (8.63 mg/L) and April 2016 (15 mg/L). The TSS daily average limit of 1.3 lb/day was exceeded in April 2016 (2.26 mg/L). Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

Juan W. Shaw, Ph.D., *Chairman*
Luby Baker, *Commissioner*
Jon Niemi, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 27, 2016

Mr. Robert Laughman
President
Aqua Development, Inc.
2211 Louetta Road
Spring, Texas 77388

Re: TCEQ Enforcement Action
Aqua Development, Inc.
Docket No. 2015-1225-MWD-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 Christopher Bost, the Enforcement Coordinator assigned to this matter, at (512) 239-4575.

Sincerely,

Melissa Cordell

Melissa Cordell
Assistant Division Director
Enforcement Division

Enclosure

cc: Christopher Bost, Enforcement Division
Water Section Manager, Region 11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA DEVELOPMENT, INC.
RN101343035

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

AGREED ORDER
DOCKET NO. 2015-1225-MWD-E

I. JURISDICTION AND STIPULATIONS

On MAY 24 2016, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Development, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

The Respondent owns and operates a wastewater treatment facility located approximately two miles east of the intersection of Farm-to-Market Road 973 and Blake Manor Road in Travis County, Texas (the "Facility").

The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

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.

The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 11, 2015.

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.

- i. An administrative penalty in the amount of Three Thousand Five Hundred One Dollars (\$3,501) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Eight Hundred One Dollars (\$2,801) of the administrative penalty and Seven Hundred Dollars (\$700) 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.
- ii. 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.
- iii. 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).
- iv. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By February 9, 2015:
 - i. Ceased the discharge of wastewater from the Facility's influent filtration;
 - ii. Collected and properly disposed of the discharged wastewater;
 - iii. Remediated the affected areas; and
 - iv. Replaced the defective electrical component in the control panel.
 - b. By June 5, 2015, began ensuring that an operator with a Category B wastewater license operates the Facility in the absence of the Facility's lead operator.
- v. 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.
- vi. 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.
- vii. 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:

failed to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license or a wastewater system operations company holding a valid registration and employing licensed wastewater treatment facility operators holding the appropriate level of license for the Facility, in violation of TEX. WATER CODE § 26.0301(a), 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(i), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014061001, Other Requirements No. 3, as documented during an investigation conducted on May 14, 2015. Specifically, an operator with a Category C wastewater license operated the Facility from November 19, 2014 to November 23, 2014, December 14, 2014 to December 16, 2014; December 24, 2014 to December 27, 2014, and February 11, 2015 to February 13, 2015.

2. Failed to prevent an unauthorized discharge of sewage into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(i) and (g), and TPDES Permit No. WQ0014061001, Permit Conditions No. 2.g and Operational Requirements No. 1, as documented during an investigation conducted on May 14, 2015. Specifically, on February 9, 2015, 500 gallons of wastewater discharged from the influent lift station located at the Facility because of an electrical component failure in the control panel.

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 6 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 Development, Inc., Docket No 2015-1225-MWD-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

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.

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.

4. 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.

5. 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

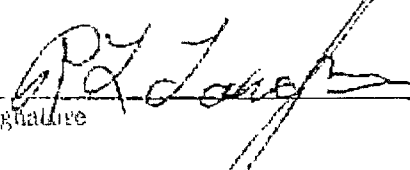
5/24/16
Date

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

1/4/16
Date

ROBERT LAUSHMAN
Name (Printed or typed)
Authorized Representative of
Aqua Development, 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., P.E., *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

June 14, 2016

Mr. Robert Laughman, President
 Aqua Development, Inc.
 2211 Louetta Road
 Spring, Texas 77388


Re: Notice of Compliance with Commission Order
 Aqua Development, Inc.; RN102343035; TPDES Permit No. WQ0014961001
 Docket No. 2015-1225-MWD-E; Enforcement Case No. 51092

Dear Mr. Laughman:

This letter is to inform you that a review of Texas Commission on Environmental Quality records concerning the above-referenced enforcement matter indicates that Aqua Development, Inc. has fulfilled the requirements of the Commission Order ("Order") effective on May 24, 2016. Specifically, Aqua Development, Inc. has paid the administrative penalty assessed in the 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 remain on the compliance history for this regulated entity for five years from the effective date of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Christopher Bost of my staff at (512) 239-4575.

Sincerely,


 Sandy Van Cleave, Manager
 Enforcement Division

cc: Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Development, Inc., 2211 Louetta Road, Spring, Texas 77388
 Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Utilities, 1106 Clayton Lane, Suite 400W, Austin, Texas 78723

COPY

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 10, 2017

RECEIVED

MAR 10 2017

TX ADMIN-AUSTIN

Mr. Robert L. Laughman, President
Aqua Development, Inc.
2211 Louetta Road
Spring, Texas, 77388

Re: Notice of Compliance with Notice of Violation (NOV) dated August 31, 2016:
Briar Creek Wastewater Treatment Facility
Located approximately 2.0 miles east of the intersection of Farin-to-Market Road 973
and Blake Manor Road in Travis County, Texas
RN102343035, TCEQ Additional ID: WQ0014061001, Investigation No. 1356550

Dear Laughman:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Austin Regional Office has received adequate compliance documentation on September 30, 2016 and October 7, 2016 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on August 3, 2016. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Christopher Bost at the Austin Regional Office at (512) 239-7021.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Stewart".

Shawn Stewart
Water Section Manager
Austin Regional Office

SS/CB

cc: Mr. Mike Merka, Field Supervisor, Aqua Development, Inc., 3209 Hillbilly Lane, Austin, Texas, 78746-1707
Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Development, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723
Mr. David Ripley, Operator, Aqua Development, Inc., 3209 Hillbilly Lane, Austin, Texas, 78746-1707
Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Development, Inc., 2211 Louetta Road, Spring, Texas, 77388

COPY

mike

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 31, 2016

RECEIVED

**CERTIFIED MAIL {Certified #91 7199 9991 7033 2858 2066}
RETURN RECEIPT REQUESTED**

TX ADMIN-AUSTIN

Mr. Robert L. Laughman, President
Aqua Development, Inc.
2211 Louetta Road
Spring, Texas, 77388

Re: Notice of Violation for Compliance Evaluation Investigation at:
Briar Creek Wastewater Treatment Facility
Located approximately 2.0 miles east of the intersection of Farm-to-Market Road 973
and Blake Manor Road in Travis County
Regulated Entity No.: RN102343035, TCEQ ID No.: WQ0014061001
EPA ID No.: TX0117315, Investigation No. 1356550

Dear Mr. Laughman:

On August 3, 2016, Mr. Christopher Bost and Mr. Michael Daniels of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as a resolved violation based on subsequent corrective action. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by September 30, 2016 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. Also, several Additional Issues were identified. Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at 512-339-2929 or the Central Office Publications Ordering Team at 512-239-0028.

COPY

Mr. Robert L. Laughman
Page 2
August 31, 2016

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

If you or members of your staff have any questions, please feel free to contact Mr. Christopher Bost in the Austin Region Office at (512) 239-7021.

Sincerely,



Shawn Stewart, Team Leader
Austin Region Office
Texas Commission on Environmental Quality

SS/CB

cc: Mr. Mike Merka, Field Supervisor, Aqua Development, Inc., 3209 Hillbilly Lane, Austin, Texas, 78746-1707 (Enclose a copy of the Summary of Investigation Findings)
Mr. Scot W. Foltz, Environmental Compliance Manager, Aqua Development, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723 (Enclose a copy of the Summary of Investigation Findings)
Mr. David Ripley, Operator, Aqua Development, Inc., 3209 Hillbilly Lane, Austin, Texas, 78746-1707 (Enclose a copy of the Summary of Investigation Findings)
Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Development, Inc., 2211 Louetta Road, Spring, Texas, 77388 (Enclose a copy of the Summary of Investigation Findings)

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

BRIAR CREEK WWTP , TRAVIS COUNTY, Additional ID(s): TX0117315 WQ0014061001	Investigation # 1356550 Investigation Date: 08/03/2016
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OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 616078 Compliance Due Date: 09/30/2016

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.1(a)

PERMIT WQ0014061001, Operational Requirements No. 1

Operational Requirements No. 1

Alleged Violation:

Investigation: 1356550

Comment Date: 08/24/2016

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the third lift station pump for the on-site lift station was out for repairs at the time of the investigation. According to the operator records, the lift station pump had been out for repairs since June 2, 2016.

Recommended Corrective Action: The Facility and all of its systems of collection, treatment, and disposal shall be properly operated and maintained.

On August 23, 2016, an e-mail was received from Mr. Mike Merka, Field Supervisor with Aqua Development, Inc., stating that the third lift station pump has been replaced and that a copy of the invoice for the pump replacement would be sent once it becomes available.

Submit a copy of the invoice reflecting that the third lift station pump has been replaced.

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

Track No: 616079

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

PERMIT WQ0014061001, Permit Conditions No. 2.g

Permit Conditions No. 2.g

Alleged Violation:

Investigation: 1356550

Comment Date: 08/24/2016

Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, on June 3, 2015, the No. 1 discharge check valve at the on-site lift station located at the wastewater treatment facility ("WWTF") hung open due to trash in the valve. The raw wastewater flow circulated back into the wet well when the other pump ran due to the open check valve, causing an overflow from the wet well. Approximately 500 gallons of wastewater spilled and the spill was contained within the confines of the WWTF.

Recommended Corrective Action: There shall be no unauthorized discharge of wastewater.

Submit documentation demonstrating the steps taken to prevent the recurrence of unauthorized discharges of wastewater from the on-site lift station. Submit documentation demonstrating that the affected areas have been properly remediated.

Resolution: According to the non-compliance notification form submitted on June 4, 2015, the

Were the samples collected by the region compliant with the permit limits?	<p>During the investigation, an ammonia-nitrogen grab sample was collected and analyzed. The reported grab sample concentration was 10.5 mg/L. The permitted concentration limit for ammonia-nitrogen single grab samples is 15 mg/L. While the collected ammonia-nitrogen grab sample was compliant with the permitted limit, the grab sample concentration was elevated.</p> <p>Additionally, during the TCEQ investigator's review of the self-reported effluent data from the wastewater treatment facility ("WWTF"), it was noted that the reported ammonia-nitrogen daily average concentration value of 2.15 mg/L for December 2015 exceeded the permitted effluent limit of 2.0 mg/L.</p>
Was the permittee compliant with the self-monitored effluent limits?	<p>It is recommended that Aqua Development, Inc. take measures at the WWTF to ensure that compliance with all permitted effluent limits, including ammonia-nitrogen, is maintained. There have been two self-reported effluent violations reported in the last 12 months. Specifically, the reported E. coli single grab concentration value of 2,420 CFU/100 mL for August 2015 exceeded the permitted limit of 399 CFU/100 mL and the reported ammonia-nitrogen daily average concentration value of 2.15 mg/L for December 2015 exceeded the permitted effluent limit of 2.0 mg/L.</p> <p>To be consistent with current effluent violation handling guidelines, these exceedences were addressed as an Additional Issue in this report. However, these exceedences may be subject to formal enforcement action, including penalties, upon review by the Enforcement Division. Compliance with permitted effluent limits must be maintained.</p>

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 29, 2015

CERTIFIED MAIL 91 7199 9991 7033 2858 9119
RETURN RECEIPT REQUESTED

RECEIVED

JUN 03 2015

TX ADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Texas, Inc.
1106 Clayton Ln., Ste 400W
Austin, TX 78723

Re: Notice of Violation for Compliance Evaluation Investigation at:
Goforth Wastewater Treatment Plant, 5271 Goforth Rd., Kyle, Hays County, Texas
Regulated Entity No.: RN101513729, TCEQ ID No.: WQ0013293001, EPA ID No.:
TX0100684

Dear Mr. Foltz;

On March 31 and April 01, 2015, Ms. Patricia Phillips of the Texas Commission on Environmental Quality (TCEQ Austin Region Office) conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. In addition, an outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by June 29, 2015 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at (512) 339-2929 or the Central Office Publications Ordering Team at 512-239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Austin Region Office within 10 days from the date of this letter. At that time, Ms. Carolyn Runyon,

Mr. Scot Foltz
Page 2
May 29, 2015

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

If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,



Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Mr. Abel Bautista, Aqua Texas, Inc., 2211 Louetta Rd., Spring, TX 77388 (Include Enclosure)
Mr. Robert "Brian" Robinson, Field Supervisor, Wimberley Area, Aqua Texas, Inc., 2611 FM 2325, Wimberley, TX 78676 (Include Enclosure)

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

GOFORTH WWTP

5271 GOFORTH RD
KYLE, HAYS COUNTY, TX 78640

Additional ID(s): WQ0013293001
TX0100684

Investigation #

1245661

Investigation Date: 03/31/2015

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

Track No: 571234 Compliance Due Date: 06/29/2015

30 TAC Chapter 305.125(1)

PERMIT WQ0013293001, Effluent Limit
pg. 2 of permit

Alleged Violation:

Investigation: 1245661

Comment Date: 05/22/2015

Failed to maintain compliance with the permitted effluent limit for E. Coli. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of 126 MPN/100 mL for E. Coli. The lab analysis result for the E. Coli sample was 727 MPN/100 mL. The permittee was notified by email of the exceedance on 04/16/2015. The lab analysis and emailed notification of the exceedance are attached to this report.

Recommended Corrective Action: Compliance with the permitted effluent limits must be maintained. Submit documentation describing the action taken to prevent the recurrence of E. Coli violations by the compliance due date.

ADDITIONAL ISSUES

Description

Is the regulated entity compliant with the self-monitored effluent limitations?

Additional Comments

Failed to maintain the effluent within the permitted limit for E. coli. On 12/17/2014, the E. coli was reported as 1,011 MPN/100 mL. The permitted limit for a single grab is 394 MPN/100 mL. Proper notification was received by TCEQ for this exceedance. Self-reported effluent violations may be subject to enforcement, including penalties, upon review by the Enforcement Division.

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



J. for 1/1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution **RECEIVED**

December 13, 2016

TX ADMIN-AUSTIN

FIRST CLASS MAIL

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

RE: Aqua Utilities, Inc.
TCEQ Docket No. 2015-1474-MWD-E; Permit No. WQ0013293001
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,

Bridget C. Bohac

Bridget C. Bohac
Chief Clerk

BCB/lg

Enclosure

cc: Farhaud Abbaszadeh, Enforcement Coordinator, TCEQ Enforcement Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DEC 13 2016



OF THE COMMISSION GIVEN UNDER MY HAND AND THE
SEAL OF OFFICE ON

Bridget C. Bohan
BRIDGET C. BOHAN, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN101513729

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

AGREED ORDER
DOCKET NO. 2015-1474-MWD-E

At its DEC 07 2016 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. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have 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 a wastewater treatment facility located approximately four miles southeast of the intersection of Interstate Highway 35 and Farm-to-Market Road 2001

and five miles north of the intersection of State Highway 21 and Farm-to-Market Road 272 in Hays County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on August 13, 2015, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

Effluent Violation Table						
Monitoring Period	Chlorine Residual Maximum Limit = 4.0 mg/L	Total Suspended Solids Daily Avg. Concentration Limit = 15 mg/L	<i>Escherichia coli</i> Single Grab Concentration Limit = 394 CFU/100 mL	Ammonia Nitrogen Daily Avg. Concentration Limit = 3 mg/L	Ammonia Nitrogen Daily Avg. Loading Limit = 1.1 lbs/day	Flow Daily Avg. Limit = 0.0424 MGD
December 2014	c	c	1011	c	c	c
March 2015	c	c	c	5.11	22.1	c
April 2015	4.3	19.5	1040	4.65	16.6	c
May 2015	c	c	1986	c	c	0.054

CFU/100 mL = colony forming units per 100 milliliters
 Avg. = average
 mg/L = milligrams per liter

MGD = million gallons per day
 lbs/day = pounds per day
 c = compliant

4. The Respondent received notice of the violations on September 14, 2015.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013293001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. Pursuant to TEX. WATER CODE § 7.051, 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 Ten Thousand Three Hundred Twelve Dollars (\$10,312) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Ten Thousand Three Hundred Twelve Dollar (\$10,312) 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 Ten Thousand Three Hundred Twelve Dollars (\$10,312) 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. 2015-1474-MWD-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, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013293001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. 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:

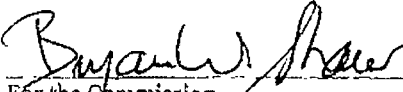
Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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.
6. 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.
7. 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.

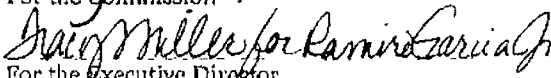
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. 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.
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


For the Commission

12-9-16
Date


For the Executive Director

10-14-16
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.


Signature

12/8/15
Date


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 II, 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*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 10, 2015

RECEIVED

DEC 14 2015

TX ADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Texas, Inc.
1106 Clayton Ln., Ste 400W
Austin, TX 78723

Re: Notice of Compliance with Notice of Violation (NOV) dated May 29, 2015
Goforth Wastewater Treatment Plant,
5271 Goforth Rd., Kyle, Hays County
Regulated Entity No.: RN101513729, TCEQ Additional ID No.: WQ0013293001,
Investigation No. 1245661

Dear Mr. Foltz:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Austin Regional Office has received adequate compliance documentation on November 19, 2015 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on March 31 and April 01, 2015. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Stewart".

Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Mr. Abel Bautista, Aqua Texas, Inc., 2211 Louetta Rd., Spring, TX 77388 (Include Enclosure)
Mr. Robert "Brian" Robinson, Field Supervisor, Wimberley Area, Aqua Texas, Inc., 2611 FM 2325, Wimberley, TX 78676 (Include Enclosure)

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

GOFORTH WWTP

5271 GOFORTH RD

KYLE, HAYS COUNTY, TX 78640

Investigation #

1295845

Investigation Date: 12/04/2015

Additional ID(s): WQ0013293001
TX0100684

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 571234

30 TAC Chapter 305.125(1)

PERMIT WQ0013293001, Effluent Limit

pg. 2 of permit

Alleged Violation:

Investigation: 1245661

Comment Date: 05/22/2015

Failed to maintain compliance with the permitted effluent limit for E. Coli. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of 126 MPN/100 mL for E. Coli. The lab analysis result for the E. Coli sample was 727 MPN/100 mL. The permittee was notified by email of the exceedance on 04/16/2015. The lab analysis and emailed notification of the exceedance are attached to this report.

Investigation: 1275174

Comment Date: 10/27/2015

A follow-up investigation was conducted on 08/27/2015 to determine the compliance status of this alleged violation. On 07/02/2015, TCEQ Region 11 received a response from the permit holder which indicated that a vertical pipe would be installed with a line inside the pipe that dispenses chlorine into the water as it flows into the chlorine contact chamber from the clarifier to maximize the contact with the chlorine. However, there has been no indication of whether this action was done or not. Since no documentation has been received to demonstrate that compliance has been achieved, the RE has been issued a Compliance Documentation Deficiency letter. Please submit to the Region 11 office a written description of corrective action taken and any documentation supporting such actions by 11/13/2015.

Investigation: 1295845

Comment Date: 12/04/2015

A follow-up investigation was conducted on 12/04/2015 to determine the compliance status of this alleged violation.

Recommended Corrective Action: Compliance with the permitted effluent limits must be maintained. Submit documentation describing the action taken to prevent the recurrence of E. Coli violations by the compliance due date.

Resolution: The documentation submitted on 11/19/2015 stated that a vertical pipe has been installed with a line inside the pipe that dispenses chlorine into the water as it flows into the chlorine contact chamber from the clarifier to maximize the contact with the chlorine. The RE provided a photograph of the installed pipe and an invoice showing purchase and installation charges (see Attachment). The actions are sufficient to resolve the violation.

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



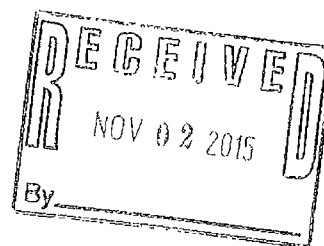
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 29, 2015

CERTIFIED MAIL 91 7199 9991 7033 2858 9423
RETURN RECEIPT REQUESTED

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Texas, Inc.
1106 Clayton Ln., Ste 400W
Austin, TX 78723



Re: Additional Compliance Documentation Needed for:
Notice of Violation for Compliance Evaluation Investigation at:
Goforth Wastewater Treatment Plant, 5271 Goforth Rd., Kyle, Hays County, Texas
Regulated Entity No.: RN101513729, TCEQ ID No.: WQ0013293001, EPA ID No.:
TX0100684

Dear Mr. Foltz;

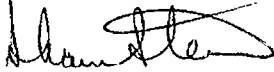
The Texas Commission on Environmental Quality (TCEQ) Austin Region Office has received the compliance documentation that you submitted on July 02, 2015, for the alleged violations noted during the investigation of the above-referenced facility conducted on March 31, 2015. The compliance documentation contained in your response indicated that a vertical pipe would be installed with a line inside the pipe that dispenses chlorine into the water as it flows into the chlorine contact chamber from the clarifier to maximize the contact with the chlorine. There was no indication that this action had been taken or that it resolved the noncompliance issue. Therefore, information is still needed for the alleged violation listed in the enclosed summary. Please submit to our office by November 13, 2015, a written description of corrective action taken and the required compliance documentation demonstrating that the alleged violation has been resolved.

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

Mr. Scot Foltz
Page 2
October 29, 2015

If you or members of your staff have any questions, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,



Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Mr. Abel Bautista, Aqua Texas, Inc., 2211 Louetta Rd., Spring, TX 77388 (Include Enclosure)
Mr. Robert "Brian" Robinson, Field Supervisor, Wimberley Area, Aqua Texas, Inc., 2611 FM 2325, Wimberley, TX 78676 (Include Enclosure)

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

GOFORTH WWTP

5271 GOFORTH RD

KYLE, HAYS COUNTY, TX 78640

Additional ID(s): WQ0013293001
TX0100684

Investigation #

1275174

Investigation Date: 10/27/2015

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 571234 Compliance Due Date: 11/13/2015

30 TAC Chapter 305.125(1)

PERMIT WQ0013293001, Effluent Limit

pg. 2 of permit

Alleged Violation:

Investigation: 1245661

Comment Date: 05/22/2015

Failed to maintain compliance with the permitted effluent limit for E. Coli. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of 126 MPN/100 mL for E. Coli. The lab analysis result for the E. Coli sample was 727 MPN/100 mL. The permittee was notified by email of the exceedance on 04/16/2015. The lab analysis and emailed notification of the exceedance are attached to this report.

Investigation: 1275174

Comment Date: 10/27/2015

A follow-up investigation was conducted on 08/27/2015 to determine the compliance status of this alleged violation. On 07/02/2015, TCEQ Region 11 received a response from the permit holder which indicated that a vertical pipe would be installed with a line inside the pipe that dispenses chlorine into the water as it flows into the chlorine contact chamber from the clarifier to maximize the contact with the chlorine. However, there has been no indication of whether this action was done or not. Since no documentation has been received to demonstrate that compliance has been achieved, the RE has been issued a Compliance Documentation Deficiency letter. Please submit to the Region 11 office a written description of corrective action taken and any documentation supporting such actions by 11/13/2015.

Recommended Corrective Action: Compliance with the permitted effluent limits must be maintained. Submit documentation describing the action taken to prevent the recurrence of E. Coli violations by the compliance due date.

Shaw & Baker WWTP

Bryan W. Shaw, Ph.D., P.E., *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

December 16, 2016

RECEIVED

DEC 21 2016

TX ADMIN-AUSTIN

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

Re: Notice of Compliance with Agreed Order
Aqua Utilities, Inc.; RN102956448
Docket No. 2012-0858-MWD-E; Enforcement Case No. 44025

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 March 9, 2013. 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 remain on the compliance history for this regulated entity for five years from the effective date 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,

A handwritten signature in blue ink that reads "Lynley Doyen".

Lynley Doyen, Manager
Enforcement Division

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

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 31, 2016

RECEIVED

CERTIFIED MAIL Certified # 91 7199 9991 7033 2764 4222
RETURN RECEIPT REQUESTED

5 13 2016

TX ADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Utilities
1106 Clayton Lane, Suite 400
Austin, TX 78723

Re: Notice of Enforcement for TCEQ Wastewater Compliance Evaluation Investigation at:
Woodcreek WWTP, S/SE of FM 2325 and Jacob's Well Road, 4 miles north of
Wimberley (Hays County), Texas
TCEQ Permit #WQ0013989001, Investigation #1364693

Dear Mr. Foltz:

On August 22 and September 2, 2016, Ms. Julie White of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. During this investigation, certain outstanding alleged violations were documented. Enclosed is a summary which lists the investigation findings and recommended corrective actions. Additional recommended corrective actions may be provided by the Enforcement Division.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at Phone #(512)-339-2929 or the Central Office Publications Ordering Team at 512-239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

Also, please be advised that the Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violations, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

Mr. Foltz
Page 2
October 31, 2016

The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Also, if you believe the violations documented in this notice have been cited in error, **and** you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below.

Manager, Water Section
Enforcement Division, MC 219
Re: Enforcement Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Ms. White in the Austin Region Office at (512) 339-2929.

Sincerely,



Shawn Stewart
Water Section Team Leader
Austin Region Office
Texas Commission on Environmental Quality

SS/jkpw

Attachment: Summary of Investigation Findings

Cc: Mr. Brian Robinson, 2611 FM 2325, Wimberley, TX 78676

Summary of Investigation Findings

WOODCREEK WWTP

Investigation #

1364693

Investigation Date: 08/22/2016

, HAYS COUNTY,

Additional ID(s): WQ0013989001

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

Track No: 621058 Compliance Due Date: To Be Determined

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.125(4)

PERMIT WQ0013989001, Permit Conditions

Page 9, Item 2.g

Alleged Violation:

Investigation: 1364693

Comment Date: 10/26/2016

Failed to prevent the unauthorized discharge of wastewater. Specifically, since the last investigation on January 27, 2015, twelve unauthorized discharges were reported.

1/30/2015 Unknown amount from electrical failure at Pro Lane Lift Station

2/11/2015 Approximately 1000 gallons from a line break at Ranchview Lift Station

3/31/2015 Approximately 3000 gallons from a line break on Dolittle Drive

5/03/2015 Approximately 200 gallons from a line break at 10 Woodglen

9/04/2015 Approximately 200 gallons from a pump failure at Brookshire Lift Station

10/30/2015 Approximately 40,000 from a power outage at Pro Lane Lift Station

11/19/2015 Approximately 300 gallons from a line break 300' east of FM2325

11/22/2015 Approximately 2000 gallons from a pump failure at Pro Lane Lift Station

12/31/2015 Approximately 3000 gallons from a line break at Pro Lane Lift Station

1/20/2016 Approximately 16,000 gallons from a line break on Camp Young Judea property

2/08/2016 Approximately 1000 gallons from a pump failure at Emergency Lane Lift Station

7/15/2016 Approximately 500 gallons from a pump failure at High School Lift Station (Carney Lane & FM2325)

Among the unauthorized discharges cited during the January 27, 2015 investigation, there were four discharges at the High School Lift Station (Carney Lane and FM 2325) and two on Dolittle Drive. During the current investigation, there was one unauthorized discharge at the High School Lift Station and one on Dolittle Drive. The High School Lift Station violations were repeat occurrences at the same location within consecutive investigations within the most recent 5-year period. The Dolittle Drive violations were at the same location and similar root cause within consecutive investigations within the most recent 5-year period.

Recommended Corrective Action: There shall be no unauthorized discharge of wastewater

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

Track No: 621076

30 TAC Chapter 305.125(1)

30 TAC Chapter 317.3(e)(5)

Alleged Violation:

Investigation: 1364693

Comment Date: 10/17/2016

Failed to properly maintain the lift station. The SCADA system did not function during the July 16, 2016 discharge event. The system was still out for repairs at the time of the September 2, 2016 investigation; therefore, a telemetry system was not in operation.

Recommended Corrective Action: Submit documentation indicating that the SCADA system has been repaired.

Resolution: On October 25, 2016, the TCEQ Austin Region received documentation indicating that a new SCADA system was installed at the lift station.

ADDITIONAL ISSUES

Description

Item 3

Additional Comments

During the investigation of the wet well, one of the floats was caught causing the pump to run continuously. Mr. Robinson fixed the line during the investigation. There was a thick layer of foam on the top of the water within the wet well. Mr. Robinson informed the investigator that the wet well has to be pumped once a week due to the foam. The foam causes a crust to form on top of the water causing issues with the floats. Mr. Robinson stated that the source of the foam is being investigated.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 23, 2015

RECEIVED

MAR 25 2015

CERTIFIED MAIL 91 7199 9991 7033 2858 9461
RETURN RECEIPT REQUESTED

TX ADMIN-AUSTIN

Mr. Scot Foltz, Environmental Compliance Manager
Aqua Utilities
1106 Clayton Ln., Ste. 400
Austin, TX 78723

Re: Notice of Violation for Compliance Evaluation Investigation at:
Woodcreek Wastewater Treatment Facility, located S/SE of FM 2325 and Jacob's Well
Road, approximately 4 miles N of Wimberley, Hays County
Regulated Entity No. RN102956448, TCEQ ID No. WQ0013989001

Dear Mr. Foltz;

On January 27, 2015, Ms. Patricia Phillips of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. The TCEQ Austin Regional Office has received adequate compliance documentation on January 27, 2015, to resolve the alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at (512) 339-2929 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Austin Region Office within 10 days from the date of this letter. At that time, Program Manager Ms. Carolyn Runyon will schedule a violation review

Mr. Foltz
Page 2
March 23, 2015

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

If you or members of your staff have any questions, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,

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

Shawn Stewart
Water Section Work Leader
Austin Region Office

SS/pjp

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta Rd.,
Spring, TX 77388 (include Attachment)

Attachment: Summary of Investigation Findings

Summary of Investigation Findings

WOODCREEK WWTP

Investigation #

1224085

Investigation Date: 01/27/2015

, HAYS COUNTY,

Additional ID(s): WQ0013989001

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

Track No: 564577

2D TWC Chapter 26.121(a)
2D TWC Chapter 26.121(a)(1)
2D TWC Chapter 26.121(a)(3)
2D TWC Chapter 26.121(b)
2D TWC Chapter 26.121(c)
2D TWC Chapter 26.121(d)
2D TWC Chapter 26.121(e)
30 TAC Chapter 305.125(4)
30 TAC Chapter 305.125(5)
TWC Chapter 26.121
TWC Chapter 26.121(a)(2)

PERMIT WQ0013989001, Permit Conditions, Pg. 9, No. 2(g)

Alleged Violation:

Investigation: 1224085

Comment Date: 03/16/2015

Failed to prevent the unauthorized discharge of wastewater. Specifically, during the 18 months preceding the investigation, 13 unauthorized discharges were reported.

09/21/2013 Approximately 3,000 gallons at Camp Young Judea
09/21/2013 Approximately 500 gallons at Lift Station on Cashes Lane
10/13/2013 Approximately 2,000 gallons Lift Station at Woodacre and Pleasant Valley
11/23/2013 Approximately 5,000 gallons at Doolittle Drive
12/13/2013 Approximately 1,000 gallons at Doolittle Drive
01/14/2014 Approximately 500 gallons at 10 Elmwood
02/05/2014 Approximately 5,000 gallons manhole at Woodacre and Pleasant Valley
03/19/2014 Approximately 5,000 gallons at Camp Young Judea
06/08/2014 Approximately 1,500 gallons manhole at Woodacre and Pleasant Valley
07/07/2014 Approximately 200 gallons manhole at Woodacre and Pleasant Valley
07/25/2014 Approximately 1,000 gallons manhole near FM 2325 and Carney Lane
07/26/2014 Approximately 1,000 gallons manhole near FM 2325 and Carney Lane
07/31/2014 Approximately 1,000 gallons manhole near FM 2325 and Carney Lane

In each instance, the proper notification was submitted to TCEQ indicating appropriate actions were taken to remedy each unauthorized discharge. The permit holder discussed the maintenance that has been on-going within the collection system. Numerous issues have been the focus of the permittee's efforts including conducting a manhole survey and outreach projects aimed at getting grinder pumps owned by homeowners properly maintained. The permittee has had no incidents since August 2014.

Recommended Corrective Action: There shall be no unauthorized discharge of wastewater or any other waste into or adjacent to waters of the state. In each case, the permittee has submitted documentation showing that the discharges were properly addressed.

Resolution: The permittee reportedly replaced numerous sections of line and repaired/replaced the electrical parts that caused issues. Since there have been no further incidents within the collections system since August, the violation is resolved.

Application to Amend Aqua Texas, Inc., CCN No. 13254 (Blue Medina)

Proposed Water CCN area for transfer is **within**:

County – Bandera

GCD – Bandera County River Authority & Ground Water District

Districts – Bandera County River Authority & Ground Water District

Bandera County River Authority- Dormant/Unknown-No Activity

City Limits – None

ETJ – None

Entities within 2 Miles/Notice list:

The Falls WSC (CCN 12988)

Monarch Utilities (CCN 12983)

Bandera County River Authority & Ground Water District (District 1195500)

Bandera County River Authority (District 1195000) – Dormant/Unknown-No Activity

Bandera County

Addresses for Notice List

The Falls WSC
PO Box 63074
Pipe Creek, TX 78063

Monarch Utilities
12535 Reed Road
Sugar Land, TX 77478

Bandera County River Authority & Ground Water District
PO Box 177
Bandera, TX 78003

Bandera County River Authority
PO Box 315
Bandera, TX 78003

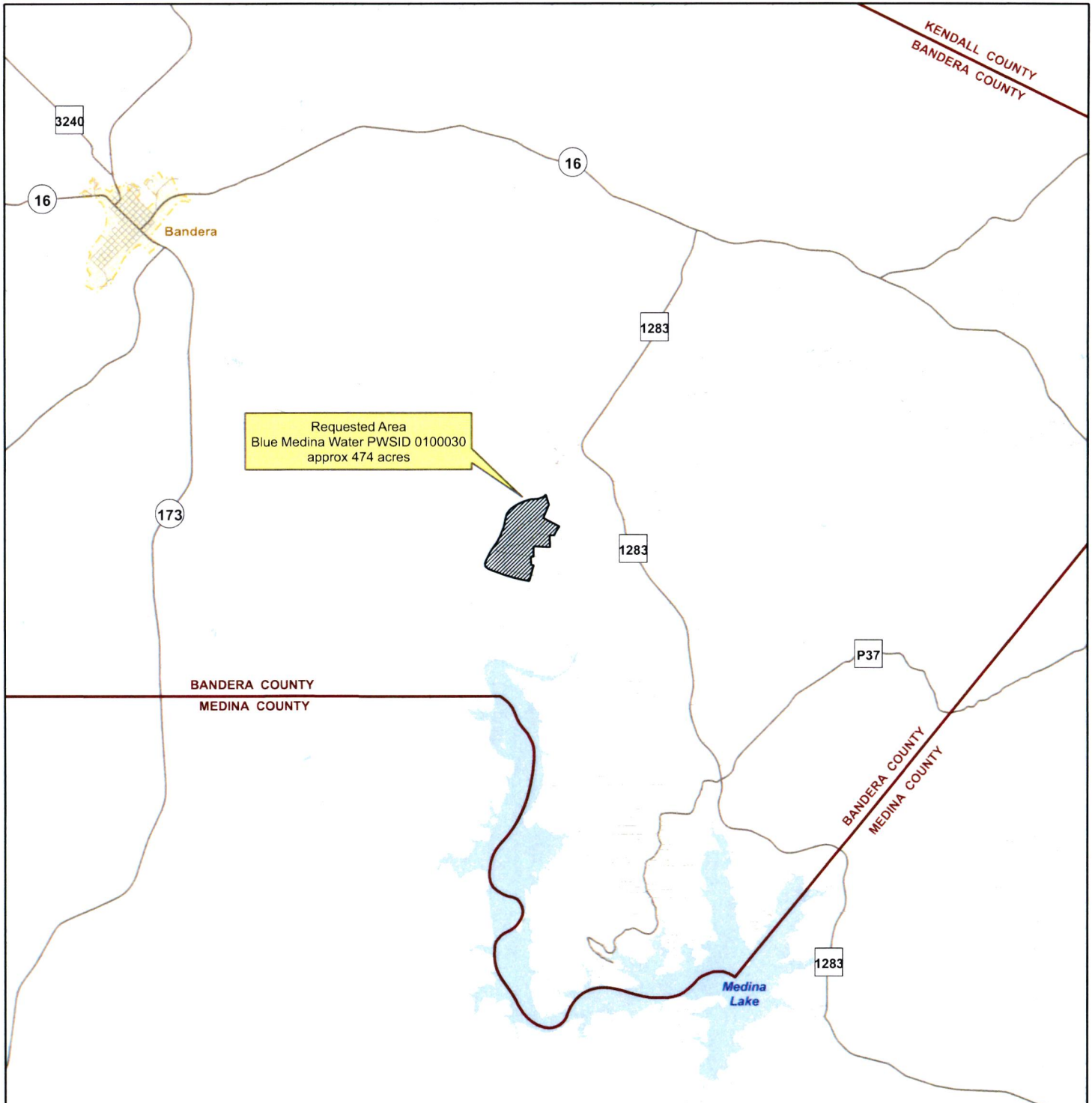
Bandera County – The Honorable Judge Richard Evans
PO Box 877
Bandera, TX 78003

Region	Supervisor	Name	Certifications	Water Certification Number	Wastewater Certification Number	Other
CTX	McDaniel	Angelia Griffin	Wastewater Collections - II - Texas Commission on Environmental Quality Water Operator - Class C - Texas Commission on Environmental Quality	WG0007624	WW0016932	
CTX	McDaniel	Jess Erlund	Wastewater Operator - Class D - Texas Commission on Environmental Quality Water Operator - Class B - Texas Commission on Environmental Quality	WG0008236	WW0040186	CSIOL CI0004195
CTX	McDaniel	Riley Rector	Water Operator - Class C - Texas Commission on Environmental Quality	WG0008445		
CTX	McDaniel	James Laing	Water Operator - Class B - Texas Commission on Environmental Quality	WG0009906		
CTX	McDaniel	Milton Turner	Water Operator - Class D - Texas Commission on Environmental Quality	WO0041105		
CTX	McDaniel	Terre Davila	Water Operator - Class C - Texas Commission on Environmental Quality Wastewater Operator - Class C - Texas Commission on Environmental Quality	WG0015840	WW0057722	Surface WS0011463
CTX	Reeh	Brian Tolle	Wastewater Operator - Class C - Texas Commission on Environmental Quality (Surface Water - Class C - Texas Commission on Environmental Quality)	Surface Water - WS0007635	WW0027404	
CTX	Reeh	Jeremy McDaniel	Wastewater Operator - Class B - Texas Commission on Environmental Quality Water Operator - Class A - Texas Commission on Environmental Quality	WO0041806	WW0054201	BPATOL BP0016897 CSIOL CI0008330
CTX	Reeh	Robert Robinson	Wastewater Operator - Class A - Texas Commission on Environmental Quality Water Operator - Class A - Texas Commission on Environmental Quality	WO0027858	WW0038944	
CTX	Rimann	Brent Reeh	Wastewater Operator - Class C - Texas Commission on Environmental Quality (Surface Water - Class B - Texas Commission on Environmental Quality)	Surface Water - WS0002191	WW0029925	
CTX	Robinson	David Kneese	Water Operator - Class C - Texas Commission on Environmental Quality	WG0013075	WW0044846	
CTX	Robinson	David Spivey	Water Operator - Class C - Texas Commission on Environmental Quality Water Operator - Class C - Texas Commission on Environmental Quality	WG0004020	WW0007417	
CTX	Robinson	Jason Myers	Wastewater Operator - Class C - Texas Commission on Environmental Quality Water Operator - Class C - Texas Commission on Environmental Quality	WG0011225	WW0044587	
CTX	Robinson	Joshua Snow	Wastewater Operator - Class C - Texas Commission on Environmental Quality	WS0007796	WW0034536	

Att.

13

Region	Supervisor	Name	Certifications	Water Certification Number	Wastewater Certification Number	Other
CTX	Tolle	David Ripley	Wastewater Operator - Class A - Texas Commission on Environmental Quality	WO0014485	WW0006745	
CTX	Tolle	Larry Black	Water Operator - Class B - Texas Commission on Environmental Quality	WS0009904	WW0049686	
CTX	Tolle	Larry Strawther	Water Operator - Class B - Texas Commission on Environmental Quality Water Operator - Class B - Texas Commission on Environmental Quality	WS0004074 / WG0004291	WW0008139	
CTX	Tolle	Brad Crafts	Water Operator - Class C - Texas Commission on Environmental Quality	WS0001994		
CTX	Tolle	Fred Noe	Water Operator - Class B - Texas Commission on Environmental Quality	WS0011837		
CTX	Tolle	Stephen Webre	Water Operator - Class D - Texas Commission on Environmental Quality	WO0034816	WW0061850	
CTX	Robinson	Frank Herrada	Water Operator - Class B (Groundwater) - Texas Commission on Environmental Quality Water Operator - Class C (Surface Water) - Texas Commission on Environmental Quality Wastewater Operator - Class B - Texas Commission on Environmental Quality	WG0013524 WS0010198	WW0048030	
CTX	Robinson	Michael Marine	Water Operator - Class C - Texas Commission on Environmental Quality Water Operator - Class C - Texas Commission on Environmental Quality	WG0014789	WW0017138	



General Location Map

Aqua Texas, Inc.
Proposed Amendment to Water CCN No. 13254
Approximately 474 acres in Bandera County

Att.
14

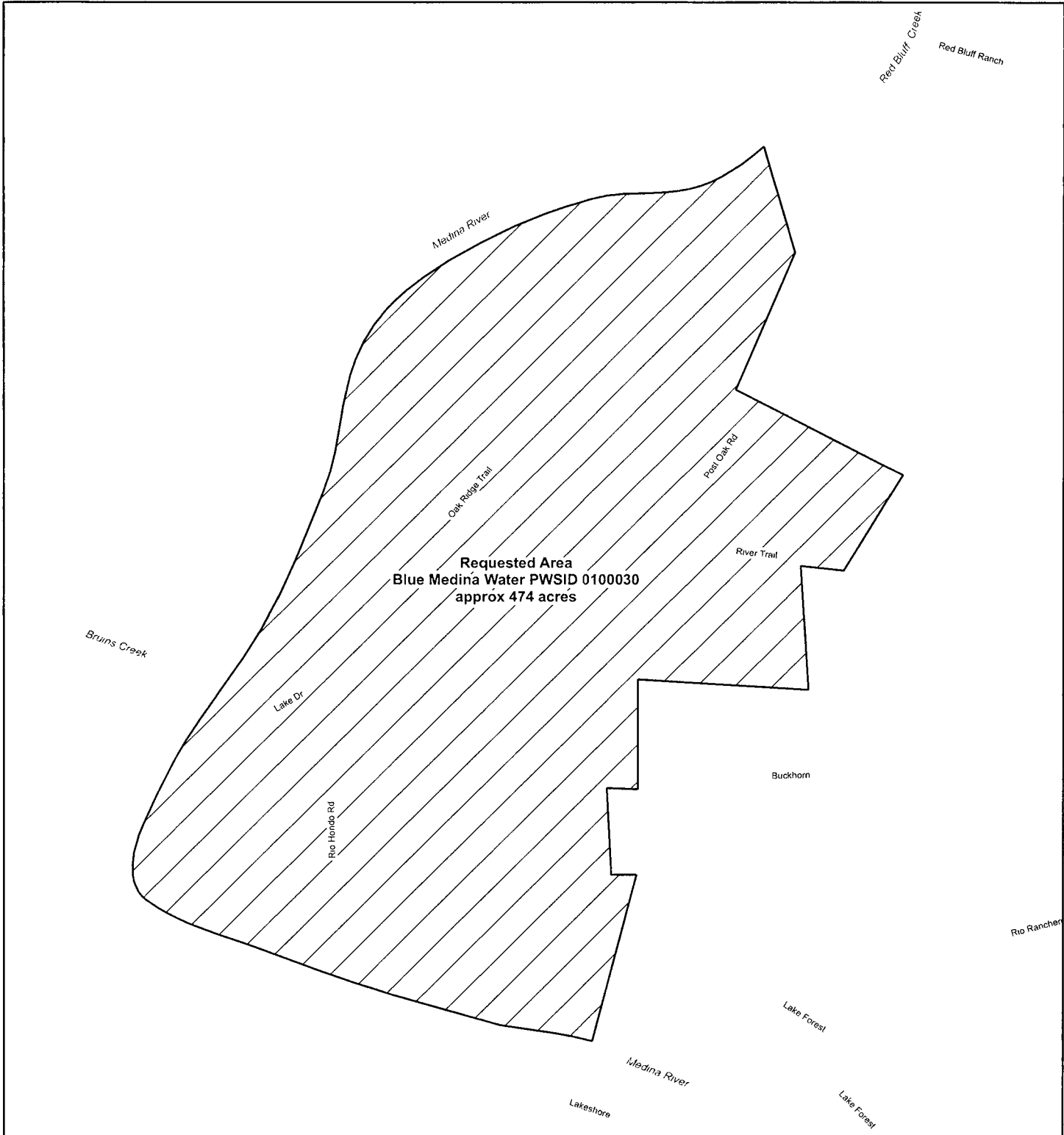


0 1 2 Miles



Requested Water CCN Service Area

Map by: S. Burt, ASBGI
Date: April 14, 2020
Base: TxDOT 2015 Roadways
Project: Bandera County Gen Location



Large Scale Map

Aqua Texas, Inc.
Proposed Amendment to Water CCN No. 13254
Approximately 474 acres in Bandera County

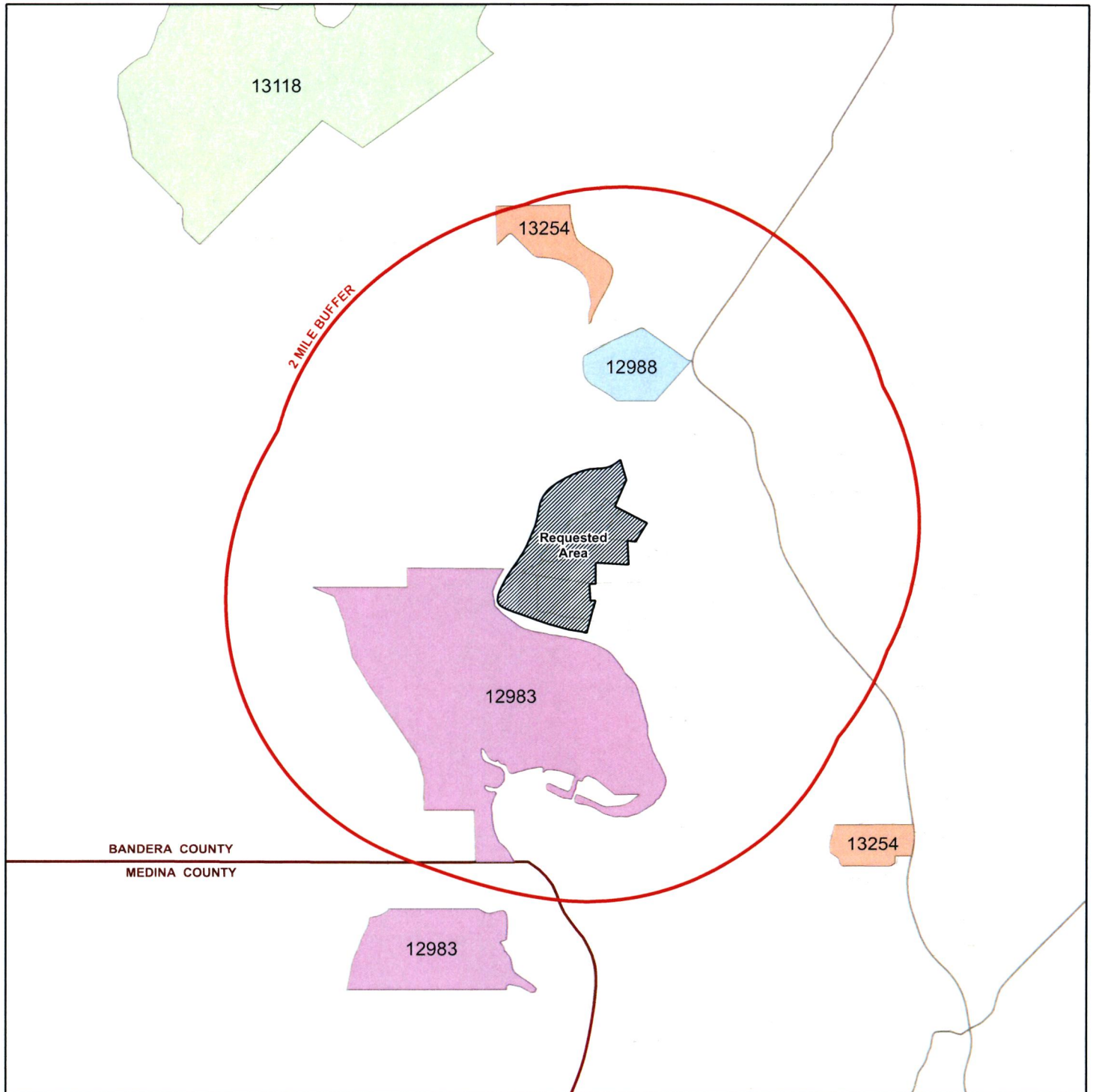


0 600 1,200 Feet



Requested Water CCN Service Area

Map by: S. Burt, ASBGI
Base: TxDOT 2015 Roadways
Date: April 14, 2020
Project: Blue Medina Large Scale



2 Mile Buffer - CCNs

Aqua Texas, Inc.
 Proposed Amendment to Water CCN No. 13254
 Approximately 474 acres in Bandera County



0 0.5 1 Miles

- 2 Mile Buffer
- Requested Water CCN Area

Water CCNs within 2 Miles

- 13254 - Aqua Texas, Inc.
- 12983 - Monarch Utilities I LP
- 12988 - The Falls WSC

Map by: S. Burt, ASBGI
 Date: April 14, 2020
 Project: Buffer with CCNs