



Filing Receipt

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Control Number - 52975
ItemNumber - 11

DOCKET NO 52975

APPLICATION OF QUADVEST, L.P. TO	§	PUBLIC UTILITY COMMISSION
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
HARRIS AND MONTGOMERY COUNTIES	§	

RESPONSE TO STAFF'S FIRST REQUEST FOR INFORMATION

Staff 1-1 The application indicates that the requested area will be served by the Bauer landing public water system. Bauer Ranch Subdivision, and wastewater systems, Bauer Road WWTP. Please provide the comprehensive compliance investigation reports from the TCEQ for these two systems.

Answer: See attached reports from TCEQ for the Public Water System and Wastewater System.

Staff 1-2 The Bauer Ranch Subdivision water system has violations listed in TCEQ's Central Registry database. Provide a statement regarding how the active violations at the Bauer Ranch Subdivision water system will be resolved by Quadvest, L.P. or documentation showing that the violations have been addressed.

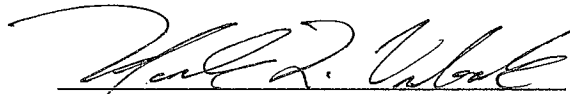
Answer: The violations have been addressed. We will supplement the response once we receive notice from the TCEQ that the violations have been resolved.

Staff 1-3 If capital improvements are required for the Bauer Landing public water system and wastewater system, Bauer Road WWTP please provide a capital improvement for the improvements for each system and proof of the fund sources to pay for the improvements.

Answer: All capital improvements for this development were with the Hockleywood Development and paid for by the developer.

Staff 1-4 Admit or deny if the Bauer Landing public water system, and wastewater system, Bauer Road WWTP have the capacity to provide service to the proposed 99 connections per TCEQ capacity requirements respectively.

Answer: Yes, the Bauer Landing public water system and the wastewater system have the capacity to provide service to the proposed 99 connections per TCEQ capacity requirements respectively.



Mark L. Urback, P.E.
Engineering and Construction
Executive Manager
Quadvest, L.P.
26926 FM 2978
Magnolia, Texas 77354
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Texas Commission on Environmental Quality Investigation Report

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

Customer: Quadvest, L.P.
Customer Number: CN602944746

Regulated Entity Name: BAUER RANCH SUBDIVISION

Regulated Entity Number: RN107162711

Investigation # 1604153

Incident Numbers

Investigator: KATHERINE HELLER

Site Classification GW 251-1K CONNECTION

Conducted: 10/29/2019 -- 10/29/2019

No Industry Code Assigned

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Investigation

Location: BAUER RD

Additional ID(s): 1013526

Address: ,

Local Unit: REGION 12 - HOUSTON

, ,

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

Principal(s):

Role

Name

RESPONDENT

QUADVEST LP

Contact(s):

BAUER RANCH SUBDIVISION -**10/29/2019 Inv. # - 1604153****Page 2 of 10**

Role	Title	Name	Phone	
PARTICIPATED IN	OPERATIONS MANAGER	MR CHRIS D OLIVER	Phone	(281) 305-1143
PARTICIPATED IN	OPERATOR	MR CASEY HENDERSON	Work	(281) 356-5347
REGULATED ENTITY CONTACT	CHIEF OPERATING OFFICER	MR TONY SPEARS	Phone Phone	(281) 356-5347 (281) 305-1125
REGULATED ENTITY MAIL CONTACT	PRESIDENT	MR SIMON SEQUEIRA	Work	(281) 356-5347
NOTIFIED	COMPLIANCE MANAGER	MS JAYLYNN THIBAUT	Work	(281) 305-1125
PARTICIPATED IN	COMPLIANCE MANAGER	MS JAYLYNN THIBAUT	Work	(281) 305-1125
REGULATED ENTITY CONTACT	COMPLIANCE MANAGER	MS JAYLYNN THIBAUT	Work	(281) 305-1125
PARTICIPATED IN	COMPLIANCE MANAGER	MR MICAH HATTEN	Work	(281) 356-5347

Other Staff Member(s):

Role	Name
QA Reviewer	ELAINE FOWLER
Investigator	KATHLEEN CAMPBELL
QA Reviewer	JOSEPHINE GARCIA
Supervisor	NICHOLE NUNES

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
WATER EQUIPMENT	equipment
PWS STANDARD FIELD	investigation

Investigation Comments:**INTRODUCTION**

A Comprehensive Compliance Investigation (CCI) was conducted at Bauer Ranch Subdivision, Public Water Supply (PWS) ID 1013526, on October 29, 2019, by Texas Commission on Environmental Quality (TCEQ) Environmental Investigators (EIs) Ms. Katherine Heller and Ms. Kathleen Campbell, to determine compliance with applicable PWS regulations. The CCI was coordinated with Ms. JayLynn Thibault, Compliance Manager with Quadvest, on October 22, 2019 via telephone.

The investigation was conducted with Ms. Thibault, Mr. Chris Oliver, Operations Manager with Quadvest, Mr. Casey Henderson, Operator with Quadvest, and Mr. Micah Hatten, Manager of Compliance with Quadvest.

The exit interview was conducted on October 29, 2019, and the TCEQ Exit Interview Form was received by Ms. Thibault on November 1, 2019 via email (Attachment 1).

The investigation included the examination of records, and an on-site investigation of all physical facilities that pertain to the public water supply (PWS) system. More specifically, the investigation inspection included the

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water source, water treatment; water distribution; finished water storage; pumps/pump facilities and controls; monitoring/reporting/data verification; water system management/operations; and operator compliance with TCEQ requirements.

A Notice of Violation letter was mailed to the water system. A detailed description of the violations listed in the exit interview form can be found in the Alleged Violation section of the Summary of Investigation Findings.

GENERAL FACILITY AND PROCESS INFORMATION

Bauer Ranch Subdivision is a community PWS. The water system maintains one water plant which supplies water to one pressure plane. This system serves a total of 663 connections, with an estimated population of 1989. The area served by the water plant is Bauer Ranch Subdivision. The regulated entity has been issued a certificate of public convenience and necessity (CCN)/Regulatory number, 11612.

Plant No. 1 is located at 18230 Bauer Road and contains two submersible wells, Source ID Nos. G1013526A and G1013526B, which produce 330 gallons per minute (gpm) and 410 gpm respectively. The plant treats with polyphosphate and sodium hypochlorite prior to entering the 0.15 million gallon (MG) ground storage tank. The plant contains two service pumps rated at 500 gpm each. There is one pressure tank with a capacity of 0.01 MG. The plant is equipped with a 200 kilowatt (kW) diesel generator.

For detailed facility information, see the Water System Schematic and Drinking Water Watch (DWW) Summary Sheet (Attachments 2 and 3).

As of the site visit on October 29, 2019, the system does not meet the minimum capacity requirements for systems with more than 250 connections pursuant to 30 Texas Administrative Code (TAC) §290.45(b)(1)(D). The information regarding the number of connections (663), service pump capacity (1000 gpm), pressure tank storage capacity (0.01 MG/gallons), and total storage capacity (0.15 MG/gallons) were provided by the operator at the time of the investigation. For more detailed information see the water system capacity calculations spreadsheet (Attachment 4).

The water system employs the following operator for Bauer Ranch Subdivision:

Mr. Henderson has a C level ground water license, license number WGo017690, which expires on February 19, 2022.

The operator has the appropriate level of certification for the system.

Exceptions:

The water system has not been granted any regulatory exceptions.

Emergency Preparedness Plan:

Regulated entities located in Harris County are required to submit an Emergency Preparedness Plan (EPP). Bauer Ranch Subdivision's EPP was approved by the TCEQ on March 11, 2016. The regulated entity chose EPP Option 4, the use of portable generators capable of serving multiple facilities equipped with quick-connect systems. During the investigation, Investigator Heller noted that the PWS has a permeant generator, and the regulated entity is not in compliance with the chosen EPP. This is addressed in the Alleged Violation Section of the Summary of Investigation Findings.

Chemical Analysis:

The system is in compliance with all primary and secondary standards.

Interconnects:

Bauer Ranch Subdivision does not have any interconnects with any other water systems at this time.

Field Monitoring Activities:

The free chlorine residual concentration is required to be greater than or equal to 0.2 milligrams per liter (mg/L) (30 TAC §290.110(b)(4)) and the pressure is required to be greater than or equal to 35 pounds per square inch (psi) (30 TAC §290.46(r)) within the distribution system.

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At the time of the field investigation, the disinfectant residual concentration and distribution pressure were monitored at the hydrant located at the intersection of Crate Falls and Penny Blume Drive. The location had a 0.6 mg/L free chlorine residual concentration and a pressure of 63 psi. The pressure and chlorine reading were compliant.

BACKGROUND

The previous CCI was conducted on January 26, 2016, and no violations were noted at the time of the investigation.

Bauer Ranch Subdivision has not had a complaint within the five years preceding this investigation.

ADDITIONAL INFORMATION

Two violations are being cited and resolved as a result of this investigation for:

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

Failure to retain a record of the amount of water distributed each day for at least two years.

Eight violations are being cited as a result of this investigation and are outstanding for:

Failure to retain a record of the amount of each chemical used each day for at least two years.

Failure to maintain an up-to-date chemical and microbiological monitoring plan.

Failure to retain the disinfectant residual monitoring results from the distribution system for at least three years.

Failure to retain the results of inspections as required in 30 TAC 290.46(m)(1) for pressure maintenance facilities for at least 5 years.

Failure to notify the executive director prior to making any significant change or addition to the system's facilities.

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

Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Failure to develop and complete a written Sample Siting Plan that identifies routine and repeat microbial sampling sites and a sample collection schedule that are representative of water throughout the distribution system.

Three additional issue are being issued as a result of this investigation for:

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area. Specifically, the ground storage was at 88% of its required capacity, the service pump capacity was at 133% of its required capacity, and the pressure storage was at 133% of its required capacity.

Failure to retain the records of backflow prevention device programs for at least three years.

Failure to provide one of the options of sufficient power in accordance with the affected utility's approved emergency preparedness plan.

See attachment 5 for photographs taken by the EIs of physical violations observed during the field investigation.

On November 22, 2019, the regulated entity submitted the following documentation via email: backflow prevention assembly test records for McCall Sound, PWS No. 1700763 (Attachment 6).

On November 25, 2019, the regulated entity submitted the following documentation via email: phosphate and chlorine usage records for January 2019 thru September 2019, water distribution records for October 2018 thru September 2019, an updated sample siting plan, and an updated monitoring plan (Attachment 7).

On December 2, 2019, the regulated entity submitted the following documentation via email: well meter calibration reports for Well No. 1 and Well No. 2 dated April 25, 2019 (Attachment 8).

NOV Date 12/18/2019 **Method** WRITTEN

OUTSTANDING ALLEGED VIOLATION(S)

ASSOCIATED TO A NOTICE OF VIOLATION

Track Number: 736794

Compliance Due Date: 01/17/2020

Violation Start Date: Unknown

30 TAC Chapter 290.42(f)(1)(E)(ii)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to provide adequate containment facilities for all liquid chemical storage tanks.

At the time of investigation, it was noted that the phosphate container did not have secondary containment.

On November 22, 2019, the regulated entity submitted documentation via email stating that the facility was working on getting secondary containment.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track Number: 736798

Compliance Due Date: 03/17/2020

Violation Start Date: Unknown

30 TAC Chapter 290.45(b)(1)(D)(iv)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

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

At the time of investigation, one pressure tank with a capacity of 0.01 MG was observed at the facility.

20 gallons per connection x 663 connections = 0.01326 MG required

Recommended Corrective Action: Submit compliance documentation to the TCEQ Plan Review Team (PRT) and Carbon Copy (CC) the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track Number: 736799

Compliance Due Date: 03/17/2020

Violation Start Date: Unknown

30 TAC Chapter 290.39(j)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to notify the executive director prior to making any significant change or addition to the system's facilities.

In the TCEQ approval letter dated April 2, 2014, two 60 h.p. booster pumps rated at 800 gpm each were

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approved for use. At the time of investigation, it was noted that the facility was using service pumps rated at 500 gpm.

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

Track Number: 736800

Compliance Due Date: 01/17/2020

Violation Start Date: Unknown

30 TAC Chapter 290.46(f)(3)(D)(ii)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain the results of inspections as required in 30 TAC 290.46(m)(1) for pressure maintenance facilities for at least 5 years.

At the time of investigation, interior pressure tank inspection records were not provided for review.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track Number: 736802

Compliance Due Date: 01/17/2020

Violation Start Date: Unknown

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

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain the disinfectant residual monitoring results from the distribution system for at least three years.

At the time of investigation, distribution chlorine residual monitoring records for October 2018 thru September 2019 were not provided for review.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track Number: 736803

Compliance Due Date: 01/17/2020

Violation Start Date: Unknown

30 TAC Chapter 290.121(a)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to maintain an up-to-date chemical and microbiological monitoring plan.

At the time of investigation, it was noted that the regulated entity was not sampling in accordance with the

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Monitoring Plan and that Well No. 2 had not been included in the plan.

On November 25, 2019, the regulated entity submitted an updated monitoring plan with current sampling points. However, the updated plan did not include Well No. 2 and some of the sample points did not match what was listed in the sample siting plan.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track Number: 736804 **Compliance Due Date:** 01/17/2020

Violation Start Date: Unknown

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

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain a record of the amount of each chemical used each day for at least two years.

At the time of investigation, phosphate and chlorine usage records for October 2018 thru September 2019 were not provided for review.

On November 25, 2019, the regulated entity submitted via email phosphate and chlorine usage records for January 2019 thru September 2019.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track Number: 736805 **Compliance Due Date:** 01/17/2020

Violation Start Date: Unknown

30 TAC Chapter 290.109(d)(6)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to develop and complete a written Sample Siting Plan that identifies routine and repeat microbial sampling sites and a sample collection schedule that are representative of water throughout the distribution system.

At the time of investigation, it was noted that the regulated entity was not sampling in accordance with the Sample Siting Plan.

On November 25, 2019 the regulated entity submitted an updated monitoring plan with current sampling points. However, the updated plan did not include the correct number of coliform samples to be taken and the sample locations differed from what was listed in the monitoring plan.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

ASSOCIATED TO A NOTICE OF VIOLATION

BAUER RANCH SUBDIVISION -

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Track Number: 736807

Resolution Status Date: 12/16/2019

Violation Start Date: Unknown

Violation End Date: 11/25/2019

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

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain a record of the amount of water distributed each day for at least two years.

At the time of investigation, water distribution records, including total monthly usage and Maximum Daily Demand (MDD) and MDD date for each month, for October 2018 thru September 2019 were not provided for review.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Resolution: This alleged violation was resolved on November 25, 2019 based on documentation submitted to the TCEQ Houston Region Office via email which indicated that water distribution records are being kept on file.

Track Number: 736808

Resolution Status Date: 12/16/2019

Violation Start Date: Unknown

Violation End Date: 12/2/2019

30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

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

At the time of investigation, well meter calibration reports were not provided for review for Well No. 1 and Well No. 2.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Resolution: This alleged violation was resolved on December 2, 2019 based on documentation submitted to the TCEQ Houston Region Office via email which indicated that the well meters for Well No. 1 and Well No. 2 were calibrated on April 25, 2019.

Additional Issues

Description Item #1

Additional Comments

BAUER RANCH SUBDIVISION -

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Please be aware of the following:
30 TAC 290.45(h)(1)

Failure to provide one of the options of sufficient power in accordance with the affected utility's approved emergency preparedness plan.

At the time of investigation, it was noted that EPP Option 4, the use of portable generators capable of serving multiple facilities equipped with quick-connect systems, was chosen and approved in TCEQ letter dated March 11, 2016, but Option 1, the maintenance of automatically starting auxiliary generators, was implemented. Submit an updated EPP to the TCEQ Drinking Water Inventory and Protection Team.

Description Item #2

Additional Comments

Please be aware of the following:
30 TAC 290.46(f)(3)(B)(v)

Failure to retain the records of backflow prevention device programs for at least three years.

At the time of investigation, the records for any backflow prevention assembly tests performed upon installation of backflow preventers, per 290.44(h)(4), for any irrigation systems being supplied by Bauer Ranch Subdivision were not provided for review. Per 30 TAC 290.46(j), A customer service inspection (CSI) certificate shall be completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. During a CSI, the regulated entity should ensure that any backflow prevention assemblies required are present before providing service.

Description Item #3

Additional Comments

Please be aware of the following:
30 TAC 291.93(3)

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area. Specifically, the ground storage was at 88% of its required capacity, the service pump capacity was at 133% of its required capacity, and the pressure storage was at 133% of its required capacity.

After any commission field inspection, a retail public utility must analyze the system's capacity to determine if it has reached 85% of its capacity. If the retail public utility has reached 85% of its capacity, it must file this report no later than 90 days after the date of a commission letter detailing the results of the inspection. Capacity is considered to be the overall rated capacity in number of residential connection equivalents based on the most restrictive criteria for production, treatment, storage, or pumping. The report should be submitted in writing and should contain the following: a brief description of the overall utility system and service area, an analysis of the plant capacity as defined in subparagraph (A) of this paragraph, and details on how the retail public utility will provide service to the remaining areas within the boundaries of its certificated area. This includes projections of cost and expected design and installation dates for additional facilities.

Signed Kathleen E. Aum
Environmental Investigator

Date 12/18/19

Signed Boer
Supervisor

Date 12/18/19

Attachments: (in order of final report submittal)

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

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

List of Attached files

1013526.sk.20.docx

Capacity Calculations_updated102519.xlsx

Investigation Photo.docx

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

August 20, 2020

CERTIFIED MAIL # 91 7199 9991 7276 8572
ELECTRONIC RECEIPT REQUESTED

Mr. Simon Sequeira
President
Quadvest, L.P.
26926 Farm to Market 2978 Road
Magnolia, Texas 77354-5148

Re: Additional Compliance Documentation Needed for:
Bauer Ranch Subdivision, 18230 Bauer Road, Hockley, Harris County, Texas
Regulated Entity No.: 107162711 TCEQ ID No.: 1013526 Investigation No.: 1645241

Dear Mr. Sequeira:

The Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received compliance documentation that you submitted on July 16, 2020 and July 20, 2020 for the alleged violations noted during the investigation of the above-referenced facility conducted on October 29, 2019. The compliance documentation contained in your response appears to indicate that some of the problems documented during the investigation have been corrected. However, information is still needed for the outstanding alleged violations listed in the enclosed Summary of Investigation Findings. Please submit to our office by sixty days of this letter date, a written description of corrective action taken and the required compliance documentation demonstrating that these remaining alleged violations have been resolved.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to protect the State's environment. We look forward to receiving your response for the remaining alleged violations. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you or members of your staff have any questions, please feel free to contact Ms. Katherine Heller in the Houston Region Office at (713) 767-3673.

Sincerely,

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

Nichole Batista Nunes
Texas Commission on Environmental Quality
Water Section Team Leader
Houston Region 12

NBN/KH/es

Mr. Simon Sequeira, President

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August 20, 2020

Texas Commission on Environmental Quality

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

BAUER RANCH SUBDIVISION

Investigation #

, HARRIS COUNTY,

1645241
Investigation Date: 07/30/2020

Additional ID(s): 1013526

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 736794 Compliance Due Date: 01/17/2020

30 TAC Chapter 290.42(f)(1)(E)(ii)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to provide adequate containment facilities for all liquid chemical storage tanks.

At the time of investigation, it was noted that the phosphate container did not have secondary containment.

On November 22, 2019, the regulated entity submitted documentation via email stating that the facility was working on getting secondary containment.

Investigation: 1645241

Comment Date: 07/31/2020

Failure to provide adequate containment facilities for all liquid chemical storage tanks.

On July 16, 2020, Ms. JayLynn Thibault submitted via email a photograph of the bleach container with secondary containment. Documentation showing that the polyphosphate container has secondary containment is required to resolve the alleged violation.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736798 Compliance Due Date: 03/17/2020

30 TAC Chapter 290.45(b)(1)(D)(iv)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

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

At the time of investigation, one pressure tank with a capacity of 0.01 MG was observed at the facility.

20 gallons per connection x 663 connections = 0.01326 MG required

Investigation: 1645241

Comment Date: 07/31/2020

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

On July 20, 2020, Mr. Micah Hatten submitted via email an Alternative Capacity Requirement (ACR) approval dated May 12, 2020 and a copy of water plant improvements submitted to TCEQ Plan Review on July 8, 2020. The ACR granted an alternative capacity requirement for pressure tank capacity: 17.6 gallons per connection. The water plant improvements state that 817 residential lots have been developed (817 Equivalent Single-Family Connections (ESFC)) and a total of 1,440 ESFC's at ultimate development. The water plant improvements included one 15,000 pressure tank. Documentation showing that the proposed pressure tank

has been approved and is operational is still required to resolve the alleged violation.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Plan Review Team (PRT) and Carbon Copy (CC) the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736799 **Compliance Due Date:** 03/17/2020
30 TAC Chapter 290.39(j)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to notify the executive director prior to making any significant change or addition to the system's facilities.

In the TCEQ approval letter dated April 2, 2014, two 60 h.p. booster pumps rated at 800 gpm each were approved for use. At the time of investigation, it was noted that the facility was using service pumps rated at 500 gpm.

Investigation: 1645241

Comment Date: 07/31/2020

Failure to notify the executive director prior to making any significant change or addition to the system's facilities.

On July 20, 2020 Mr. Micah Hatten submitted via email a copy of water plant improvements submitted to TCEQ Plan Review on July 8, 2020. The water plant improvements state that 817 residential lots have been developed (817 Equivalent Single-Family Connections (ESFCs)) and a total of 1,440 ESFCs at ultimate development. The water plant improvements included the following proposed facilities: one 160,000 gallon ground storage tank, one 15,000 pressure tank, and four 1,055 gpm booster pumps. Documentation showing that the proposed booster pumps have been approved and are operational is still required to resolve the alleged violation.

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

Track No: 736800 **Compliance Due Date:** 01/17/2020
30 TAC Chapter 290.46(f)(3)(D)(ii)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain the results of inspections as required in 30 TAC 290.46(m)(1) for pressure maintenance facilities for at least 5 years.

At the time of investigation, interior pressure tank inspection records were not provided for review.

Investigation: 1645241

Comment Date: 07/31/2020

Failure to retain the results of inspections as required in 30 TAC 290.46(m)(1) for pressure maintenance facilities for at least 5 years.

As of the date of this file record review, TCEQ has not received documentation to resolve the alleged violation.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736802 **Compliance Due Date:** 01/17/2020
30 TAC Chapter 290.46(f)(3)(B)(iii)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain the disinfectant residual monitoring results from the distribution system for at least three years.

At the time of investigation, distribution chlorine residual monitoring records for October 2018 thru September 2019 were not provided for review.

Investigation: 1645241

Comment Date: 07/31/2020

Failure to retain the disinfectant residual monitoring results from the distribution system for at least three years.

As of the date of this file record review, TCEQ has not received documentation to resolve the alleged violation.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736803 Compliance Due Date: 01/17/2020**30 TAC Chapter 290.121(a)****Alleged Violation:**

Investigation: 1604153

Comment Date: 12/16/2019

Failure to maintain an up-to-date chemical and microbiological monitoring plan.

At the time of investigation, it was noted that the regulated entity was not sampling in accordance with the Monitoring Plan and that Well No. 2 had not been included in the plan.

On November 25, 2019, the regulated entity submitted an updated monitoring plan with current sampling points. However, the updated plan did not include Well No. 2 and some of the sample points did not match what was listed in the sample siting plan.

Investigation: 1645241

Comment Date: 07/31/2020

Failure to maintain an up-to-date chemical and microbiological monitoring plan.

As of the date of this file record review, TCEQ has not received documentation to resolve the alleged violation.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736804 Compliance Due Date: 01/17/2020**30 TAC Chapter 290.46(f)(3)(A)(i)(II)****Alleged Violation:**

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain a record of the amount of each chemical used each day for at least two years.

At the time of investigation, phosphate and chlorine usage records for October 2018 thru September 2019 were not provided for review.

On November 25, 2019, the regulated entity submitted via email phosphate and chlorine usage records for January 2019 thru September 2019.

Investigation: 1645241

Comment Date: 07/31/2020

Failure to retain a record of the amount of each chemical used each day for at least two years.

As of the date of this file record review, TCEQ has not received documentation to resolve the

alleged violation.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736805 **Compliance Due Date:** 01/17/2020
30 TAC Chapter 290.109(d)(6)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to develop and complete a written Sample Siting Plan that identifies routine and repeat microbial sampling sites and a sample collection schedule that are representative of water throughout the distribution system.

At the time of investigation, it was noted that the regulated entity was not sampling in accordance with the Sample Siting Plan.

On November 25, 2019 the regulated entity submitted an updated monitoring plan with current sampling points. However, the updated plan did not include the correct number of coliform samples to be taken and the sample locations differed from what was listed in the monitoring plan.

Investigation: 1645241

Comment Date: 07/31/2020

Failure to develop and complete a written Sample Siting Plan that identifies routine and repeat microbial sampling sites and a sample collection schedule that are representative of water throughout the distribution system.

As of the date of this file record review, TCEQ has not received documentation to resolve the alleged violation.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

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

December 8, 2020

CERTIFIED MAIL # 91 7199 9991 7038 7441 5870
RETURN RECEIPT REQUESTED

Mr. Simon Sequeira
President
Quadvest, LP
26926 FM 2978 Road
Magnolia, Texas, 77354-5148

Re: Notice of Violation for Comprehensive Compliance Investigation at:
Bauer Wastewater Treatment Facility,
18230 Bauer Road, Hockley (Harris County), Texas 77447
Regulated Entity No.: RN104810866, TCEQ ID No.: WQ0014675001, Investigation No.:
1683894

Dear Mr. Sequeira:

On October 21, 2020, Ms. Darian Brown 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 wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as an Area of Concern based on subsequent corrective action. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by 60 days from the date of this letter a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled Obtaining TCEQ Rules (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3500 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, Ms. Priscilla Hudson will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Mr. Simon Sequeira, President
Page 2
December 8, 2020

If you or members of your staff have any questions, please feel free to contact Ms. Darian Brown in the Houston Region Office at (713) 767-3677.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Hudson', written over the printed name.

Priscilla Hudson
Water Section Team Leader
Houston Region 12
Texas Commission on Environmental Quality

PH/DB/tj

cc: Ms. JayLynn Thibault, Compliance Manager, Quadvest, LP
Via E-Mail

Mr. Micah Hatten, Safety and Compliance Manager, Quadvest, LP
Via E-Mail

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

BAUER ROAD WWTP

Investigation #

1683894

Investigation Date: 10/21/2020

, HARRIS COUNTY,

Additional ID(s): WQ0014675001
TX0128457

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

Track No: 762338

30 TAC Chapter 305.125(1)

Alleged Violation:

Investigation: 1683894

Comment Date: 11/10/2020

Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period from August 2019 to August 2020, seven effluent violations were self-reported which deviated from the permitted effluent limitation by more than 40%. During the month of September 2019, the daily average for Ammonia nitrogen (NH3N) was 5.55 mg/L (85% deviation from the permitted limit of 3 mg/L) and the single grab for NH3N was 22 mg/L (47% deviation from the permitted limit of 15 mg/L). During the month of January 2020, the daily average for NH3N was 6.23 mg/L (108% deviation from the permitted limit of 3 mg/L) and the single grab for NH3N was 39 mg/L (160% deviation from the permitted limit of 15 mg/L). During the month of August 2020, the daily average for NH3N was 33.2 mg/L (1007% deviation from the permitted limit of 3 mg/L), the single grab for NH3N was 39 mg/L (160% deviation from the permitted limit of 15 mg/L), and the daily average loading for NH3N was 16.5 mg/L (432% deviation from the permitted limit of 3.1 mg/L). A noncompliance notification was received by the TCEQ Houston Region Office for the exceedances that occurred in August 2020, however noncompliance notifications were not submitted to the TCEQ Houston Region Office for the exceedances that occurred in September 2019 and January 2020.

Recommended Corrective Action: Noncompliance notification shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. Submit the required noncompliance notifications for the September 2019 and January 2020 exceedances. Also, submit documentation outlining the steps taken to ensure the proper notification of effluent violations.

Resolution: On October 28, 2020, the regulated entity submitted via e-mail a statement to the TCEQ Houston Region Office indicating an excursion reporting program has been implemented internally for reporting future effluent exceedances. On October 29, 2020, the noncompliance notifications were submitted via e-mail to the TCEQ Houston Region Office for the exceedances that occurred in September 2019 and January 2020.

AREA OF CONCERN

Track No: 762321

30 TAC Chapter 305.125(19)

Alleged Violation:

Investigation: 1683894

Comment Date: 11/02/2020

Failure to accurately complete the discharge monitoring reports (DMRs). Specifically, during the month of February 2020, the ammonia nitrogen (NH3N) daily average and single grab reported on the DMR was .0945 mg/L and 0.272 mg/L, respectively. The lab report results indicate the daily average and single grab for NH3N was 0.05 mg/L and 0.05 mg/L, respectively. In addition, the comment on the NetDMR SLDP (sludge) reads, "51.67 Dry metric tons were hauled by Magna Flow to Mt. Houston WWTP disposal facility

(WQ0011154001). Transporter #:21484 1.51 Dry metric tons were hauled by K3-BMI to El Celoso Ranch Application Site (WQ0004518)." Based on sludge manifests, 1.51 DMT was hauled by Magna Flow and 51.67 DMT was hauled by K3-BMI.

Recommended Corrective Action: All effluent data must be accurately reported on all DMRs. Correct and resubmit the DMR for the February 2020 reporting period to the TCEQ Houston Region Office and the Enforcement Division (MC 224).

Resolution: On October 30, 2020, the regulated entity notified the TCEQ Houston Region Office the February 2020 and annual sludge DMRs were updated.

ADDITIONAL ISSUES

Description

Was the permittee compliant with the self-monitored effluent limits?

Additional Comments

During the record review period of August 2019 through August 2020, there were 11 self-reported effluent violations. During the month of September 2019, the daily average for ammonia-nitrogen (NH₃N) was 5.55 mg/L (85% deviation from the permitted limit of 3 mg/L) and the single grab for NH₃N was 22 mg/L (47% deviation from the permitted limit of 15 mg/L). During the month of November 2019, the daily average for NH₃N was 3.36 mg/L (12% deviation from the permitted limit of 3 mg/L). During the month of January 2020, the daily average for NH₃N was 6.23 mg/L (108% deviation from the permitted limit of 3 mg/L) and the single grab for NH₃N was 39 mg/L (160% deviation from the permitted limit of 15 mg/L). During the month of March 2020, the daily average for NH₃N was 3.59 mg/L (20% deviation from the permitted limit of 3 mg/L) and the single grab for NH₃N was 20.5 mg/L (37% deviation from the permitted limit of 15 mg/L). During the month of August 2020, the daily average for NH₃N was 33.2 mg/L (1007% deviation from the permitted limit of 3 mg/L), the single grab for NH₃N was 39 mg/L (160% deviation from the permitted limit of 15 mg/L), the daily average loading for NH₃N was 16.5 mg/L (432% deviation from the permitted limit of 3.1 mg/L), and the daily average for total suspended solids (TSS) was 19.1 mg/L (27% deviation from the permitted limit of 15 mg/L).

Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. Steps should be taken to ensure compliance with the permitted effluent limitations.

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

December 8, 2020

CERTIFIED MAIL # 91 7199 9991 7038 7441 5870
RETURN RECEIPT REQUESTED

Mr. Simon Sequeira
President
Quadvest, LP
26926 FM 2978 Road
Magnolia, Texas, 77354-5148

Re: Notice of Violation for Comprehensive Compliance Investigation at:
Bauer Wastewater Treatment Facility,
18230 Bauer Road, Hockley (Harris County), Texas 77447
Regulated Entity No.: RN104810866, TCEQ ID No.: WQ0014675001, Investigation No.:
1683894

Dear Mr. Sequeira:

On October 21, 2020, Ms. Darian Brown 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 wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as an Area of Concern based on subsequent corrective action. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by 60 days from the date of this letter a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled Obtaining TCEQ Rules (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3500 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, Ms. Priscilla Hudson will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

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Mr. Simon Sequeira, President
Page 2
December 8, 2020

If you or members of your staff have any questions, please feel free to contact Ms. Darian Brown in the Houston Region Office at (713) 767-3677.

Sincerely,



Priscilla Hudson
Water Section Team Leader
Houston Region 12
Texas Commission on Environmental Quality

PH/DB/tj

cc: Ms. JayLynn Thibault, Compliance Manager, Quadvest, LP
Via E-Mail

Mr. Micah Hatten, Safety and Compliance Manager, Quadvest, LP
Via E-Mail

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

BAUER ROAD WWTP

, HARRIS COUNTY,

Additional ID(s): WQ0014675001
TX0128457

Investigation #

1683894
Investigation Date: 10/21/2020

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

Track No: 762338

30 TAC Chapter 305.125(1)

Alleged Violation:

Investigation: 1683894

Comment Date: 11/10/2020

Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period from August 2019 to August 2020, seven effluent violations were self-reported which deviated from the permitted effluent limitation by more than 40%. During the month of September 2019, the daily average for Ammonia nitrogen (NH₃N) was 5.55 mg/L (85% deviation from the permitted limit of 3 mg/L) and the single grab for NH₃N was 22 mg/L (47% deviation from the permitted limit of 15 mg/L). During the month of January 2020, the daily average for NH₃N was 6.23 mg/L (108% deviation from the permitted limit of 3 mg/L) and the single grab for NH₃N was 39 mg/L (160% deviation from the permitted limit of 15 mg/L). During the month of August 2020, the daily average for NH₃N was 33.2 mg/L (1007% deviation from the permitted limit of 3 mg/L), the single grab for NH₃N was 39 mg/L (160% deviation from the permitted limit of 15 mg/L), and the daily average loading for NH₃N was 16.5 mg/L (432% deviation from the permitted limit of 3.1 mg/L). A noncompliance notification was received by the TCEQ Houston Region Office for the exceedances that occurred in August 2020, however noncompliance notifications were not submitted to the TCEQ Houston Region Office for the exceedances that occurred in September 2019 and January 2020.

Recommended Corrective Action: Noncompliance notification shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. Submit the required noncompliance notifications for the September 2019 and January 2020 exceedances. Also, submit documentation outlining the steps taken to ensure the proper notification of effluent violations.

Resolution: On October 28, 2020, the regulated entity submitted via e-mail a statement to the TCEQ Houston Region Office indicating an excursion reporting program has been implemented internally for reporting future effluent exceedances. On October 29, 2020, the noncompliance notifications were submitted via e-mail to the TCEQ Houston Region Office for the exceedances that occurred in September 2019 and January 2020.

AREA OF CONCERN

Track No: 762321

30 TAC Chapter 305.125(19)

Alleged Violation:

Investigation: 1683894

Comment Date: 11/02/2020

Failure to accurately complete the discharge monitoring reports (DMRs). Specifically, during the month of February 2020, the ammonia nitrogen (NH₃N) daily average and single grab reported on the DMR was .0945 mg/L and 0.272 mg/L, respectively. The lab report results indicate the daily average and single grab for NH₃N was 0.05 mg/L and 0.05 mg/L, respectively. In addition, the comment on the NetDMR SLDP (sludge) reads, "51.67 Dry metric tons were hauled by Magna Flow to Mt. Houston WWTP disposal facility

(WQ0011154001). Transporter #:21484 1.51 Dry metric tons were hauled by K3-BMI to El Celoso Ranch Application Site (WQ0004518)." Based on sludge manifests, 1.51 DMT was hauled by Magna Flow and 51.67 DMT was hauled by K3-BMI.

Recommended Corrective Action: All effluent data must be accurately reported on all DMRs. Correct and resubmit the DMR for the February 2020 reporting period to the TCEQ Houston Region Office and the Enforcement Division (MC 224).

Resolution: On October 30, 2020, the regulated entity notified the TCEQ Houston Region Office the February 2020 and annual sludge DMRs were updated.

ADDITIONAL ISSUES

Description

Was the permittee compliant with the self-monitored effluent limits?

Additional Comments

During the record review period of August 2019 through August 2020, there were 11 self-reported effluent violations. During the month of September 2019, the daily average for ammonia-nitrogen (NH₃N) was 5.55 mg/L (85% deviation from the permitted limit of 3 mg/L) and the single grab for NH₃N was 22 mg/L (47% deviation from the permitted limit of 15 mg/L). During the month of November 2019, the daily average for NH₃N was 3.36 mg/L (12% deviation from the permitted limit of 3 mg/L). During the month of January 2020, the daily average for NH₃N was 6.23 mg/L (108% deviation from the permitted limit of 3 mg/L) and the single grab for NH₃N was 39 mg/L (160% deviation from the permitted limit of 15 mg/L). During the month of March 2020, the daily average for NH₃N was 3.59 mg/L (20% deviation from the permitted limit of 3 mg/L) and the single grab for NH₃N was 20.5 mg/L (37% deviation from the permitted limit of 15 mg/L). During the month of August 2020, the daily average for NH₃N was 33.2 mg/L (1007% deviation from the permitted limit of 3 mg/L), the single grab for NH₃N was 39 mg/L (160% deviation from the permitted limit of 15 mg/L), the daily average loading for NH₃N was 16.5 mg/L (432% deviation from the permitted limit of 3.1 mg/L), and the daily average for total suspended solids (TSS) was 19.1 mg/L (27% deviation from the permitted limit of 15 mg/L).

Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. Steps should be taken to ensure compliance with the permitted effluent limitations.

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

December 18, 2019

CERTIFIED MAIL # 91 7199 9991 7038 7381 7682
ELELCTONIC RECEIPT REQUESTED

Mr. Simon Sequeira
President
Quadvest, L.P.
26926 Farm to Market Road 2978
Magnolia, Texas 77354-5148

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Bauer Ranch Subdivision, 18230 Bauer Road, Hockley, Harris County, Texas
Regulated Entity No.: 107162711 TCEQ ID No.: 1013526 Investigation No.: 1604153

Dear Mr. Sequeira:

On October 29, 2019, Ms. Katherine Heller and Ms. Kathleen Campbell 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 non-compliances that have been resolved as Resolved Violations based on subsequent corrective action. In addition, an Additional Issue was noted. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is still 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 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. Nichole Batista Nunes, 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.

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Mr. Sequeira, President

Page 2

December 18, 2019

If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Katherine Heller in the Houston Region Office at (713) 767-3673.

Sincerely,



Nichole Batista Nunes
Team Leader
Public Water Supply
Houston Region Office
Texas Commission on Environmental Quality

NBN/KH/es

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

BAUER RANCH SUBDIVISION

Investigation #

1604153

Investigation Date: 10/29/2019

, HARRIS COUNTY,

Additional ID(s): 1013526

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

Track No: 736794 Compliance Due Date: 01/17/2020

30 TAC Chapter 290.42(f)(1)(E)(ii)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to provide adequate containment facilities for all liquid chemical storage tanks.

At the time of investigation, it was noted that the phosphate container did not have secondary containment.

On November 22, 2019, the regulated entity submitted documentation via email stating that the facility was working on getting secondary containment.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736798 Compliance Due Date: 03/17/2020

30 TAC Chapter 290.45(b)(1)(D)(iv)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

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

At the time of investigation, one pressure tank with a capacity of 0.01 MG was observed at the facility.

20 gallons per connection x 663 connections = 0.01326 MG required

Recommended Corrective Action: Submit compliance documentation to the TCEQ Plan Review Team (PRT) and Carbon Copy (CC) the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736799 Compliance Due Date: 03/17/2020

30 TAC Chapter 290.39(j)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to notify the executive director prior to making any significant change or addition to the system's facilities.

In the TCEQ approval letter dated April 2, 2014, two 60 h.p. booster pumps rated at 800 gpm each were approved for use. At the time of investigation, it was noted that the facility was using service pumps rated at 500 gpm.

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

Track No: 736800 Compliance Due Date: 01/17/2020
30 TAC Chapter 290.46(f)(3)(D)(II)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain the results of inspections as required in 30 TAC 290.46(m)(1) for pressure maintenance facilities for at least 5 years.

At the time of investigation, interior pressure tank inspection records were not provided for review.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736802 Compliance Due Date: 01/17/2020
30 TAC Chapter 290.46(f)(3)(B)(III)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain the disinfectant residual monitoring results from the distribution system for at least three years.

At the time of investigation, distribution chlorine residual monitoring records for October 2018 thru September 2019 were not provided for review.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736803 Compliance Due Date: 01/17/2020
30 TAC Chapter 290.121(a)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to maintain an up-to-date chemical and microbiological monitoring plan.

At the time of investigation, it was noted that the regulated entity was not sampling in accordance with the Monitoring Plan and that Well No. 2 had not been included in the plan.

On November 25, 2019, the regulated entity submitted an updated monitoring plan with current sampling points. However, the updated plan did not include Well No. 2 and some of the sample points did not match what was listed in the sample siting plan.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736804 Compliance Due Date: 01/17/2020
30 TAC Chapter 290.46(f)(3)(A)(I)(II)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain a record of the amount of each chemical used each day for at least two years.

At the time of investigation, phosphate and chlorine usage records for October 2018 thru

September 2019 were not provided for review.

On November 25, 2019, the regulated entity submitted via email phosphate and chlorine usage records for January 2019 thru September 2019.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 736805 **Compliance Due Date:** 01/17/2020

30 TAC Chapter 290.109(d)(6)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to develop and complete a written Sample Siting Plan that identifies routine and repeat microbial sampling sites and a sample collection schedule that are representative of water throughout the distribution system.

At the time of investigation, it was noted that the regulated entity was not sampling in accordance with the Sample Siting Plan.

On November 25, 2019 the regulated entity submitted an updated monitoring plan with current sampling points. However, the updated plan did not include the correct number of coliform samples to be taken and the sample locations differed from what was listed in the monitoring plan.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office 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: 736807

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

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

Failure to retain a record of the amount of water distributed each day for at least two years.

At the time of investigation, water distribution records, including total monthly usage and Maximum Daily Demand (MDD) and MDD date for each month, for October 2018 thru September 2019 were not provided for review.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Resolution: This alleged violation was resolved on November 25, 2019 based on documentation submitted to the TCEQ Houston Region Office via email which indicated that water distribution records are being kept on file.

Track No: 736808

30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1604153

Comment Date: 12/16/2019

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

At the time of investigation, well meter calibration reports were not provided for review for

Well No. 1 and Well No. 2.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Resolution: This alleged violation was resolved on December 2, 2019 based on documentation submitted to the TCEQ Houston Region Office via email which indicated that the well meters for Well No. 1 and Well No. 2 were calibrated on April 25, 2019.

ADDITIONAL ISSUES

Description

Item #1

Additional Comments

Please be aware of the following:
30 TAC 290.45(h)(1)

Failure to provide one of the options of sufficient power in accordance with the affected utility's approved emergency preparedness plan.

At the time of investigation, it was noted that EPP Option 4, the use of portable generators capable of serving multiple facilities equipped with quick-connect systems, was chosen and approved in TCEQ letter dated March 11, 2016, but Option 1, the maintenance of automatically starting auxiliary generators, was implemented. Submit an updated EPP to the TCEQ Drinking Water Inventory and Protection Team.

Item #2

Please be aware of the following:
30 TAC 290.46(f)(3)(B)(v)

Failure to retain the records of backflow prevention device programs for at least three years.

At the time of investigation, the records for any backflow prevention assembly tests performed upon installation of backflow preventers, per 290.44(h)(4), for any irrigation systems being supplied by Bauer Ranch Subdivision were not provided for review. Per 30 TAC 290.46(j), A customer service inspection (CSI) certificate shall be completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. During a CSI, the regulated entity should ensure that any backflow prevention assemblies required are present before providing service.

Item #3

Please be aware of the following:
30 TAC 291.93(3)

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area. Specifically, the ground storage was at 88% of its required capacity, the service pump capacity was at 133% of its required capacity, and the pressure storage was at 133% of its required capacity.

After any commission field inspection, a retail public utility must analyze the system's capacity to determine if it has reached 85% of its capacity. If the retail public utility has reached 85% of its capacity, it must file this report no later than 90 days after the date of a commission letter detailing the results of the inspection. Capacity is considered to be the overall rated capacity in number of residential connection equivalents based on the most restrictive criteria for production, treatment, storage, or pumping. The report should be submitted in writing and should contain the following: a brief description of the overall utility system and service area, an analysis of the plant capacity as defined in subparagraph (A) of this paragraph, and details on how the retail public utility will provide service to the remaining areas within the boundaries of its certificated area. This includes projections of cost and expected design and installation dates for additional facilities.