

(f) Interests in Other Entities. The General Partner shall be authorized to cause the Partnership to acquire an interest in one or more corporations and/or in one or more other entities as the General Partner determines necessary or appropriate to carry out the business of the Partnership.

4.2 Limitation of Liability; Powers of Limited Partners. No Limited Partner shall have any liability whatsoever for any debt, obligation or liability of the Partnership. The Limited Partners may, at the request of any Limited Partner, meet with the General Partner and may, at any such meeting, discuss with the General Partner the business of the Partnership. The General Partner will, however, retain exclusive authority and responsibility for the management and control of the business of the Partnership, and the Limited Partners shall not take part in the control of the partnership business or have any authority or power to act for or bind the Partnership.

4.3 Title to Partnership Assets. All assets of the Partnership shall be deemed to be owned by the Partnership, as an entity, and no Partner, individually or collectively, shall have any ownership interest in the assets of the Partnership or any portion thereof. The Partnership shall hold all material assets of the Partnership in its own name or in the name of one or more nominees (which may include the General Partner or its affiliates) for the Partnership.

4.4 No Compensation. Except as provided in Section 4.5, no Partner shall be compensated for its services provided as a Partner to the Partnership.

4.5 Reimbursement of Expenses. Notwithstanding Section 4.5, the General Partner and its affiliates shall be entitled to reimbursement, together with reasonable interest thereon, for all expenses that they reasonably incur for Partnership purposes, including but not limited to the costs of personnel, equipment, and materials used in Partnership operations and the portion of the administrative and overhead expenses (such as rent and office maintenance thereof, payroll and payroll taxes, franchise taxes, insurance, employee benefits, travel and entertainment and similar expenses) of the General Partner and its affiliates at their principal place of business that is properly allocable to the Partnership.

4.6 Consent in Lieu of Meeting. Any action which may be taken by the Partners at a meeting may be effected through the execution of written consents by the requisite percentage in interest of the Partners.

## ARTICLE 5 TRANSFER OF INTERESTS

5.1 General. No Partner may Transfer its interest in the Partnership, in whole or in part, except in accordance with the terms and conditions set forth in this Agreement. Any Transfer or purported Transfer of an interest in the Partnership not made in accordance with this Agreement shall be null and void. Solely for purposes of this Section 5.1, an interest in the Partnership shall be deemed to include, without limitation, any Derivative Partnership Interest held, issued or created by a Partner, an assignee of a Partner or other Person. For purposes of this Section 5.1, "Derivative Partnership Interest" shall mean any actual, notional or constructive interest in, or right in respect of, the Partnership (other than a Partner's total interest in the capital, profits and management of the Partnership) that, under United States Department of the Treasury Regulation Section 1.7704-1(a)(2), is treated as an interest in the Partnership for

purposes of Section 7704 of the Code. Pursuant to the foregoing, "Derivative Partnership Interest" shall include, without limitation, any financial instrument that is treated as debt for Federal income tax purposes and (i) is convertible into or exchangeable for an interest in the capital or profits of the Partnership or (ii) provides for one or more payments of equivalent value.

5.2 Transfer of Interest of General Partner. The General Partner may not Transfer all or any portion of its Partnership Interest as the General Partner unless a majority in interest of the Limited Partners consent (i) to such Transfer, which consent may be given or withheld in the sole discretion of the Limited Partners, and (ii) to the admission of the transferee as a General Partner of the Partnership.

5.3 Transfer of Interest of Limited Partners. A Limited Partner may not Transfer all or any portion of its Partnership Interest without the prior written consent of the General Partner and all Limited Partners. In the case of any Transfer approved by the General Partner and all Limited Partners, the transferee or pledgee shall (i) agree to comply with and be bound by this Agreement and to execute any document that the General Partner may reasonably require to be executed in connection with the assignment to him, and (ii) appoint the General Partner his attorney-in-fact pursuant to the power of attorney set forth in Article 7.

5.4 Removal of General Partner. Upon the occurrence of an Event of Default, a majority in interest of the Limited Partners may require the removal of the General Partner, in accordance with the following provisions:

(a) A notice of removal signed by a majority in interest of the Limited Partners shall be delivered to the General Partner. Upon receipt of the notice, the General Partner shall offer to sell its Partnership Interest to the Limited Partners, each of whom then shall have seven (7) days in which to notify the General Partner whether he elects to purchase a pro rata portion of the General Partner's Partnership Interest.

(b) The General Partner shall sell its Partnership Interest (i) in equal undivided portions to those Limited Partners electing pursuant to paragraph (a) above to purchase same, or (ii) in the absence of any Limited Partners so electing, to a third party approved by a majority in interest of the Limited Partners; provided, however, if no such third party can be located and none of the Limited Partners elects to purchase the General Partner's Partnership Interest, the General Partner may not be removed and its Partnership Interest may not be sold pursuant to this paragraph. The sale described in this paragraph shall occur within sixty (60) days after the date the notice described in paragraph (a) above is delivered to the General Partner.

(c) Any sale of the General Partner's Partnership Interest pursuant to paragraph (b) above shall be made at the fair market value of such Partnership Interest. The fair market value shall be mutually agreed upon by the General Partner and the purchaser. If such an agreement cannot be reached, the fair market value of the Partnership Interest shall be determined by a reputable, independent appraiser experienced in such matters jointly selected by the General Partner and the purchaser. If the General Partner and the purchaser are unable to agree on such an appraiser, the General Partner shall select an appraiser, the purchaser shall select an appraiser and the two appraisers shall select a third appraiser, which third appraiser shall determine the value of the Partnership Interest. The Partnership shall pay the costs of all such appraisers.

ARTICLE 6  
DISSOLUTION AND LIQUIDATION OF THE PARTNERSHIP

6.1 Dissolving Events. The Partnership shall be dissolved upon the occurrence of any of the following events:

- (a) expiration of the Partnership term;
- (b) issuance of an order by a court of competent jurisdiction requiring the Dissolution of the Partnership;
- (c) permanent cessation of the Partnership's business;
- (d) consent to dissolve the Partnership by all Partners;
- (e) the withdrawal, retirement, Bankruptcy, Dissolution, death or incapacity of the General Partner; or
- (f) any other event which results in Dissolution of the Partnership under the Act.

6.2 Winding Up of the Partnership.

- (a) Upon Dissolution of the Partnership, the General Partner shall promptly wind up the affairs of the Partnership.
- (b) Distributions to the Partners in liquidation may be made in cash or in kind, or partly in cash and partly in kind, as determined by the General Partner.
- (c) The profits and losses of the Partnership during the period of Dissolution and liquidation shall be allocated among the Partners in accordance with the provisions of Article 3.
- (d) The assets of the Partnership (including, without limitation, proceeds from the sale or other disposition of any assets during the period of Dissolution and liquidation) shall be applied as follows:
  - (i) first, to repay any indebtedness of the Partnership, whether to third parties or the Partners, in the order of priority required by law;
  - (ii) next, to any reserves which the General Partner reasonably deems necessary for contingent or unforeseen liabilities or obligations of the Partnership (which reserves when they become unnecessary shall be distributed in the remaining priorities set forth in this Section 6.2(d)); and
  - (iii) next, to the Partners in proportion to their respective positive Capital Account balances

ARTICLE 7  
POWER OF ATTORNEY

7.1 Grant of Power of Attorney. Each Limited Partner does irrevocably constitute and appoint the General Partner (and any successor General Partner) and the authorized officers and attorneys-in-fact of the General Partner (and any successor General Partner), voting together or individually, with full power of substitution as its true and lawful attorney-in-fact and agent, with full power and authority in his name, place and stead to:

(a) execute, swear to, acknowledge, deliver, file and record in the appropriate public offices (i) the Certificate of Limited Partnership and all amendments thereto and other instruments that the General Partner deems necessary or appropriate to effect a change or modification of the Certificate of Limited Partnership, (ii) all certificates, conveyances, and other instruments that the General Partner deems necessary or appropriate to effect the acquisition, disposition, pledge, mortgage, hypothecation, encumbrance or exchange of any assets of the Partnership or the Dissolution and termination of the Partnership, (iii) all instruments and consents relating to the admission of additional Limited Partners or the General Partner, (iv) agreements with the Internal Revenue Service to keep open the statute of limitations with respect to any Partnership items under examination with the Internal Revenue Service, and (v) any other instrument that is now or may hereafter be required by law to be filed or recorded on behalf of the Partnership; and

(b) perform all acts and exercise all powers granted to the General Partner under this Agreement.

7.2 Nature of Power of Attorney. The power of attorney granted herein shall be deemed to be coupled with an interest, shall be irrevocable, and shall survive the death, incompetency or termination of existence of such Limited Partner and shall extend to such Limited Partner's heirs, successors and assigns. Each Limited Partner hereby agrees to be bound by any representations made by the General Partner, acting in good faith pursuant to such power of attorney, and each Limited Partner hereby waives any and all defenses that may be available to contest, negate or disaffirm the action of the General Partner taken in good faith under such power of attorney. Any person dealing with the Partnership may conclusively presume and rely upon the fact that any such instruments executed by the attorney-in-fact and agent herein appointed is regular and binding without further inquiry.

7.3 Other Instruments. Each Limited Partner shall execute and deliver to the General Partner within five (5) days after receipt of the General Partner's request therefor such further designations, powers of attorney and other instruments as the General Partner deems necessary to effectuate this Agreement and the purposes of the Partnership.

ARTICLE 8  
MISCELLANEOUS

8.1 Waiver of Partition Each Partner hereby irrevocably waives any and all rights that it may have to maintain an action for partition of any of the Partnership's property.

8.2 Entire Agreement. This Agreement constitutes the entire agreement among the Partners with respect to the subject matter hereof and supersedes any prior agreement or understanding among them with respect to such subject matter.

8.3 Severability. If any provision of this Agreement, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Agreement or the application of such provision to other persons or circumstances shall not be affected thereby

8.4 Notices. All notices or other communications required or permitted to be given pursuant to this Agreement shall be in writing and shall be considered as properly given (a) in the case of notices or communications required or permitted to be given to a Limited Partner, if personally delivered or if mailed by United States certified or registered mail, postage prepaid and addressed to the Limited Partner's address for notices as it appears on the records of the Partnership, and (b) in the case of notices or communications required or permitted to be given to the General Partner, if personally delivered or if mailed by United States certified or registered mail, return receipt requested, postage prepaid and addressed to the General Partner at its principal place of business. A Limited Partner may change its address for notices by giving notice in writing, stating the new address for notices, to the General Partner, and the General Partner may change its address for notices by giving notice in writing, stating the new address for notices, to the Limited Partners. Any notice or other communication shall be deemed to have been given as of the date on which it is deposited in the United States mail or transmitted, in each case in compliance with the terms of this section.

8.5 Governing Law. THIS AGREEMENT SHALL BE GOVERNED BY THE LAWS OF THE STATE OF TEXAS.

8.6 Successors and Assigns. Except as otherwise specifically provided, this Agreement shall be binding upon and inure to the benefit of the Partners and their successors and assigns.

8.7 Counterparts. This Agreement may be executed in one or more counterparts, all of which shall constitute one and the same instrument.

8.8 Headings. The section headings in this Agreement are for convenience of a reference only, and shall not be deemed to alter or affect the meaning or interpretation of any provision hereof

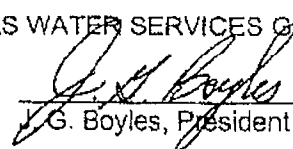
8.9 Amendment of Partnership Agreement. Except as otherwise provided herein, this Agreement may be amended only by a written agreement signed by all of the Partners.

IN WITNESS WHEREOF, the parties hereby have caused this Agreement to be executed as of the date first above written

General Partner:

TEXAS WATER SERVICES GROUP, LLC

By:

  
J. G. Boyles, President

Limited Partner:

TECON WATER COMPANIES, INC

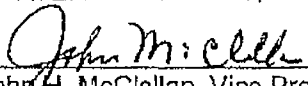
By:   
John H. McClellan, Vice President

EXHIBIT "A"

<u>Partner and Address</u>	<u>Contribution</u>	<u>Net Capital Account Balance</u>
Texas Water Services Group, LLC 6116 North Central Expressway, Suite 1300 Dallas, Texas 75206	\$10 cash	\$10.00
Tecon Water Companies, Inc. 6116 North Central Expressway, Suite 1300 Dallas, Texas 75206	\$9,990 cash	\$9,990.00



Office of the Secretary of State

CERTIFICATE OF FILING  
OF

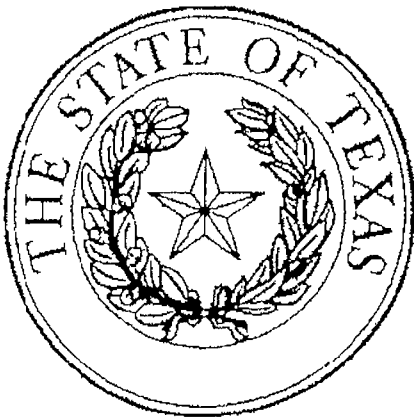
Monarch Utilities I L.P.  
800034797

[formerly: Tecon Water Company, L.P.]

The undersigned, as Secretary of State of Texas, hereby certifies that an amendment to the certificate of limited partnership or the application for registration as a foreign limited partnership for the above named limited partnership has been received in this office and filed as provided by law on the date shown below.

Accordingly, the undersigned, as Secretary of State hereby issues this Certificate evidencing the filing in this office.

Dated: 07/30/2004  
Effective: 07/30/2004



A handwritten signature in black ink, appearing to read "G. Connor".

Geoffrey S. Connor  
Secretary of State



FILED  
In the Office of the  
Secretary of State of Texas

JUL 30 2004

Corporations Section

**CERTIFICATE OF AMENDMENT  
TO THE  
CERTIFICATE OF LIMITED PARTNERSHIP  
OF  
TECON WATER COMPANY, L.P.**

Pursuant to the provisions of Section 2.02 of the Texas Revised Limited Partnership Act, the undersigned limited partnership desires to amend its certificate of limited partnership and for that purpose submits the following certificate of amendment.

1. The name of the limited partnership is Tecon Water Company L.P.
2. The certificate of limited partnership is amended as follows:
  - The name of Tecon Water Company L.P. be changed to Monarch Utilities I L.P.
  - The address of Monarch Utilities I L.P. be changed to One Wilshire Building, 624 S. Grand Ave., Suite 2900, Los Angeles, California 90017.
  - The officers of Monarch Utilities, I L.P. be changed to:

Michael O. Quinn  
Peter J. Moerbeek  
Richard J. Shields

President  
Treasurer  
Vice President and Secretary

Dated: July 27, 2004

TECON WATER COMPANY L.P.

By: 

Michael O. Quinn, President,  
Texas Water Services Group, LLC,  
Its General Partner

## **Attachment 5**

### **Transferee Certificate of Account Status**



## Franchise Tax Account Status

As of : 04/21/2021 15:00:21

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

### MONARCH UTILITIES I L.P.

**Texas Taxpayer Number** 10303732514

**Mailing Address** 12535 REED RD C/O TAX DEPT (FSC) SUGAR LAND,  
TX 77478-2837

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 12/10/2001

**Texas SOS File Number** 0800034797

**Registered Agent Name** CORPORATION SERVICE COMPANY DBA CSC -  
LAWYERS INCO

**Registered Office Street Address** 211 E. 7TH STREET SUITE 620 AUSTIN, TX 78701

**Attachment 6**  
**List of Neighboring Utilities**

## **NEIGHBORING UTILITIES AND AFFECTED ENTITIES**

### **UTILITIES AND DISTRICTS**

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Aldine ISD Raymond Elementary	Harris County MUD 530
Aldine PUD	Harris County MUD 555
Aqua Texas, Inc.	Harris County WCID 114
Aqua Utilities, Inc.	Harris County WCID 119
Barker Utilities	H-M-W SUD
Baytown Area Water Authority	Hooks Mobile Home Park Ltd
Bilma PUD	House Hahl Commercial Owners Assoc.
Blue Bell Manor Utility Co., Inc.	Imperial Valley MUD
C&H Water Production	Inline Development Corp.
CC Water Works, Inc.	Krebs Utilities, Inc.
Chambers County MUD 1	Lago Belo MUD 1
Chambers County MUD 2	Lake MUD
Champs Water	Lincoln Square Water System
Charterwood MUD	Louetta North PUC
City of Baytown	Mount Houston Road MUD
Country Living Apartments Water Well	Nitsch and Son Utility Company
Country Terrace Water Co., Inc.	North Belt UD
Cypress Hill MUD 1	Northwest Harris County MUD 10
Enchanted Place PUD	Northwest Harris County MUD 32
Enchanted Valley WSC	Pine Knob Estates Water
Greenwood Place Civic Club	Professional Utility Service 1
Harris County MUD 114	Quadvest
Harris County MUD 118	Rosehill Ranchettes Water System
Harris County MUD 119	Southern Water Corporation
Harris County MUD 182	Spring Creek Forest PUD
Harris County MUD 196	Spring Meadows MUD
Harris County MUD 213	SRC Water Supply, Inc.
Harris County MUD 24	Sunbelt FWSD
Harris County MUD 24	Telge Pines POA, Inc.
Harris County MUD 321	Trinity RCT GP LLC
Harris County MUD 358	Undine Texas, LLC
Harris County MUD 365	Villa Utilities
Harris County MUD 367	Wayneswood Place Civic Club
Harris County MUD 368	West Road WSC
Harris County MUD 371	Westfield Mobile Home Park
Harris County MUD 374	Woodland Hills Water, LLC
Harris County MUD 374	
Harris County MUD 383	
Harris County MUD 383	
Harris County MUD 391	
Harris County MUD 401	
Harris County MUD 459	
Harris County MUD 473	
Harris County MUD 50	
Harris County MUD 502	

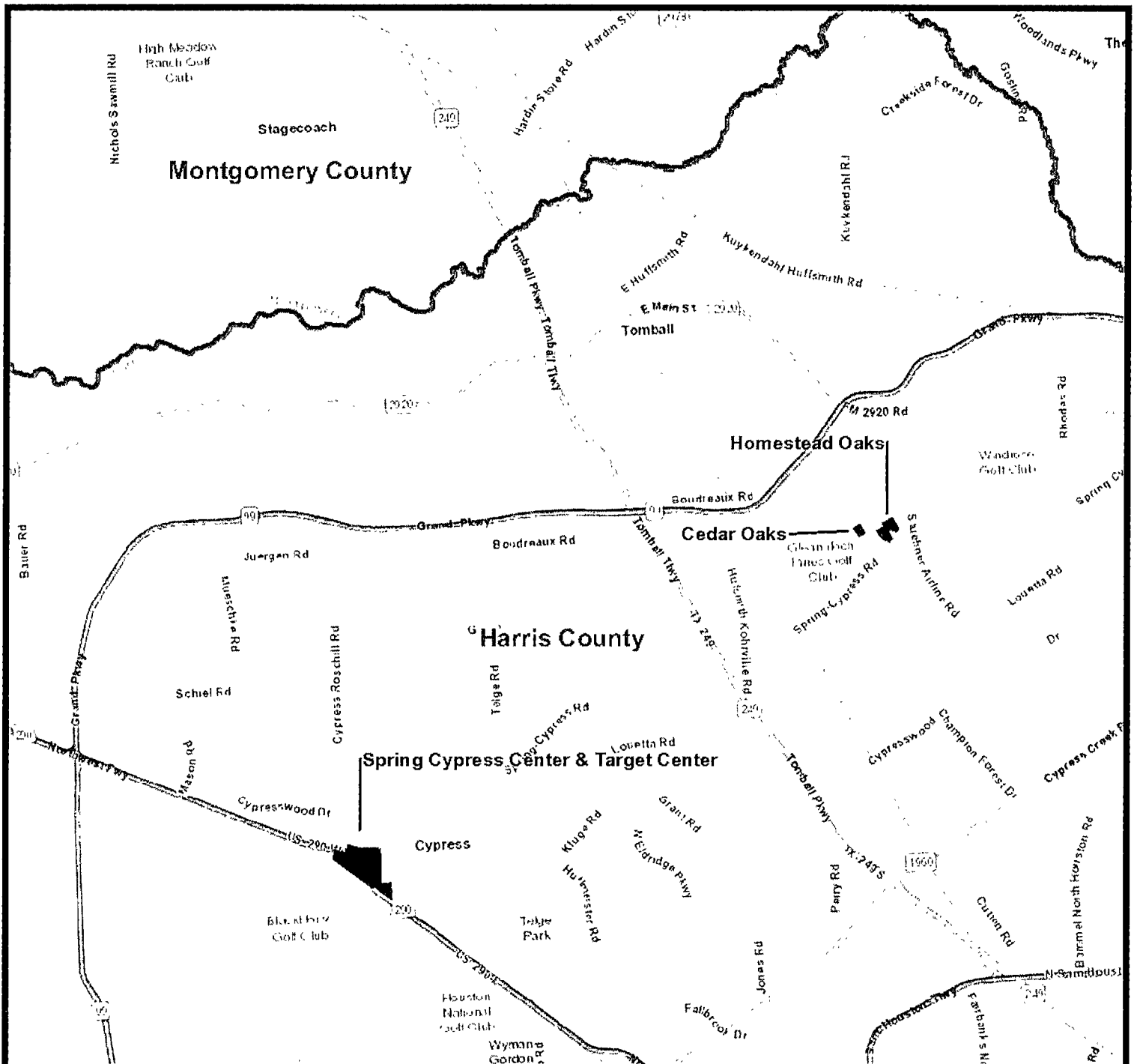
### **OTHERS**

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Chambers County  
Harris County  
Liberty County  
City of Houston  
Gulf Coast Disposal Authority  
Harris Galveston Subsidence District

**Attachment 7**  
**Large- and Small-Scale Maps**

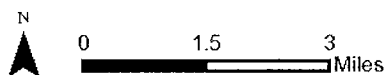
**Sale Transfer Merger for Monach Utilities I LP - Requested Area  
Water System  
Harris County**



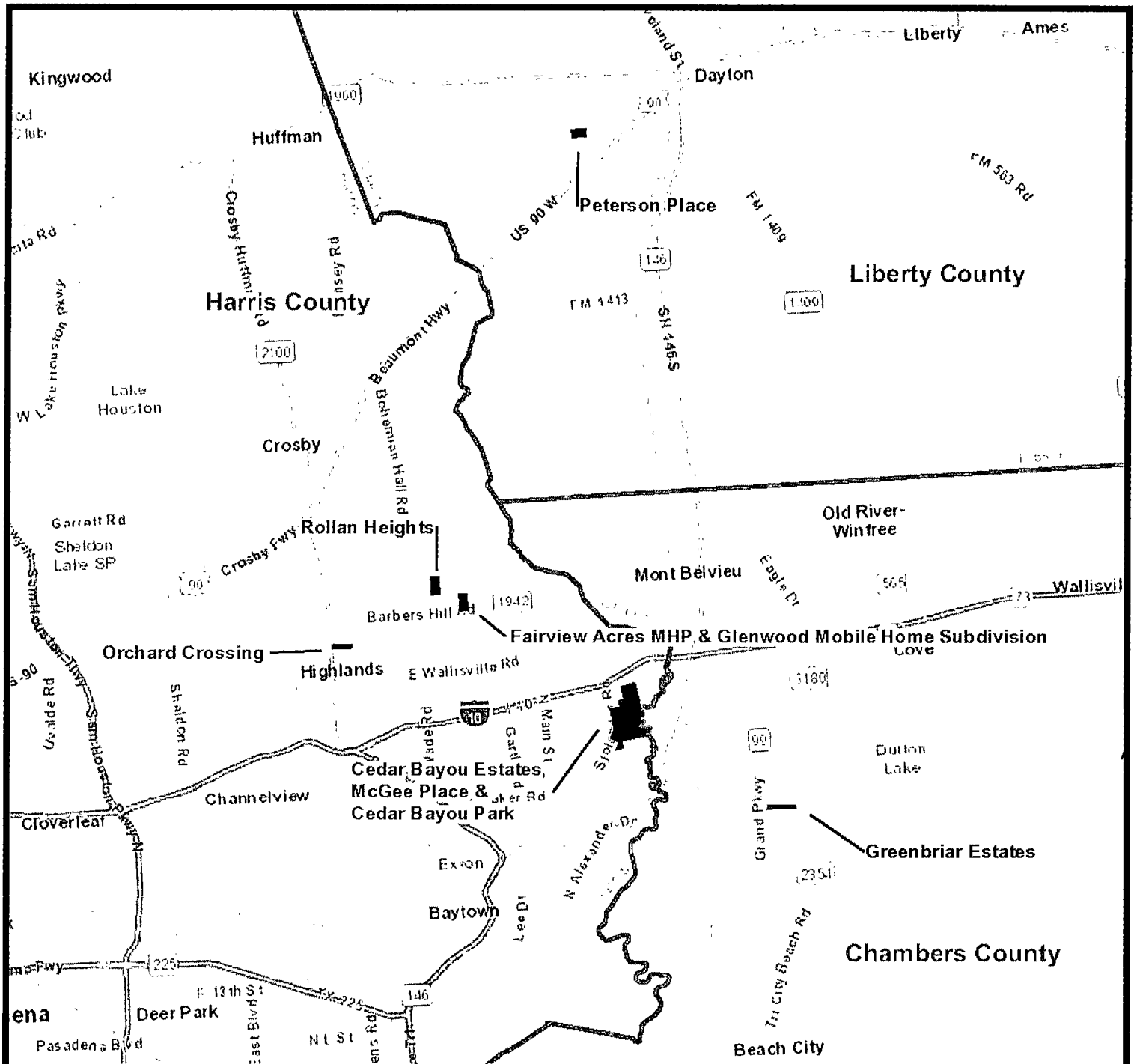
**Requested Area - Utilities Investment Company Inc**

Spring Cypress Center - Target Center - Cedar Oaks - Homestead Oaks

 Transfer Utilities Investment Company Inc (12671) to Monarch (12983)



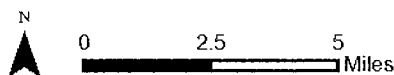
**Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Water System  
Harris County, Liberty County, Chambers County**



**Requested Area - Utilities Investment Company Inc**

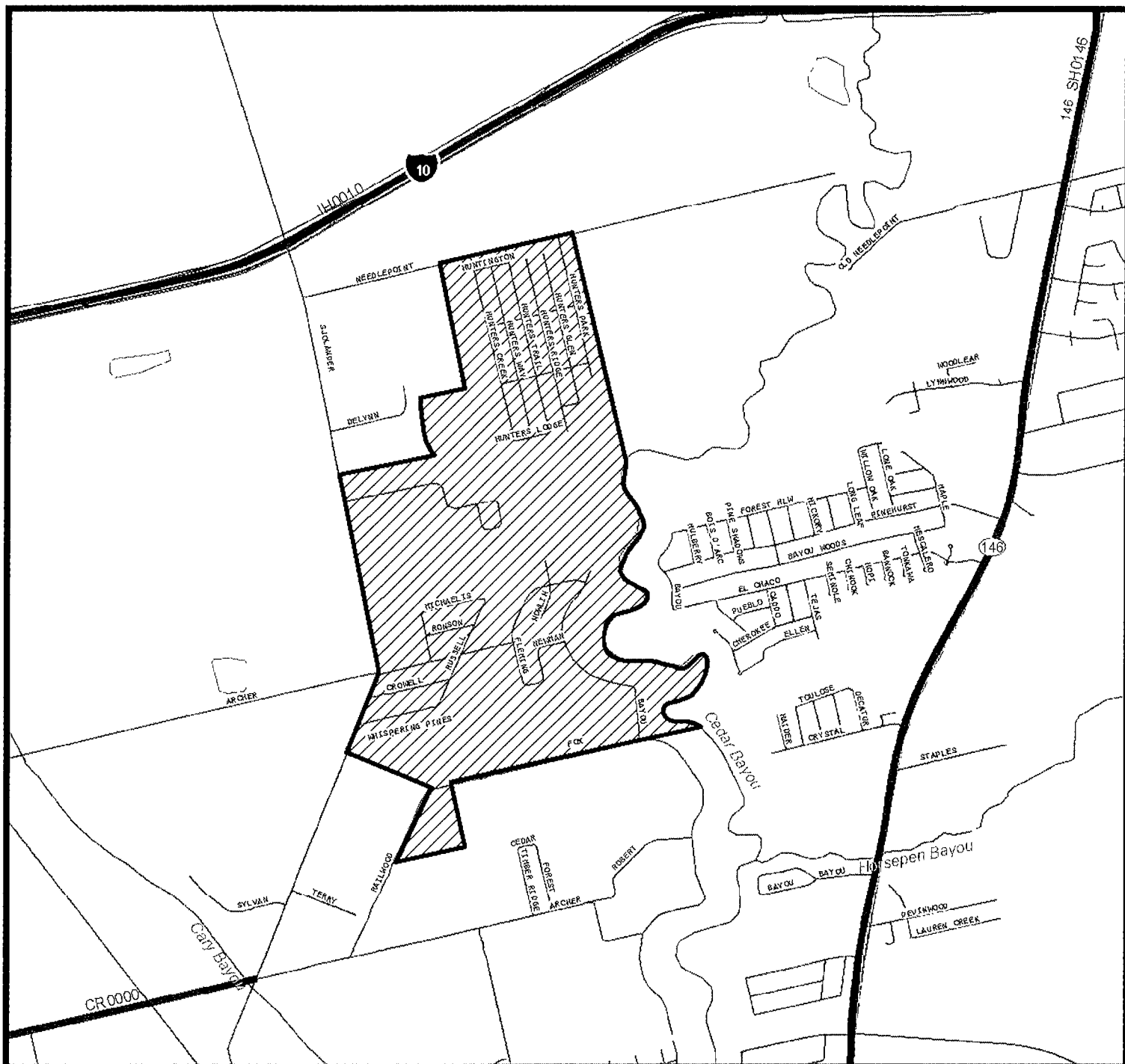
Peterson Place - Rollan Heights - Orchard Crossing - Fairview Acres MHP - Glenwood Mobile Home Subdivision -  
Cedar Bayou Estates - McGee Place - Cedar Bayou Park - Greenbriar Estates

 Transfer Utilities Investment Company Inc (12671) to Monarch (12983)





**Sale Transfer Merger for Monach Utilities I LP - Requested Area  
Cedar Bayou Estates, Cedar Bayou Park & McGee Water System  
Harris County**



Requested Area - Cedar Bayou Estates, Cedar Bayou Park & McGee Water System

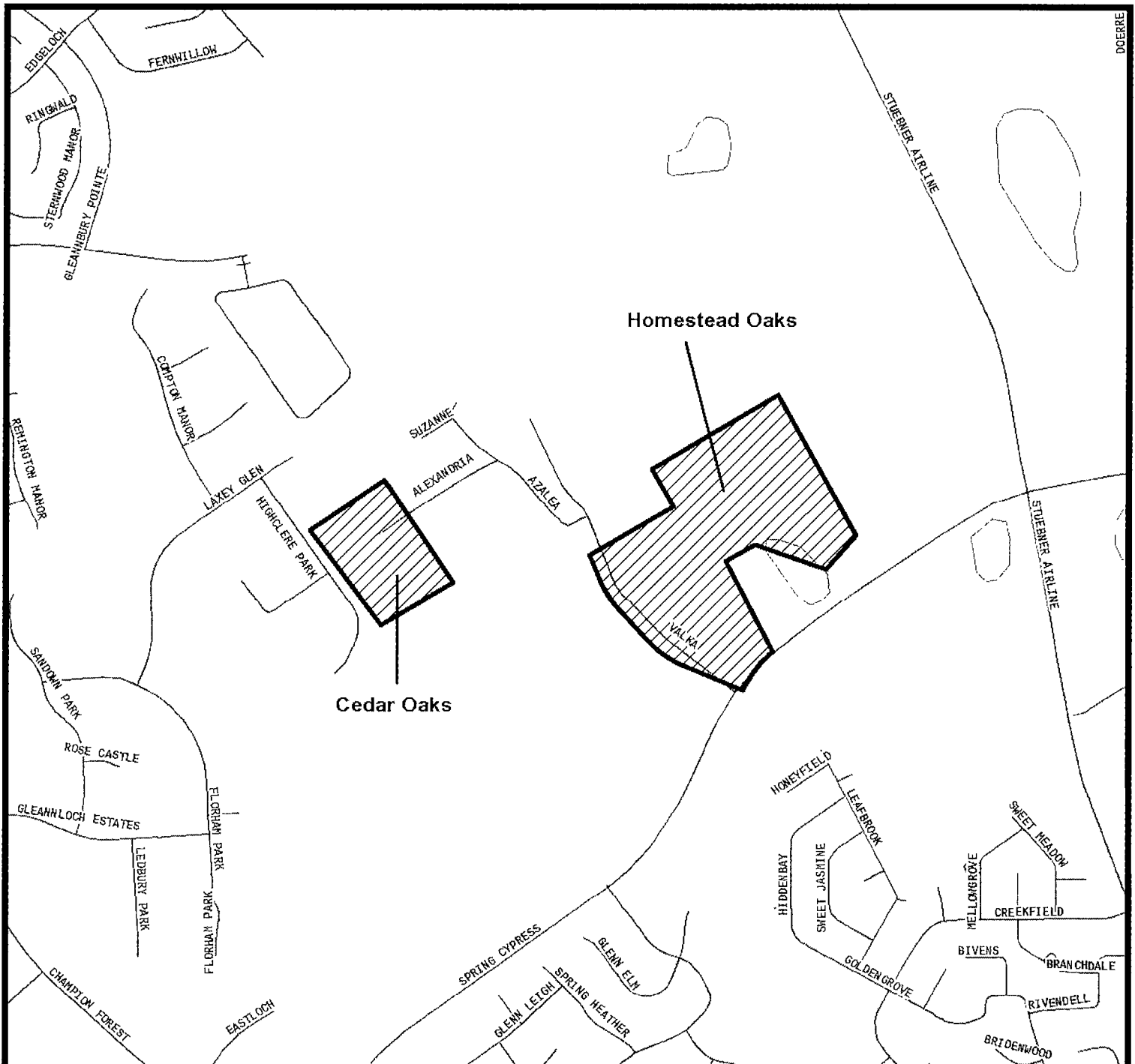


Transfer Utilities Investment Company Inc (12671) to Monarch (12983)



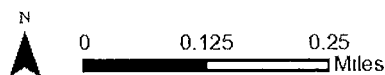
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**Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Cedar Oaks & Homestead Oaks Water System  
Harris County**

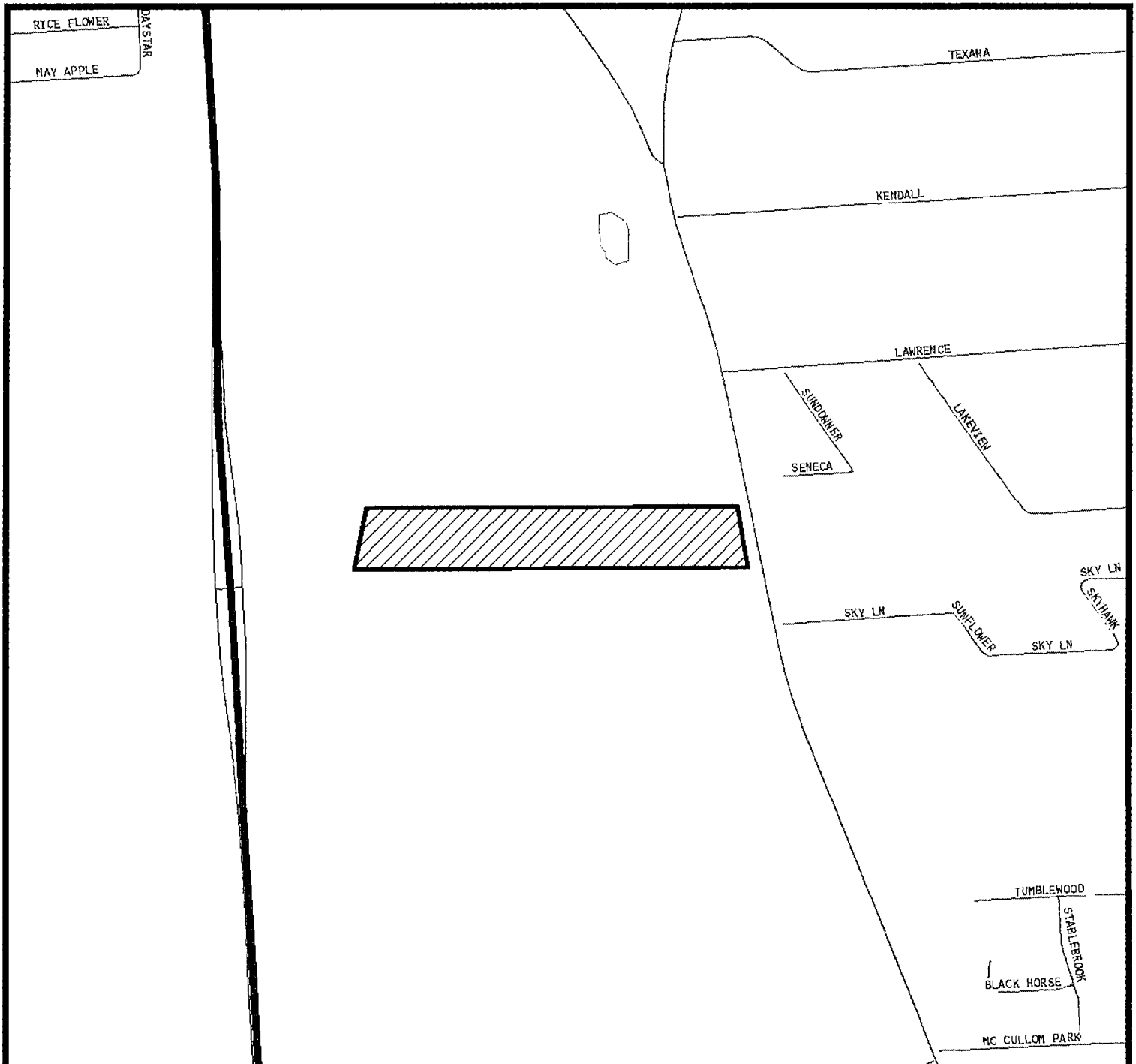


**Requested Area - Cedar Oaks & Homestead Oaks Water System**

 Transfer Utilities Investment Company Inc (12671) to Monarch (12983)



Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Greenbriar Water System  
Chambers County



Requested Area - Greenbriar Water System

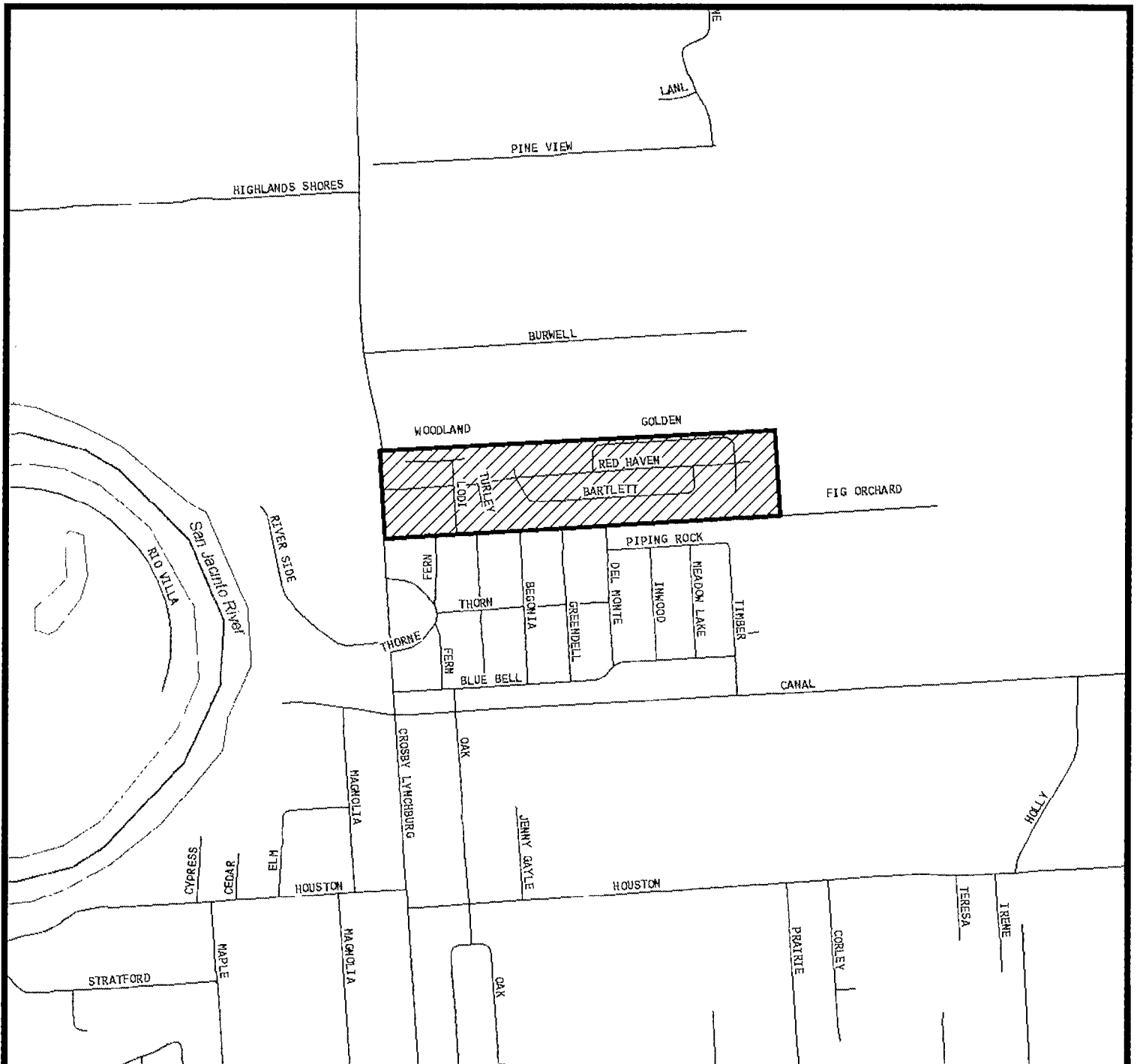


Transfer Utilities Investment Company Inc (12671) to Monarch (12983)



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Miles

**Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Orchard Crossing Water System  
Harris County**



**Requested Area - Orchard Crossing Water System**



Transfer Utilities Investment Company Inc (12671) to Monarch (12983)



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Miles

Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Peterson Place Water System  
Liberty County



Requested Area - Peterson Place Water System

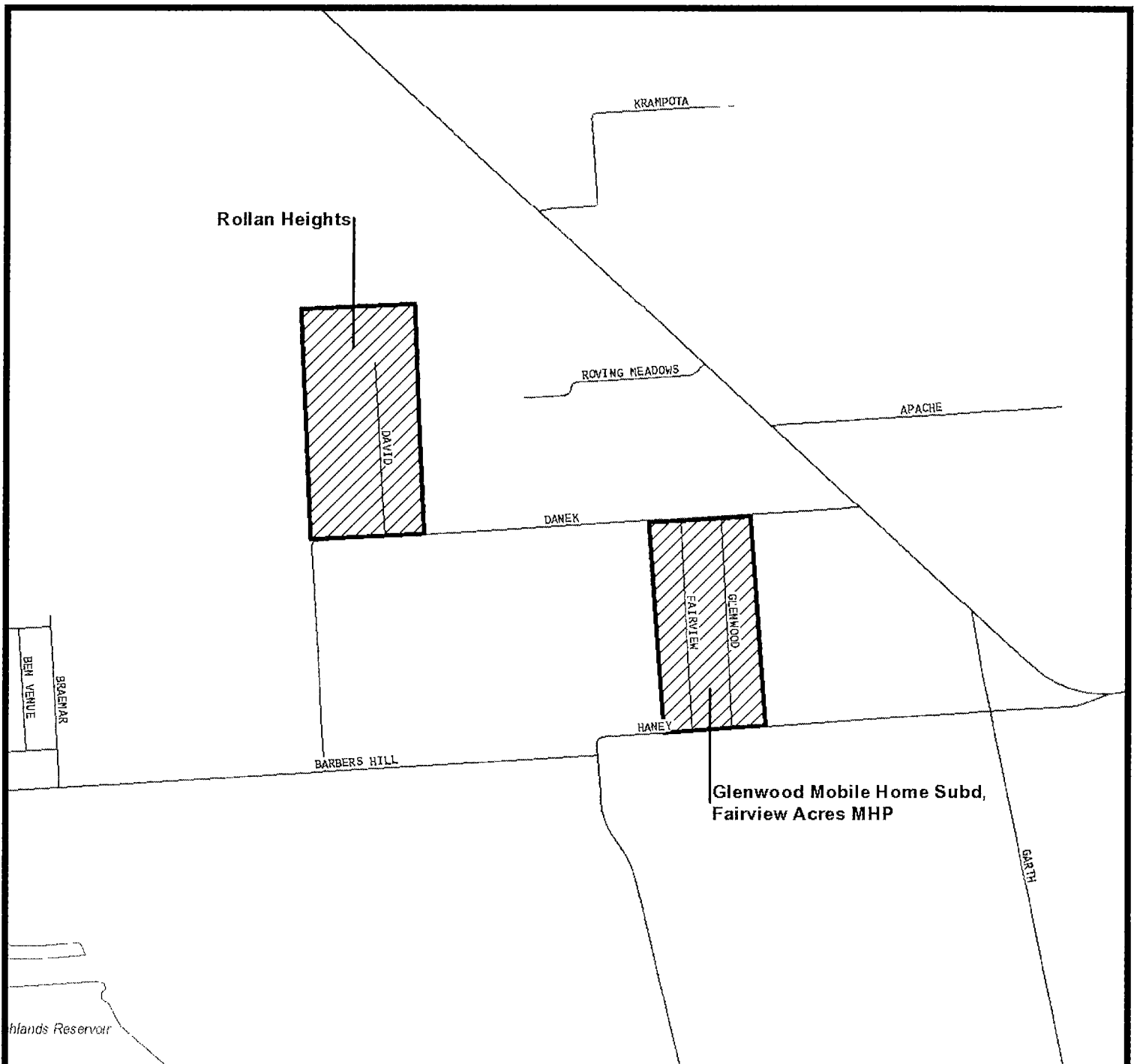


Transfer Utilities Investment Company Inc (12671) to Monarch (12983)



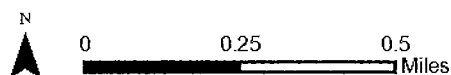
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Miles

**Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
 Rollan Heights, Fairview Acres MHP & Glenwood Mobile Home Subd  
 Water System  
 Harris County**

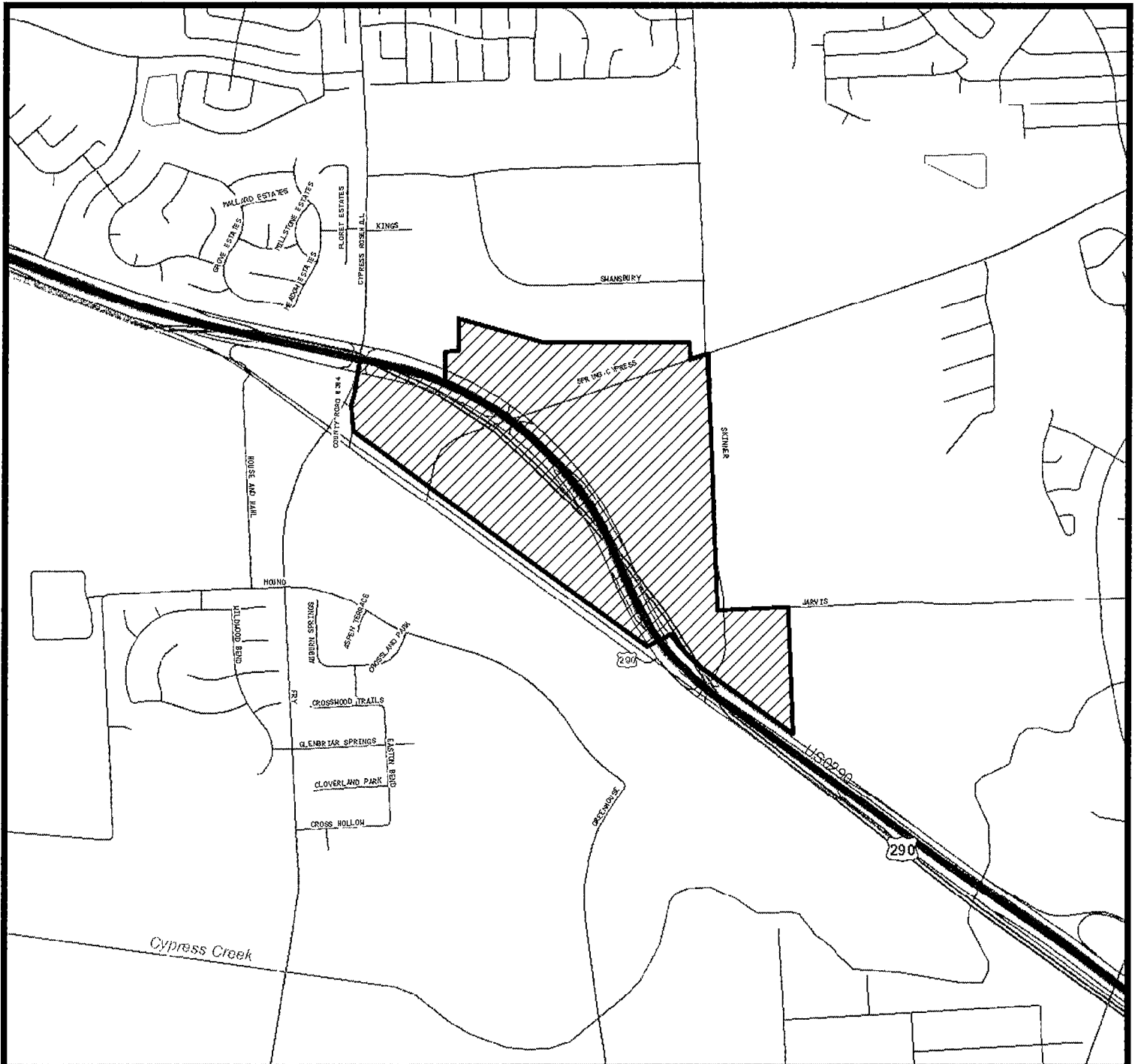


**Requested Area - Rollan Heights, Fairview Acres MHP & Glenwood  
 Mobile Home Subd Water System**

 Transfer Utilities Investment Company Inc (12671) to Monarch (12983)

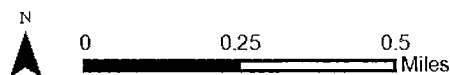


**Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Spring Cypress Center, Target Center Water System  
Harris County**

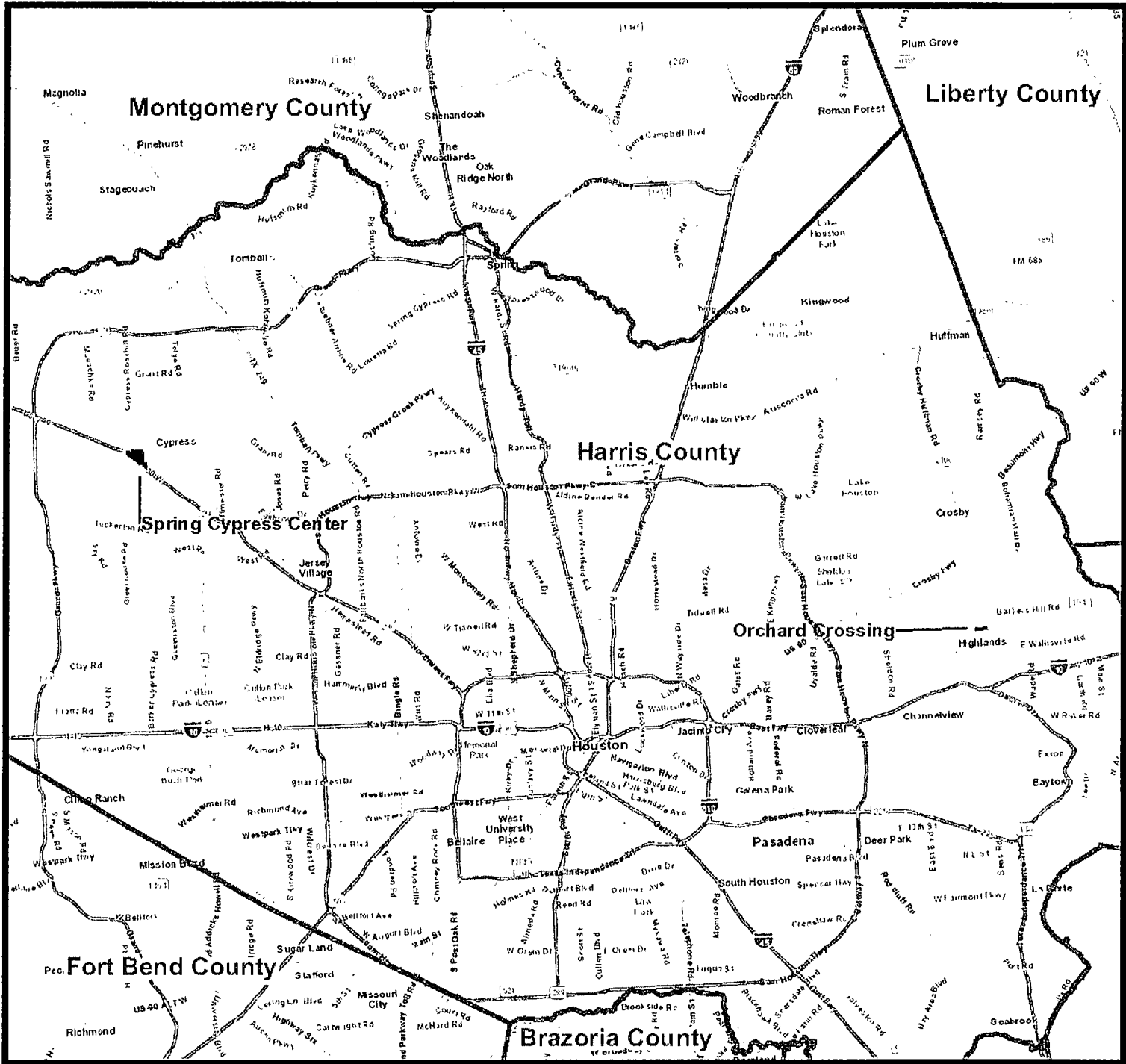


**Requested Area - Spring Cypress Center, Target Center Water System**

 Transfer Utilities Investment Company Inc (12671) to Monarch (12983)

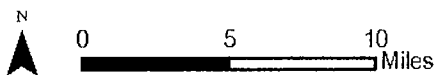


## Harris County



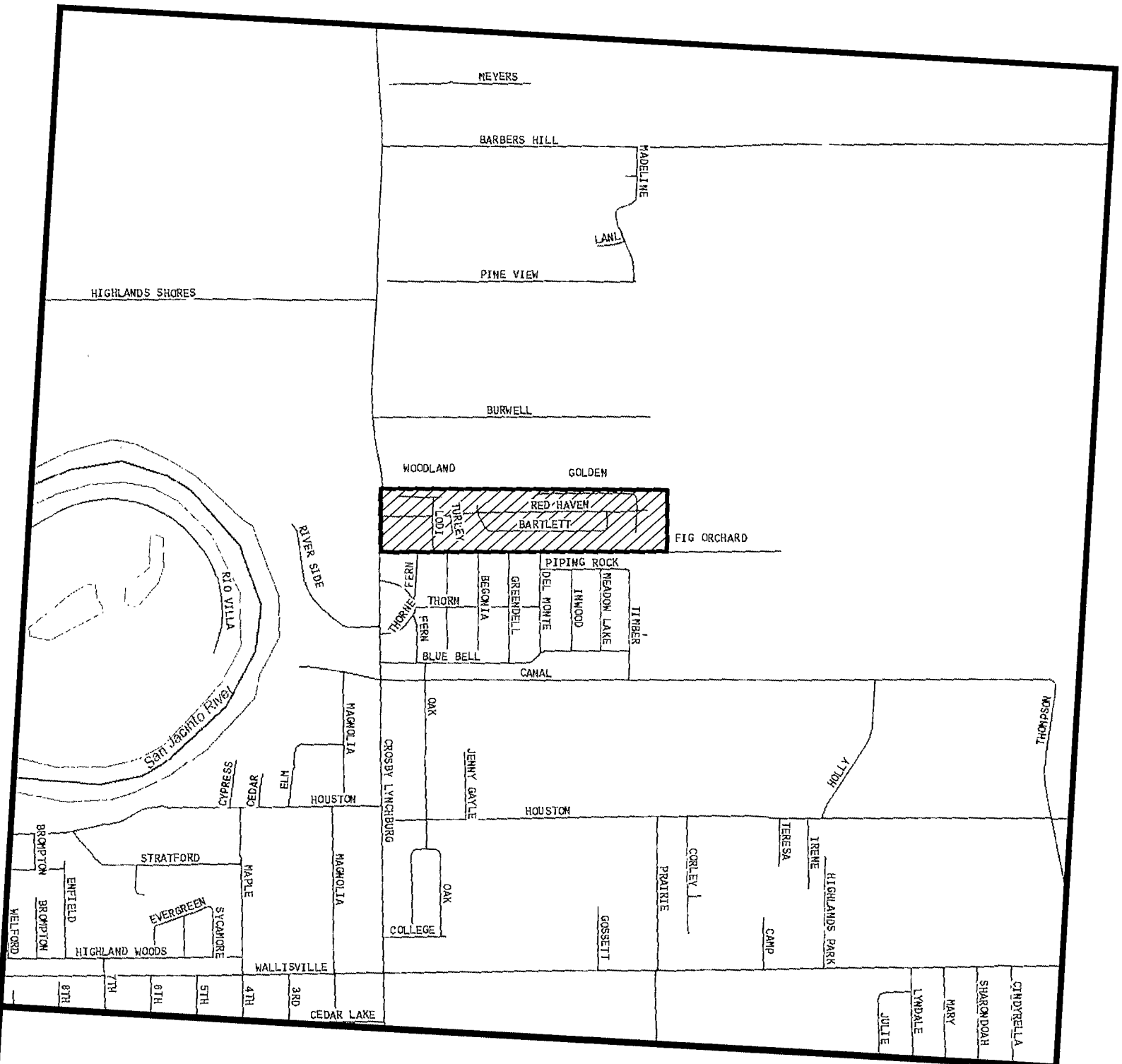
**Requested Area - Utilities Investment Company Inc**

Transfer Utilities Investment Company Inc (20765) to Monarch (20899)




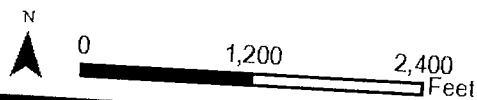


**Sale Transfer Merger for Monarch Utilities | LP - Requested Area  
Orchard Crossing Sewer System  
Harris County**

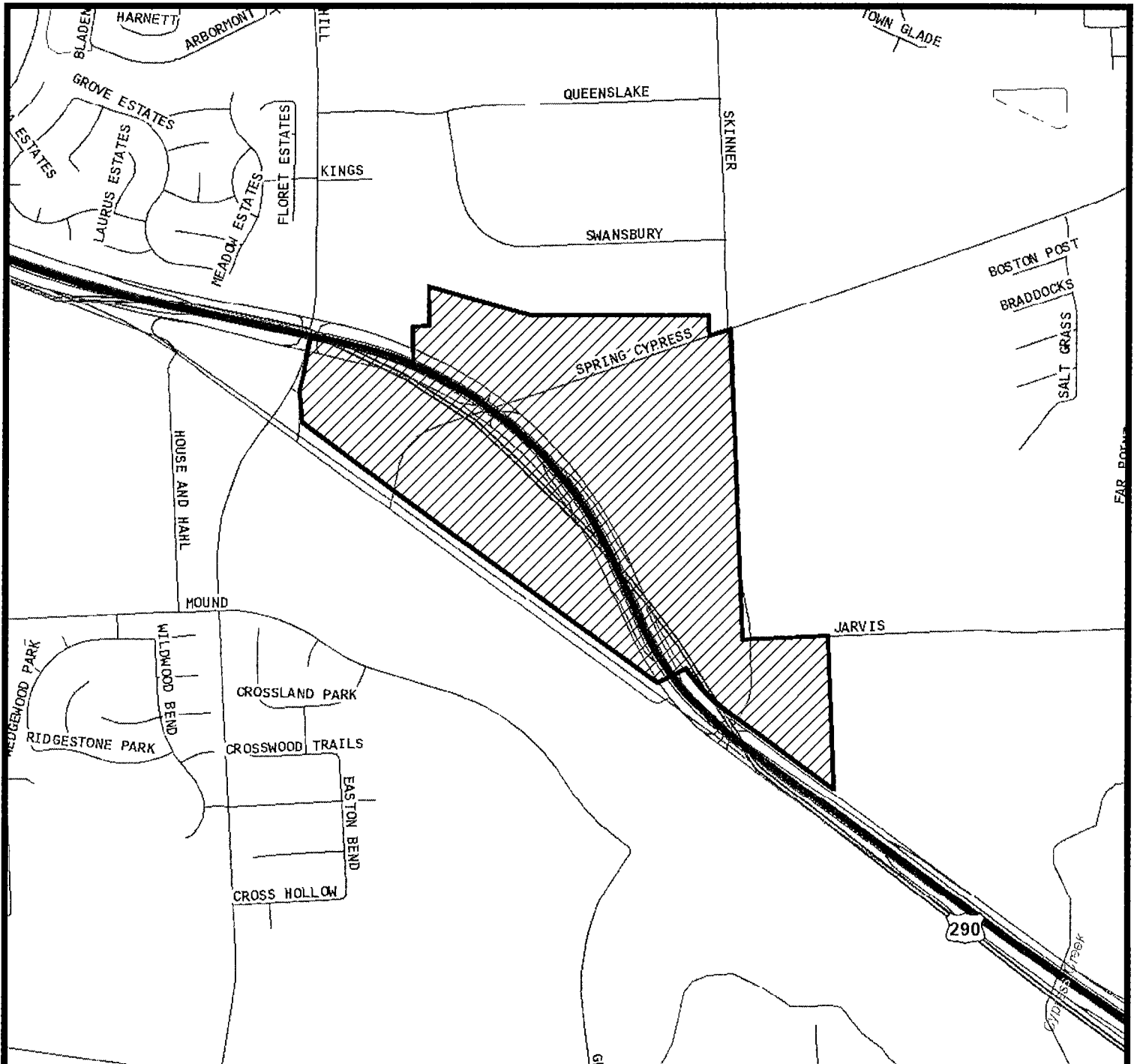


**Requested Area - Orchard Crossing Sewer System**


 Transfer Utilities Investment Company Inc (20765) to Monarch (20899)



Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Spring Cypress Center Sewer System  
Harris County



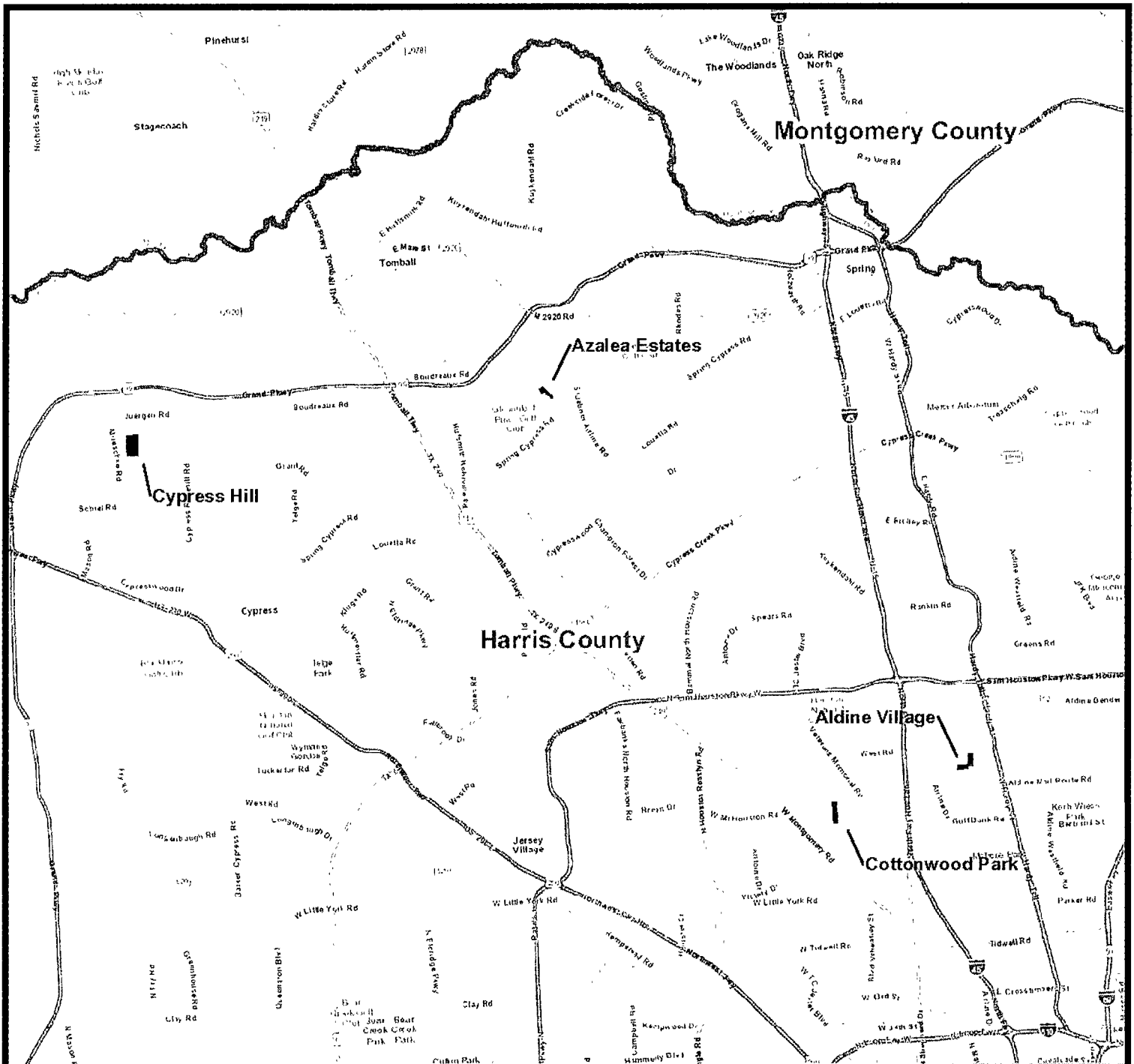
Requested Area - Spring Cypress Center Sewer System

 Transfer Utilities Investment Company Inc (20765) to Monarch (20899)



0 1,200 2,400 Feet

**Sale Transfer Merger for Monarch Utilities I LP - Requested Area**  
**Cypress Hill, Azalea Estates, Cottonwood Park, Aldine Village Water Systems**  
**Harris County**



**Requested Area - UIC 13 LLC**

**Transfer UIC 13 LLC (13242) and Amend to Monarch (12983)**



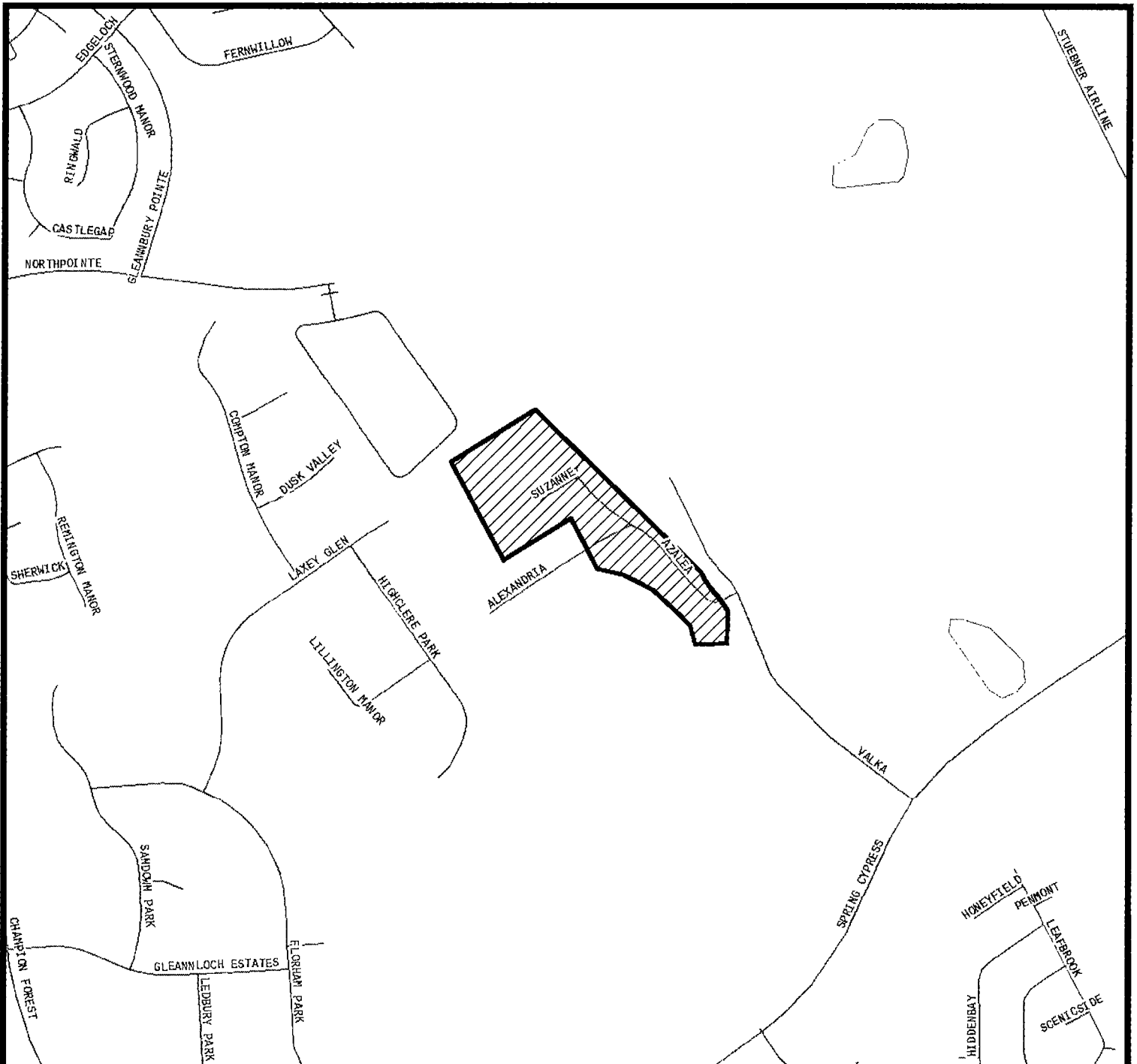
Transfer from CCN 13242 to CCN 12983



0      2.5      5  
Miles



Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Azalea Estates Water System  
Harris County



**Requested Area - Azalea Estates Water System**

Transfer UIC 13 LLC (13242) and Amend to Monarch (12983)



Transfer from CCN 13242 to CCN 12983



0 0.1 0.2  
Miles

**Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Cottonwood Park Water System  
Harris County**



**Requested Area - Cottonwood Park Water System**

Transfer UIC 13 LLC (13242) and Amend to Monarch (12983)

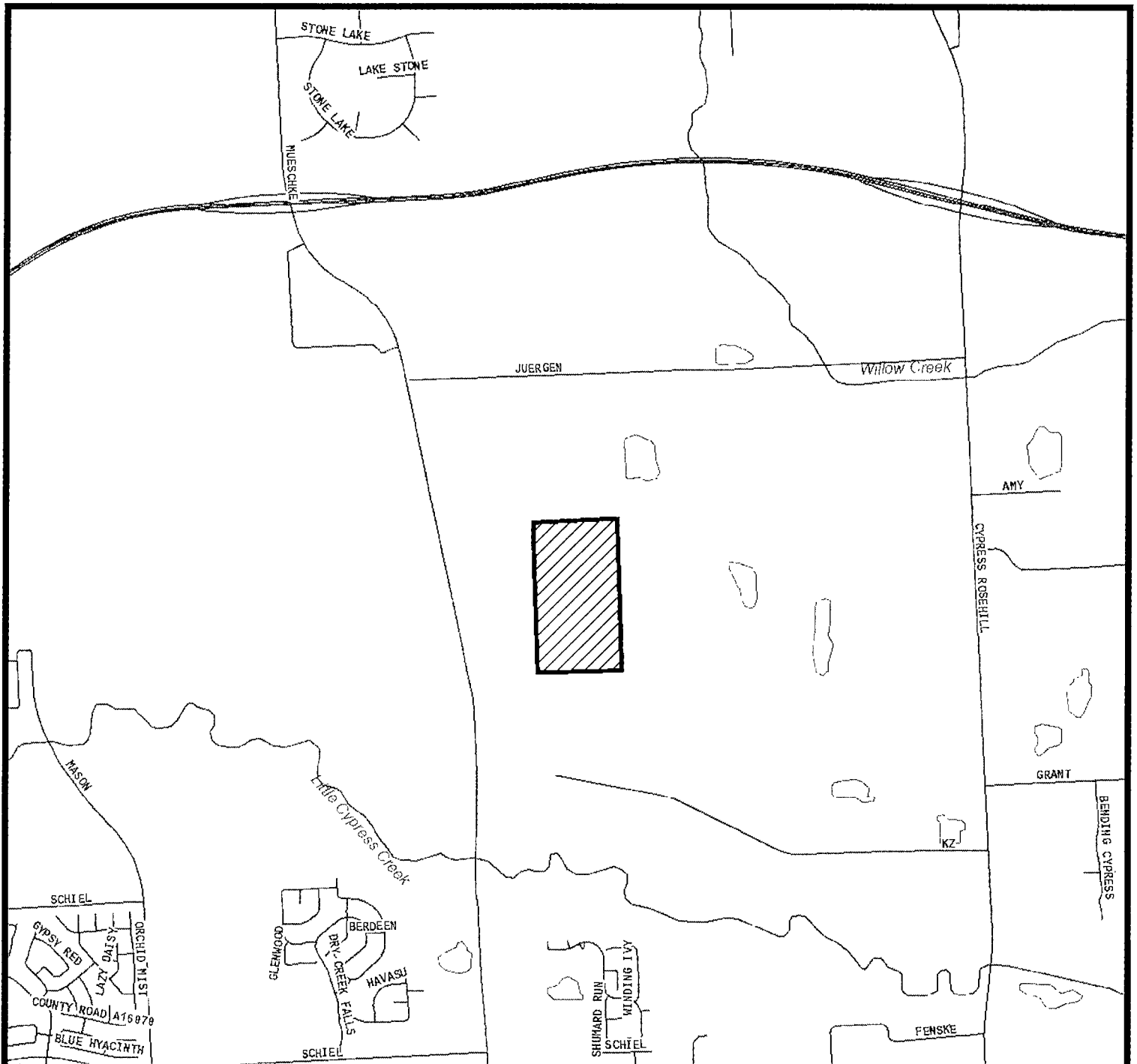


Transfer from CCN 13242 to CCN 12983



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Miles

Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Cypress Hill Water System  
Harris County



**Requested Area - Cypress Hill Water System**

Transfer UIC 13 LLC (13242) and Amend to Monarch (12983)



Transfer from CCN 13242 to CCN 12983



0 0.325 0.65  
Miles

**Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Aldine Village Sewer Systems  
Harris County**



**Requested Area - UIC 13 LLC**

**Transfer UIC 13 LLC (21091) and Amend to Monarch (20899)**



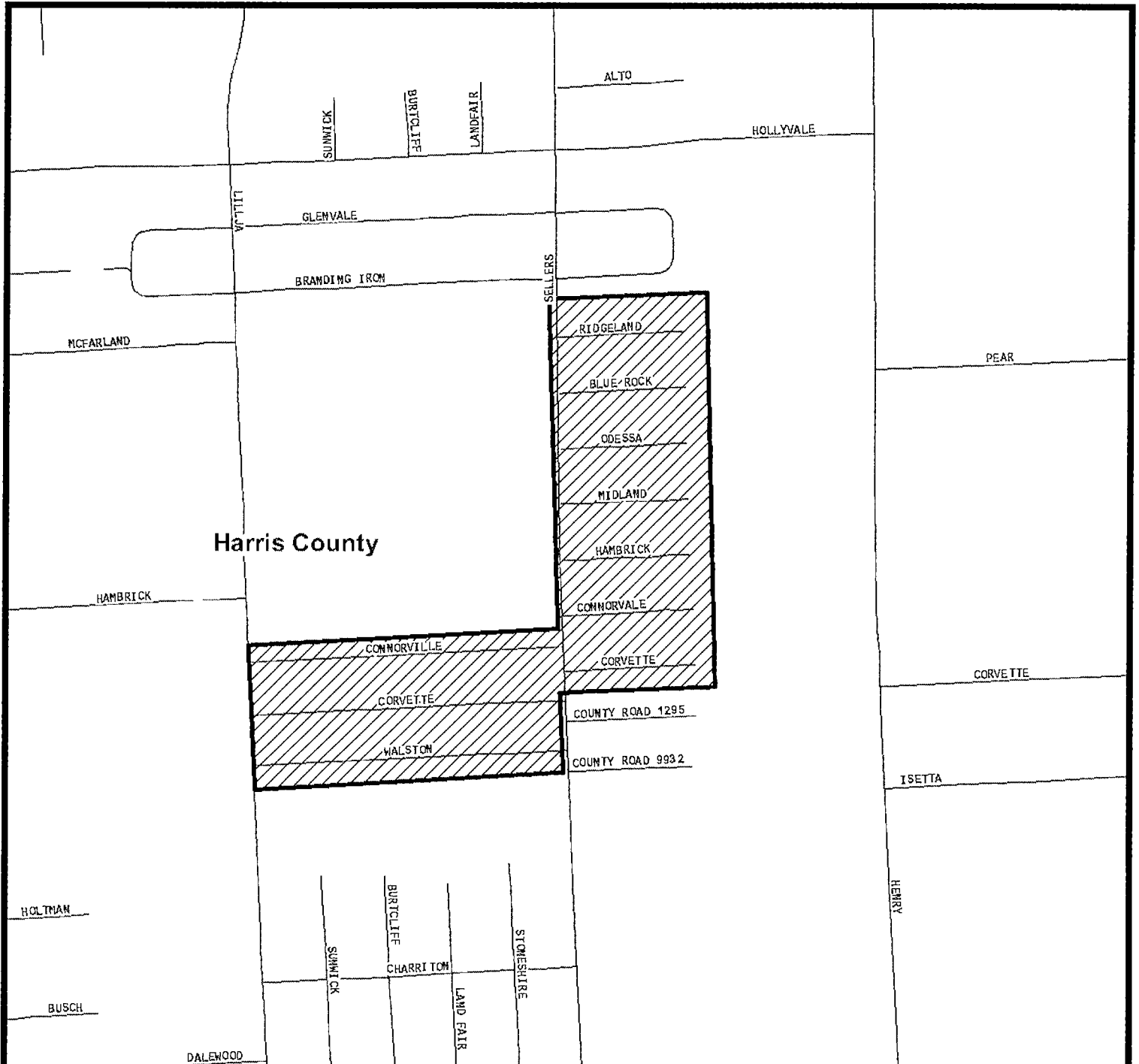
Transfer from CCN 21091 to CCN 20899



0 2 4  
Miles



**Sale Transfer Merger for Monarch Utilities I LP - Requested Area  
Aldine Village Sewer System  
Harris County**



**Requested Area - Aldine Sewer System**

Transfer UIC 13 LLC (21091) and Amend to Monarch (20899)



Transfer from CCN 21091 to CCN 20899



0 500 1,000 Feet

**Attachment 8**

**Transferee Financial Statements (CONFIDENTIAL)**

**\*will be filed separately under seal\***

## **Attachment 9**

### **Disclosure of Transferee Affiliated Interests**

**Affiliates of Monarch Utilities I L.P.**

1710 Woodcreek Farms, Inc.  
Alabama Utility Systems, Inc.  
CUC Holding Company, Inc.  
Florida Utility Systems, Inc.  
Kiawah Island Utility, Inc.  
Metro Water Systems, Inc.  
Midway Water Utilities, Inc.  
Monarch Utilities, Inc.  
New Mexico Utilities, Inc.  
Ni America Operating, Inc.  
Ni America Texas, LLC  
Ni Florida, Inc.  
Ni SC Environmental Services, Inc.  
Ni South Carolina, Inc.  
Ni South Carolina Utilities, Inc.  
Northwest Utility Systems, Inc.  
Oregon Water Utilities Cline Butte, Inc.  
Oregon Water Utilities Mountain Lakes, Inc.  
Oregon Water Utilities, Inc.  
Palmetto Utilities, Inc.  
Palmetto Wastewater Reclamation, Inc.  
Shelby Ridge Utility Systems LLC  
South Carolina Utility Systems, Inc.  
South Carolina Water Utilities - CUC, Inc.  
South Carolina Water Utilities, Inc.  
Southeast Utility Systems, Inc.  
SouthWest Water Company  
Suburban Water Systems  
SW Merger Acquisition Corp.  
SWWC Services, Inc.  
SWWC Utilities, Inc.  
Texas Water Services Group, LLC  
TWC Utility Company, LLC

**Attachment 10**  
**Transferee Projected Financial Information**

The Applicant/Transferee, Monarch, is an existing retail public utility (IOU), and the Commission is familiar with its financial, managerial, and technical information. Monarch does not propose new service connections outside of those that will be funded through the tap fee as provided for in the approved tariff. Furthermore, Monarch does not propose significant new investment in plant that would be dedicated to serve only the Transferor's customers. Therefore, projected financial information is not provided with this application.

**Attachment 11**  
**Transferee TCEQ Correspondence**

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 2, 2015

Mr. Shannon Marsh, Owner  
J&S Water Company, LLC  
P.O. Box 279  
New Waverly, Texas 77358

Re: Notice of Compliance with Notice of Violation dated September 3, 2014  
Aldine Village Wastewater Treatment Plant  
823 Hollyvale Dr., Houston (Harris County), Texas  
TPDES Permit No. 0013882-001, EPA ID No.: TX0070769

Dear Mr. Marsh:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received adequate compliance documentation on February 11, 13 & 17, 2015, to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on July 16, 2014. Based on the information submitted, no further action is required concerning this 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, please feel free to contact Mr. Bruce Miebs in the Houston Region Office at (713) 767-3569.

Sincerely,

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/BPM/ci



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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 4, 2019

**CERTIFIED MAIL #91 7199 9991 7038 7275 4230**  
**ELECTRONIC RECEIPT REQUESTED**

Mr. Shannon Marsh  
President  
Utilities Investment Company, Incorporated  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Compliance with Notice of Violation (NOV) dated August 1, 2018:  
Aldine Village Subdivision, 711 Corvette Court, Houston, Harris County, Texas  
Regulated Entity No.: 101282671 TCEQ ID No.: 1010931 Investigation No.: 1525214

Dear Mr. Marsh:

On January 2, 2019, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on June 21, 2018. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Ms. Landry Nash in the Houston Region Office at (713) 767-3692.

Sincerely,

A handwritten signature in black ink, appearing to read "NB Nunes".

Nichole Batista Nunes  
Team Leader  
Public Water Supply  
Houston Region Office

NBN/LN/sh

Enclosure: *Summary of Investigation Findings*

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G, Pasadena, Texas 77506-1023

## Summary of Investigation Findings

ALDINE VILLAGE SUBDIVISION

Investigation #

1525214

Investigation Date: 11/07/2018

, HARRIS COUNTY,

Additional ID(s): 1010931

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

Track No: 701586

30 TAC Chapter 290.43(c)(3)

**Alleged Violation:**

Investigation: 1525214

Comment Date: 01/02/2019

**Design and Construction of Storage Tanks**

Failure to provide the ground storage tank with a properly designed overflow pipe which is equipped with a gravity-hinged and weighted cover. The cover must seat properly with a gap of no more than 1/16 inch.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** On November 7, 2018, TCEQ Houston Region Office received via email from the regulated entity a photograph of the overflow on the smaller ground storage tank.

Track No: 701587

30 TAC Chapter 290.43(d)(3)

**Alleged Violation:**

Investigation: 1525214

Comment Date: 01/02/2019

**Design and Construction of Pressure Tanks**

Failure to equip all air compressor injection lines for the pressure tank with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** On November 7, 2018, TCEQ Houston Region Office received via email from the regulated entity a photograph of the filter on the air compressor injection line.

Track No: 701588

30 TAC Chapter 290.42(e)(4)(A)

**Alleged Violation:**

Investigation: 1525214

Comment Date: 01/02/2019

**Disinfection**

Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** On November 7, 2018, TCEQ Houston Region Office received via email from the regulated entity an invoice for an SCBA for Aldine Village Subdivision.

Track No: 701590

---

regulated entity a photograph of the raw water sampling taps provided on each well.

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Stephanie Bergeron Perdue, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 13, 2018

Shannon D. Marsh  
President  
Utilities Investment Company Inc.  
PO Box 279  
New Waverly, Texas 77358-0279

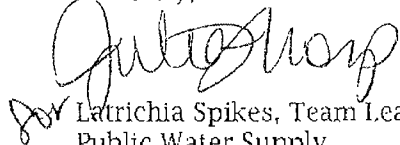
Re: Comprehensive Compliance Investigation at:  
Azalea Estates Mobile Home Community, 7902 Alexandria Court, Spring, Harris County,  
Texas  
Regulated Entity No.: 101237576 TCEQ ID No.: 1011253 Investigation No.: 1473462

Dear Mr. Marsh:

On February 16, 2018, Ms. Josephine Garcia and Mr. Chika Okolo of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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. Josephine Garcia in the Houston Region Office at (713) 767-3776.

Sincerely,

  
Latrichia Spikes, Team Leader  
Public Water Supply  
Houston Region Office

LS/JG/dp

cc: Harris County Public Health and Environmental Services, 101 South Richey Road, Suite G,  
Pasadena, Texas 77506-1023

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 31, 2020

Mr. Shannon Marsh  
President  
Utilities Investment Company Inc.  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Comprehensive Compliance Investigation at:  
Cedar Bayou Estates, End of Railway Drive, Baytown, Harris County, Texas  
Regulated Entity No.: 101279784 TCEQ ID No.: 1012174 Investigation No.: 1622352

Dear Mr. Marsh:

On December 3, 2019, Ms. Melody Kirksey of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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. Melody Kirksey in the Houston Region Office at (713) 422-8942.

Sincerely,

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

Nichole Batista Nunes  
Team Leader  
Public Water Supply  
Houston Region Office

NBN/MK/es

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G, Pasadena, Texas 77506-1023

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 2, 2016

Shannon Marsh, President  
Utilities Investment Company Inc.  
PO BOX 279  
New Waverly, Texas 77358-0279

Re: ~~Comprehensive Compliance Investigation at:~~  
~~Cedar Bayou Estates, End of Railway Drive, Baytown, Harris County, Texas~~  
Regulated Entity No.: 101279784  
TCEQ ID No.: 1012174 Investigation No.: 1365158

Dear Mr. Marsh:

On September 22, 2016, Mr. Maytham Faris, of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for ~~public water supply systems~~. No violations are being alleged as a result of the investigation. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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. Faris, in the Houston Region Office at (713) 767-3650.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Thorp".

Julia Thorp, Team Leader  
Public Water Supply  
Houston Region Office

JT/MF/mar

cc: Harris County Public Health and Environmental Services

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 2, 2020

Mr. Shannon Marsh  
President  
Utilities Investment Company Incorporated  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Complaint Investigation at:  
Cedar Bayou Park, 2606 Whispering Pines Street, Baytown, Harris County, Texas  
Regulated Entity No.: 102692118 TCEQ ID No.: 1010112 Investigation No.: 1611783

Dear Mr. Marsh:

On November 25, 2019, Mr. Ayo Falade of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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. Ayo Falade in the Houston Region Office at (713) 767-3679.

Sincerely,

A handwritten signature in black ink, appearing to read "Latrichia Spikes".

Latrichia Spikes  
Team Leader  
Public Water Supply  
Houston Region Office

LS/AF/es

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G, Pasadena, Texas 77506-1023

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 25, 2020

Mr. Shannon Marsh  
President  
Utilities Investment Company Incorporated  
Post Office Box 279  
New Wavery, Texas 77358-0279  
Marshwaterman@aol.com

Re: Notice of Compliance with Notice of Violation (NOV) dated January 2, 2020; Regulated Entity No.: 102692118 TCEQ Additional ID: 1010112 Investigation No.: 1645769

Dear Mr. Marsh:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received adequate compliance documentation on April 27, 2020 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on November 25, 2019. 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. Curtis Cagle in the Houston Region Office at (713) 767-3602.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Nunes", written over a horizontal line.

Nichole Batista Nunes  
Team Leader  
Public Water Supply  
Houston Region Office

NBN/CC/tj

Enclosure: Summary of Investigation Findings

cc: Harris County Public Health and Environmental Services 101 South Richey Street, Suite G  
Pasadena, Texas 77506-1023



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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 10, 2019

Mr. Shannon Marsh  
President  
Utilities Investment Company, Incorporated  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Compliance with Notice of Violation (NOV) dated March 27, 2016:  
Cedar Bayou Park, East Archer Road at Sjolander Road, Baytown, Harris County, Texas  
Regulated Entity No.: 102692118, TCEQ ID No.: 1010112, Investigation No.: 1532264

Dear Mr. Marsh:

On November 30, 2018, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on March 17, 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 Ms. Landry Nash in the Houston Region Office at (713) 767-3692.

Sincerely,

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

Nichole Batista Nunes  
Team Leader  
Public Water Supply  
Houston Region Office

NBN/LN/sh

Enclosure: *Summary of Investigation Findings*

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G, Pasadena, Texas 77506-1023

## Summary of Investigation Findings

CEDAR BAYOU PARK

Investigation #

1532264

Investigation Date: 12/04/2018

, HARRIS COUNTY,

Additional ID(s): 1010112

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 605249

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

30 TAC Chapter 290.46(f)(4)(C)

#### Alleged Violation:

Investigation: 1314423

Comment Date: 05/23/2016

#### Operating Records and Reports

Monthly Reports of Water Works Operation must be compiled regularly each month and kept on file for commission review for at least 2 years. The reports must be completed in ink, typed, or computer-printed and must be signed by the certified operator.

The monthly report must include the following data:

The volume of water treated each week for systems serving fewer than 250 connections and using only purchased treated water.

At the time of the investigation, paper work was not provided to determine the amount of water being used each month.

Investigation: 1517695

Comment Date: 11/26/2018

#### Operating Records and Reports

Monthly Reports of Water Works Operation must be compiled regularly each month and kept on file for commission review for at least 2 years. The reports must be completed in ink, typed, or computer-printed and must be signed by the certified operator.

The monthly report must include the following data:

The volume of water treated each week for systems serving fewer than 250 connections and using only purchased treated water.

On September 25, 2018, Investigator Nash received, via email, a copy of the monthly operating report for August, 2018; however, this was not sufficient to resolve the violation.

Investigation: 1532264

Comment Date: 12/04/2018

#### Operating Records and Reports

Monthly Reports of Water Works Operation must be compiled regularly each month and kept on file for commission review for at least 2 years. The reports must be completed in ink, typed, or computer-printed and must be signed by the certified operator.

The monthly report must include the following data:

The volume of water treated each week for systems serving fewer than 250 connections and using only purchased treated water.

**Recommended Corrective Action:** Submit compliance documentation demonstrating that corrective measures have been taken to resolve the alleged violation.

**Resolution:** On November 30, 2018, TCEQ Houston Region Office received copies of monthly operating reports for January through October 2018 via email from the regulated entity.

The monthly report must include the following data:

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 10, 2019

Mr. Shannon Marsh  
President  
Utilities Investment Company, Incorporated  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Compliance with Notice of Violation (NOV) dated March 27, 2016:  
Cedar Bayou Park, East Archer Road at Sjolander Road, Baytown, Harris County, Texas  
Regulated Entity No.: 102692118, TCEQ ID No.: 1010112, Investigation No.: 1532264

Dear Mr. Marsh:

On November 30, 2018, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on March 17, 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 Ms. Landry Nash in the Houston Region Office at (713) 767-3692.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Batista".

Nichole Batista Nunes  
Team Leader  
Public Water Supply  
Houston Region Office

NBN/LN/sh

Enclosure: *Summary of Investigation Findings*

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G, Pasadena, Texas 77506-1023

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*

July 13, 2017

**CERTIFIED MAIL 9171 9690 0935 0081 7840 25**  
**RETURN RECEIPT REQUESTED**

Mr. Shannon Marsh, President  
Utilities Investment Company, Inc.  
PO Box 279  
New Waverly, Texas 77358-0279

Re: Failure to Submit Compliance Documentation for:  
Cedar Oaks Mobile Home Community  
7715 Pleasant Meadow Dr., Spring (Harris County), Texas  
RN101203297, PWS ID No.: 1011556, Investigation No.: 1423291

Dear Mr. Marsh:

By letter dated December 15, 2016, the Texas Commission on Environmental Quality (TCEQ) Houston Regional Office requested that you submit information to them by January 15, 2017, verifying that the outstanding alleged violations referenced in the letter have been corrected. The alleged violations were noted during the investigation of the above-referenced facility conducted on November 3, 2016. As of this date, TCEQ has not received from you a written description of corrective action taken and the required compliance documentation for these alleged violations. **Please submit this information to the Houston Regional Office by no later than August 14, 2017.**

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

If you or members of your staff have any questions, please feel free to contact LaTrichia Spikes in the Houston Regional Office at (713) 767-3617 or myself, Cara Fisher, at the Tyler Regional Office at (903) 535-5144.

Sincerely,

A handwritten signature in black ink, appearing to read "Cara C. Fisher", is written over the word "Sincerely,".

Ms. Cara C. Fisher, Water Work Leader  
Tyler Region Office

CCF/RPC

Enclosures: Summary of Investigation Findings  
TCEQ Region 5 • 2916 Teague Dr. • Tyler, Texas 75701-3734 • 903-535-5100 • Fax 903-595-1562

## Summary of Investigation Findings

CEDAR OAKS MOBILE HOME COMMUNITY	Investigation #
7715 PLEASANT MEADOW DR	1423291
SPRING, HARRIS COUNTY, TX 77379	Investigation Date: 06/29/2017
Additional ID(s): 1011556	

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

Track No: 625386      Compliance Due Date: 08/14/2017  
30 TAC Chapter 290.46(I)

**Alleged Violation:**

Investigation: 1371319

Comment Date: 12/02/2016

Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality.

At the time of the investigation the regulated entity did not provide documentation of flushing dead end lines.

Investigation: 1423291

Comment Date: 06/29/2017

Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality. At the time of the investigation, the regulated entity did not provide documentation of flushing dead end lines.

During the File Record Review on June 29, 2017, no documentation could be identified which addressed the violation.

**Recommended Corrective Action:** Provide documentation of flushing dead end lines.

**From:** Shannon Marsh <marshwaterman@aol.com>  
**To:** latrichia.spikes <latrichia.spikes@toeq.texas.gov>  
**Subject:** Cedar Oaks PWS No. 1011556  
**Date:** Mon, Jul 17, 2017 5:06 pm  
**Attachments:** SKMBT\_36170717170200.pdf (298K)

---

Ms. Spikes,

This e mail was sent in response to your NOV dated 7/13/17 for the above mentioned facility. I have attached the most recent flush log for the Cedar Oaks Mobile Home Community. If you have any questions or need additional information, please don't hesitate to ask.

Thanks,

**Shannon Marsh**

**Aqua Pure**

PO Box 279, New Waverly TX 77358

Office:: 281.590.4359

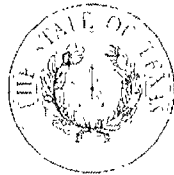
Fax 936.344.9838

## FLUSHING LOG

WATER SYSTEM Comm Order 6/2017  
PWS No 1011556

[illegible]

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*

July 13, 2017

**CERTIFIED MAIL 9171 9690 0935 0081 7840 25**  
**RETURN RECEIPT REQUESTED**

Mr. Shannon Marsh, President  
Utilities Investment Company, Inc.  
PO Box 279  
New Waverly, Texas 77358-0279

Re: Failure to Submit Compliance Documentation for:  
Cedar Oaks Mobile Home Community  
7715 Pleasant Meadow Dr., Spring (Harris County), Texas  
RN101203297, PWS ID No.: 1011556, Investigation No.: 1423291

Dear Mr. Marsh:

By letter dated December 15, 2016, the Texas Commission on Environmental Quality (TCEQ) Houston Regional Office requested that you submit information to them by January 15, 2017, verifying that the outstanding alleged violations referenced in the letter have been corrected. The alleged violations were noted during the investigation of the above-referenced facility conducted on November 3, 2016. As of this date, TCEQ has not received from you a written description of corrective action taken and the required compliance documentation for these alleged violations. **Please submit this information to the Houston Regional Office by no later than August 14, 2017.**

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

If you or members of your staff have any questions, please feel free to contact LaTrichia Spikes in the Houston Regional Office at (713) 767-3617 or myself, Cara Fisher, at the Tyler Regional Office at (903) 535-5144.

Sincerely,

A handwritten signature in black ink, appearing to read "Cara C. Fisher".

Ms. Cara C. Fisher, Water Work Leader  
Tyler Region Office

CCF/RPC

Enclosures: Summary of Investigation Findings  
TCEQ Region 5 • 2916 Teague Dr. • Tyler, Texas 75701-3734 • 903-535-5100 • Fax 903-595-1562



## Summary of Investigation Finding

CEDAR OAKS MOBILE HOME COMMUNITY

7715 PLEASANT MEADOW DR  
SPRING, HARRIS COUNTY, TX 77379

Additional ID(s): 1011556

Investigation #

1423291  
Investigation Date: 06/29/2017

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

Track No: 625386 Compliance Due Date: 08/14/2017

30 TAC Chapter 290.46(I)

#### Alleged Violation:

Investigation: 1371319

Comment Date: 12/02/2016

Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality.

At the time of the investigation the regulated entity did not provide documentation of flushing dead end lines.

Investigation: 1423291

Comment Date: 06/29/2017

Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality. At the time of the investigation, the regulated entity did not provide documentation of flushing dead end lines.

During the File Record Review on June 29, 2017, no documentation could be identified which addressed the violation.

**Recommended Corrective Action:** Provide documentation of flushing dead end lines.

**From:** Shannon Marsh <marshwaterman@aol.com>  
**To:** latrichia.spikes <latrichia.spikes@tceq.texas.gov>  
**Subject:** Cedar Oaks PWS No. 1011556  
**Date:** Mon, Jul 17, 2017 5:06 pm  
**Attachments:** SKMBT\_36170717170200.pdf (298K)

---

Ms. Spikes,  
This e-mail was sent in response to your NOV dated 7/13/17 for the above mentioned facility. I have attached the most recent flush log for the Cedar Oaks Mobile Home Community. If you have any questions or need additional information, please don't hesitate to ask.  
Thanks,

**Shannon Marsh**  
**Aqua Pure**  
PO Box 279, New Waverly TX 77358  
Office:: 281.590.4359  
Fax 936.344.9838

## FLUSHING LOG

WATER SYSTEM Comm. Dates 6/2017  
PWS No 1011556

[illegible]

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 17, 2015

Mr. Shannon Marsh, President  
J & S Water Company LLC  
P.O. Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Compliance with Notice of Violation (NOV) dated February 19, 2015;  
Cottonwood Park Water System, 11202 Cora, Houston, Harris County, Texas  
Regulated Entity No.: 101278042, TCEQ ID No.: 1010283 Investigation No.: 1275898

Dear Mr. Marsh:

On September 2, 2015, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on January 15, 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. Maggie Wright in the Houston Region Office at (713) 767-3650.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Thorp".

Julia Thorp, Team Leader  
Public Water Supply  
Houston Region Office

JT/MW/ra

Enclosure: *Summary of Investigation Findings*

cc: Harris County Public Health and Environmental Services

## Summary of Investigation Findings

COTTONWOOD PARK WATER SYSTEM	Investigation # 1275898
, HARRIS COUNTY,	Investigation Date: 09/03/2015
Additional ID(s): 1010283	

### ALLEGED VIOLATION(S) NOTED AND RESOLVED

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Track No: 558875

30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1217921

Comment Date: 01/20/2015

---

Operating Practices for Public Water Systems

Failure to properly maintain the regulated entity by not cutting the weeds off the fence line at the water plant site.

At the time of the investigation the weeds needed cutting off the fence line (barbed wire) at water plant site.

Investigation: 1275898

Comment Date: 09/03/2015

---

Failure to properly maintain the regulated entity by not cutting the weeds off the fence line at the water plant site.

**Recommended Corrective Action:** Submit a photo, receipt, invoice or work order to demonstrate the weeds has been removed from the fence line at the water plant to verify compliance.

**Resolution:** A photo was submitted by email on 09/02/2015, showing the weeds were removed from the fence line.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 13, 2018

**CERTIFIED MAIL # 91 7199 9991 7038 7380 9205**  
**ELECTRONIC RECEIPT REQUESTED**

Mr. Shannon Marsh  
President  
Utilities Investment Company Inc  
Post Office BOX 279  
New Waverly, Texas 77358-0279

Re: Notice of Violation for the Modified Comprehensive Compliance Investigation at:  
Cypress Hill Subdivision, 18208 East Cypress Hill, Houston, Harris County, Texas  
Regulated Entity No.: 101221125, TCEQ ID No.: 1011792, Investigation No.: 1505756

Dear Mr. Marsh:

On July 26, 2018, Ms. Destiny Geppert of the Texas Commission on Environmental Quality (TCEQ) Houston 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, some concerns were noted which were alleged noncompliances that have been resolved as Areas of Concern and Resolved Violations based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by the compliance due dates listed on the Summary of Investigation Findings enclosure, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations. Please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled Obtaining TCEQ Rules (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3650 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 Houston Region

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Mr. Shannon Marsh, President  
Page 2  
September 13, 2018

Office within 10 days from the date of this letter. At that time, PWS Team Leader Ms. Julia Thorp, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

If you or members of your staff have any questions, please feel free to contact Ms. Geppert in the Houston Region Office at (713) 767-3729.

Sincerely,



Julia Thorp  
Team Leader  
Public Water Supply  
Houston Region Office

JT/DG/tj

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G  
Pasadena, Texas 77506-1023

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

CYPRESS HILL SUBDIVISION

Investigation #

1505756

Investigation Date: 07/26/2018

, HARRIS COUNTY,

Additional ID(s): 1011792

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

Track No: 687033 Compliance Due Date: 12/11/2018

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

#### Alleged Violation:

Investigation: 1505756

Comment Date: 09/05/2018

#### Ground Water Sources and Development

Failure to install a well meter on the well pump discharge line to provide water usage records and to assist in more efficient system operation. At the time of the investigation, it was noted that the two wells share the same well meter. Each well must have its own individual meter.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 687034 Compliance Due Date: 12/11/2018

30 TAC Chapter 290.46(f)(4)

#### Alleged Violation:

Investigation: 1505756

Comment Date: 09/12/2018

#### Plans and Specifications

Failure to maintain accurate and up-to-date as-built plans and well completion data for Well Number 1 (G1011792A) in violation of 30 TAC §290.46(n)(3).

At the time of the investigation, it was documented that the water system was not maintaining a full set of well completion data. The regulated entity was able to supply the well drillers log, and the sanitary control easement exception and the USGS topographic map was located in the file. The following items are needed as per 30 TAC §290.41(c)(3)(A): the results of a 36-hour pump test; the results of the microbiological and chemical analyses.

30 TAC §290.46(n)(3) – Copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) of this title (relating to Water Sources) shall be kept on file for as long as the well remains in service.

Please be aware that all "as built plans" must be submitted to Austin in writing for approval to the TCEQ, Utilities Technical Review Team (UTRT), MC 159, P.O. Box 13087, Austin, Texas 78711-3087. For further assistance regarding submittal, contact the TCEQ. UTRT at (512) 239-4691.

The system may apply for an exception by writing to the:

Texas Commission on Environmental Quality, Technical Review and Oversight Team (MC-159), P.O. Box 13087, Austin, Texas 78711-3087, phone (512)239-4691.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

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

Track No: 687025



## 30 TAC Chapter 290.110(b)(4)

**Alleged Violation:**

Investigation: 1505756

Comment Date: 09/05/2018

**Disinfectant Residual and Monitoring**

Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine as per agency regulations. The field test conducted at the entry point during this survey revealed that the level was below the minimum of 0.2 mg/L.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** The regulated entity provided a photograph via email showing that the chlorine residual was 0.81 mg/L at the entry point by July 26, 2018.

Track No: 687026

## 30 TAC Chapter 290.46(m)(4)

**Alleged Violation:**

Investigation: 1505756

Comment Date: 08/08/2018

**Water Leakage**

Failure to maintain all water plant related appurtenances in a watertight condition. At the time of the investigation, the schrader valve located on well #1, G1011792A, was leaking.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** The regulated entity provided photographs via email that showed that the leaking valve had been repaired on July 26, 2018.

**AREA OF CONCERN**

Track No: 687029

## 30 TAC Chapter 290.46(v)

**Alleged Violation:**

Investigation: 1505756

Comment Date: 09/05/2018

**Operating Practices for Public Water Systems**

Failure to install all water system electrical wiring in compliance with a local or national electrical code.

At the time of the investigation, it was noted that there was a crack in the electrical conduit at well #1, G1011792A.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** The regulated entity submitted a photograph via email on July 26, 2018, that showed that the electrical fitting had been repaired.

Track No: 687030

## 30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1505756

Comment Date: 08/08/2018

**Operating Practices for Public Water Systems**

Failure to properly maintain the regulated entity by not maintaining the vegetation around the water plant.

At the time of the investigation, it was noted that there was vegetation growing on the ground storage tank and some vegetation was noted along the fence line.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** The regulated entity submitted photographs via email on July 26, 2018, that showed the vegetation had been removed.

**From:** Shannon Marsh <marshwaterman@aol.com>

**To:** destiny.geppert <destiny.geppert@tceq.texas.gov>

**Subject:** Cypress Hill PWS #1011792

**Date:** Fri, Jan 18, 2019 4:38 pm

**Attachments:** SKMBT\_36190118161400.pdf (907K)

---

Ms. Geppert,

I have attached a plugging report for well #1 at the Cypress Hill water system. This should clear both remaining violations for the system.

Please let me know if you need any additional information.

Thanks,

**Shannon Marsh**

**Aqua Pure**

PO Box 279, New Waverly TX 77358

Office:: 281.590.4359

Fax 936.344.9838

## STATE OF TEXAS PLUGGING REPORT for Tracking #182881

Owner:	J&S Water Co. (Cypress Hill)	Owner Well #:	1
Address:	P.O. Box 279 New Waverly, TX 77358	Grid #:	60-59-7
Well Location:	18210 Cypress Hill Circle Cypress, TX 77433	Latitude:	30° 01' 48" N
	PWS G1011792A	Longitude:	095° 42' 36" W
Well County:	Harris	Elevation:	No Data

Well Type: Public Supply

### Drilling Information

Company:	N/A	Date Drilled:	No Data
Driller:	N/A	License Number:	N/A

Borehole: No Data

### Plugging Information

Date Plugged: 12/3/2018      Plugger: Shannon Marsh  
Plug Method: Tremmie pipe cement from bottom to top

Casing Left in Well:			Plug(s) Placed in Well:		
Dia (in.)	Top (ft.)	Bottom (ft.)	Top (ft.)	Bottom (ft.)	Description (number of sacks & material)
4	0	320	0	320	Cement 23 Bags/Sacks

Certification Data: The driller certified that the driller plugged this well (or the well was plugged under the driller's direct supervision) and that each and all of the statements herein are true and correct. The driller understood that failure to complete the required items will result in the reports(s) being returned for completion and resubmittal.

Company Information: JOHNSTON WATER WELL  
PO BOX 370  
NEW WAVERLY, TX 77358

Driller Name: Shannon Marsh      License Number: 60248

Comments: PWS#1011792

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 13, 2019

Mr. Shannon Marsh  
President  
Utilities Investment Company Incorporated  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Compliance with Notice of Violation (NOV) dated September 13, 2018:  
Cypress Hill Subdivision, 18208 East Cypress Hill, Houston, Harris County, Texas  
Regulated Entity No.: 101221125, TCEQ ID No.: 1011792, Investigation No.: 1540033

Dear Mr. Marsh:

On January 18, 2019, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on July 26, 2018. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Ms. Destiny Geppert in the Houston Region Office at (713) 767-3729.

Sincerely,

A handwritten signature in black ink, appearing to read "NB Nunes".

Nichole Batista Nunes  
Team Leader  
Public Water Supply  
Houston Region Office

NBN/DG/sh

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G  
Pasadena, Texas 77506-1023

Enclosure: *Summary of Investigation Findings*

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 18, 2019

Mr. Shannon Marsh  
President  
Utilities Investment Company Incorporated  
PO Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Compliance with Notice of Violation (NOV) dated September 11, 2018:  
Fairview Acres Mobile Home Subdivision, 10218 Fairview Drive, Crosby, Harris County,  
Texas  
Regulated Entity No.: 102314747 TCEQ ID No.: 1010706 Investigation No.: 1580589

Dear Mr. Marsh:

On July 29, 2019, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on July 27, 2018. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Ms. Latrichia Spikes in the Houston Region Office at (713) 767-3660.

Sincerely,

A handwritten signature in cursive script, appearing to read "Latrichia Spikes".

Latrichia Spikes  
Team Leader  
Public Water Supply  
Houston Region Office

LS/DB/es

Enclosure: Summary of Investigation Findings

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G, Pasadena, Texas 77506-1023

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 7, 2019

Mr. Shannon Marsh  
President  
Utilities Investment Company Incorporated  
PO Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Compliance with Notice of Violation (NOV) dated February 6, 2019:  
Greenbriar Estates, 3611 Madison Avenue, Baytown, Chambers County, Texas  
Regulated Entity No.: 101280725 TCEQ ID No.: 0360111 Investigation No.: 1552789

Dear Mr. Marsh:

On March 19, 2019, the Texas Commission on Environmental Quality (TCEQ) Houston Region Office received adequate compliance documentation to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on January 18, 2019. 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. Caitlyn Williams in the Houston Region Office at (713) 767-3523.

Sincerely,

A handwritten signature in black ink, appearing to read "Latrichia Spikes".

Latrichia Spikes  
Team Leader  
Public Water Supply  
Houston Region Office

LS/CW/es

Enclosure: Summary of Investigation Findings

cc: Chambers County Environmental Health and Permitting  
PO Box 1180, Anahuac, TX 77514-1180

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



*Completed  
3/19/19*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 6, 2019

**CERTIFIED MAIL #91 7199 9991 7038 7440 6908**  
**ELECTRONIC RECEIPT REQUESTED**

Mr. Shannon Marsh  
President  
Utilities Investment Company, Incorporated  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Violation for the Modified Comprehensive Compliance Investigation at:  
Greenbriar Estates, 3611 Madison Avenue, Baytown, Chambers County, Texas  
Regulated Entity No.: 101280725 TCEQ ID No.: 0360111 Investigation No.: 1539205

Dear Mr. Marsh:

On January 18, 2019, Ms. Landry Nash of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by the compliance due date listed on the Summary of Investigation Findings enclosure, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. In addition, during the investigation, the investigator resolved apparent instances of noncompliance noted during the previous investigation dated May 15, 2018. Please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3650 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 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 Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader Ms. Nichole Batista Nunes, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

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## Summary of Investigation Findings

GREENBRIAR ESTATES

Investigation #  
1539205  
Investigation Date: 01/18/2019

, CHAMBERS COUNTY,

Additional ID(s): 0360111

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

Track No: 704224 Compliance Due Date: 03/08/2019  
30 TAC Chapter 290.46(m)(4)

**Alleged Violation:**

Investigation: 1539205

Comment Date: 02/04/2019

**Water Leakage**

Failure to maintain all well appurtenances in a watertight condition. The leaking air release device located at well 1 must be repaired or replaced as necessary.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

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

Track No: 680880  
30 TAC Chapter 290.46(f)(4)

**Alleged Violation:**

Investigation: 1483577

Comment Date: 06/19/2018

Failure by a public water system to submit routine reports and any additional documentation that the executive director may require to determine compliance with the requirements of 30 TAC Chapter 290, Subchapter D.

At the time of the investigation, the regulated entity did not present a distribution map as required by 30 TAC 290.46(n)(2) for investigator review.

Investigation: 1507594

Comment Date: 11/01/2018

Failure by a public water system to submit routine reports and any additional documentation that the executive director may require to determine compliance with the requirements of 30 TAC Chapter 290, Subchapter D.

As of November 1, 2018, no documentation has been received.

Investigation: 1539205

Comment Date: 02/01/2019

Failure to provide a copy of the system's distribution map.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** At the time of the onsite investigation on January 18, 2019. Investigator Nash reviewed a copy of the system's distribution map.

Track No: 680881  
30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

**GREENBRIAR ESTATES**

Investigation # 1539205

Investigation: 1483577

Comment Date: 07/11/2018

Failure to keep the public water system's operating records accessible for review during inspections and available to the executive director upon request.

At the time of the investigation, distribution chlorine residual logs for April and May 2018 as required by 30 TAC 290.110(c)(4)(A) were not made available for investigator review.

Investigation: 1507594

Comment Date: 11/01/2018

Failure to keep the public water system's operating records accessible for review during inspections and available to the executive director upon request.

As of November 1, 2018, no documentation has been received.

Investigation: 1539205

Comment Date: 02/01/2019

Failure to provide the distribution chlorine residual logs for April and May 2018.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** At the time of the onsite investigation on January 18, 2019, Investigator Nash reviewed copies of the system's distribution chlorine residual logs for January through December 2018.

**Track No:** 682769**30 TAC Chapter 290.46(f)(2)****Alleged Violation:**

Investigation: 1483577

Comment Date: 07/11/2018

Failure to keep the public water system's operating records accessible for review during inspections and available to the executive director upon request.

At the time of the investigation, the regulated entity did not have monthly logs of the dates that dead end mains were flushed (as required by 30 TAC 290.46(l)) available for investigator review.

Investigation: 1507594

Comment Date: 11/01/2018

Failure to keep the public water system's operating records accessible for review during inspections and available to the executive director upon request.

As of November 1, 2018, no documentation has been received.

Investigation: 1539205

Comment Date: 02/01/2019

Failure to provide flushing records.

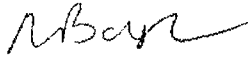
**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

**Resolution:** At the time of the onsite investigation on January 18, 2019, Investigator Nash reviewed copies of the system's flushing records for January through December 2018.

Mr. Shannon Marsh, President  
Page 2  
February 6, 2019

If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Landry Nash in the Houston Region Office at (713) 767-3692.

Sincerely,



Nichole Batista Nunes  
Team Leader  
Public Water Supply  
Houston Region Office

NBN/LN/sh

cc: Chambers County Environmental Health & Permitting  
Post Office Box 1180  
Anahuac, Texas 77514-1180

Enclosure: Summary of Investigation Findings

3/19/2019

Greenbriar PWS 0360111

**From:** Shannon Marsh <marshwaterman@aol.com>

**To:** Landry.Nash <Landry.Nash@tceq.texas.gov>

**Subject:** Greenbriar PWS 0360111

**Date:** Tue, Mar 19, 2019 7:28 am

**Attachments:** Greenbriar PRV.jpg (6K)

Landry,

I have attached a photo of the newly installed pressure relief valve for Greenbriar Estates. This should clear all violations for the facility. If you need additional information, please feel free to contact me.

Thanks,

**Shannon Marsh**

**Aqua Pure**

PO Box 279, New Waverly TX 77358

Office:: 281.590.4359

Fax 936.344.9838

1 Attached Images



Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Stephanie Bergeron Perdue, *Interim Executive Director*



*Complete  
11/6/18*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 12, 2018

CERTIFIED MAIL # 91 7199 9991 7038 7380 3227  
ELECTRONIC RECEIPT REQUESTED

Mr. Shannon Marsh, President  
Utilities Investment Company Incorporated  
PO Box 279  
New Waverly, Texas 77358-0279

Re: Notice of Violation for the Complaint Investigation at:  
Greenbriar Estates, 3611 Madison Avenue, Baytown, Chambers County, Texas  
Regulated Entity No.: 101280725 TCEQ ID No.: 0360111 Investigation No.: 1483577

Dear Mr. Marsh:

On May 15, 2018, Investigator Elaine Fowler of the Texas Commission on Environmental Quality (TCEQ) Houston 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 August 11, 2018 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

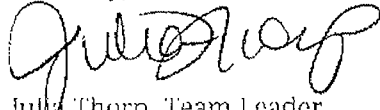
In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3650 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 Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader Ms. Julia Thorp, will schedule a violation review meeting to be conducted *within 21 days from the date of this letter*. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Mr. Shannon Marsh, President  
July 12, 2018  
Page 2

If you or members of your staff have any questions, please feel free to contact Investigator Fowler in the Houston Region Office at (713) 767-3548.

Sincerely,

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

Julia Thorp, Team Leader  
Public Water Supply  
Houston Region Office

JT/EF/dp

Cc: Chambers County Environmental Health and Permitting  
PO Box 1180  
Anahuac, Texas 77514-1180

Enclosure: Summary of Investigation Findings

**From:** Shannon Marsh <marshwaterman@aol.com>

**To:** Elaine.Fowler <Elaine.Fowler@lceq.texas.gov>

**Subject:** Greenbriar Estates PWS No. 0360111

**Date:** Tue, Nov 6, 2018 10:54 am

**Attachments:** SKMBT\_36181106113900.pdf (253K), SKMBT\_36181106113901.pdf (1278K), GreenbriarW.pdf (6276K)

---

Ms. Fowler,

Please see attached compliance documentation for the above mentioned facility..

1. Distribution Map
2. April and May 2018 operators logs
3. Flushing records.

**Shannon Marsh**

**Aqua Pure**

PO Box 279. New Waverly TX 77358

Office:: 281.590.4359

Fax 936.344.9838

## Summary of Investigation Findings

GREENBRIAR ESTATES

Investigation #

1483577  
Investigation Date: 05/15/2018

, CHAMBERS COUNTY,

Additional ID(s): 0360111

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

Track No: 680880 Compliance Due Date: 08/11/2018

30 TAC Chapter 290.46(f)(4)

**Alleged Violation:**

Investigation: 1483577

Comment Date: 06/19/2018

Failure by a public water system to submit routine reports and any additional documentation that the executive director may require to determine compliance with the requirements of 30 TAC Chapter 290, Subchapter D.

At the time of the investigation, the regulated entity did not present a distribution map as required by 30 TAC 290.46(n)(2) for investigator review.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 680881 Compliance Due Date: 08/11/2018

30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

Investigation: 1483577

Comment Date: 07/11/2018

Failure to keep the public water system's operating records accessible for review during inspections and available to the executive director upon request.

At the time of the investigation, distribution chlorine residual logs for April and May 2018 as required by 30 TAC 290.110(c)(4)(A) were not made available for investigator review.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 682769 Compliance Due Date: 08/11/2018

30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

Investigation: 1483577

Comment Date: 07/11/2018

Failure to keep the public water system's operating records accessible for review during inspections and available to the executive director upon request.

At the time of the investigation, the regulated entity did not have monthly logs of the dates that dead end mains were flushed (as required by 30 TAC 290.46(l)) available for investigator review.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.



# WATER LOG MONTHLY REPORT

SYSTEM NAME Greenbrier

COUNTY \_\_\_\_\_

SYSTEM I.D. \_\_\_\_\_

MONTH April YEAR 2018

DATE	METER READING	CL2	DAILY PUMPAGE	BOOSTER #1	BOOSTER #2	PSI	WTR LEVEL GS	WTR LEVEL PL	WELL GPM	SAMPLE SITE	SCABEDRUM READ	LBS GAL	OPERATOR REMARKS
1													
2													
3													
4	542417	1.6		X	X	42	X	50		1			
5			9742										
6			9742										
7			9742										
8			9742										
9			9742										
10			9742										
11	543099	1.8	9742	X	X	48	X	50		2			
12			9828										
13			9828										
14			9828										
15			9828										
16			9828										
17			9828										
18	543787	2.0	9828	X	X	46	X	60		3			
19			9628										
20			9628										
21			9628										
22			9628										
23			9628										
24			9628										
25	544461	1.6	9628	X	X	48	X	60		4			
26			9760										
27			9760										
28			9760										
29			9760										
30	544949	1.4	9760	X	X	50	X	60		5			
31													
TOTAL	253200	1.0	9738										

METER READING X 20

NUMBER OF CL2 SAMPLES: 5

CHLORINE: MINIMUM 1.4 MAXIMUM 2.0

# WATER LOG MONTHLY REPORT

SYSTEM NAME Greenbrier

COUNTY \_\_\_\_\_

SYSTEM I.D. \_\_\_\_\_

MONTH MAY YEAR 2018

DATE	METER READING	CL2	DAILY PUMPAGE	BOOSTER #1 #2	PSI	WTR LEVEL GS FT	WELL GPM	SAMPLE SITE	SCALE/DRUM READ	LEV GALS	OPERATOR/REMARKS
1	545047	1.6		X X	48	X 65		1			
2			11,200								
3			11,200								
4			11,200								
5			11,200								
6			11,200								
7			11,200								
8	545831	1.8	11,200	X X	46	X 65		2			
9			22,042								
10			22,042								
11			22,042								
12			22,042								
13			22,042								
14			22,042								
15	547374	1.5	22,042	X X	42	X 65		3			
16			16,214								
17			16,214								
18			16,214								
19			16,214								
20			16,214								
21			16,214								
22	548509	1.6	16,214	X X	44	X 65		4			
23			16,971								
24			16,971								
25			16,971								
26			16,971								
27			16,971								
28			16,971								
29	549687	1.8	16,971	X X	48	X 65		5			
30											
31											
TOTAL	405000	1.6	16,007								

METER READING X 00

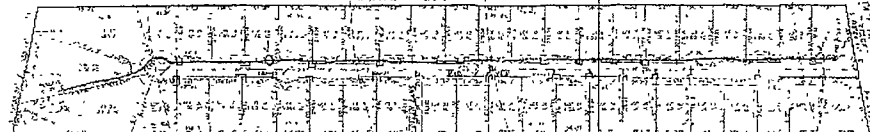
NUMBER OF CL2 SAMPLES: 5

CHLORINE: MINIMUM 1.5 MAXIMUM 1.8

## FLUSHING LOG

WATER SYSTEM GREENBRIAR ESTATES 2012

[illegible]

[illegible][illegible][illegible][illegible][illegible][illegible]

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 5, 2019

**CERTIFIED MAIL #91 7199 9991 7038 7352 3767**  
**ELECTRONIC RECEIPT REQUESTED**

Mr. Shannon Marsh  
President  
Utilities Investment Company, Incorporated  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Acceptance of a Compliance Plan for:  
Homestead Oaks Mobile Home Community, 8103 Woolf Road, Spring, Harris County,  
Texas  
Regulated Entity No.: 101251858, TCEQ ID No.: 1011734, Investigation No.: 1551915

Dear Mr. Marsh:

The Texas Commission on Environmental Quality (TCEQ) Houston Region Office has completed a review of the compliance plan and any additional information that you submitted on January 15, 2019 and February 13, 2019, to resolve the alleged violation track no. 692966. This alleged violation was noted during the investigation of the above-referenced facility conducted on August 17, 2018. The compliance plan appears to identify the necessary corrective actions for the alleged violation. We will monitor your progress in implementing the corrective actions. Please submit to this office a written description of corrective actions taken and the required documentation demonstrating that compliance has been achieved for each outstanding alleged violation by the compliance due date listed on the Summary of Investigation Findings enclosure, demonstrating that the alleged violation has been resolved. Please be advised that if we determine, during follow-up monitoring, that you are not working towards compliance or the problem has escalated, further enforcement action will be considered.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and anticipates that you will resolve the alleged violation as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Ms. Cecilia Espinosa in the Houston Region Office at (713) 767-3530.

Sincerely,

A handwritten signature in cursive script that reads "Latrichia Spikes".

Latrichia Spikes  
Team Leader  
Public Water Supply  
Houston Region Office

CB/CE/sh

TCEQ Region 12 • 5425 Polk St., Ste. H • Houston, Texas 77023-1452 • 713-767-3500 • Fax 713-767-3520

Austin Headquarters: 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov) • How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)

printed on recycled paper

Mr. Shannon Marsh, President  
Page 2  
April 5, 2019

Texas Commission on Environmental Quality

cc: Harris County Public Health and Environmental Services  
101 South Richey Street, Suite G  
Pasadena, Texas 77506-1023

Sarah Cardnell via email at [sarah@waterengineers.com](mailto:sarah@waterengineers.com)

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

<b>HOMESTEAD OAKS MOBILE HOME COMM</b> <b>8103 WOOLF RD</b> <b>SPRING, MONTGOMERY COUNTY, TX 77379</b>  <b>Additional ID(s): 1011734</b>	<b>Investigation #</b> <b>1551915</b> <b>Investigation Date: 03/12/2019</b>
------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------

**Track No:** 692966      **Compliance Due Date:** 06/16/2019  
**30 TAC Chapter 290.41(c)(3)(A)**

**Alleged Violation:**

Investigation: 1511586

Comment Date: 10/18/2018

**Ground Water Sources and Development**

Failure to submit the well completion data for Well Number 1 (Source ID No. G1011734B) for our review and approval before placing the well into service. This data must include copies of:

1. an executed sanitary control easement or other documentation demonstrating compliance with 30 TAC, §290.41(c)(1)(F) for all property located within 150 feet of the well head,
2. the well Driller's Log (geological log and material setting report)
3. the cementing certificate,
4. the results of a 36-hour pump test which shows the steady state capacity of the well,
5. the results of chemical analysis performed by an accredited laboratory,
6. three consecutive daily coliform-free raw water bacteriological analyses conducted by a TCEQ accredited laboratory, and
7. an original or legible copy of a U.S. Geological Survey 7.5 minute topographical quadrangle map showing the accurate well location.

Please be aware you may apply for an exception to this regulation, or if you have the well completion data, please submit all requests to:  
Texas Commission on Environmental Quality, Utilities Review and Oversight Team (MC-159),  
PO Box 13087, Austin, Texas 78711-3087; phone (512)239-4691.  
Investigation: 1551915      Comment Date: 03/25/2019

Failure to submit the well completion data on Well Number 1 (Source ID No. G1011734B) for our review and approval before placing the well into service.

A compliance plan was received January 16, 2019 and February 13, 2019 in response to the NOV letter dated October 19, 2018.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 19, 2018

**CERTIFIED MAIL #91 7199 9991 7038 7420 4740**  
**ELECTRONIC RECEIPT REQUESTED**

Mr. Shannon Marsh  
President  
Utilities Investment Company, Incorporated  
Post Office Box 279  
New Waverly, Texas 77358-0279

Re: Modified Comprehensive Compliance Investigation at:  
Homestead Oaks Mobile Home Community, 8103 Woolf Road, Spring, Harris County,  
Texas  
Regulated Entity No.: 101251858 TCEQ ID No.: 1011734 Investigation No.: 1511586

Dear Mr. Marsh:

On August 17, 2018, Ms. Cecilia Espinosa and Mr. Cedric Flemming of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. Please submit to this office by the compliance due date listed on the Summary of Investigation Findings enclosure, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. Please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

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.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at Phone (713) 767-3650 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 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 Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader Ms. Julia Thorp, will schedule a violation review meeting to be conducted within 21 days from the date of




Mr. Shannon Marsh, President  
Page 2  
October 19, 2018

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 the contested violation.

If you or members of your staff have any questions, please feel free to contact Ms. Cecilia Espinosa in the Houston Region Office at (713) 767-3530.

Sincerely,

  
Julia Thorp  
Team Leader  
Public Water Supply  
Houston Region Office

JT/CE/tj

cc: Harris County Public Health and Environmental Services  
101 South Richey, Suite G  
Pasadena, Texas 77506-1023

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

HOMESTEAD OAKS MOBILE HOME COMM  
8103 WOOLF RD  
SPRING, MONTGOMERY COUNTY, TX 77379

Investigation #  
1511586  
Investigation Date: 08/17/2018

Additional ID(s): 1011734

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

Track No: 692966 Compliance Due Date: 01/16/2019  
30 TAC Chapter 290.41(c)(3)(A)

#### Alleged Violation:

Investigation: 1511586

Comment Date: 10/18/2018

#### Ground Water Sources and Development

Failure to submit the well completion data for Well Number 1 (Source ID No. G1011734B) for our review and approval before placing the well into service. This data must include copies of:

1. an executed sanitary control easement or other documentation demonstrating compliance with 30 TAC, §290.41(c)(1)(F) for all property located within 150 feet of the well head,
2. the well Driller's Log (geological log and material setting report)
3. the cementing certificate,
4. the results of a 36-hour pump test which shows the steady state capacity of the well,
5. the results of chemical analysis performed by an accredited laboratory,
6. three consecutive daily coliform-free raw water bacteriological analyses conducted by a TCEQ accredited laboratory, and
7. an original or legible copy of a U.S. Geological Survey 7.5 minute topographical quadrangle map showing the accurate well location.

Please be aware you may apply for an exception to this regulation, or if you have the well completion data, please submit all requests to:  
Texas Commission on Environmental Quality, Utilities Review and Oversight Team (MC-159),  
PO Box 13087, Austin, Texas 78711-3087; phone (512)239-4691.

**Recommended Corrective Action:** Submit compliance documentation demonstrating corrective measures have been taken to resolve the alleged violation.

# WATERENGINEERS, INC.

WATER & WASTEWATER TREATMENT CONSULTANTS

17230 HUFFMEISTER ROAD, SUITE A ~ CYPRESS, TEXAS 77429-1643

TEL: 281-373-0500 FAX: 281-373-1113

January 15, 2019

TCEQ - Region 12 Houston Office  
Ms. Julia Thorp  
5425 Polk St., Ste. H  
Houston, Texas 77023

Re: Homestead Oaks Mobile Home Community Water System  
PWS ID: 1011734; RN: 101251858  
Investigation No.: 1511586  
Montgomery County, Texas

Dear Ms. Thorp:

This letter is in response to Homestead Oaks Mobile Home Community's Notice of Violation, Investigation Number 1511586. According to the Notice of Violation, Homestead Oaks Mobile Home Community is required to bring into compliance the following alleged violations:

## **Alleged Violations**

1. Well Completion Data
  - a. Executed Sanitary Control Easement
  - b. Well Driller's Log
  - c. Cementing Certificate
  - d. 36 Hour Pump Test results
  - e. Chemical Analysis results
  - f. Bacteriological Analyses
  - g. USGS Map

WaterEngineers, Inc. has been retained on behalf of the Homestead Oaks Mobile Home Community Water System to submit the necessary compliance documentation to the TCEQ regarding the water system's alleged violations.

WaterEngineers, Inc. currently has all required Completion documents, apart from the Cementing Certificate, which was not an item submitted with the original completion submittal. In addition to requesting the exception for the cementing certificate, we are also requesting an exception for the cementing itself, as the correct mixture ratio was not used.

WaterEngineers, Inc. will submit the necessary request for exception pertaining to this water system. Once the exception has been granted, Completion Data for the water system will be submitted for approval.

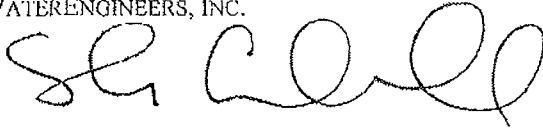
The following is our anticipated schedule to bring the Homestead Oaks Mobile Home Community Water System to compliance:

January 2019	Submitted Exception Requests
April 2019	Receive response regarding Exception Requests
May 2019	Submit Completion Data for review
May 2019	Submit compliance documentation to TCEQ regional office

TCEQ – Houston Region 12 Office  
Homestead Oaks Mobile Home Community Water System  
January 15, 2019  
Page 2 of 2

If you have any questions or would like further information, I can be reached by telephone at 281-373-0500 or by email at [sarah@waterengineers.com](mailto:sarah@waterengineers.com).

Sincerely,  
WATERENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'SC', followed by a series of loops and flourishes.

Sarah Cardnell  
Project Coordinator

cc: Shamon Marsh via email at [marshwaterman@aol.com](mailto:marshwaterman@aol.com)  
TCEQ Region 12 via email to [R12PWS@tceq.texas.gov](mailto:R12PWS@tceq.texas.gov)

Jon Niemann, Chairman  
Emily Ludley, Commissioner  
Toby Baker, Executive Director



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 28, 2018

Mr. Shannon Marsh, President  
UTILITIES INVESTMENT COMPANY, INC.  
P.O. Box 279  
New Waverly, Texas 77358

Re: Proposed Agreed Order  
UTILITIES INVESTMENT COMPANY, INC.  
RN101186179; Public Water Supply ID No. 1012995  
Docket No. 2018-0965-PWS-E; Enforcement Case No. 56402  
**FOR SETTLEMENT PURPOSES ONLY**

Dear Mr. Marsh:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against UTILITIES INVESTMENT COMPANY, INC. for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during an investigation conducted on May 16, 2018, and documented in a letter dated June 22, 2018, from the TCEQ Houston Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$200. We are proposing a one-time offer to defer \$40 of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is \$160. The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

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

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing UTILITIES INVESTMENT COMPANY, INC., Docket No. 2018-0965-PWS-E) to:

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

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Mr. Shannon Marsh  
Page 2  
September 28, 2018

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

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

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

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

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

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

Mr. Shannon Marsh  
Page 3  
September 28, 2018

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Ronica Rodriguez of my staff at (361) 825-3425.

Sincerely,

Megan Hamilton, Manager  
Enforcement Division  
Texas Commission on Environmental Quality

MH/rr

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

cc: Ms. Tracy Marsh, Director, UTILITIES INVESTMENT COMPANY, INC., 10724  
Blackland Road, Willis, Texas 77378

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
UTILITIES INVESTMENT  
COMPANY, INC.  
RN101186179

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

## AGREED ORDER DOCKET NO. 2018-0965-PWS-E

### I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a public water supply located at 8126 South Laura Circle in Baytown, Harris County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 42 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$200 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$160 of the penalty and \$40 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.



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

## II. ALLEGATIONS

During an investigation conducted on May 16, 2018, an investigator documented that the Respondent:

1. Failed to provide sufficient power to meet capacity requirements in accordance with the affected utility's approved emergency preparedness plan ("EPP"), in violation of 30 TEX. ADMIN. CODE § 290.45(h)(1)(D). Specifically, the quick-connect system for the portable generator had not been installed.
2. Failed to notify the Executive Director prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, and/or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351(a). Specifically, the Facility added a transfer pump to the well to increase the capacity without approval.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ"

UTILITIES INVESTMENT COMPANY, INC.  
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and shall be sent with the notation "Re: UTILITIES INVESTMENT COMPANY, INC.,  
Docket No. 2018-0965-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of this Order, provide a quick-connect system which allows a portable generator capable of serving multiple facilities to be used at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45.
  - b. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 180 days after the effective date of this Order, provide notification and obtain approval of significant changes in the existing system or supplies, including but not limited to the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.39.
  - d. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

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

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

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

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

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

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

Signature

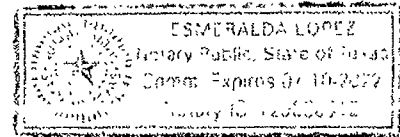
Date

Name (Printed or typed)

Title

Authorized Representative of  
UTILITIES INVESTMENT COMPANY, INC.

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



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