



Control Number: 51632



Item Number: 10

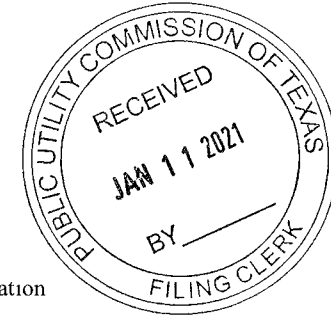
Addendum StartPage: 0

DOCKET NO. 51632

APPLICATION OF TERRA
SOUTHWEST, INC. AND UNDINE
TEXAS, LLC FOR SALE, TRANSFER,
OR MERGER OF FACILITIES AND
CERTIFICATE RIGHTS IN DENTON
COUNTY

§
§
§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS



APPLICANTS' SUPPLEMENTAL INFORMATION TO THE APPLICATION

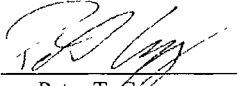
TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

On December 16, 2020, Undine Texas, LLC and Terra Southwest, Inc. filed an application for sale, transfer, or merger of facilities and certificate rights. Commission Staff has requested additional information from Applicants in support of the Application. Attached as Exhibit A is the Compliance Investigation Report for PWS 0610112 and attached as Exhibit B is the Compliance Investigation Report for PWS 0610161.

Respectfully submitted,

DuBois, Bryant & Campbell, LLP

By: _____


Peter T. Gregg
State Bar No 00784174
303 Colorado, Suite 2300
Austin, Texas 78701
pgregg@dbcllp.com
(512) 457-8000
(512) 457-8008 (fax)

Attorneys for Undine Texas, LLC

CERTIFICATE OF SERVICE

I certify by my signature above that a true and correct copy of the foregoing document was served by email on this the 11th day of January 2021, to:

Creighton R. McMurray
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
creighton.memurray@puc.texas.gov

EXHIBIT A

Compliance Investigation Report for PWS 0610112



0000-0000-0028-5123

Document Control Sheet

Sheet Title:	PWS - AR
Box ID:	8724
Control Sheet ID:	0000-0000-0028-5123
Record Series Name:	WS / Public Water Supply
Record Series:	PWS
Primary ID:	0610112
Secondary ID:	
Doc Type:	Compliance
Security:	Public
Date:	2/1/2019 12:00AM
Title:	Investigation
Tertiary ID	



PWS_0610112_CP_20190201_in

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 1, 2019

E SIGNATURE CONFIRMATION # 9134 9690 0935 0021 2503 12

Mr. Jim Presley, Owner
Terra Southwest Incorporated
P.O. Box 140
Alvord, Texas 76225

Re: Notice of Violation for Public Water Supply Complaint Investigation at:
Hilltown Addition, Greenwood Drive, Oak Point, Denton County, Texas
RN 101242915, PWS ID No. 0610112, Incident No. 298791, Investigation No. 1532959

RECEIVED
FEB 20 2019
TCEQ
CENTRAL FILE ROOM

Dear Mr. Presley:

On December 11, 2018, Mr. Eric Leigh of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **March 4, 2019**, written descriptions of corrective actions taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Regional Office at (817) 588-5800 or the Central Office Publications Ordering Team at 512-239-0028.

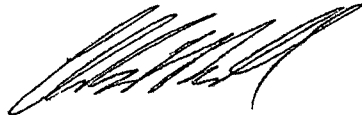
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the D/FW Regional Office within 10 days from the date of this letter. At that time, Mr. Jeff Tate, 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

Mr. Jim Presley, Owner
Page 2
February 1, 2019

to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Leigh in the D/FW Regional Office at (817) 588-5815.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Marshall', written in a cursive style.

Charles Marshall
Team Leader, Public Water Supply Program
D/FW Regional Office

CM/el

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

HILLTOWN ADDITION	Investigation # 1532959
, DENTON COUNTY,	Investigation Date: 12/11/2018
Additional ID(s): 0610112	

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

Track No: 703248 Compliance Due Date: 03/04/2019

30 TAC Chapter 290.46(f)(2)
30 TAC Chapter 290.46(f)(3)(A)(iii)

Alleged Violation:

Investigation: 1532959

Comment Date: 01/22/2019

Failure to provide customer complaint records.

After a complaint investigation conducted on December 11, 2018, the past three months of Hilltown Addition's customer complaint records were requested from the water system but never provided.

30 Texas Administrative Code (TAC) 290.46(f)(2) states that "The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request."

30 TAC 290.46(f)(3)(A)(iii) states "the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation;"

Recommended Corrective Action: Provide three months of past customer complaint records starting from December 7, 2018 and back, to the DFW Regional Office to resolve the alleged violation.

Track No: 703250 Compliance Due Date: 03/04/2019

30 TAC Chapter 290.46(f)(2)
30 TAC Chapter 290.46(f)(3)(B)(iii)

Alleged Violation:

Investigation: 1532959

Comment Date: 01/22/2019

Failure to provide daily disinfectant residuals records.

After a complaint investigation conducted on December 11, 2018, the past three months of Hilltown Addition's daily disinfectant residuals records were requested from the water system but never provided.

30 TAC 290.46(f)(2) states that "The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request."

30 TAC 2910.46(f)(3)(B)(iii) states that "The following records shall be retained for at least three years: the disinfectant residual monitoring results from the distribution system;"

Recommended Corrective Action: Provide three months of past disinfectant residual monitoring result records starting from December 7, 2018 and back, to the DFW Regional Office to resolve the alleged violation.

Track No: 703251 Compliance Due Date: 03/04/2019

30 TAC Chapter 290.46(f)(2)**30 TAC Chapter 290.46(f)(3)(A)(vi)****Alleged Violation:**

Investigation: 1532959

Comment Date: 01/22/2019

Failure to provide maintenance records.

After a complaint investigation conducted on December 11, 2018, the past three months of Hilltown Addition's maintenance records were requested from the water system but never provided.

30 TAC 290.46(f)(2) states that "The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request."

30 TAC 290.46(f)(3)(A)(vi) states that "The following records shall be retained for at least two years: the maintenance records for water system equipment and facilities."

Recommended Corrective Action: Provide three months of past maintenance records starting from December 7, 2018 and back, to the DFW Regional Office to resolve the alleged violation.

Track No: 703253**Compliance Due Date:** 03/04/2019**30 TAC Chapter 290.46(n)(2)****Alleged Violation:**

Investigation: 1532959

Comment Date: 01/22/2019

Failure to provide up-to-date map of distribution system.

After a complaint investigation conducted on December 11, 2018, an up-to-date map of distribution system was requested from the water system but never provided.

30 TAC 290.46(n)(2) states that "An accurate and up-to-date map of the distribution system shall be available so that valves and mains can be easily located during emergencies."

Recommended Corrective Action: An accurate and up-to-date map of the distribution system to the DFW Regional Office to resolve the alleged violation.

**Texas Commission on Environmental Quality
Investigation Report**

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

**Customer: Terra Southwest Inc.
Customer Number: CN600627905**

Regulated Entity Name: HILLTOWN ADDITION

Regulated Entity Number: RN101242915

Investigation # 1532959	Incident Numbers 298791
Investigator: ERIC LEIGH	Site Classification GW 251-1K CONNECTION
Conducted: 12/11/2018 – 12/11/2018	SIC Code: 4941
Program(s): PUBLIC WATER SYSTEM/SUPPLY	
Investigation Type: Compliance Investigation	Location: GREENWOOD DR 1/4 MI N OF FM 720 AND LITTLE ELM
Additional ID(s): 0610112	
Address: , , ,	Local Unit: REGION 04 - DFW METROPLEX Activity Type(s): PWSCMPL - PWS Complaint

Principal(s):

Role	Name
RESPONDENT	TERRA SOUTHWEST INC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	OWNER	MR JIM PRESLEY	Work (940) 427-7444
REGULATED ENTITY CONTACT	OWNER	MR JIM PRESLEY	Work (940) 427-7444

Other Staff Member(s):

Role	Name
QA Reviewer	CRYSTAL WATKINS
Supervisor	CHARLES MARSHALL

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS COMPLAINT INVESTIGATION	CMPL 0610112
PWS INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING revised 06/2013	EQUIP 0610112

Investigation Comments:

HILLTOWN ADDITION -

12/11/2018 Inv. # - 1532959

Page 2 of 6

INTRODUCTION

On December 7, 2018, the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (DFW) Regional Office received a complaint alleging the water had a rotten egg smell and was brown in color from the Hilltown Addition (Hilltown or water system) public water system (PWS), located in Denton County, Texas. The complaint Incident Number (No.) 298791 was assigned to Mr. Eric Leigh, TCEQ Environmental Investigator, for further investigation.

On December 11, 2018, Mr. Leigh along with Ms. Crystal Watkins, TCEQ Environmental Investigator, conducted an unannounced on-site complaint investigation at Hilltown.

As a result of the investigation, four alleged violations were noted. A Notice of Violation letter was mailed to the water system. A copy of the investigation report will be provided to the complainant.

GENERAL FACILITY AND PROCESS INFORMATION

Hilltown is a community water system located in Denton County, Texas. The water system serves 650 connections with an approximate population of 1,950 based on three persons per connection. The water system consists of six groundwater wells, three pump stations, and one pressure plane. For additional facility and process information, see Investigation Number 1357257.

BACKGROUND

The most recent Comprehensive Compliance Investigation (CCI), Investigation No. 1357257, was conducted on August 25, 2016. Several alleged violations were noted and NOV was mailed on October 14, 2016.

A Follow Up Investigation, Investigation No. 1390416, was conducted on January 17, 2017, to follow up on the outstanding alleged violations noted during the August 25, 2016, CCI. Several alleged violations were outstanding and the water system was referred to the Enforcement Division.

Several complaints have been filed on the water system over the past five years.

Incident No. 195969 was received on March 10, 2014, concerning low pressure and water quality issues. No alleged violations were noted as a result of the subsequent complaint investigation, Investigation No. 1170309.

Incident No. 203320 was received on August 18, 2014, concerning water quality. An alleged violation was noted as a result of the subsequent complaint investigation, Investigation No. 1203838.

Incident No. 205694 was received on October 26, 2014, concerning water quality. No alleged violations were noted as a result of the subsequent on-site complaint investigation, Investigation No. 1216142, conducted on November 20, 2014. An alleged violation noted during the previous complaint investigation, was resolved during the investigation.

Incident No. 208247 was received on January 6, 2015, concerning discolored water. An alleged violation was noted during the Distribution System/Groundwater Focused Investigation, Investigation No. 1014305.

Incident No. 275055 was received on April 26, 2017, concerning fire hydrants in disrepair. The complaint was referred to the water system.

Incident No. 256652 was received on April 19, 2017, concerning poor water quality. Several alleged violations were noted as a result of the complaint investigation, Investigation No. 1421771.

Incident No. 276533 was received on January 12, 2018, concerning a strong chlorine odor in the water. One alleged violation was noted and resolved as a result of the complaint investigation, Investigation No. 1467007.

Incident No. 291201 was received on August 27, 2018, concerning a water leak. No alleged violations were noted as a result of an in-house complaint investigation, Investigation No. 1526469.

ADDITIONAL INFORMATION

On December 7, 2018, a complaint was received via email to the TCEQ DFW Region 4 Office. The complainant stated that the water has had a rotten egg smell and brown color for the past three years. The complaint was provided to the investigator on December 10, 2018.

On December 10, 2018, the complainant was contacted by Mr. Leigh to verify the complaint allegations and notify them that their complaint would be investigated.

On December 11, 2018, the investigations conducted the complaint investigation at the complainant's residence and monitored the frontside water faucet for disinfectant residual, distribution pressure, odor, and water clarity. The following results were found at the location:

- Tempest Lane: 1.97 milligrams per liter (mg/L) free chlorine, 58 pounds per square inch, no rotten egg odor, and clear water.

The investigators did not note any discolored water or odor from the water. In addition, a water sample was collected and sent for testing. The investigators then departed the site.

On December 18, 2018, Mr. Leigh contacted Mr. Jim Presley, Owner/Operator, regarding the complaint. On December 19, 2018, Mr. Leigh sent an email to Mr. Presley requesting water system disinfectant residuals, complaint records, maintenance reports, and flushing records for the last three months, and a distribution system map to the TCEQ DFW Region Office by January 4, 2019.

On December 19, 2018, Mr. Presley contacted Mr. Leigh, via phone, and indicated that there were no dead-end mains since the subdivision distribution was looped and that the water system flushes each street once per month.

On January 7, 2019, Mr. Leigh sent Mr. Presley an email reminder of the information requested on December 19, 2019.

On January 8, 2019, analytical results for sample collected at the complainant's residence was received. The water sample was collected to determine the potential corrosivity of the water system's water, which includes analysis for inorganics (calcium, sulfate, and chloride), alkalinity, and total dissolved solids. Temperature was also monitored at the same time. Based on the data, the water does not appear to be corrosive. In addition, according to the most recent Texas Drinking Water Watch chemical sampling, iron and manganese levels were below the secondary constituent levels.

On January 9, 2019, Mr. Leigh contacted Mr. Presley, via phone, however, no voice mail was available.

On January 14, 2019, Mr. Leigh sent a Records Request to Mr. Presley, via email, requesting the last three months of disinfectant residuals, complaint records, and maintenance reports, and the distribution system map for the area serviced by the Wellington Pump Station. In addition, it was noted that alleged violations could be cited for failure submit the requested documents to the TCEQ DFW Region Office by January 18, 2019.

On January 19, 2019, it was noted that the water system failed to provide the documentation requested on December 18, 2018, and again on January 14, 2019, to the TCEQ DFW Region Office. These were noted as alleged violations.

Investigation Findings

During the investigation, the allegation of a rotten egg odor and a brown color in the water was not substantiated. However, the water system failed to provide requested documentation with the timeframe given by the TCEQ Regional Office. Four violations were noted as a result of the investigation.

Attachments

- 1) Onsite Photo
- 2) Analytical Results
- 3) Exit Interview Form

NOV Date 02/01/2019 Method WRITTEN

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

Track Number: 703248 **Compliance Due Date:** 03/04/2019
Violation Start Date: 12/11/2018

30 TAC Chapter 290.46(f)(2)
30 TAC Chapter 290.46(f)(3)(A)(iii)

Alleged Violation:

Investigation: 1532959 **Comment Date:** 01/22/2019

Failure to provide customer complaint records.

After a complaint investigation conducted on December 11, 2018, the past three months of Hilltown Addition's customer complaint records were requested from the water system but never provided.

30 Texas Administrative Code (TAC) 290.46(f)(2) states that "The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request."

30 TAC 290.46(f)(3)(A)(iii) states "the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation;"

Recommended Corrective Action: Provide three months of past customer complaint records starting from December 7, 2018 and back, to the DFW Regional Office to resolve the alleged violation.

Track Number: 703250 **Compliance Due Date:** 03/04/2019
Violation Start Date: 12/11/2018

30 TAC Chapter 290.46(f)(2)
30 TAC Chapter 290.46(f)(3)(B)(iii)

Alleged Violation:

Investigation: 1532959 **Comment Date:** 01/22/2019

Failure to provide daily disinfectant residuals records.

After a complaint investigation conducted on December 11, 2018, the past three months of Hilltown Addition's daily disinfectant residuals records were requested from the water system but never provided.

30 TAC 290.46(f)(2) states that "The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request."

30 TAC 2910.46(f)(3)(B)(iii) states that "The following records shall be retained for at least three years: the disinfectant residual monitoring results from the distribution system;"

Recommended Corrective Action: Provide three months of past disinfectant residual monitoring result records starting from December 7, 2018 and back, to the DFW Regional Office to resolve the alleged violation.

Track Number: 703251 **Compliance Due Date:** 03/04/2019
Violation Start Date: 12/11/2018

30 TAC Chapter 290.46(f)(2)
30 TAC Chapter 290.46(f)(3)(A)(vi)

Alleged Violation:

Investigation: 1532959 **Comment Date:** 01/22/2019
Failure to provide maintenance records.

After a complaint investigation conducted on December 11, 2018, the past three months of Hilltown Addition's maintenance records were requested from the water system but never provided.

30 TAC 290.46(f)(2) states that "The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request."

30 TAC 290.46(f)(3)(A)(vi) states that "The following records shall be retained for at least two years: the maintenance records for water system equipment and facilities."

Recommended Corrective Action: Provide three months of past maintenance records starting from December 7, 2018 and back, to the DFW Regional Office to resolve the alleged violation.

Track Number: 703253 **Compliance Due Date:** 03/04/2019
Violation Start Date: 12/11/2018

30 TAC Chapter 290.46(n)(2)

Alleged Violation:

Investigation: 1532959 **Comment Date:** 01/22/2019
Failure to provide up-to-date map of distribution system.

After a complaint investigation conducted on December 11, 2018, an up-to-date map of distribution system was requested from the water system but never provided.

30 TAC 290.46(n)(2) states that "An accurate and up-to-date map of the distribution system shall be available so that valves and mains can be easily located during emergencies."

Recommended Corrective Action: An accurate and up-to-map of the distribution system to the DFW Regional Office to resolve the alleged violation.

Signed 

Environmental Investigator

Date 1/22/19

Signed 

Supervisor

Date 1/29/19

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

Maps, Plans, Sketches

Letter to Facility (specify type): NCU

Photographs

Investigation Report

Correspondence from the facility

Sample Analysis Results

Other (specify):

Manifests

Sample Results

Notice of Registration

Exit Interview Form

PHOTOGRAPHIC DOCUMENTATION

Investigation: 1532959

Location: Hilltown Addition

County: Denton

Investigation & Photograph Date: 12/11/18

Investigator: Eric Leigh

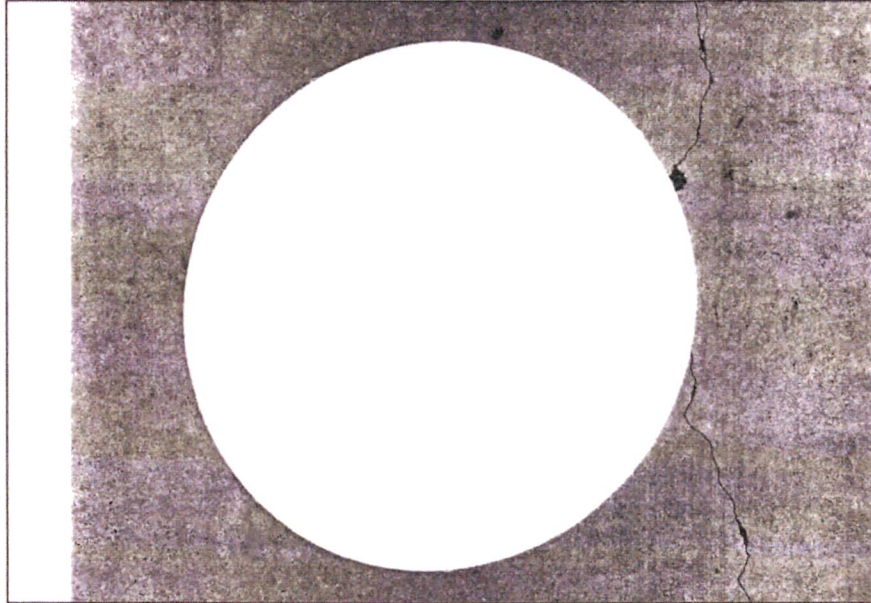


Photo #1

Comments:

Water collected during the investigation to evaluate clarity.



LCRA Environmental Laboratory Services
3505 Montopolis Drive
Austin, TX 78744
Phone: (512)730-6022
Fax: (512)730-6021

January 8, 2019

JULIE STEGER
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
P.O. Box 13087, MC-165
Austin, TX 78711-3087

RE: Final Analytical Report
ELS Workorder Q1851701

Attn: JULIE STEGER

Enclosed are the analytical results for sample(s) received by LCRA Environmental Laboratory Services. Results reported herein conform to the most current NELAP standards, where applicable, unless otherwise narrated in the body of the report. This final report provides results related only to the sample(s) as received for the above referenced work order.

Thank you for selecting ELS for your analytical needs. If you have any questions regarding this report, please contact us at (512) 356-6022. We look forward to assisting you again.

Authorized for release by:

Ariana Dean
Project Manager
ariana.dean@lcra.org



Enclosures

Report ID: 361267 - 6788243

Page 1 of 9

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SAMPLE SUMMARY

Workorder: Q1851701

Lab ID	Sample ID	Matrix	Date Collected	Date Received
Q1851701001	52331 01	Drinking Water	12/11/2018 15:10	12/14/2018 11:20

Report Definitions

LOD	Limit of Detection
LOQ	Limit of Quantitation
ML	Maximum Limit - Client Specified
DF	Dilution Factor
Qual	Qualifiers

Report ID: 361267 - 6788243

Page 2 of 9

ANALYTICAL RESULTS

Workorder: Q1851701

Lab ID: **Q1851701001** Date Received: 12/14/2018 11:20 Matrix: Drinking Water
Sample ID: **52331 01** Date Collected: 12/11/2018 15:10 Sample Type: SAMPLE
Project ID: **FOD**

Parameters	Results	Units	LOQ	LOD	ML	DF	Prepared	By	Analyzed	By	Qual
------------	---------	-------	-----	-----	----	----	----------	----	----------	----	------

INORGANICS

Analysis Desc: E200.7 Metals, Trace Elements		Preparation Method: E200.7 Prep									
		Analytical Method: E200.7 Metals, Trace Elements									
Calcium Total	4.77	mg/L	0.200	0.0700	1		12/20/18 08:53	ME	12/20/18 17:45	FM	N

Analysis Desc: E300.0 Anions		Preparation Method: E300.0, Anions									
		Analytical Method: E300.0, Anions									
Chloride	33.0	mg/L	5.00	2.50	5		12/18/18 08:00	ML	12/18/18 08:00	ML	
Sulfate	120	mg/L	5.00	2.50	5		12/18/18 08:00	ML	12/18/18 08:00	ML	

TOTAL DISSOLVED SOLIDS

Analysis Desc: SM2540C, TDS		Preparation Method: SM2540C, TDS									
		Analytical Method: SM2540C, TDS									
Total Dissolved Solids(TDS)	735	mg/L	25.0	10.0	10		12/17/18 11:18	ADG	12/17/18 11:18	ADG	

ALKALINITY

Analysis Desc: SM2320B, Alkalinity		Preparation Method: SM2320B, Alkalinity									
		Analytical Method: SM2320B, Alkalinity									
Phenolphthalein Alkalinity	11.4	mg/L	0.00	0.00	1		12/19/18	ADG	12/19/18	ADG	N
Hydroxide Alkalinity	0.00	mg/L	0.00	0.00	1		12/19/18	ADG	12/19/18	ADG	N
Bicarbonate Alkalinity	453	mg/L	0.00	0.00	1		12/19/18	ADG	12/19/18	ADG	N
Carbonate Alkalinity	22.9	mg/L	0.00	0.00	1		12/19/18	ADG	12/19/18	ADG	N
Total Alkalinity (CaCO3)	476	mg/L	20.0	20.0	1		12/19/18	ADG	12/19/18	ADG	N



LCRA Environmental Laboratory Services
3505 Montopolis Drive
Austin, TX 78744
Phone: (512)730-6022
Fax: (512)730-6021

ANALYTICAL RESULTS QUALIFIERS

Workorder: Q1851701

PARAMETER QUALIFIERS

Lab ID: Q1851701001

N Not Accredited

Report ID: 361267 - 6788243

Page 4 of 9

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QUALITY CONTROL DATA

Workorder: Q1851701

QC Batch: WET/18852 **Analysis Method:** SM2540C, TDS
QC Batch Method: SM2540C, TDS
Associated Lab Samples: Q1851701001

METHOD BLANK: 1174428

Parameter	Units	Blank Result	Reporting Limit	Qual
Total Dissolved Solids(TDS)	mg/L	<25.0	25.0	

LABORATORY CONTROL SAMPLE: 1174429

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limit	Qual
Total Dissolved Solids(TDS)	mg/L	400	365	91.2	80 - 120	

SAMPLE DUPLICATE: 1174430 ORIGINAL: Q1851196005

Parameter	Units	Original Result	DUP Result	% Rec	% Rec Limit	RPD	Max Qual
Total Dissolved Solids(TDS)	mg/L	568	579		1.92	20	

MATRIX SPIKE SAMPLE: 1174431 ORIGINAL: Q1851196005

Parameter	Units	Original Result	Spike Conc.	MS Result	MS % Rec	% Rec Limit	Qual
Total Dissolved Solids(TDS)	mg/L	568	400	1020	112	70 - 130	

Qualifiers

- S - Spike Recovery Outside Recovery Limits**
- R - RPD Outside Recovery Limits**
- B - Analyte Detected in Method Blank**

QUALITY CONTROL DATA

Workorder: Q1851701

QC Batch: WET/18856 Analysis Method: E300.0, Anions

QC Batch Method: E300.0, Anions

Associated Lab Samples: Q1851701001

METHOD BLANK: 1174563

Parameter	Units	Blank Result	Reporting Limit	Qual
Chloride	mg/L	<1.00	1.00	
Sulfate	mg/L	<1.00	1.00	

LABORATORY CONTROL SAMPLE: 1174564

Parameter	Units	Spike Conc	LCS Result	LCS % Rec	% Rec Limit	Qual
Chloride	mg/L	30	29.8	99.2	90 - 110	
Sulfate	mg/L	30	29.7	98.9	90 - 110	

MATRIX SPIKE: 1174572 DUPLICATE: 1174573 ORIGINAL: Q1851702001

Parameter	Units	Original Result	Spike Conc	MS Result	MSD Result	MS % Rec	MSD % Rec	% Rec Limit	RPD	Max RPD	Qual
Chloride	mg/L	32.4	20	51.1	50.3	93.5	89.2	80 - 120	1.58	20	
Sulfate	mg/L	20	20	39.5	39.3	97.3	96.1	80 - 120	.508	20	

Qualifiers

S - Spike Recovery Outside Recovery Limits

R - RPD Outside Recovery Limits

B - Analyte Detected in Method Blank

QUALITY CONTROL DATA

Workorder: Q1851701

QC Batch: WET/18876 **Analysis Method:** SM2320B, Alkalinity
QC Batch Method: SM2320B, Alkalinity
Associated Lab Samples: Q1851701001

SAMPLE DUPLICATE: 1175786 ORIGINAL: Q1851702001

Parameter	Units	Original Result	DUP Result	% Rec	% Rec Limit	RPD	Max Qual
Total Alkalinity (CaCO3)	mg/L	91.6	91			.657	20

MATRIX SPIKE SAMPLE: 1175787 ORIGINAL: Q1851702001

Parameter	Units	Original Result	Spike Conc.	MS Result	MS % Rec	% Rec Limit	Qual
Total Alkalinity (CaCO3)	mg/L	91.6	100	183	91.6	70 - 130	

LABORATORY CONTROL SAMPLE: 1175788

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limit	Qual
Total Alkalinity (CaCO3)	mg/L	100	96.9	96.9	90 - 110	

METHOD BLANK: 1175789

Parameter	Units	Blank Result	Reporting Limit	Qual
Total Alkalinity (CaCO3)	mg/L	<20.0	20.0	

Qualifiers

- S - Spike Recovery Outside Recovery Limits
- R - RPD Outside Recovery Limits
- B - Analyte Detected in Method Blank

QUALITY CONTROL DATA

Workorder: Q1851701

QC Batch: MEP/8898 Analysis Method: E200.7 Metals, Trace Elements

QC Batch Method: E200.7 Prep

Associated Lab Samples: Q1851701001

METHOD BLANK: 1176606

Parameter	Units	Blank Result	Reporting Limit	Qual
Calcium Total	mg/L	<0.200	0.200	

LABORATORY CONTROL SAMPLE: 1176607

Parameter	Units	Spike Conc.	LCS Result	LCSD Result	LCS % Rec	LCSD % Rec	% Rec Limit	RPD	Max	Qual
Calcium Total	mg/L	10	10.2	10.3	102	103	85 - 115	.976	20	

MATRIX SPIKE: 1176609 DUPLICATE: 1176610 ORIGINAL: Q1851312002

Parameter	Units	Original Result	Spike Conc.	MS Result	MSD Result	MS % Rec	MSD % Rec	% Rec Limit	RPD	Max RPD	Qual
Calcium Total	mg/L	42.3	10	52.9	53.2	106	109	70 - 130	.566	20	

Qualifiers

- S - Spike Recovery Outside Recovery Limits**
- R - RPD Outside Recovery Limits**
- B - Analyte Detected in Method Blank**

QUALITY CONTROL DATA CROSS REFERENCE TABLE

Workorder: Q1851701

Lab ID	Sample ID	Prep Method	Prep Batch	Analysis Method	Analysis Batch
Q1851701001	52331 01			SM2540C, TDS	WET/18852
Q1851701001	52331 01			E300 0, Anions	WET/18856
Q1851701001	52331 01			SM2320B, Alkalinity	WET/18876
Q1851701001	52331 01	E200.7 Prep	MEP/8898	E200.7 Metals, Trace Elements	MET/6884



Chain of Custody Record

Q1851701

52331

Location:

Permit #:

(Do not fill in this shaded area if the facility information must be confidential)

Region: 4	Organization #: 6104	PCA Code: 04105	Program: PWS	Sampler telephone number: 817-588-5815
--------------	-------------------------	--------------------	-----------------	---

E-Mail ID: eric.leigh@tceq.texas.gov	Sampler: (signature) 	Sampler: (please print clearly) Eric Leigh
--------------------------------------	--------------------------	---

Lab ID Number	Sample ID	Date	Time	# of Bottles	Grab/Comp.	Matrix L,S,M,O,T	CL2	pH	Cond.	Analyses Requested	REMARKS
-01	-01	12/11/18	1510	1	G	DW	1.97	8.62	-	Alk, Calcium, Chloride, Sulfate, TDS	3408 Tempest Drinking Water
-02											
-03											
-04											
-05											
-06											
-07											
-08											
-09											
-10											

Relinquished by: Eric Leigh	Date: 12/13/18	Time: 3:37pm	Received by: Fedex	For Laboratory Use: Received on ice: <input checked="" type="checkbox"/> N 1.3 deg. C Preservatives: <input checked="" type="checkbox"/> N COC Seal: <input checked="" type="checkbox"/> Seals Intact: <input checked="" type="checkbox"/>
Relinquished by:	Date:	Time:	Received by: MIKE. Ram. 102 12/14/18 11:20	
Relinquished by:	Date:	Time:	Received by:	
Relinquished by:	Date:	Time:	Received by:	

Shipper name: Fedex	Shipper Number: 81114793731
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01851701 361267 Goldenrod-Collector Copy

Water System Name: Hilltown Addition

Water System PWS ID Number:0610112

Entry Point Number: Location on Tempest Street

TDS: 735

Temperature: 18.8

pH: 8.62

Alkalinity, as CaCO₃: 476

Calcium, as CaCO₃: 11.925

Chlorides: 33

Sulfates: 120

Langelier index: 0.51

Ryznar index: 7.59

Aggressiveness index: 12.37

pH: 8.62

The water should be considered corrosive if any two of the following occur:

- a. Langelier index is -1.0 or less;
- b. Ryznar index is 8.5 or more;
- c. Aggressive index is less than 10; and
- d. pH is less than 7.0 (this is an input, not a result listed in the tables).

Non-Corrosive

Corrosive

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Request

Regulated Entity/Site Name	Hilltown Addition	TCEQ Add. ID No. RN No (optional)	0610112
Investigation Type	RR	Contact Made In-House (Y/N)	N
		Purpose of Investigation	Complaint
Regulated Entity Contact	Jim Presley	Telephone No.	940-427-7444
		Date Contacted	01/14/2019
Title	Owner	FAX #/Email address	[REDACTED]
		FAX/Email date	01/14/2019

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

Issue	For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.		
No.	Type ¹	Rule Citation (if known)	Description of Issue
1	RR/PV	30 TAC 290.46(f)(3)(A)(iii)	Provide complaint records for the last three months for the area served by the Wellington Pump Station by January 18, 2019.
2	RR/PV	30 TAC 290.46(f)(3)(B)(iii)	Provide disinfectant residual records for the last three months for the area served by the Wellington Pump Station by January 18, 2019.
3	RR/PV	30 TAC 290.46(f)(3)(A)(vi) 2	Provide maintenance records for the last three months for the area served by the Wellington Pump Station by January 18, 2019.
4	RR/PV	30 TAC 290.46(n)(2) 2	Provide up-to-date map of the distribution system for the area served by the Wellington Pump Station by January 18, 2019. All compliance documentation can either be submitted by fax (TCEQ DFW Regional Office Fax No. 817-588-5701), or by walk-in or regular mail at 2309 Gravel Drive, Fort Worth, Texas 76118.

Note 1: Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

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

Document Acknowledgment. Signature on this document establishes only that the regulated entity (RE) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, the document will be sent via FAX or Email to RE; therefore, the RE signature is not required.

Eric Leigh	01/14/2019		
Investigator Name (Signed & Printed) 	Date 1/14/2019	Regulated Entity Representative Name (Signed & Printed)	Date

If you have questions about any information on this form, please contact your local TCEQ Regional Office. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512/239-3282.

White Copy: Regulated Entity Representative Yellow Copy: TCEQ

Exhibit B

Compliance Investigation Report for PWS 0610161



0000-0000-0047-7302

Document Control Sheet

Sheet Title:	PWS - OLS
Box ID:	15808
Control Sheet ID:	0000-0000-0047-7302
Record Series Name:	WS / Public Water Supply
Record Series:	PWS
Primary ID:	0610161
Secondary ID:	
Doc Type:	Compliance
Security:	Public
Date:	5/31/2019 12:00AM
Title:	Investigation
Tertiary ID	



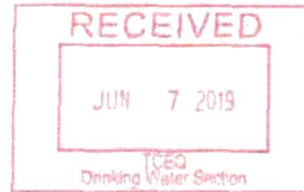
Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 31, 2019

Mr. Jim Presley, Owner
Terra Southwest, Inc.
P.O. Box 140
Alvord, Texas 76225-0140



Re: Public Water Supply Comprehensive Compliance Investigation at:
East Ponder Estates, 4098 Seaborn Rd., Ponder, Denton County, Texas
RN 101265882, PWS ID No. 0610161, Investigation No. 1556616

Dear Mr. Presley:

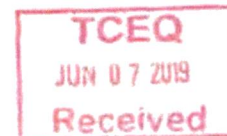
On April 10, 2019, Mr. Steve Zawrotny of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Regional Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Zawrotny in the D/FW Regional Office at (817) 588-5859.

Sincerely,

Charles Marshall
Team Leader, Public Water Supply Program
D/FW Regional Office

CM/sz



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NOV 24 2020

TCEQ
CENTRAL FILE ROOM

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

EAST PONDER ESTATES

Investigation #

1556616
Investigation Date: 04/10/2019

, DENTON COUNTY,

Additional ID(s): 0610161

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 619516

30 TAC Chapter 290.121(a)

Alleged Violation:

Investigation: 1364089

Comment Date: 09/30/2016

Failure to maintain a copy of the monitoring plan.

30 TAC 290.121(a) states that all public water systems shall maintain an up-to-date chemical and microbiological monitoring plan. Monitoring plans are subject to the review and approval of the executive director. A copy of the monitoring plan must be maintained at each water treatment plant and at a central location.

On the day of the investigation, the water system did not have a copy of the monitoring plan available for review.

Investigation: 1390400

Comment Date: 02/22/2017

Failure to maintain a copy of the monitoring plan.

On the day of the investigation, compliance documentation had not been received to resolve the alleged violation.

Investigation: 1556616

Comment Date: 05/23/2019

Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

During the investigation, the investigator reviewed an updated monitoring plan that appeared to contain the provisions listed in 30 TAC §290.121. This appears to resolve the alleged violation.

30 TAC §290.121(a) All public water systems shall maintain an up-to-date chemical and microbiological monitoring plan. Monitoring plans are subject to the review and approval of the executive director. A copy of the monitoring plan must be maintained at each water treatment plant and at a central location.

Recommended Corrective Action: Create a monitoring plan that identifies current sampling locations, describes the sampling frequency, and specifies the analytical procedures/laboratories that the public water system will use to comply with the monitoring requirements of 30 TAC 290.121. Submit documentation to the TCEQ D/FW Region Office to verify that the alleged violation has been corrected.

Resolution: During the investigation, the investigator reviewed an updated monitoring plan that appeared to contain the provisions listed in 30 TAC §290.121. This appears to resolve the alleged violation.

Track No: 619517

30 TAC Chapter 290.46(f)(3)(E)

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

30 TAC Chapter 290.46(j)

Alleged Violation:

Investigation: 1364089

Comment Date: 09/27/2016

Failure to maintain copies of the customer service inspection forms.

30 TAC 290.46(j) states that a customer service inspection certificate shall be completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Any customer service inspection certificate form which varies from the format found in §290.47(d) of this title must be approved by the executive director prior to being placed in use.

30 TAC 290.46(f)(3)(E) states that the following records shall be retained for at least ten years:

30 TAC 290.46(f)(3)(E)(iv) states that copies of the Customer Service Inspection reports required by subsection (j) of this section.

On the day of the investigation, it was noted that the water system did not have copies of the customer service inspection forms available for review.

Investigation: 1390400

Comment Date: 02/22/2017

Failure to maintain copies of the customer service inspection forms.

On the day of the investigation, compliance documentation had not been received to resolve the alleged violation.

Investigation: 1556616

Comment Date: 05/23/2019

Failure to compile and begin maintaining properly completed waterworks operation and maintenance records, including but not limited to recording the amount of each chemical used each week and copies of the Customer Service Inspection reports.

During the investigation, records of the weekly chemical usage were reviewed. The investigator noted that the records retention requirement of 10 years for Customer Service Inspection forms had expired. The homes in the neighborhood were built in the late 1990s and the entity was no longer required to have the forms on file.

30 TAC §290.46(f)(3) All public water systems shall maintain a record of operations.

30 TAC §290.46(f)(3)(A)(i)(III) Systems that serve fewer than 250 connections, serve fewer than 750 people, and use only groundwater or purchased treated water shall maintain a record of the amount of each chemical used each week.

30 TAC §290.46(f)(3)(E) The following records shall be retained for at least ten years:

30 TAC §290.46(f)(3)(E)(iv) copies of the Customer Service Inspection reports required by subsection (j) of this section.

Recommended Corrective Action: Provide the two most recent Customer Service Inspection forms. Submit documentation to the TCEQ D/FW Region Office to verify that the alleged violation has been corrected.

Resolution: During the investigation, records of the weekly chemical usage were reviewed. The investigator noted that the records retention requirement of 10 years for Customer Service Inspection forms had expired. The homes in the neighborhood were built in the late 1990s and the entity was no longer required to have the forms on file.

Track No: 619518**30 TAC Chapter 290.41(c)(3)(K)****Alleged Violation:**

Investigation: 1364089

Comment Date: 09/27/2016

Failure to maintain an up to date plant operations manual.

30 TAC 290.42(l) states that a thorough plant operations manual must be compiled and kept up-to-date for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

On the day of the investigation, the information listed in the plant operations manual was out of date and needed to be updated.

Investigation: 1390400

Comment Date: 02/22/2017

Failure to maintain an up to date plant operations manual.

On the day of the investigation, compliance documentation had not been received to resolve the alleged violation.

Investigation: 1556616

Comment Date: 05/23/2019

Failure to maintain an up-to-date and thorough plant operations manual for operator review and reference.

During the investigation, the investigator reviewed an up-to-date plant operations manual that contained the provisions listed in 30 TAC §290.42(l). This appears to resolve the alleged violation.

30 TAC §290.42(l) A thorough plant operations manual must be compiled and kept up-to-date for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency. If operating a reverse osmosis or nanofiltration membrane system, the manual must also include the system's configuration, baseline performance data, and any set point for membrane cleaning or replacement.

Recommended Corrective Action: Update the plant operations manual. Submit documentation to the TCEQ D/FW Region Office to verify that the alleged violation has been resolved.

Resolution: During the investigation, the investigator reviewed an up-to-date plant operations manual that contained the provisions listed in 30 TAC §290.42(l). This appears to resolve the alleged violation.

Track No: 619523

30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1364089

Comment Date: 09/27/2016

Failure to calibrate the well meters at least once every three years.

30 TAC 290.46(s)(1) states that flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title (relating to Water Sources) shall be calibrated at least once every three years.

On the day of the investigation, the system had not calibrated the well meter within the last three years.

Investigation: 1390400

Comment Date: 02/22/2017

Failure to calibrate the well meters at least once every three years.

On the day of the investigation, compliance documentation had not been received to resolve the alleged violation.

Failure to calibrate the well meters at least once every three years.

During the investigation, it was noted that both well meters had been replaced and had current calibration verification certificates. This appears to resolve the alleged violation.

30 TAC §290.46(s)(1) Flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title shall be calibrated at least once every three years.

Recommended Corrective Action: Calibrate the flow meters or conduct an accuracy check on the meters to ensure proper operation. If an accuracy check is performed and the percent error is greater than plus or minus five percent, the meters must be calibrated. If an accuracy check is performed with acceptable results, provide a copy of the accuracy check which must include the date, instrument used for the accuracy check, percent error, and results. If the meters are calibrated, please submit a copy of the calibration certification. If replaced with a new meter, please send a copy of the purchase receipt, photograph of the installed meters and calibration certification from the manufacturer.

Resolution: During the investigation, it was noted that both well meters had been replaced and had current calibration verification certificates. This appears to resolve the alleged violation.

PWS_0610161_CP_20190410_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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

Customer: Terra Southwest Inc.
Customer Number: CN600627905

Regulated Entity Name: EAST PONDER ESTATES

Regulated Entity Number: RN101265882

Investigation # 1556616
Investigator: STEVE ZAWROTNY
Conducted: 04/10/2019 -- 04/10/2019
Program(s): PUBLIC WATER SYSTEM/SUPPLY
Investigation Type: Compliance Investigation
Additional ID(s): 0610161
Address: ,
, ,

Incident Numbers
Site Classification GW 51-250 CONNECTION
SIC Code: 4941
NAIC Code: 221310
Location: End of Chase Road, SE of the Town of Ponder

Local Unit: REGION 04 - DFW METROPLEX
Activity Type(s): PWSCCIGWCM - CCI GW PURCHASE
- COMMUNITY MANDATORY

Principal(s):

Role	Name
RESPONDENT	TERRA SOUTHWEST INC

Contact(s):

Role	Title	Name	Phone
PARTICIPATED IN	OWNER	MR JIM PRESLEY	Cell (940) 391-2826
NOTIFIED	OWNER	MR JIM PRESLEY	Cell (940) 391-2826
REGULATED ENTITY CONTACT	OWNER	MR JIM PRESLEY	Cell (940) 391-2826
REGULATED ENTITY MAIL CONTACT	OWNER	MR JIM PRESLEY	Cell (940) 391-2826

Other Staff Member(s):

Role	Name
Supervisor	CHARLES MARSHALL
QA Reviewer	CHARLES MARSHALL

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS INVESTIGATION - EQUIPMENT	0610161 EMS
MONITORING AND SAMPLING revised 06/2013	
PWS STANDARD FIELD	0610161 CCI

Investigation Comments:

INTRODUCTION

On April 10, 2019, Mr. Steve Zawrotny, Texas Commission on Environmental Quality (TCEQ) Environmental Investigator, conducted a mandatory comprehensive compliance investigation (CCI) at the East Ponder Estates Public Water Supply (PWS). The purpose of the investigation was to determine compliance with applicable PWS regulations.

Mr. Zawrotny contacted Mr. Jim Presley, Owner, on March 25, 2019, to schedule the investigation. In addition, a records request form was sent by email to the water system on that date, listing the documents to be reviewed during the investigation.

Mr. Zawrotny conducted the investigation with Mr. Presley and at the conclusion of the investigation, an exit interview was conducted and a TCEQ Exit Interview Form, Texas Water Development Board Financial Assistance Program Information Sheet, and a Customer Satisfaction Survey were provided to Mr. Presley.

No violations were alleged, and a General Compliance letter was mailed to the water system as a result of the investigation.

GENERAL FACILITY AND PROCESS INFORMATION

East Ponder Estates is a community ground water system that serves 75 connections with a population of 225 people, based upon three persons per connection. The water system operates two groundwater wells through one water treatment plant on one pressure plane. Ground water from each well is disinfected with gaseous chlorine before it enters ground storage tanks. The water is pumped to distribution by service pumps and pressure is maintained by a hydro-pneumatic tank.

Specific facility information such as tank volumes, pump capacities, etc. can be found in the Water System Diagram, Water System Summary Sheet, and PWS Database Printout.

BACKGROUND

The most recent CCI, Investigation No. 1364089, was conducted on August 25, 2016. Multiple violations were alleged, and the system was later referred to enforcement as a result of the investigation.

No complaints have been filed against the water system during the last five years.

No exceptions to the rule or alternative capacity requirements have been granted to East Ponder Estates.

Enforcement

Agreed Order Docket No. 2000-0594-PWS-E became effective March 21, 2001.

Agreed Order Docket No. 2001-140-PWS-E became effective September 13, 2002.

Agreed Order Docket No. 2002-1092-PWS-E became effective September 10, 2003.

Agreed Order Docket No. 2010-0099-PWS-E became effective June 16, 2010.

Agreed Order Docket No. 2016-1710-PWS-E became effective May 9, 2017.

Agreed Order Docket No. 2017-0376-PWS-E became effective August 29, 2017.

Agreed Order Docket No. 2017-1210-PWS-E became effective June 5, 2018.

ADDITIONAL INFORMATION

Record Review

During the investigation, the following records were reviewed: connection and population counts, monthly operating reports, volume of water treated and distributed, chemical usage records, flushing logs, Monitoring Plan, Sample Siting Plan, distribution map, bacteriological sampling records, public notifications, tank inspection forms, well completion data, sanitary control easements, NSF Certification for all chemicals used, customer service agreements, customer service inspections, backflow prevention assembly test and maintenance reports, engineering plans and specifications, disinfectant residual monitoring records, *Disinfectant Level Quarterly Operating Reports*, plant operations manual, drought contingency plan, complaint records, records of chemical analyses, well meter calibration verification records, and Consumer Confidence Reports.

Three outstanding Ordering Provisions from Agreed Order Docket No. 2017-0376-PWS-E were resolved as a result of the investigation. The resolved Ordering Provisions included 2.a.ii. for failure to maintain operations and maintenance records, including the amount of chemicals used each week and copies of the Customer Service Inspections, 2.c.i. for failure to maintain an up-to-date plant operations manual, and 2.c.ii. for failure to maintain an up-to-date Monitoring Plan.

A records request was made to submit records of water usage for the previous twelve months. The requested data was faxed to the D/FW Region Office on April 25, 2019. All records appeared to be compliant with applicable TCEQ regulations.

Operation and Maintenance

Based upon the number of connections, the water system is required to employ at least one waterworks operator who hold at least a Class C Groundwater license. The water system appears to be compliant with applicable licensing requirements and employs the following types and numbers of licenses:

Groundwater Operator Class C – 1

Outstanding Ordering Provision 2.a.i. for failure to calibrate the well meters at least once every three years, from Agreed Order Docket No. 2017-0376-PWS-E, was resolved. All areas of operation and maintenance appeared to be compliant with applicable TCEQ regulations.

Capacity

During the investigation, the water system capacities were evaluated. All capacities appeared to be compliant with applicable TCEQ regulations.

See the Water System Diagram, Water System Summary Sheet, and PWS Database Printout for further information.

Field Monitoring Activities

During the investigation, the disinfectant residual concentration in milligrams per liter free chlorine (mg/L-FC) and pressure in pounds per square inch (psi) were measured at 3980 Kelly Dr. with the following results: 1.6 mg/L-FC and 55 psi.

Attachments

- 1) Water System Diagram
- 2) Water System Summary Sheet

- 3) PWS Database Printout
- 4) Exit Interview Form
- 5) Water System Documentation

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track Number: 619516 **Resolution Status Date:** 5/23/2019
Violation Start Date: 8/25/2016 **Violation End Date:** 4/10/2019

30 TAC Chapter 290.121(a)

Alleged Violation:

Investigation: 1364089 Comment Date: 09/30/2016
Failure to maintain a copy of the monitoring plan.

30 TAC 290.121(a) states that all public water systems shall maintain an up-to-date chemical and microbiological monitoring plan. Monitoring plans are subject to the review and approval of the executive director. A copy of the monitoring plan must be maintained at each water treatment plant and at a central location.

On the day of the investigation, the water system did not have a copy of the monitoring plan available for review.

Investigation: 1390400 Comment Date: 02/22/2017
Failure to maintain a copy of the monitoring plan.

On the day of the investigation, compliance documentation had not been received to resolve the alleged violation.

Investigation: 1556616 Comment Date: 05/23/2019
Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

During the investigation, the investigator reviewed an updated monitoring plan that appeared to contain the provisions listed in 30 TAC §290.121. This appears to resolve the alleged violation.

30 TAC §290.121(a) All public water systems shall maintain an up-to-date chemical and microbiological monitoring plan. Monitoring plans are subject to the review and approval of the executive director. A copy of the monitoring plan must be maintained at each water treatment plant and at a central location.

Recommended Corrective Action: Create a monitoring plan that identifies current sampling locations, describes the sampling frequency, and specifies the analytical procedures/laboratories that the public water system will use to comply with the monitoring requirements of 30 TAC 290.121. Submit documentation to the TCEQ D/FW Region Office to verify that the alleged violation has been corrected.

Resolution: During the investigation, the investigator reviewed an updated monitoring plan that appeared to contain the provisions listed in 30 TAC §290.121. This appears to resolve the alleged violation.

Track Number: 619517 **Resolution Status Date:** 5/23/2019
Violation Start Date: 8/25/2016 **Violation End Date:** 4/10/2019

30 TAC Chapter 290.46(f)(3)(E)
30 TAC Chapter 290.46(f)(3)(E)(iv)
30 TAC Chapter 290.46(j)

Alleged Violation:

Investigation: 1364089

Comment Date: 09/27/2016

Failure to maintain copies of the customer service inspection forms.

30 TAC 290.46(j) states that a customer service inspection certificate shall be completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Any customer service inspection certificate form which varies from the format found in §290.47(d) of this title must be approved by the executive director prior to being placed in use.

30 TAC 290.46(f)(3)(E) states that the following records shall be retained for at least ten years:

30 TAC 290.46(f)(3)(E)(iv) states that copies of the Customer Service Inspection reports required by subsection (j) of this section.

On the day of the investigation, it was noted that the water system did not have copies of the customer service inspection forms available for review.

Investigation: 1390400

Comment Date: 02/22/2017

Failure to maintain copies of the customer service inspection forms.

On the day of the investigation, compliance documentation had not been received to resolve the alleged violation.

Investigation: 1556616

Comment Date: 05/23/2019

Failure to compile and begin maintaining properly completed waterworks operation and maintenance records, including but not limited to recording the amount of each chemical used each week and copies of the Customer Service Inspection reports.

During the investigation, records of the weekly chemical usage were reviewed. The investigator noted that the records retention requirement of 10 years for Customer Service Inspection forms had expired. The homes in the neighborhood were built in the late 1990s and the entity was no longer required to have the forms on file.

30 TAC §290.46(f)(3) All public water systems shall maintain a record of operations.

30 TAC §290.46(f)(3)(A)(i)(III) Systems that serve fewer than 250 connections, serve fewer than 750 people, and use only groundwater or purchased treated water shall maintain a record of the amount of each chemical used each week.

30 TAC §290.46(f)(3)(E) The following records shall be retained for at least ten years:

30 TAC §290.46(f)(3)(E)(iv) copies of the Customer Service Inspection reports required by subsection (j) of this section.

Recommended Corrective Action: Provide the two most recent Customer Service Inspection forms. Submit documentation to the TCEQ D/FW Region Office to verify that the alleged violation has been corrected.

Resolution: During the investigation, records of the weekly chemical usage were reviewed. The investigator noted that the records retention requirement of 10 years for Customer Service Inspection forms had expired. The homes in the neighborhood were built in the late 1990s and the entity was no longer required to have the forms on file.

Track Number: 619518

Resolution Status Date: 5/23/2019

Violation Start Date: 8/25/2016

Violation End Date: 4/10/2019

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

Alleged Violation:

Investigation: 1364089

Comment Date: 09/27/2016

Failure to maintain an up to date plant operations manual.

30 TAC 290.42(l) states that a thorough plant operations manual must be compiled and kept up-to-date for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

On the day of the investigation, the information listed in the plant operations manual was out of date and needed to be updated.

Investigation: 1390400

Comment Date: 02/22/2017

Failure to maintain an up to date plant operations manual.

On the day of the investigation, compliance documentation had not been received to resolve the alleged violation.

Investigation: 1556616

Comment Date: 05/23/2019

Failure to maintain an up-to-date and thorough plant operations manual for operator review and reference.

During the investigation, the investigator reviewed an up-to-date plant operations manual that contained the provisions listed in 30 TAC §290.42(l). This appears to resolve the alleged violation.

30 TAC §290.42(l) A thorough plant operations manual must be compiled and kept up-to-date for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency. If operating a reverse osmosis or nanofiltration membrane system, the manual must also include the system's configuration, baseline performance data, and any set point for membrane cleaning or replacement.

Recommended Corrective Action: Update the plant operations manual. Submit documentation to the TCEQ D/FW Region Office to verify that the alleged violation has been resolved.

Resolution: During the investigation, the investigator reviewed an up-to-date plant operations manual that contained the provisions listed in 30 TAC §290.42(l). This appears to resolve the alleged violation.

Track Number: 619523

Resolution Status Date: 5/23/2019

Violation Start Date: 8/25/2016

Violation End Date: 4/10/2019

30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1364089

Comment Date: 09/27/2016

Failure to calibrate the well meters at least once every three years.

30 TAC 290.46(s)(1) states that flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title (relating to Water Sources) shall be calibrated at least once every three years.

On the day of the investigation, the system had not calibrated the well meter within the last three years.

Investigation: 1390400

Comment Date: 02/22/2017

Failure to calibrate the well meters at least once every three years.

On the day of the investigation, compliance documentation had not been received to resolve the alleged violation.

Investigation: 1556616

Comment Date: 05/23/2019

Failure to calibrate the well meters at least once every three years.

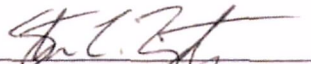
During the investigation, it was noted that both well meters had been replaced and had current calibration verification certificates. This appears to resolve the alleged violation.

30 TAC §290.46(s)(1) Flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title shall be calibrated at least once every three years.

Recommended Corrective Action: Calibrate the flow meters or conduct an accuracy check on the meters to ensure proper operation. If an accuracy check is performed and the percent error is greater than plus or minus five percent, the meters must be calibrated. If an accuracy check is performed with acceptable results, provide a copy of the accuracy check which must include the date, instrument used for the accuracy check, percent error, and results. If the meters are calibrated, please submit a copy of the calibration certification. If replaced with a new meter, please send a copy of the purchase receipt, photograph of the installed meters and calibration certification from the manufacturer.

Resolution: During the investigation, it was noted that both well meters had been replaced and had current calibration verification certificates. This appears to resolve the alleged violation.

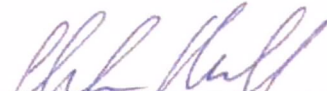
Signed


Environmental Investigator

Date

5/23/19

Signed


Supervisor

Date

5/28/19

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

Letter to Facility (specify type): COMPLIANT

Investigation Report

Sample Analysis Results

Manifests

Notice of Registration

Maps, Plans, Sketches

Photographs

Correspondence from the facility

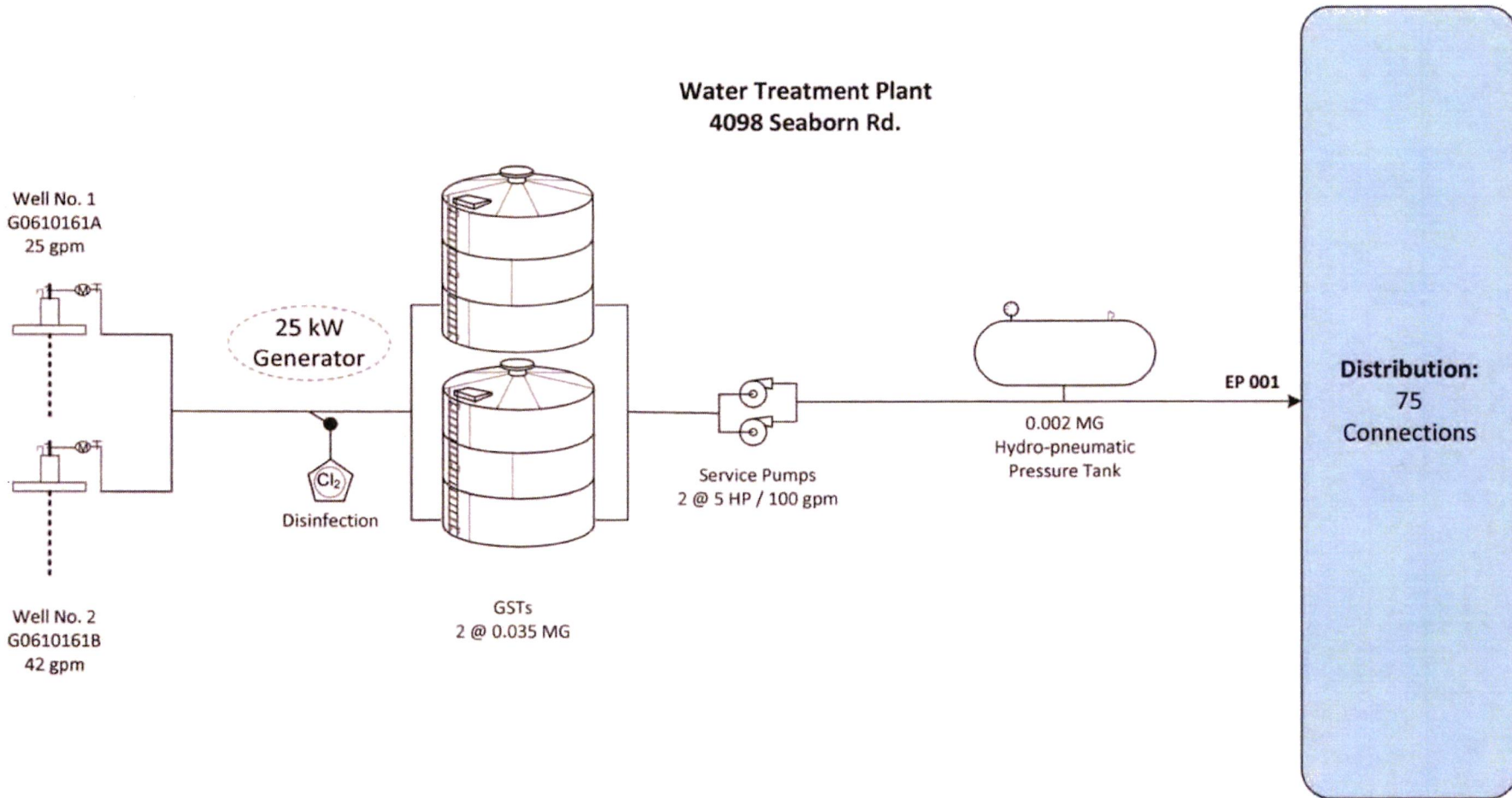
Other (specify):

- 1) WATER SYSTEM SUMMARY SHEET
- 2) PWS DATABASE PRINTOUT
- 3) EXIT INTERVIEW FORM
- 4) WATER SYSTEM DOCUMENTATION



East Ponder Estates
TCEQ ID No. 0610161
Investigation Date: 4/10/19
Investigation No. 1556616
Investigator: Steve Zawrotny

Texas Commission on Environmental Quality Public Water System Diagram TCEQ Region 4



TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name	EAST PONDER ESTATES	TCEQ Add. ID No. RN No. (optional)	0610161
Investigation Type	CCI Contact Made In-House (Y/N) Y	Purpose of Investigation	MANDATORY
Regulated Entity Contact	JIM PRESLEY	Telephone No.	940-391-2826
Title	OWNER	Fax No.	
		Date Contacted	3/25/19
		Date Faxed	

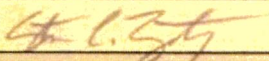
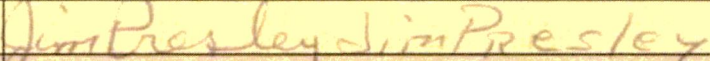
NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered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

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
1	RR	290.46(F)	SUBMIT RECORDS OF WATER USAGE FROM APRIL 2018 to MARCH 2019.

¹Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

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

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

 STEVE ZAWROTNY	4/10/19	 Jim Presley	4-11-19
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

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

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

<u>Texas Commission on Environmental Quality</u>	<u>Office of Water</u>	<u>Public Drinking Water Section</u>
<u>County Map of TX</u>	<u>Water System Search</u>	<u>Office of Compliance and Enforcement</u>

04/10/2019
07:04:28

Texas Commission on Environmental Quality
DWW Water System Summary Sheet

PWS ID	PWS Name	Central Registry RN
TX0610161	EAST PONDER ESTATES	RN101265882

Organization/Customer *	Central Registry CN
TERRA SOUTHWEST INC	CN600627905

*Regulatory mail will be addressed to this organization/person

All Water System Contacts			
Type	Contact	Communication	
AC - Administrative Contact - PRESIDENT	PRESLEY, JIM 3052 HOUSTON ST LEVELLAND, TX 79336-7609	Electronic Type	Value
		Phone Type	Value
		BUS - Business	940-391-2826
OW - Owner	TERRA SOUTHWEST INC PO BOX 140 ALVORD, TX 76225-0140		

Operator Grade	Number
----------------	--------

Water Operator Licenses		
License Holder:	PEACH, DOUGLAS J	
EXPIRED	Class: B - GROUND WATER TREATMENT OPERATOR	WG0008043
License Holder:	PRESLEY, JIM D	
EXPIRED	Class: C - GROUND WATER TREATMENT OPERATOR	WG0002100

Owner Type	Owner Type Options: COUNTY, DISTRICT, FEDERAL GOVERNMENT, INVESTOR OWNED, MUNICIPALITY, NATIVE AMERICAN,
Investor Owned	PRIVATE, STATE GOVERNMENT, WATER SUPPLY CORPORATION

System Type	System Type Options: COMMUNITY, TRANSIENT/NON-COMMUNITY,
C - Community	NON-PUBLIC, NON-TRANSIENT/NON-COMMUNITY

Population Type	Population Served	# of Connect	# I/C w/other PWS
Residential	210	70	0

225 75

Total Product (MGD)	Average Daily Consump. (MGD)	Max Daily Demand (MGD)	Total Storage (MG)	Elev. Storage (MG)	Service Pump Cap. (MGD)	Max. Purchase Cap. (MGD/GPM)	Pressure Tank Cap. (MG)
0.0680 MGD	0.0960 MGD	<i>N/A</i>	0.035 MG	<i>∅</i>	<i>✓</i> .288 MGD	<i>N/A</i>	0.002 MG <i>✓</i>

0.096 0.070

Activity Status	Inactivation Date
A - ACTIVE	

4/10/19 STEVE ZAWROTNY " "

Last Survey Date	Surveyor	Survey Type	Region	County
08/25/2016	CRYSTAL WATKINS	Sanitary Survey	ARLINGTON	DENTON
05/10/2013	ROBERT, E FERRY	Sanitary Survey	ARLINGTON	DENTON
11/10/2009	ROBERT, E FERRY	Sanitary Survey	ARLINGTON	DENTON

(Treatment Plant)							
Entry Point	EP Name/Source Summation (Activity Status)	Plant Name (Activity Status)	Plant Num	Chemical Mon Type	Chem Sample Point	Distribution Mon Type	Dist Sample Point
EP001	TRT-TAP / Ground Water(A)	4098 SEABORN CIR, PONDER (A)	TP3078		NO		NO

Train: Unnamed		
(Treatments)		
	Objective	Process Treatment

Disinfection Zone	Treatment Sequence			
null	null	D	423	HYPOCHLORINATION, PRE 403 GASEOUS CHLORINATION, PRE

(Active Sources)						
Source Number	Source Name (Activity Status)	Operational Status	Source Type	Depth	Tested GPM	Rated GPM
G0610161A	1 - S END OF SEABORN RD (A)	P	G	650	22 GPM 25	N/A
Drill Date		Source Summary				
01/02/1981		PALUXY				
GPS Latitude (decimal)	GPS Longitude (decimal)	GPS Elevation	GPS Date	Seller		
33.158474	-97.251607	0	06/25/2009	Not Purchasing		
Source Number	Source Name (Activity Status)	Operational Status	Source Type	Depth	Tested GPM	Rated GPM
G0610161B	2 - SEABORN RD (A)	P	G	1300	25 GPM 42	60 GPM
Drill Date		Source Summary				
01/01/1902		TWIN MOUNTAIN -				
GPS Latitude (decimal)	GPS Longitude (decimal)	GPS Elevation	GPS Date	Seller		
33.158656	-97.251664	0	02/19/2010	Not Purchasing		

(Inactive/Offline Sources)			
SourceNumber	Name	Status	Depth

Code Explanations
Monitoring Type Codes: (GW) GROUNDWATER , (GUP) GROUNDWATER UNDER THE INFLUENCE - PURCHASED , (SWP) SURFACE WATER - PURCHASED , (GU) GROUNDWATER UNDER THE INFLUENCE OF SURFACE WATER , (N) NO SOURCES , (SW) SURFACE WATER
Activity Status Codes: (A) ACTIVE , (D) DELETED/DISSOLVED , (I) INACTIVE , (P) PROPOSED ,
Operational Status Codes: (E) EMERGENCY , (I) INTERIM/PEAK (O) OTHER , (P) PERMANENT , (S) SEASONAL
Source Types: (G) GROUND WATER , (S) SURFACE WATER , (U) GROUND WATER UNDER THE INFLUENCE

- End of Report -

At the time of your query this data was the most current information available from our database, which is in real time. Every effort was made to retrieve it according to your query. Thank-you for using DWW.

4-25-19

To: Steve Zawlotny
TCEQ
817 588 5701

From: Jim Presley -940 391 2824
Terra Southwest

RECEIVED
APR 25 2019
DFW REGION-4

Wednesday, April 24, 2019

YEAR END USAGE

USAGE SUMMARY

	2019 TOTAL JANUARY USAGE	4,073,200
Low	2019 TOTAL FEBRUARY USAGE	5,463,600
	2019 TOTAL MARCH USAGE	6,345,900
	2019 TOTAL APRIL USAGE	6,364,400
	TOTAL MAY USAGE	7,095,700
	TOTAL JUNE USAGE	5,952,300
High	2019 TOTAL JULY USAGE	10,146,000
	TOTAL AUGUST USAGE	7,396,500
	TOTAL SEPTEMBER USAGE	6,110,600
	TOTAL OCTOBER USAGE	4,532,100
	TOTAL NOVEMBER USAGE	4,484,900
	TOTAL DECEMBER USAGE	5,242,900
	TOTAL USAGE	71,308,200

All Customers
Terra Southwest, Inc.

RECEIVED
APR 25 2019
DFW REGION-4

POOR QUALITY ORIGINAL