



## Filing Receipt

**Received - 2022-04-26 01:18:11 PM**  
**Control Number - 53356**  
**ItemNumber - 10**

**DOCKET NO. 53356**

**REQUEST FOR AN EMERGENCY                    §        PUBLIC UTILITY COMMISSION  
ORDER APPOINTING A TEMPORARY        §  
MANAGER FOR VILLA UTILITIES,        §                    OF TEXAS  
REED ESTATES WATER SYSTEM,        §  
VISTA UTILITIES, AND J & L TERRY  
LANE WITHOUT A HEARING**

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2**

On March 31, 2022, an administrative law judge (ALJ) of the Public Utility Commission of Texas (Commission) issued Order No. 2 in the above-styled case, requiring the parties to file a list of witnesses Commission Staff plans to call at the hearing to affirm, modify, or set aside the emergency order appointing a temporary manager for Villa Utilities, Reed Estates Water System, Vista Utilities, and J & L Terry Lane (Hearing), and copies of the exhibits Commission Staff plans to offer in evidence at the hearing by April 26, 2022. Therefore, this Response is timely filed.

**I.        COMMISSION STAFF'S LIST OF WITNESSES**

Staff may call the following witnesses at the Hearing:

- Nima Momtahan

Staff reserves the right to call witnesses not listed herein for the purposes of rebuttal or impeachment.

**II.       COMMISSION STAFF'S EXHIBIT LIST**

Staff submits the following list of exhibits it plans to offer at the Hearing and attaches copies of the listed exhibits to this Response:

<b>Exhibit No.</b>	<b>Description</b>
1	Memo from Harold Kohl, Complaint Resolution Coordinator, Customer Protection Division of the Public Utility Commission regarding complaint history for Villa Utilities, Reed Water Estates System, and Vista Utilities
2	Letter from Villa Utilities to Customers Regarding Cessation of Water Well Operations
3	Address Records Associated with Norman Barnett
4	Letter from DICE to Villa Utilities Dated February 25, 2022
5	Texas Secretary of State Records for Villa Utilities
6	Final Default Judgment and Permanent Injunction Against Norman Barnett in connection with the non-compliant operation of Villa Utilities, et al.
7	TCEQ Investigation Report Dated November 19, 2020

8	TCEQ Summary Sheet – J & L Terry Lane
9	State of Texas Plugging Report – J & L Terry Lane
10	Reed Estates Water System Well Failure Photos taken April 18, 2022
11	Affidavit of Rose Ramirez

Dated: April 26, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
DIVISION OF COMPLIANCE AND ENFORCEMENT**

Barksdale English  
Division Director

/s/ Van Moreland  
Van Moreland  
State Bar No. 24088087  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7163  
(512) 936-7268 (facsimile)  
van.moreland@puc.texas.gov

**PUC DOCKET NO. 53356**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail or by regular or certified mail on April 26, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Van Moreland  
Van Moreland

## **EXHIBIT 1**

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Barksdale English, Director  
Division of Compliance & Enforcement

**FROM:** Harold Kohl, Complaint Resolution Coordinator  
Customer Protection Division

**DATE:** March 9, 2021

**RE:** *Complaint History for Villa Utilities, Reed Estates Water System, and Vista Utilities*

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The Customer Protection Division (CPD) has received 17 complaints from customers of Villa Utilities, Reed Estates Water System, and Vista Utilities (collectively Villa Utilities) from October 9, 2017 through February 16, 2022. The customers alleged being without water service for days to weeks at a time along with having difficulties speaking with a representative of Villa Utilities. A few customers also reported Villa Utilities informed them that the owner was selling the water system. Villa Utilities failed to provide CPD responses to all 17 complaints.

### **Outages**

The six complainants in October 2017 reported they had been without water service for weeks following Hurricane Harvey, which impacted Texas from August 25<sup>th</sup> to 29<sup>th</sup>, 2017. Customers indicated the hurricane damaged the utility's facilities and the owner was slow to make repairs or refused to do so.

CPD received one complaint on June 19, 2019. The customer reported she and other customers on her street had been without water for a week. The customer also indicated that the outage was not the first instance of problems with the water service and noted the owner and operator of Villa Utilities is Mr. Norman Barnett. The customer included with her complaint a notice from Villa Utilities asking customers to reduce water usage because the well pump was subject to "going out at any time." The notice further indicated it maybe wise for the customer to seek their own water supply.

CPD received the remaining 10 complaints beginning on January 31, 2022. Customers reported being without service anywhere from two days to three weeks with no explanation from Villa Utilities. Customers also reported being current on their bills.

### **Communication with Utility**

Customers reported calling Villa Utilities' telephone number 281-837-0726 to report outages but either received no answer or left voicemail that was unreturned. Commission records show 281-837-0726 as the contact number for Villa Utilities. One customer informed CPD on February 1, 2022 that when Mr. Barnett answered the telephone, he yelled that he was trying to fix the problem before disconnecting the call. Several customers report they are not provided the cause of the outages and no customer reported receiving boil water notices.

### **Selling of Water System**

Five customers since January 31, 2022 informed CPD that they received notice or were told Villa Utilities would no longer provide water service. Two of the customers provided CPD copies of a notice from Villa Utilities stating it will no longer operate the water well. The notice is handwritten but has a Villa Utilities letterhead showing P.O. Box 3104 in Baytown, Texas 77522 with telephone number 281-837-0726. Commission records show the P.O. Box is the mailing address for Villa Utilities. The letter advises customers that Villa Utilities will no longer operate the water well due to health issues and another company will operate it. The notice provides no information on what water utility will operate the system.

### **No Responses to CPD**

CPD sent Villa Utilities notice of each complaint via regular mail for all 17 complaints. The notices requested responses to each complaint within 15 days and were sent to Villa Utilities at P.O. Box 3104 in Baytown, Texas 77522. Records show Villa Utilities has not responded to any of the 17 complaints.

Notice that Villa Utilities failed to provide a response was sent to Villa Utilities for each of the 17 complaints using the same mailing address. Villa Utilities did not respond to any of the additional notices sent by CPD.

CPD's investigator, Sarah Gonzalez, attempted to call Villa Utilities at 281-837-0726 on February 16, 2022. No one answered and Ms. Gonzalez could not leave a message because the voicemail box was full.

### **Attachments**

- A. Spreadsheet of 17 complaints
- B. Copy of notice and bill in 2019
- C. Copies of two notices regarding the sale of the water system

## ATTACHMENT A

ComplaintNo	CategoryDesc	DateReceived	DateSentCompany	DatePending	DateCompanyResponded	DateClosed	Company
CP2022020593	Interruptions	16-Feb-22	16-Feb-22	03-Mar-22	No Response	04-Mar-22	VILLA UTILITIES
CP2022020594	Interruptions	16-Feb-22	16-Feb-22	03-Mar-22	No Response	03-Mar-22	VILLA UTILITIES
CP2022020579	Interruptions	16-Feb-22	16-Feb-22	03-Mar-22	No Response	07-Mar-22	VILLA UTILITIES
CP2022020491	Interruptions	14-Feb-22	14-Feb-22	01-Mar-22	No Response	04-Mar-22	VILLA UTILITIES
CP2022020452	Interruptions	11-Feb-22	14-Feb-22	01-Mar-22	No Response	08-Mar-22	VILLA UTILITIES
CP2022020022	Interruptions	02-Feb-22	02-Feb-22	17-Feb-22	No Response	18-Feb-22	VILLA UTILITIES
CP2022020004	Interruptions	01-Feb-22	01-Feb-22	16-Feb-22	No Response	18-Feb-22	VILLA UTILITIES
CP2022010924	Interruptions	31-Jan-22	31-Jan-22	15-Feb-22	No Response	17-Feb-22	VILLA UTILITIES
CP2022010927	Interruptions	31-Jan-22	31-Jan-22	15-Feb-22	No Response	16-Feb-22	VILLA UTILITIES
CP2022010925	Interruptions	31-Jan-22	31-Jan-22	15-Feb-22	No Response	22-Feb-22	VILLA UTILITIES
CP2019060511	Interruptions	19-Jun-19	19-Jun-19	10-Jul-19	No Response	11-Jul-19	VILLA UTILITIES
CP2017100291	Interruptions	10-Oct-17	10-Oct-17	31-Oct-17	No Response	01-Nov-17	VILLA UTILITIES
CP2017100293	Interruptions	10-Oct-17	10-Oct-17	31-Oct-17	No Response	01-Nov-17	VILLA UTILITIES
CP2017100294	Interruptions	10-Oct-17	10-Oct-17	31-Oct-17	No Response	01-Nov-17	VILLA UTILITIES
CP2017100319	Interruptions	10-Oct-17	10-Oct-17	31-Oct-17	No Response	01-Nov-17	VILLA UTILITIES
CP2017100290	Interruptions	10-Oct-17	10-Oct-17	31-Oct-17	No Response	01-Nov-17	VILLA UTILITIES
CP2017100245	Interruptions	09-Oct-17	09-Oct-17	30-Oct-17	No Response	31-Oct-17	VILLA UTILITIES



## ATTACHMENT B

Notice

Please Limit your  
Water usage to  
only necessary use  
no washing cars or

Filling pools the well  
pump is subject of going out  
at any time, also it  
maybe wise to keep  
your own Water Supply



**Villa Utilities**

**P. O. Box 3104**

**Baytown, TX 77522**

**Phone: 281-837-0726**

1-2-14 (1/10)

5-2-14 (1/10)

4/20/19

6-2-19 / 1/10 / 1/10

## ATTACHMENT C



**Villa Utilities**

**P. O. Box 3104**

**Baytown, TX 77522**

**Phone: 281-837-0726**

All Customers  
We will no longer  
operate your Water Well  
Due to Health issues  
You will be contacted  
Later by another company  
that will operate the  
Water Well for your  
Area.

Thank You

Area  
that will cover the  
Water Works for 4000  
Gator by One the Company  
You will be Contacted  
Due to Health Issues  
Operate your Water will  
be while no longer  
All Customers

Villa Utilities  
P.O. Box 3104  
Baytown, TX 77522  
Phone: 281-837-0736





## **EXHIBIT 2**





**Villa Utilities**  
**P. O. Box 3104**  
**Baytown, TX 77522**  
**Phone: 281-837-0726**

All Customers  
We will no longer  
Operate your Water Well  
Due to Health issues  
You will be contacted  
Later by another Company  
that will Operate the  
Water Well for your  
Area.

Thank you

## **EXHIBIT 3**

# Water Utility Details for VILLA UTILITIES (12079)

-  Properties
-  Address
-  Rep. Party
-  Counties
-  Affiliates
-  Documents
-  AIS Numbers

## Responsible Party

### Details

Organization	
Individual	NORMAN BARNETT
Job Title	
Origin Type	
Start Date	
End Date	12/31/9999

### Address

MAILING	
	PO BOX 3104
	BAYTOWN, Texas 77522-3104
	UNITED STATES
	Deliverable

### Contact Info

BUSINESS PHONE 1 (281) 837-0726

PWS Info

Other Contaminants Tested

Violations

Data Sources

## Summary Results

Lead and Copper Data

What My Water Data Means

Testing Dates Explained

## Public Water System: Villa Utilities

MyTapWater.org's tap water quality report is the compilation of data collected from federal, state, and local government agencies, most prominently the EPA. We strive to populate the report with the latest data concerning water contaminants, lead and copper levels, and water quality violations. We only collect drinking water data from public water systems.

PWS Service Information

PWS ID: TX1011183

Type: Community water system

EPA Region: 06

Primary Service Area: Residential Area

Primary Source: Ground water

Population Served: 84

Contact Information**BARNETT, NORMAN****BARNETT, NORMAN**

1001 FLEETWOOD ST

BAYTOWN, TX 77520-2526

This public water system services 1 county.

**We could not find test result data for Villa Utilities.**

However, this area is serviced by 2,351 or more other public water systems. Check your water bill to see which specific system applies. Here is a list of related systems:

- City Of Houston
- City Of Pasadena
- Clear Lake City Water Authority
- City Of Houston Ud 5 - Kingwood
- Houston-greenspoint
- City Of Baytown
- City Of La Porte
- City Of Deer Park
- City Of Bellaire
- City Of Marshall

[See 2341 more related public water systems »](#)



Get 25% Off + Free Shipping



## Water Test And Filter Picks

Tip: Test your water at least once a year.



### TapScore Water Test

A professional water test with including shipping to the lab.

Buy It Now

Learn more



## Other Water Contaminants Tested

The following contaminants were tested and found to be within national EPA guidelines.

**We couldn't find any records of contaminants in your water.**

Get 25% Off + Free Shipping

## Violations

Known violations of the Safe Drinking Water Act as recorded by the EPA.

**No violations found for Villa Utilities.**

## What My Water Data Means

Water data isn't always easy to interpret, but by following the links on this page you should be able to have most of your questions answered. By clicking the name of a [water contaminant](#) or [secondary substance](#) you can learn about that specific substance. Ultimately this page should give you some insight towards learning [if your water is safe](#), what water filter you should buy (if any), and how well your local water compares against other sources.

## Sources

The origin of MyTapWater.org's water data is explained on our [Data Sources](#) page.

## Why Is My Water Data Not More Recent?

The recency of the data for your ZIP code depends on the last your water source was tested, by a federal, state, or local agency. More information about the timing can be determined by learning about the dataset in question and seeing how often the EPA (other another governing body) mandated testing.

MyTapWater.org is a database of water quality in public water systems in the US.

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[About](#)[Data](#)[Affiliate Disclosure](#)  
[Water?](#)[What's in My](#)

MyTapWater.org is a database of water quality in public water systems in the US. © MyTapWater.org 2022

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Get 25% Off + Free Shipping

Tax Year: 2022 ▼

HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
ACCOUNT NUMBER 0903600000008

 Print  E-mail

Similar Owner Name	Nearby Addresses	Same Street Name	Related Map 6357D
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## Ownership History

## Owner and Property Information

Owner Name & Mailing Address:	<b>BARNETT NORMAN &amp; CLAUDETTE M 1001 FLEETWOOD ST BAYTOWN TX 77520-2526</b>	Legal Description:	<b>LT 8 GRAYWOOD SEC 1</b>
		Property Address:	<b>1001 FLEETWOOD ST BAYTOWN TX 77520</b>

State Class Code

Land Use Code

A1 -- Real, Residential, Single-Family

1001 -- Residential Improved

Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map
8,800 SF	2,960 SF	2011	16028	310 -- ISD 16 - South of SH 146 (Baytown Lee Area)	6357D	501X

## Value Status Information

Value Status  
All Values Pending

Shared CAD  
No

## Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2021 Rate	2022 Rate
<b>Residential Homestead (Multiple)</b>	016	GOOSE CREEK CISD	Pending	Pending	1.368600	
	040	HARRIS COUNTY	Pending	Pending	0.376930	
	041	HARRIS CO FLOOD CNTRL	Pending	Pending	0.033490	
	042	PORT OF HOUSTON AUTHY	Pending	Pending	0.008720	
	043	HARRIS CO HOSP DIST	Pending	Pending	0.162210	
	044	HARRIS CO EDUC DEPT	Pending	Pending	0.004990	
	046	LEE JR COLLEGE DIST	Pending	Pending	0.230100	
	051	CITY OF BAYTOWN	Pending	Pending	0.785000	

Estimated taxes for this property can be found at [www.harrispropertytaxes.org](http://www.harrispropertytaxes.org).

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at HCAD's information center at 13013 NW Freeway.

## Valuations

	Value as of January 1, 2021		Value as of January 1, 2022	
	Market	Appraised	Market	Appraised
Land	42,150		Land	
Improvement	118,226		Improvement	
Total	160,376	160,376	Total	Pending

## 5-Year Value History

Land											
Market Value Land											
Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Improved Table Value SF1 -- Primary SF	SF	8,580	1.00	1.00	1.00	--	1.00	Pending	Pending	Pending
2	1001 -- Res Improved Table Value SF3 -- Primary SF	SF	220	1.00	0.10	1.00	--	0.10	Pending	Pending	Pending



Building						
Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1958	Residential Single Family	101 -- Residential 1 Family	Average	2,960 *	Displayed

\* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

## Building Details (1)

Building Data		Building Areas	
Element	Details	Description	Area
Cond / Desir / Util	Average	OPEN FRAME PORCH PRI	360
Foundation Type	Slab	BASE AREA PRI	2,476
Grade Adjustment	C+	WOOD DECK PRI	198
Heating / AC	Central Heat/AC	ONE STORY FRAME PRI	484
Physical Condition	Average	CARPORT PRI	528
Exterior Wall	Brick / Veneer	OPEN MAS PORCH PRI	99
Element	Units	OPEN FRAME PORCH PRI	77
Room: Total	6		
Room: Rec	1		
Room: Full Bath	2		
Room: Bedroom	4		

Extra Features					
Line	Description	Quality	Condition	Units	Year Built
1	Foundation Repaired	Average	Average	2,476	1958

## **EXHIBIT 4**

**Peter M. Lake**  
Chairman

**Will McAdams**  
Commissioner

**Lori Cobos**  
Commissioner

**Jimmy Glottfelty**  
Commissioner



**Greg Abbott**  
Governor

**Thomas J. Gleeson**  
Executive Director

## ***Public Utility Commission of Texas***

February 25, 2022

### **VIA CERTIFIED MAIL**

Villa Utilities  
1001 Fleetwood Street  
Baytown, TX 77520

Villa Utilities  
P.O. Box 3104  
Baytown, TX 77522

**ATTN: Norman Barnett or Other Authorized Representative**

RE: Complaint Nos.: CP2022010925; CP2022020593  
Enforcement Investigation No.: 2022020002

Dear Villa Utilities,

On January 31, 2022, your customer, David Maldonado, filed a complaint with the Public Utility Commission of Texas. In the complaint, Mr. Maldonado alleged that his water service had been repeatedly interrupted over the previous three years. On February 14, 2022, the customer sent by e-mail a copy of a letter purportedly delivered to him by Villa Utilities indicating Villa's intention to discontinue operating the system. Please see the attached copy of the letter.

On February 16, 2022, your customer, Sandra Jasso, filed a complaint with the Commission. In her complaint, Ms. Jasso alleged that her home had been without water service for over a month. She also alleged receiving a letter from Villa indicating Villa's intention to discontinue operating the system. Though the investigation of this specific complaint remains underway, this and the above matter as well as 11 other complaints have been referred to the Commission's Division of Compliance and Enforcement for additional investigation.

Through the multiple complaint investigations, the Commission is aware that several of your customers have alleged that Villa intends to abandon one or more of its public water systems. Continuous and adequate water service is a health and life safety issue, and under 16 Tex. Admin. Code (TAC) § 24.205 all water system operators are required to maintain this standard



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of service. According to Texas Water Code (TWC) § 13.4132, the Commission can appoint another person to temporarily manage and operate a water system if the system is abandoned or if the owner fails to provide continuous and adequate service. This appointment may be made on an emergency basis without the owner's prior consent.

Additionally, Villa is registered with the Commission under certificate of convenience and necessity number (CCN) 12079. However, the Commission's enforcement staff is investigating whether Villa or other entities owned by Norman Barnett are using the Villa Utilities brand name to serve customers without a required CCN. Villa's CCN applies only to specific geographic region; yet, the Commission has received complaints from customers located outside that specific geographic region claiming they receive service from Villa Utilities (PWS# 1011183). The other public water systems owned by Mr. Barnett and registered with the Texas Commission on Environmental Quality which may be providing service under the Villa Utilities brand name are Reed Estates Water System (PWS # 1010945) and Vista Utilities (PWS# 0360026). Reed Estates and Vista are neither registered with the Commission nor have received approved CCNs. Provision of water service without a CCN is a major violation of TWC § 13.242 and 16 TAC § 24.225.

Additionally, a search of records maintained by the Texas secretary of state reveals Villa's registration to conduct business under filing number 0078001500 in the state of Texas was forfeited in November 1991. Continuing to conduct business in the state for more than 20 years without a valid registration is a significant violation which could result in the revocation of Villa's CCN.

Finally, if Villa and the other affiliated public water systems are indeed in the process of selling their assets to a third party who would take over operation of the three systems, Villa is required to file an application for sale in accordance with TWC § 13.301 and 16 TAC § 24.239. Failure to file an application to sell the system could result in further enforcement actions, including referral to the Office of the Attorney General requesting an injunction from the processing of any sale.

Accordingly, Commission staff hereby notifies you of this major enforcement investigation consistent with TWC § 13.411 and 16 TAC § 24.351.

Failure to respond to this letter within seven calendar days of the date of this letter will result in further enforcement action, which could include any of the following:

- the filing of a notice of violation;
- recommendation for an appointment of a temporary manager;
- recommendation for assessment of administrative penalties;
- revocation of all licenses to operate water systems in the state of Texas; or
- referral to the Office of the Attorney General to place the public water systems into receivership.

**Please contact the Commission immediately to discuss your plans.**

The Commission would prefer to resolve the issues identified in this letter without legal action, especially if Villa already intends to find a suitable purchaser for its system assets.

You can contact Celia Eaves, Utility Outreach Administrator, Division of Utility Outreach, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. Ms. Eaves can also be reached at [celia.eaves@puc.texas.gov](mailto:celia.eaves@puc.texas.gov) or at (512) 936-7375.

Despite our interest in finding an amicable solution these many problems, the Commission's obligation to protect the health and welfare of Villa's and the other public water systems' customers remain our highest priority and we will proceed in whatever manner best serves the residents of Texas.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. English', is written over a horizontal line.

Barksdale English  
Division Director, Compliance & Enforcement  
Public Utility Commission of Texas

Enclosures



Villa Utilities  
P. O. Box 3104  
Baytown, TX 77522  
Phone: 281-837-0726

All <sup>2</sup> Houston  
We will no longer  
be at your station will  
due to the weather  
We will be contact &  
station by another company  
that will contact the  
station which has shown  
a new

## Central Registry Query - Customer Information

### Customer Information

**CN Number:** CN601358443

**Last Update Date:** N/A

**Name:** BARNETT, NORMAN

**Legal Name:** Norman Barnett

**Customer Type:** INDIVIDUAL

*The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.*

### Affiliated Regulated Entities - Current

Your Search Returned **7** Current Affiliation Records ([View Affiliation History ...](#))

#### 1-7 of 7 Records

RN Number	Regulated Entity Name ▲	County	Location	Role	Details
RN103700837	BARNETT, NORMAN	HARRIS	No location on file.	OCCUPATIONAL LICENSEE	↔
RN101254365	BEACH HAVEN SUBDIVISION	CHAMBERS	8507 BEACH HAVEN RD BAYTOWN TX 77523 9342	OWNER	↔
RN101255271	J & L TERRY LANE	HARRIS	3107 TERRY LN BAYTOWN TX 77521 9237	OWNER	↔
RN101259018	REED ESTATES WATER SYSTEM	HARRIS	8918 1/2 FURAY RD HOUSTON TX 77016 1640	OWNER	↔
RN101215382	SAND BAR ESTATES	HARRIS	1516 GRACE LN HIGHLANDS TX 77562 2050	RESPONSIBLE PARTY	↔
RN102675550	VILLA UTILITIES	HARRIS	6423 LEMOINE LANE CHANNELVIEW, TX KEY MAP 458N	OWNER	↔
RN101453470	VISTA UTILITIES	CHAMBERS	8802 LENNIE LANE BAYTOWN, TEXAS	OWNER	↔

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**TEXAS SECRETARY of STATE**  
**JOHN B. SCOTT**

**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 78001500  
**Original Date of Filing:** December 30, 1985  
**Formation Date:** N/A  
**Tax ID:** 30009643047  
**Duration:** Perpetual  
**Entity Type:** Domestic For-Profit Corporation  
**Entity Status:** Forfeited existence  
**FEIN:**  
**Name:** VILLA UTILITIES, INC.  
**Address:** [ADDRESS NOT PROVIDED]

REGISTERED AGENT		FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES	INITIAL ADDRESS
View Image	Document Number	Filing Type		Filing Date	Effective Date	Eff. Cond	Page Count
N/A	5285114	Articles Of Incorporation		December 30, 1985	December 30, 1985	No	N/A
N/A	5285115	Change Of Registered Agent/Office		August 19, 1986	August 19, 1986	No	N/A
N/A	5285116	Tax Forfeiture		November 18, 1991	November 18, 1991	No	N/A

[Order](#)
[Return to Search](#)

**Instructions:**

- To place an order for additional information about a filing press the 'Order' button.

## **EXHIBIT 5**

**TEXAS SECRETARY of STATE**  
**JOHN B. SCOTT**

**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 78001500  
**Original Date of Filing:** December 30, 1985  
**Formation Date:** N/A  
**Tax ID:** 30009643047  
**Duration:** Perpetual  
**Entity Type:** Domestic For-Profit Corporation  
**Entity Status:** Forfeited existence  
**FEIN:**  
**Name:** VILLA UTILITIES, INC.  
**Address:** [ADDRESS NOT PROVIDED]

REGISTERED AGENT		FILING HISTORY		NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES	INITIAL ADDRESS
View Image	Document Number	Filing Type		Filing Date	Effective Date	Eff. Cond	Page Count	
N/A	5285114	Articles Of Incorporation		December 30, 1985	December 30, 1985	No	N/A	
N/A	5285115	Change Of Registered Agent/Office		August 19, 1986	August 19, 1986	No	N/A	
N/A	5285116	Tax Forfeiture		November 18, 1991	November 18, 1991	No	N/A	

Order

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## **EXHIBIT 6**

10/13/2021 3:05 PM

Velva L. Price  
District Clerk  
Travis County  
D-1-GN-21-003181  
Victoria Benavides

Cause No. D-1- GN-21-003181

STATE OF TEXAS,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	
	§	TRAVIS COUNTY, TEXAS
NORMAN BARNETT D/B/A REED	§	
ESTATES WATER SYSTEM, VILLA	§	
ESTATES, VISTA ESTATES, AND J & L	§	
TERRY LANE,	§	
	§	
Defendant.	§	250TH JUDICIAL DISTRICT

**FINAL DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

On this day, Plaintiff, the State of Texas ("State"), on behalf of the Texas Commission on Environmental Quality ("TCEQ"), moved for final default judgment after the Defendant, Norman Barnett ("Barnett"), failed to file an answer in the above-captioned case.

The Court determined that it has jurisdiction over the subject matter and the parties in this case. The Court admitted into evidence the evidence attached to the State's Motion for Final Default Judgment and Permanent Injunction. After considering the State's Motion, the pleadings, and the evidence attached to the State's Motion, the Court grants the State's Motion for Final Default Judgment and Permanent Injunction.

**THE COURT FINDS:**

1. On July 9, 2021, the State filed its Original Petition and Application for Injunctive Relief ("State's Petition").
2. On July 16, 2021, the Court issued citation to Barnett.

3. On July 30, 2021, the State filed a Motion for Substitute Service of Process stating that personal service was unsuccessfully attempted on July 23, 2021, because an individual at the residence refused to accept the documents.

4. On August 5, 2021, the Court issued an order granting the State's Motion for Substitute Service of Process.

5. On August 17, 2021, Barnett was properly served with process by effecting service by leaving a true copy of the citation and the Original Petition with a person more than sixteen years of age. Attached is Exhibit 1 is a true and correct copy of the certificate of service.

6. As of the date of this motion, Barnett has not filed an answer nor any pleading constituting an answer and has not entered an appearance in this cause.

7. Therefore, Barnett has admitted all facts alleged in the State's Petition.

8. At all times relevant to this suit, Barnett has owned and operated the following public drinking water systems and the property where the systems are located: Reed Estates ("Reed"), located at 8918 ½ Furay Avenue in Houston, Harris County, Texas, 77016; Villa Utilities ("Villa"), located at 6423 Lemoine Lane in Houston, Harris County, Texas, 77049; Vista Utilities ("Vista"), located at 8802 Lennie Lane in Beach City, Chambers County, Texas, 77523; and J & L Terry Lane ("J&L"), located at 3107 Terry Lane in Baytown, Harris County, Texas, 77521; together "the Facilities."

9. Record reviews of the Facilities in October 2016; December 2016; September-October 2018; June-July 2020; July 2020; and April 2021, and onsite investigations at the Facilities on October 11, 2017; October 17, 2018; April 1-4, 2019; November 19, 2020; and April 28, 2021 revealed that Barnett had not complied with TCEQ rules.

10. The State is entitled to this final default judgment because Barnett was duly served with process and has admitted to all alleged facts by default.

### **CIVIL PENALTIES**

11. The civil penalties sought in the State's Petition are liquidated and proven by a written instrument attached to the petition that allows the Court to calculate the penalties without the necessity of a hearing.

12. The State stipulates to the minimum civil penalty allowed by the Texas Water Code and the Texas Health and Safety Code of \$50 per day.

13. For purposes of this Judgment, the State stipulated to ending the Court's inquiry into Barnett's violations of the Texas Water Code and the Texas Health and Safety Code to the date State's Petition was filed, July 9, 2021.

14. This Judgment does not preclude the TCEQ and the State from administrative and/or civil penalties for violations of the Texas Health and Safety Code, the Texas Water Code, and/or rules of TCEQ that were not placed in controversy by the State's Petition in this cause or that occur after the Effective Date of this Judgment.

### **Violations at Reed**

15. Violation 1: Barnett failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, violating 30 Tex. Admin. Code ("TAC") § 290.46(m)(4) on October 11, 2017. The Court finds that Barnett violated 30 TAC § 290.46(m)(4) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

16. Violation 2: Barnett failed to properly maintain the facilities at Reed from October

11, 2017, to the present, violating 30 TAC § 290.46(m).<sup>1</sup> The Court finds that Barnett violated 30 TAC § 290.46(m) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

17. Violation 3: Barnett failed to maintain adequate fencing at Reed on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(m).<sup>2</sup> The Court finds that Barnett violated 30 TAC § 290.46(m) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

18. Violation 4: Barnett failed to provide adequate well capacity at Reed each day from at least October 11, 2017, to present, violating 30 TAC § 290.45(b)(1)(A)(i).<sup>3</sup> The Court finds that Barnett violated 30 TAC § 290.45(b)(1)(A)(i) and Tex. Water Code § 7.101 for 1136 days, and the State is entitled to civil penalties for such violation.

19. Violation 5: Barnett failed to provide adequate pressure tank capacity at Reed each day from at least October 11, 2017, to present, violating 30 TAC § 290.45(b)(1)(A)(ii).<sup>4</sup> The Court finds that Barnett violated 30 TAC § 290.45(b)(1)(A)(ii) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

20. Violation 6: Barnett failed to produce results of microbiological analyses for Reed on November 19, 2020, violating 30 TAC § 290.46(f)(3)(D)(i). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(D)(i) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

21. Violation 7: Barnett failed to produce records of chemicals used and volume of water treated at Reed on November 19, 2020, violating 30 TAC § 290.46(f)(3)(A)(i) and (ii). The

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<sup>1</sup> The State stipulates to counting the continuing violation as 1 day.

<sup>2</sup> The State stipulates to counting the continuing violation as 1 day.

<sup>3</sup> The State stipulates to ending the continuing violation on the date of TCEQ's investigation on November 19, 2020.

<sup>4</sup> The State stipulates to counting the continuing violation of as one day.



Court finds that Barnett violated 30 TAC § 290.46(f)(3)(A)(i) and (ii) and Tex. Water Code § 7.101 for 1 day.

22. Violation 8: Barnett failed to produce a plant operations manual for Reed on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.42(l). The Court finds that Barnett violated 30 TAC § 290.42(l) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

23. Violation 9: Barnett failed to produce records of disinfectant residual monitoring results for Reed on November 19, 2020, violating 30 TAC § 290.46(f)(3)(B)(iii). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(B)(iii) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

24. Violation 10: Barnett failed to produce sanitary control easements or other well completion data for Reed on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.41(c)(3)(A). The Court finds that Barnett violated 30 TAC § 290.41(c)(3)(A) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

25. Violation 11: Barnett failed to produce an up-to-date system monitoring plan for Reed on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.121(a). The Court finds that Barnett violated 30 TAC § 290.121(a) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

26. Violation 12: Barnett failed to produce a sample siting plan for Reed on November 19, 2020, violating 30 TAC § 290.46(f)(3)(E)(ix). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(E)(ix) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

27. Violation 13: Barnett failed to produce accurate and up-to-date detailed as-built

plans or record drawing and specifications for each treatment plant, pump station, and storage tank for Reed on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(n)(1). The Court finds that Barnett violated 30 TAC § 290.46(n)(1) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

28. Violation 14: Barnett failed to produce records of dead-end main flushing for Reed on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

29. Violation 15: Barnett failed to produce records of the interior and exterior pressure tank inspections for Reed on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

30. Violation 16: Barnett failed to produce a map of the distribution system for Reed October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(n). The Court finds that Barnett violated 30 TAC § 290.46(n) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

31. Violation 17: Barnett failed to make Reed's operating records accessible for review during inspections and available to the TCEQ upon request on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 6 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

32. Violation 18: Barnett failed to produce Reed's service agreement to the TCEQ upon request on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2). The Court

finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

33. Violation 19: Barnett failed to produce well calibration records for Reed on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2) and (f)(3)(B)(iv). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and (f)(3)(B)(iv) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

34. Violation 20: Barnett failed to produce a copy of the drought contingency plan for Reed on November 19, 2020, violating 30 TAC § 288.30(5)(B). The Court finds that Barnett violated 30 TAC § 288.30(5)(B) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

35. Violation 21: Barnett failed to submit an emergency preparedness plan for Reed from at least October 11, 2017, to present, violating 30 TAC § 290.39(o)(1).<sup>5</sup> The Court finds that Barnett violated 30 TAC § 290.39(o)(1) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

36. Violation 22: Barnett failed to submit a planning report after exceeding 85% capacity from at least October 11, 2017, to present, violating 30 TAC § 291.93(3).<sup>6</sup> The Court finds that Barnett violated 30 TAC § 291.93(3) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

37. Violation 23: Barnett failed to submit plans and specifications or engineering reports to TCEQ for Reed from at least October 11, 2017, to present, violating 30 TAC § 290.39(h)(1) and 290.39(e)(1).<sup>7</sup> The Court finds that Barnett violated 30 TAC § 290.39(h)(1) and

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<sup>5</sup> The State stipulates to counting the continuing violation of as 2 days.

<sup>6</sup> The State stipulates to counting the continuing violation of as 2 days.

<sup>7</sup> The State stipulates to counting the continuing violation of as 2 days.

290.39(e)(1) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

38. Violation 24: Barnett failed to submit an annual CCR for 2015, 2016, and 2018, violating 30 TAC § 290.274(c). The Court finds that Barnett violated 30 TAC § 290.274(c) and Tex. Water Code § 7.101 for at least 3 days, one day for each missing report.

39. Violation 25: Barnett failed to report cyanide levels for the January 2012-December 2014 and January 2015-December 2017 monitoring periods (2 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

40. Violation 26: Barnett failed to report SOC levels for the January 2011-December 2013; January 2012-December 2014; January 2014-December 2016; January 2015-December 2017; and January 2017-December 2019 monitoring periods (5 reports), violating 30 TAC § 290.107(e). The Court finds that Barnett violated 30 TAC § 290.107(e) and Tex. Water Code § 7.101 for 5 days, and the State is entitled to civil penalties for such violation.

41. Violation 27: Barnett failed to report VOC levels for the January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.107(e). The Court finds that Barnett violated 30 TAC § 290.107(e) and Tex. Water Code § 7.101 for 4 days, and the State is entitled to civil penalties for such violation.

42. Violation 28: Barnett failed to report metal and mineral levels for the January 2008-December 2013; January 2014-December 2016; and January 2017-December 2019 monitoring periods (3 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 3 days, and the State is entitled to civil penalties for

such violation.

43. Violation 29: Barnett failed to report radionuclide levels for the January 2008-December 2013 and January 2014-December 2019 monitoring periods (2 reports), violating 30 TAC § 290.108(e). The Court finds that Barnett violated 30 TAC § 290.108(e) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

44. Violation 30: Barnett failed to report nitrate and/or nitrite levels for the January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 4 days, and the State is entitled to civil penalties for such violation.

45. Violation 31: Barnett failed to report disinfectant byproduct levels for the January 2014-December 2016 monitoring period (1 report), violating 30 TAC § 290.115(e)(1). The Court finds that Barnett violated 30 TAC § 290.115(e)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

46. Violation 32: Barnett failed to report DLQORs to the TCEQ for the second quarter of 2018, the fourth quarter of 2019, and the first quarter of 2020 (3 reports), violating 30 TAC § 290.110(e)(4)(A). The Court finds that Barnett violated 30 TAC § 290.110(e)(4)(A) and Tex. Water Code § 7.101 for 3 days, and the State is entitled to civil penalties for such violation.

47. Violation 33: Barnett failed to report lead and copper tap sample results for the January 2015-December 2017; January-December 2018; and January-December 2019 monitoring periods (3 reports), violating 30 TAC § 290.117(i). The Court finds that Barnett violated 30 TAC § 290.117(i) and Tex. Water Code § 7.101 for 3 days, and the State is entitled to civil penalties for such violation.

48. Violation 34: Barnett failed to provide TCEQ with a copy of Reed's consumer notice of lead tap water monitoring results for the January-December 2014 monitoring period (1 report), violating 30 TAC § 290.117(i)(6). The Court finds that Barnett violated 30 TAC § 290.117(i)(6) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

49. Violation 35: Barnett failed to provide TCEQ with Reed's signed certificates of delivery certifying that public notices were issued for Barnett's failure to submit 16 monitoring reports, violating 30 TAC 290.122(c) and (f). The Court finds that Barnett violated 30 TAC § 290.122(c) and (f) and Tex. Water Code § 7.101 for 16 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

#### **Violations at Villa**

50. Violation 36: Barnett failed to properly maintain the facilities at Villa from October 11, 2017, to the present, violating 30 TAC § 290.46(m).<sup>8</sup> The Court finds that Barnett violated 30 TAC § 290.46(m) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation

51. Violation 37: Barnett failed to maintain adequate fencing at Villa on November 19, 2020, violating 30 TAC § 290.42(m). The Court finds that Barnett violated 30 TAC § 290.42(m) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

52. Violation 38: Barnett failed to provide a well casing vent from at least October 11, 2017, to present, violating 30 TAC § 290.41(c)(3)(K).<sup>9</sup> The Court finds that Barnett violated 30 TAC § 290.41(c)(3)(K) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

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<sup>8</sup> The State stipulates to counting the continuing violation as 2 days.

<sup>9</sup> The State stipulates to counting the continuing violation as 1 day.

53. Violation 39: Barnett failed to provide an all-weather access road the well site from at least October 11, 2017, to present, violating 30 TAC § 290.41(c)(3)(P).<sup>10</sup> The Court finds that Barnett violated 30 TAC § 290.41(c)(3)(P) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

54. Violation 40: Barnett failed to maintain the air-water-volume at the design water level and working pressure from at least October 11, 2017, to present, violating 30 TAC § 290.43(d)(3).<sup>11</sup> The Court finds that Barnett violated 30 TAC § 290.43(d)(3) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

55. Violation 41: The wells at Villa are located within 150 feet of underground petroleum and chemical pipelines from at least November 19, 2020, to present, violating 30 TAC § 290.41(c)(1)(A).<sup>12</sup> The Court finds that Barnett violated 30 TAC § 290.41(c)(1)(A) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

56. Violation 42: Barnett failed to post a legible sign located in plain view at Villa, providing the name of its water supply and an emergency telephone number where a responsible official can be contacted, from at least November 19, 2020, to present, violating 30 TAC § 290.46(t).<sup>13</sup> The Court finds that Barnett violated 30 TAC § 290.46(t) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

57. Violation 43: Barnett failed to produce results of microbiological analyses on November 19, 2020, violating 30 TAC § 290.46(f)(3)(D)(i). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(D)(i) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

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<sup>10</sup> The State stipulates to counting the continuing violation as 2 days.

<sup>11</sup> The State stipulates to counting the continuing violation as 2 days.

<sup>12</sup> The State stipulates to counting the continuing violation as 1 day.

<sup>13</sup> The State stipulates to counting the continuing violation as 1 day.

58. Violation 44: Barnett failed to produce a plant operations manual on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.42(l). The Court finds that Barnett violated 30 TAC § 290.42(l) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

59. Violation 45: Barnett failed to produce records of disinfectant residual monitoring results on November 19, 2020, violating 30 TAC § 290.46(f)(3)(B)(iii). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(B)(iii) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

60. Violation 46: Barnett failed to produce records of sanitary control easements or other well completion data on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(n)(3). The Court finds that Barnett violated 30 TAC § 290.46(n)(3) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

61. Violation 47: Barnett failed to produce an up-to-date system monitoring plan on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.121(a). The Court finds that Barnett violated 30 TAC § 290.121(a) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

62. Violation 48: Barnett failed to produce records of the amount of chemicals used and the volume of water treated and distributed at Villa on November 19, 2020, violating 30 TAC § 290.46(f)(3)(A)(i) and (ii). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(A)(i) and (ii) and Tex. Water Code § 7.101 for 1 day.

63. Violation 49: Barnett failed to produce a sample siting plan on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(3)(E)(ix). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(E)(ix) and Tex. Water Code § 7.101 for 2 days, and the State is



entitled to civil penalties for such violation.

64. Violation 50: Barnett failed to produce accurate and up-to-date detailed as-built plans or record drawing and specifications for each treatment plant, pump station, and storage tank at Villa on November 19, 2020, violating 30 TAC § 290.46(n)(1). The Court finds that Barnett violated 30 TAC § 290.46(n)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

65. Violation 51: Barnett failed to produce records of dead-end main flushing on November 19, 2020, violating 30 TAC § 290.46(f)(2) and (f)(3)(A)(iv). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and (f)(3)(A)(iv), and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

66. Violation 52: Barnett failed to produce records of the interior and exterior pressure tank inspections on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2) and (f)(3)(D)(ii). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and (f)(3)(D)(ii), and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

67. Violation 53: Barnett failed to produce an up-to-date map of the distribution system for Villa on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(n). The Court finds that Barnett violated 30 TAC § 290.46(n) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

68. Violation 54: Barnett failed to make Villa's operating records accessible for review during inspections and be available to the TCEQ upon request on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 6 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

69. Violation 55: Barnett failed to produce Villa's service agreement to the TCEQ upon request on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

70. Violation 56: Barnett failed to produce well calibration records for Villa on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2) and (f)(3)(B)(iv). The Court finds that Barnett violated 30 TAC § 290.46(f)(2), (f)(3)(B)(iv), and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

71. Violation 57: Barnett failed to produce a copy of Villa's drought contingency plan to the TCEQ on November 19, 2020, violating 30 TAC § 288.30(5)(B). The Court finds that Barnett violated 30 TAC § 288.30(5)(B) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

72. Violation 58: Barnett failed to submit an emergency preparedness plan for Villa, from at least October 11, 2017, to present, violating 30 TAC § 290.39(o)(1).<sup>14</sup> The Court finds that Barnett violated 30 TAC § 290.39(o)(1) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

73. Violation 59: Barnett failed to submit a planning report after exceeding 85% of its well capacity from at least October 11, 2017 to present, violating 30 TAC § 291.93(3).<sup>15</sup> The Court finds that Barnett violated 30 TAC § 291.93(3) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

74. Violation 60: Barnett failed to submit plans and specifications or engineering reports to TCEQ for Villa from at least October 11, 2017, to present, violating 30 TAC §

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<sup>14</sup> The State stipulates to counting the continuing violation as 2 days.

<sup>15</sup> The State stipulates to counting the continuing violation as 1 day.

290.39(h)(1) and (e)(1).<sup>16</sup> The Court finds that Barnett violated 30 TAC § 290.39(h)(1) and (e)(1) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

75. Violation 61: Barnett failed to submit an annual CCR for 2015, 2016, 2017, and 2018, violating 30 TAC § 290.274(c). The Court finds that Barnett violated 30 TAC § 290.274(c) and Tex. Water Code § 7.101 for 4 days, one day for each missing report.

76. Violation 62: Barnett failed to report DLQORs to the TCEQ for the fourth quarter of 2019 (1 report), violating 30 TAC § 290.110(e)(4)(A). The Court finds that Barnett violated 30 TAC § 290.110(e)(4)(A) and Tex. Water Code § 7.101 for 1 day.

77. Violation 63: Barnett failed to report lead and copper tap sample results for the January 2015-December 2017 and January-December 2018 monitoring periods (2 reports), violating 30 TAC § 290.117(i). The Court finds that Barnett violated 30 TAC § 290.117(i) and Tex. Water Code § 7.101 for 2 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

78. Violation 64: Barnett failed to report metal and mineral levels for the January 2015-December 2017 and January-December 2018 monitoring periods (2 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 2 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

79. Violation 65: Barnett failed to report nitrate and/or nitrite levels for the January-December 2015; January-December 2016; January-December 2017; and January-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett

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<sup>16</sup> The State stipulates to counting the continuing violation as 2 days.

violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 4 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

80. Violation 66: Barnett failed to report radionuclide levels for the January 2008-December 2013 and January 2014-December 2019 monitoring periods (2 reports), violating 30 TAC § 290.108(e). The Court finds that Barnett violated 30 TAC § 290.108(e) and Tex. Water Code § 7.101 for 2 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

81. Violation 67: Barnett failed to report cyanide levels for the January-December 2019 monitoring periods (1 report), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

82. Violation 68: Barnett failed to report SOC levels for the January 2011-December 2013; January 2012-December 2014; January 2014-December 2016; January 2015-December 2017; and January 2017-December 2019 monitoring periods (5 reports), violating 30 TAC § 290.107(e). The Court finds that Barnett violated 30 TAC § 290.107(e) and Tex. Water Code § 7.101 for 5 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

83. Violation 69: Barnett failed to report VOC levels for the January-December 2015; January-December 2016; January-December 2017; and January-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.107(e). The Court finds that Barnett violated 30 TAC § 290.107(e) and Tex. Water Code § 7.101 for 4 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

84. Violation 70: Barnett failed to report disinfectant byproduct levels for the January

2014-December 2016 monitoring period (1 report), violating 30 TAC § 290.115(e)(1). The Court finds that Barnett violated 30 TAC § 290.115(e)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

85. Violation 71: Barnett failed to provide TCEQ with a copy of Villa's consumer notice of lead tap water monitoring results for the January-December 2014 and January-December 2019 monitoring period (2 reports), violating 30 TAC § 290.117(i)(6). The Court finds that Barnett violated 30 TAC § 290.117(i)(6) and Tex. Water Code § 7.101 for 2 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

86. Violation 72: Barnett failed to provide TCEQ with Villa's signed certificates of delivery certifying that public notices were issued for Barnett's failure to submit 26 monitoring reports, violating 30 TAC § 290.122(c) and (f). The Court finds that Barnett violated 30 TAC § 290.122(c) and (f) and Tex. Water Code § 7.101 for 26 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

#### **Violations at Vista**

87. Violation 73: Barnett failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition on October 11, 2017, violating 30 TAC § 290.46(m)(4). The Court finds that Barnett violated 30 TAC § 290.46(m)(4) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation

88. Violation 74: Barnett failed to properly maintain the facilities at Vista from October 11, 2017, to the present, violating 30 TAC § 290.46(m).<sup>17</sup> The Court finds that Barnett violated 30 TAC § 290.46(m) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties

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<sup>17</sup> The State stipulates to counting the continuing violation as 2 days.

for such violation.

89. Violation 75: Barnett failed to provide flow-measuring devices for the well at Vista each day from October 11, 2017, to November 19, 2020, violating 30 TAC § 290.41(c)(3)(N).<sup>18</sup> The Court finds that Barnett violated 30 TAC § 290.41(c)(3)(N) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation

90. Violation 76: Barnett failed to post a legible sign located in plain view at Vista, providing the name of its water supply and an emergency telephone number where a responsible official can be contacted from at least October 11, 2017, to present violating 30 TAC § 290.46(t).<sup>19</sup> The Court finds that Barnett violated 30 TAC § 290.46(t) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

91. Violation 77: Barnett failed to maintain adequate fencing at Vista on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.42(m). The Court finds that Barnett violated 30 TAC § 290.42(m) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

92. Violation 78: Barnett failed to provide an access port or name plate on the pressure tank at Vista, violating 30 TAC § 290.43(d)(1), from November 19, 2020, to present.<sup>20</sup> The Court finds that Barnett violated 30 TAC § 290.43(d)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

93. Violation 79: Barnett failed to provide adequate well capacity at Vista each day from at least October 11, 2017, to present, violating 30 TAC § 290.45(b)(1)(A)(i).<sup>21</sup> The Court

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<sup>18</sup> The State stipulates to counting the continuing violation as 2 days.

<sup>19</sup> The State stipulates to counting the continuing violation as 2 days.

<sup>20</sup> The State stipulates to counting the continuing violation as 1 day.

<sup>21</sup> The State stipulates to ending the continuing violation on November 19, 2020, the date of TCEQ's last investigation.

finds that Barnett violated 30 TAC § 290.45(b)(1)(A)(i) and Tex. Water Code § 7.101 for 1136 days, and the State is entitled to civil penalties for such violation.

94. Violation 80: Barnett failed to maintain the required chlorine residual at Vista on November 19, 2020, violating 30 TAC § 290.110(b)(4). The Court finds that Barnett violated 30 TAC § 290.110(b)(4) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

95. Violation 81: Barnett failed to produce results of microbiological analyses on November 19, 2020, violating 30 TAC § 290.46(f)(3)(D)(i). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(D)(i) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

96. Violation 82: Barnett failed to produce an up-to-date plant operations manual to the TCEQ investigator on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.42(l). The Court finds that Barnett violated 30 TAC § 290.42(l) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

97. Violation 83: Barnett failed to produce sanitary control easements or other well completion data on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(n)(3). The Court finds that Barnett violated 30 TAC § 290.46(n)(3) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

98. Violation 84: Barnett failed to produce copies of annual backflow prevention assembly test reports for the last three years for Vista to the TCEQ on November 19, 2020, violating 30 TAC § 290.46(f)(3)(B)(v). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(B)(v) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation

99. Violation 85: Barnett failed to produce an up-to-date system monitoring plan on October 11, 2017 and November 19, 2020, violating of 30 TAC § 290.121(a). The Court finds that Barnett violated 30 TAC § 290.121(a) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

100. Violation 86: Barnett failed to produce a sample siting plan on November 19, 2020, violating 30 TAC § 290.46(f)(3)(E)(ix). The Court finds that Barnett violated 30 TAC § 290.46(f)(3)(E)(ix) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

101. Violation 87: Barnett failed to produce accurate and up-to-date detailed as-built plans or record drawing and specifications for each treatment plant, pump station, and storage tank for Vista on November 19, 2020, violating 30 TAC § 290.46(n)(1). The Court finds that Barnett violated 30 TAC § 290.46(n)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

102. Violation 88: Barnett failed to produce adequate records of dead-end main flushing on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2) and (f)(3)(A)(iv). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and (f)(3)(A)(iv), and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

103. Violation 89: Barnett failed to produce adequate records of the interior and exterior pressure tank inspections at Vista on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2) and (f)(3)(D)(ii). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and (f)(3)(D)(ii), and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

104. Violation 90: Barnett failed to produce an adequate map of the distribution system



for Vista on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(n). The Court finds that Barnett violated 30 TAC § 290.46(n) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

105. Violation 91: Barnett failed to make Vista's operating records accessible for review during inspections and be available to the TCEQ upon request on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 6 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

106. Violation 92: Barnett failed to produce Vista's service agreement to the TCEQ upon request on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.46(f)(2). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

107. Violation 93: Barnett failed to produce a copy of the drought contingency plan for Vista to the TCEQ upon request on November 19, 2020, violating 30 TAC § 288.30(5)(B). The Court finds that Barnett violated 30 TAC § 288.30(5)(B) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

108. Violation 94: Barnett's sample customer service agreements listed the lead amount of pipes and pipe fittings at Vista as 8% on November 19, 2020, violating 30 TAC § 290.46(i). The Court finds that Barnett violated 30 TAC § 290.46(i) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

109. Violation 95: Barnett failed to submit a planning report after exceeding 85% of well capacity from at least October 11, 2017 to present, violating 30 TAC § 291.93(3).<sup>22</sup> The Court

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<sup>22</sup> The State stipulates to counting the continuing violation as 2 days.

finds that Barnett violated 30 TAC § 291.93(3) and Tex. Water Code § 7.101 for 2 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

110. Violation 96: Barnett failed to submit plans and specifications or engineering reports to TCEQ for Vista from at least October 11, 2017, to present, violating 30 TAC § 290.39(h)(1) and (e)(1).<sup>23</sup> The Court finds that Barnett violated 30 TAC § 290.39(h)(1) and (e)(1) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

111. Violation 97: Barnett failed to submit an annual CCR for 2016 and 2018, violating 30 TAC § 290.274(c). The Court finds that Barnett violated 30 TAC § 290.274(c) and Tex. Water Code § 7.101 for for 2 days, one day for each missing report.

112. Violation 98: Barnett failed to report DLQORs to the TCEQ for the fourth quarter of 2019 and the first quarter of 2020 (2 reports), violating 30 TAC § 290.110(e)(4)(A). The Court finds that Barnett violated 30 TAC § 290.110(e)(4)(A) and Tex. Water Code § 7.101 for 2 days, one day for each missing report.

113. Violation 99: Barnett failed to report lead and copper tap sample results January-December 2015; January-December 2016; January-June 2017; and July-December 2017 monitoring periods (4 reports), violating 30 TAC § 290.117(i). The Court finds that Barnett violated 30 TAC § 290.117(i) and Tex. Water Code § 7.101 for 4 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

114. Violation 100: Barnett failed to provide TCEQ with a copy of Vista's consumer notice of lead tap water monitoring results for the July-December 2018 monitoring period (1 report) violating 30 TAC § 290.117(i)(6). The Court finds that Barnett violated 30 TAC §

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<sup>23</sup> The State stipulates to counting the continuing violation as 2 days.

290.117(i)(6) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

115. Violation 101: Barnett failed to report metal and mineral levels for the January 2014-December 2016 and January 2017-December 2019 monitoring periods (2 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 2 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

116. Violation 102: Barnett failed to report nitrate and/or nitrite levels for the January-December 2015; January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods (5 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 5 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

117. Violation 103: Barnett failed to report SOC levels for the January 2012-December 2014; January 2014- December 2016; January-December 2017; and January 2017-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.107(e). The Court finds that Barnett violated 30 TAC § 290.107(e) and Tex. Water Code § 7.101 for 4 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

118. Violation 104: Barnett failed to report VOC levels for the January-December 2016; January-December 2017; January-December 2018 and January-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.107(e). The Court finds that Barnett violated 30 TAC § 290.107(e) and Tex. Water Code § 7.101 for 4 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

119. Violation 105: Barnett failed to report disinfectant byproduct levels for the January

2014-December 2016 monitoring period (1 report), violating 30 TAC § 290.115(e)(1). The Court finds that Barnett violated 30 TAC § 290.115(e)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

120. Violation 106: Barnett failed to report radionuclide levels for the January 2014-December 2019 monitoring periods (1 report), violating 30 TAC § 290.108(e). The Court finds that Barnett violated 30 TAC § 290.108(e) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

121. Violation 107: Barnett failed to report cyanide levels for the January-December 2018 monitoring period (1 report), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

122. Violation 108: Barnett failed to provide TCEQ with Vista's signed certificates of delivery certifying that public notices were issued for Barnett's failure to submit 18 monitoring reports, violating 30 TAC § 290.122(c) and (f). The Court finds that Barnett violated 30 TAC § 290.122(c) and (f) and Tex. Water Code § 7.101 for 18 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

#### **Violations at J&L**

123. Violation 109: Barnett failed to properly maintain the facilities at J&L from at least October 11, 2017 to November 19, 2020, violating 30 TAC § 290.46(m).<sup>24</sup> The Court finds that Barnett violated 30 TAC § 290.46(m) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation

124. Violation 110: Barnett failed to maintain all water treatment units, storage and

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<sup>24</sup> The State stipulates to counting the continuing violation as 2 days.

pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and be free of excessive solids on October 17, 2017, violating 30 TAC § 290.46(m)(4). The Court finds that Barnett violated 30 TAC § 290.46(m)(4) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

125. Violation 111: Barnett failed to provide all dead-end mains with acceptable flush valves and discharge piping from at least October 17, 2017 to November 19, 2020, violating 30 TAC § 290.44(d)(6).<sup>25</sup> The Court finds that Barnett violated 30 TAC § 290.44(d)(6) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

126. Violation 112: Barnett failed to provide TCEQ with a copy of J&L's boil water notice after the well was not functioning from March 29, 2019 to April 3, 2019, violating 30 TAC § 290.46(q)(1). The Court finds that Barnett violated 30 TAC § 290.46(q)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

127. Violation 113: Barnett failed to produce an up-to-date plant operations manual on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.42(l). The Court finds that Barnett violated 30 TAC § 290.42(l) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

128. Violation 114: Barnett failed to produce an up-to-date system monitoring plan on October 11, 2017 and November 19, 2020, violating 30 TAC § 290.121(a). The Court finds that Barnett violated 30 TAC § 290.121(a) and Tex. Water Code § 7.101 for 2 days, and the State is entitled to civil penalties for such violation.

129. Violation 115: Barnett failed to produce a sample siting plan on October 11, 2017, violating 30 TAC §§ 290.121(b)(3), 290.46(f)(2), (f)(3)(E)(ix), and 290.109(d)(6)(E). The Court

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<sup>25</sup> The State stipulates to counting the continuing violation as 1 day.

finds that Barnett violated 30 TAC §§ 290.121(b)(3), 290.46(f)(2), (f)(3)(E)(ix), 290.109(d)(E), and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

130. Violation 116: Barnett failed to produce records of dead-end main flushing on October 11, 2017, violating 30 TAC § 290.46(f)(2) and (f)(3)(A)(iv). The Court finds that Barnett violated 30 TAC § 290.46(f)(2), (f)(3)(A)(iv), and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation

131. Violation 117: Barnett failed to produce records of the exterior pressure tank inspections on October 11, 2017, violating 30 TAC § 290.46(f)(2) and (f)(3)(D)(ii). The Court finds that Barnett violated 30 TAC § 290.46(f)(2), (f)(3)(D)(ii), and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation

132. Violation 118: Barnett failed to produce a map of the distribution system for J&L on October 11, 2017, violating 30 TAC § 290.46(n). The Court finds that Barnett violated 30 TAC § 290.46(n) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

133. Violation 119: Barnett failed to make J&L's operating records accessible for review during inspections and be available to the TCEQ on October 11, 2017, violating 30 TAC § 290.46(f)(2). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and Tex. Water Code § 7.101 for 4 days, one day for each missing record, and the State is entitled to civil penalties for such violation.

134. Violation 120: Barnett failed to produce J&L's service agreement to the TCEQ on October 11, 2017, violating 30 TAC § 290.46(f)(2) and (i). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and (i) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

135. Violation 121: Barnett failed to produce well calibration records for J&L on October 11, 2017, violating 30 TAC § 290.46(f)(2) and (f)(3)(B)(iv). The Court finds that Barnett violated 30 TAC § 290.46(f)(2) and (f)(3)(B)(iv) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

136. Violation 122: Barnett failed to submit an emergency preparedness plan for J&L from at least October 11, 2017 to November 19, 2020, violating 30 TAC § 290.39(o)(1).<sup>26</sup> The Court finds that Barnett violated 30 TAC § 290.39(o)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

137. Violation 123: Barnett failed to submit plans and specifications or engineering reports for J&L to TCEQ from at least October 11, 2017, to present, violating 30 TAC § 290.39(h)(1) and (e)(1).<sup>27</sup> The Court finds that Barnett violated 30 TAC § 290.39(h)(1), (e)(1), and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

138. Violation 124: Barnett failed to submit an annual CCR for 2015, 2016, 2017, and 2018, violating 30 TAC § 290.274(c). The Court finds that Barnett violated 30 TAC § 290.274(c) and Tex. Water Code § 7.101 for 4 days, one day for each missing report.

139. Violation 125: Barnett failed to report DLQORs to the TCEQ for the second and third quarter of 2016 and the second quarter of 2018 (3 reports), violating 30 TAC § 290.110(e)(4)(A). The Court finds that Barnett violated 30 TAC § 290.110(e)(4)(A) and Tex. Water Code § 7.101 for 3 days, one day for each missing report.

140. Violation 126: Barnett failed to report lead and copper tap sample results for the January 2013-December 2015; January-December 2016; January-June 2017; July-December 2017; January-June 2018; July-December 2018; January-June 2019; and July-December 2019

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<sup>26</sup> The State stipulates to counting the continuing violation as 1 day.

<sup>27</sup> The State stipulates to counting the continuing violation as 1 day.

monitoring periods (8 reports), violating 30 TAC § 290.117(i)(1). The Court finds that Barnett violated 30 TAC § 290.117(i)(1) and Tex. Water Code § 7.101 for 8 days, and the State is entitled to civil penalties for such violation, one day for each missing report.

141. Violation 127: Barnett failed to report metal and mineral levels for the January 2014-December 2016 and January 2017-December 2019 monitoring periods (2 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 2 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

142. Violation 128: Barnett failed to report nitrate and/or nitrite levels for the January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 4 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

143. Violation 129: Barnett failed to report SOC levels for the January 2012-December 2014; January 2014-December 2016; January 2015-December 2017; and January 2017-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.107(e). The Court finds that Barnett violated 30 TAC § 290.107(e) and Tex. Water Code § 7.101 for 4 days, one day for each missing report, and the State is entitled to civil penalties for such violation.

144. Violation 130: Barnett failed to report VOC levels for the January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods (4 reports), violating 30 TAC § 290.107(e). The Court finds that Barnett violated 30 TAC § 290.107(e) and Tex. Water Code § 7.101 for 4 days, one day for each missing report, and the State is entitled to civil penalties for such violation.



145. Violation 131: Barnett failed to report disinfectant byproduct levels for the January 2014-December 2016 monitoring period (1 report), violating 30 TAC § 290.115(e)(1). The Court finds that Barnett violated 30 TAC § 290.115(e)(1) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

146. Violation 132: Barnett failed to report cyanide levels for the January-December 2019 monitoring period (1 report), violating 30 TAC § 290.106(e). The Court finds that Barnett violated 30 TAC § 290.106(e) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

147. Violation 133: Barnett failed to report radionuclide levels for the January 2014-December 2019 monitoring period (1 report), violating 30 TAC § 290.108(e). The Court finds that Barnett violated 30 TAC § 290.108(e) and Tex. Water Code § 7.101 for 1 day, and the State is entitled to civil penalties for such violation.

148. Violation 134: Barnett failed to provide TCEQ with J&L's signed certificates of delivery certifying that public notices were issued for Barnett's failure to submit 26 monitoring reports, violating 30 TAC 290.122(c) and (f). The Court finds that Barnett violated 30 TAC § 290.122(c) and (f) and Tex. Water Code § 7.101 for 26 days, one day for each missing report, and the State is entitled to civil penalties for such violation

#### **UNPAID PUBLIC HEALTH SERVICES FEES**

149. 30 TAC § 290.51 required Barnett to pay annual public health services ("PHS") fees assessed by TCEQ. Barnett has failed to pay PHS fees for the TCEQ Financial Administration Account No. 91010945 for the fiscal years 2001 to 2021 (\$4,536.19); the TCEQ Financial Administration Account No. 91011183 for the fiscal years 1996 to 2021 (\$6,611.05); the TCEQ Financial Administration Account No. 90360026 for the fiscal years 2000 to 2021 (\$5,944.11);

and the TCEQ Financial Administration Account No. 91011684 for the fiscal years 2000 to 2021 (\$3,599.85). The PHS fees sought in the State's Petition are proven by a written instrument attached to the Petition and are, therefore, liquidated without the necessity of a hearing. Therefore, pursuant to 30 Tex. Admin. Code § 290.51, the State shall have judgment against Barnett for all unpaid PHS fees in the amount of \$20,691.20

#### **ATTORNEY'S FEES**

150. This is an action brought by the State to recover civil penalties and injunctive relief. The State requested attorney's fees as permitted by Tex. Water Code § 7.108. The State offered evidence through an attorney's fees affidavit, filed in the records of this cause, proving reasonable and necessary attorney's fees in the amount of \$15,231.25.

#### **INTEREST**

151. The Court further finds that the applicable judgment interest rate for the date of this judgment, as published by the Texas Office of Consumer Credit Commissioner in accordance with Texas Finance Code § 304.003, is 5.00 percent.

152. The Court further finds that the penalties assessed herein are payable to and for the benefit of a government unit and are not compensation for actual pecuniary loss, and therefore, are not dischargeable under federal bankruptcy laws.

#### **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:**

153. Barnett is liable to the State for a civil penalty of FIFTY DOLLARS (\$50.00) per day of each violation in accordance with Texas Water Code § 7.102 and Tex. Health & Safety Code § 341.048(b).

154. The State, therefore, shall have judgment against Barnett for civil penalties for its violations of TCEQ rules in the amount of ONE-HUNDRED THIRTY-ONE THOUSAND ONE-

HUNDRED AND FIFTY DOLLARS (\$131,150.00), which constitutes 2623 days of violations at \$50.00 per day.

155. The State shall have judgment against Barnett for unpaid PHS fees in the amount of TWENTY THOUSAND SIX-HUNDRED AND NINETY-ONE DOLLARS AND TWENTY CENTS (\$20,691.20).

156. The State shall also have judgment against Barnett for its attorney's fees in the amount of FIFTEEN THOUSAND TWO-HUNDRED AND THIRTY-ONE DOLLARS (\$15,231.00).

157. Barnett shall pay all costs of court incurred through the date of this Judgment and those court costs which may be incurred to collect this Judgment if necessary.

158. Barnett shall pay post-judgment interest on all amounts awarded under this Judgment and continually thereafter at the legal rate of 5.00 percent, as published by the Texas Office of Consumer Credit Commissioner in accordance with the Texas Finance Code § 304.003, from the effective date of this Judgment until paid in full, all for which execution shall issue.

159. Barnett shall pay all amounts awarded in this Judgment within thirty (30) days of the entry of this Judgment.

160. Payment of all amounts awarded in this Judgment shall be made by certified check or money order made payable to the State of Texas and shall bear the identifying number "A.G. # CX7882695357." The payment shall be submitted to:

Division Chief  
Environmental Protection Division  
Office of the Attorney General of Texas  
P.O. Box 12548, MC-066  
Austin, Texas 78711-2548

**THE COURT FURTHER ORDERS THAT:**

## **PERMANENT INJUNCTION**

161. The Defendant, Norman Barnett, his officers, agents, servants, employees, and all other persons acting in concert or participation with him, on his behalf, or under his control, who receive actual notice of this Injunction are permanently enjoined as follows:

### **A. Words and Terms**

1. **“Barnett”** means Norman Barnett, his officers, directors, managers, principals, partners, owners, employees, agents, servants, and all persons in active concert or participation with Norman Barnett, on his behalf or under his control, whether directly or indirectly.
2. **“Effective Date”** means the date on which the Court signs this Injunction.
3. **“Immediately”** means by 5:00 p.m. Central Standard Time on the next Day after the Effective Date.
4. **“Reed”** means the groundwater system, Reed Estates, located at 8918 ½ Furay Avenue, Houston, Harris County, Texas, 77016.
5. **“Villa”** means the groundwater system, Villa Utilities, located at 6423 Lemoine Lane, Houston, Harris County, Texas, 77049.
6. **“Vista”** means the groundwater system, Vista Utilities, located at 8802 Lennie Lane, Beach City, Chambers County, Texas, 77523.
7. **“J&L”** means the groundwater system, J&L Terry Lane, located at 3107 Terry Lane, Baytown, Harris County, Texas, 77521.
8. **“TCEQ”** means the Texas Commission on Environmental Quality.
9. **“State”** means the State of Texas.
10. **“Days”** means calendar days.
11. **“DLQOR”** means a Disinfection Level Quarterly Operation Report.
12. **“SOC”** means synthetic organic contaminants.
13. **“VOC”** means volatile organic contaminants.
14. **“CCR”** means consumer confidence reports.

**B. Ordering Provisions for Reed:**

1. Operating and Maintenance Records. Immediately upon the Effective Date, Barnett shall begin implementing policies and procedures at Reed to ensure that operation and maintenance records are maintained and are made available to TCEQ during inspections and upon request. If Barnett is not currently keeping operating and maintenance records at Reed, he shall begin keeping these records immediately upon the Effective Date. Within 90 Days of the Effective Date, Barnett shall submit to TCEQ the following operating and maintenance records for Reed for the first 90 days after the Effective Date:
  - i. Microbiological analyses;
  - ii. Records showing the amount of chemicals used and the volume of water treated at Reed;
  - iii. Monthly reports of waterworks operations;
  - iv. Distribution chlorine residual monitoring reports;
  - v. Customer service inspections;
  - vi. Disinfectant residual monitoring results; and
  - vii. Records showing that the accuracy of manual disinfectant residual analyzers has been verified using chlorine solutions of known concentrations.
2. Watertight Conditions. Within 30 Days of the Effective Date, Barnett shall repair any existing leaks in the water system equipment at Reed. Specifically, Barnett shall repair the leaking Schrader valve on the well discharge line at Reed and the chlorine injection point on the water line leading to the pressure tank at Reed so that they are free of leaks and remain in a watertight condition. Thereafter, Barnett shall maintain all water system facilities and equipment at Reed in a watertight condition.
3. Properly Maintain the Facility. Within 30 Days of the Effective Date, Barnett shall ensure the good working condition and general appearance of Reed's facilities and equipment. Specifically, Barnett shall repair the crack in the concrete sealing block; remove vegetation growing through the barbed wire and the chain linked fence at Reed; and repair the mold and mildew on the pressure tank by power washing and repainting the pressure tank.
4. Intruder-Resistant Fence. Within 30 Days of the Effective Date, Barnett shall repair the fence surrounding the water system at Reed, including, but not limited to, replacing any missing sections of the fence and repairing or replacing any loose sections of barbed wire along the fence, so that the water system is fully enclosed by an intruder-resistant fence in accordance with 30 Tex. Admin. Code § 290.38(41).
5. Pressure Tanks Inspection. Within 30 Days of the Effective Date, Barnett shall inspect the interior and exterior of all pressure tanks at Reed, in accordance with 30

Tex. Admin. Code § 290.46(m). Within 45 Days of the Effective Date, Barnett shall submit the reports of such inspections to TCEQ.

6. Plant operations manual. Within 30 Days of the Effective Date, Barnett shall compile an up-to-date plant operations manual for Reed in accordance with 30 Tex. Admin. Code § 290.42(l). Within 45 Days of the Effective Date, Barnett shall submit copies of Reed's plant operations manual to TCEQ. Thereafter, Barnett shall ensure that Reed's plant operations manual is kept up-to-date, on file at Reed, and shall make it available to the TCEQ upon request.
7. System Monitoring Plan. Within 30 Days of the Effective Date, Barnett shall create and maintain on file an up-to-date system monitoring plan for Reed in accordance with 30 Tex. Admin. Code § 290.121. Within 45 Days of the Effective Date, Barnett shall submit copies of the system monitoring plan for Reed to TCEQ. Thereafter, Barnett shall maintain an up-to-date system monitoring plan on file at Reed and shall make it available to the TCEQ upon request.
8. Sample Siting Plan. Within 30 Days of the Effective Date, Barnett shall develop and create a Sample Siting Plan at Reed in accordance with 30 Tex. Admin. Code § 290.109(d)(6). Within 45 Days of the Effective Date, Barnett shall submit copies of the Sample Siting Plan for Reed to TCEQ. Thereafter, Barnett shall maintain the Sample Siting Plan on file at Reed and shall make it available to the TCEQ upon request.
9. Service Agreement. Within 30 Days of the Effective Date, Barnett shall adopt a service agreement for Reed in accordance with 30 Tex. Admin. Code § 290.46(i). Within 45 Days of the Effective Date, Barnett shall submit copies of the service agreement for Reed to TCEQ. Thereafter, Barnett shall maintain a service agreement on file at Reed and shall make it available to the TCEQ upon request.
10. Map of Water Distribution System. Within 30 Days of the Effective Date, Barnett shall create and keep on file a map of the water distribution system at Reed in accordance with 30 Tex. Admin. Code § 290.46(n)(2). Within 45 Days of the Effective Date, Barnett shall submit copies of the map of the water distribution system for Reed to TCEQ. Thereafter, Reed shall maintain a map of the distribution system on file at Reed and shall make it available to the TCEQ upon request.
11. As-Built Plans and Records. Within 30 Days of the Effective Date, Barnett shall create and keep on file at Reed copies of accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment, plant, pump station, and storage tank at Reed, in accordance with 30 Tex. Admin. Code § 290.46(n)(1). Within 45 Days of the Effective Date, Barnett shall submit copies of the accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment, plant, pump station, and storage tank at Reed to TCEQ. Thereafter, Reed shall maintain all as-built plans and records on file at Reed and shall make them available to the TCEQ upon request.

12. Well Completion Data Records. Within 30 Days of the Effective Date, Barnett shall create and keep on file copies of well completion data, as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A), for each groundwater well at Reed, in accordance with 30 Tex. Admin. Code § 290.46(n)(3). Within 45 Days of the Effective Date, Barnett shall submit the copies of well completion data records to TCEQ. Thereafter, Reed shall maintain copies of the well completion data records on file at Reed and shall make them available to the TCEQ upon request.
13. Engineering Reports. Within 30 Days of the Effective Date, Barnett shall secure the services of a registered professional engineer well versed in the design and construction of public water systems to prepare an engineering report to be submitted to the TCEQ in accordance with 30 Tex. Admin. Code § 290.39(e)(1). The engineering report shall include, but is not limited to: a statement of the problems at Reed; the present and future areas to be served, with population data; the source, with quantity and quality of the water available; present and estimated future maximum and minimum water quality demands; description of the site and surrounding water works facilities; the type of treatment, equipment, and capacity of facilities; basic design data, including pumping capacities, water storage and flexibility of system operation under normal and emergency conditions; and the adequacy of the facilities with regard to delivery capacity and pressure throughout the system.

Within 45 Days of the Effective Date, Barnett shall submit the name of the registered professional engineer hired to perform the engineering report to TCEQ. The selected registered engineer shall complete the engineering report within 180 Days after the Effective Date. Within 30 Days of receiving the engineering report from the registered engineer, Barnett shall submit the engineering report to:

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

14. Dead-End Mains Flushing Records. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ copies of the most recent reports of flushing of the dead-end mains at Reed. If there are no reports of flushing of the dead-end mains available, Barnett shall, within 30 days after the Effective Date, flush the dead-end mains at Reed, in accordance with 30 Tex. Admin. Code § 290.46(l), and submit the reports of such flushing to TCEQ, within 45 days after the Effective Date. In addition, Barnett shall maintain records of the dead-end mains flushing at Reed, in accordance with 30 Tex. Admin. Code § 290.46(f)(3)(A)(iv).
15. Well Meter Calibration Records. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ records of well calibration at Reed. If there are no reports of

well calibration available, Barnett shall, within 30 Days of the Effective Date, calibrate all well meters at Reed, in accordance with 30 Tex. Admin. Code § 290.46(s)(1), and submit the calibration records to TCEQ, within 45 days of the Effective Date.

16. Drought Contingency Plan. Within 30 Days of the Effective Date, Barnett shall submit to the TCEQ a drought contingency plan for Reed that complies with all the requirements of 30 Tex. Admin. Code §§ 288.20 and 288.30.
17. Emergency Preparedness Plan. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ for its approval an emergency preparedness plan, in accordance with 30 Tex. Admin. Code § 290.39(o)(1), that demonstrates Reed's ability to provide emergency operations.
18. Regulatory Assessment Fees. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ payments for regulatory assessment fees and associated records of annual charges and assessment collections relating to Reed and its Certificate of Convenience and Necessity No. 12079, for the calendar years 2009 to 2020. The payments and the records shall be submitted to:

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

19. Cyanide. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for cyanide levels at Reed. Within 90 Days of the Effective Date, Barnett shall ensure that the cyanide sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the cyanide levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
20. SOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for SOC levels at Reed. Within 90 Days of the Effective Date, Barnett shall ensure that the SOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the SOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(1)(C)(i) and (e).
21. VOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for VOC levels at Reed. Within 90 Days of the Effective Date, Barnett shall ensure that the VOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the VOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with



30 Tex. Admin. Code § 290.107(c)(2)(C)(i) and (e).

22. **Metal and Minerals.** Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for metal and mineral levels at Reed. Within 90 Days of the Effective Date, Barnett shall ensure that the metal and mineral sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the metal and mineral levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
23. **Radionuclides Levels.** Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for radionuclides levels at Reed. Within 90 Days of the Effective Date, Barnett shall ensure that the radionuclides sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the radionuclides levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.108.
24. **Nitrate and Nitrite Levels.** Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of nitrate and nitrite samples at Reed. Within 90 Days of the Effective Date, Barnett shall ensure that the nitrate and nitrite sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the nitrate and nitrite levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(6) and (7).
25. **Disinfectant Byproduct Levels.** Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of disinfectant byproduct samples at Reed. Within 90 Days of the Effective Date, Barnett shall ensure that the disinfectant byproduct sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the disinfectant byproduct levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.115(b)(1)(A).
26. **Lead and Copper Levels.** Barnett shall conduct lead and copper distribution sampling at Reed within the first 30 Days of the next monitoring period following the Effective Date. Barnett shall ensure that the results of the lead and copper sampling are reported to the TCEQ within 10 Days after the sampling is conducted. Thereafter, Barnett shall sample for lead and copper levels in according with the monitoring periods set by the TCEQ and shall ensure that the sampling results are reported to the TCEQ within 10 Days after the end of the monitoring period, in accordance with 30 Tex. Admin. Code § 290.117(i)(1).
27. **Well Capacity.** Within 60 Days of the Effective Date, Barnett shall seek TCEQ and other any other applicable government agency approval to install additional well capacity at Reed so that Reed maintains a total capacity of 1.5 gallons per minute

("gpm") per connection, in accordance with 30 Tex. Admin. Code § 290.45(b)(1)(A)(i). Within 300 Days of the Effective Date, Barnett shall obtain approval and complete installation of the additional well production capacity at Reed so that Reed maintains a total production capacity of 1.5 gpm per connection, in accordance with 30 Tex. Admin. Code § 290.45(b)(1)(A)(i).

28. Consumer Tap Notices. Within 60 Days of the Effective Date, Barnett shall implement policies and procedures at Reed to ensure that all necessary consumer notices of lead tap water monitoring results are reported to TCEQ, in accordance with 30 Tex. Admin. Code § 290.117(i)(6).

29. Pressure Tank Capacity. Within 90 Days of the Effective Date, Barnett shall seek TCEQ and any other applicable government agency approval to install additional pressure tank capacity at Reed so that Reed maintains a total pressure tank capacity of at least 50 gallons per connection, in accordance with 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii). Within 300 Days of the Effective Date, Barnett shall obtain approval and complete installation of additional pressure tank capacity at Reed to achieve a total pressure tank capacity of at least 50 gallons per connection, in accordance with 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii).

30. CCR to the TCEQ. Within 70 Days of the Effective Date, Barnett shall submit a copy of the most recent annual CCR that has been provided to Reed's customers to the TCEQ along with certification that the CCR has been distributed to the customers and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 Tex. Admin. Code § 290.274.

31. Planning Report. Within 90 Days of the Effective Date, Barnett shall submit to TCEQ a planning reports for reaching 85% of well capacity at Reed. The reports shall explain how Reed will provide the expected service demands to the remaining areas within the boundaries of its certificated area, in accordance with 30 Tex. Admin. Code § 291.93(3).

32. DLQORs. Within 90 Days after the Effective Date, Barnett shall begin submitting DLQORs for Reed to the TCEQ each quarter, by the tenth day of the month following the quarter, in accordance with 30 Tex. Admin. Code § 290.110(e)(4)(A). Thereafter, Barnett shall submit the DLQORs for Reed every quarter, in accordance with 30 Tex. Admin. Code § 290.110(e)(4)(A). DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC-155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

### **C. Ordering Provisions for Villa**

1. Operating and Maintenance Records. Immediately upon the Effective Date, Barnett shall begin implementing policies and procedures at Villa to ensure that operation and maintenance records are maintained and are made available to TCEQ during inspections and upon request. If Barnett is not currently keeping operating and maintenance records at Villa, he shall begin keeping these records immediately upon the Effective Date. Within 90 Days of the Effective Date, Barnett shall submit to TCEQ the following operating and maintenance records for Villa for the first 90 days after the Effective Date:
  - i. Microbiological analyses;
  - ii. Records showing the amount of chemicals used and the volume of water treated at Villa;
  - iii. Monthly reports of waterworks operations;
  - iv. Distribution chlorine residual monitoring reports;
  - v. Customer service inspections;
  - vi. Disinfectant residual monitoring results; and
  - vii. Records showing that the accuracy of manual disinfectant residual analyzers has been verified using chlorine solutions of known concentrations.
2. Properly Maintain the Facility. Within 30 Days of the Effective Date, Barnett shall ensure the good working condition and general appearance of Villa's facilities and equipment. Specifically, Barnett shall repair the pressure tank at Villa so that the mold, rust, and peeling paint are removed by pressure washing and repainting the tank.
3. Intruder-Resistant Fence. Within 30 Days of the Effective Date, Barnett shall repair the fence surrounding the water system at Villa, including, but not limited to, replacing any missing sections of the fence and repairing or replacing any loose sections of barbed wire along the fence, so that the water system is fully enclosed by an intruder-resistant fence in accordance with 30 Tex. Admin. Code § 290.38(41).
4. Pressure Tanks Inspection. Within 30 Days of the Effective Date, Barnett shall inspect the interior and exterior of all pressure tanks at Villa, in accordance with 30 Tex. Admin. Code § 290.46(m). Within 45 Days of the Effective Date, Barnett shall submit the reports of such inspections to TCEQ.
5. Well Casing Vent. Within 30 days of the Effective Date, Barnett shall install a well vent on the groundwater well at Villa with an opening that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, in accordance with 30 Tex. Admin. Code § 290.41(c)(3)(K).
6. Air-Water Volume. Within 30 Days of the Effective Date, Barnett shall equip the air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank, in accordance with 30 Tex.

Admin. Code § 290.43(d)(3). Within 30 Days of the Effective Date, Barnett shall also install a sight glass on the pressure tank to adequately monitor the air-water-volume in the pressure tank at the design water level and working pressure, in accordance with 30 Tex. Admin. Code § 290.43(d)(3).

7. Pipelines. Within 30 Days of the Effective Date, Barnett shall apply for an exception to 30 Tex. Admin. Code § 290.41(c)(1)(A), which does not allow a PWS well to be located within 150 feet of an underground petroleum and chemical pipeline. The exception should be requested in accordance with 30 Tex. Admin. Code § 290.39(l) and submitted to:

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

Barnett must submit any additional documentation requested by TCEQ in response to Barnett's application within 30 Days of TCEQ's request. If Barnett's application for an exception to 30 Tex. Admin. Code § 290.41(c)(1)(A) is denied, he must submit a new application until it is approved.

8. Legible Sign. Within 30 Days of the Effective Date, Barnett shall provide a legible sign located in plain view at Villa, providing the name of its water supply and an emergency telephone number at each of its production, treatment, and storage facilities, in accordance with 30 Tex. Admin. Code § 290.46(t).
9. Plant operations manual. Within 30 Days of the Effective Date, Barnett shall compile an up-to-date plant operations manual for Villa in accordance with 30 Tex. Admin. Code § 290.42(l). Within 45 Days of the Effective Date, Barnett shall submit copies of Villa's plant operations manual to TCEQ. Thereafter, Barnett shall ensure that Villa's plant operations manual is kept up-to-date, on file at Villa, and shall make it available to the TCEQ upon request.
10. System Monitoring Plan. Within 30 Days of the Effective Date, Barnett shall create and maintain on file an up-to-date system monitoring plan for Villa in accordance with 30 Tex. Admin. Code § 290.121. Within 45 Days of the Effective Date, Barnett shall submit copies of the system monitoring plan for Villa to TCEQ. Thereafter, Barnett shall maintain an up-to-date system monitoring plan on file at Villa and shall make it available to the TCEQ upon request.
11. Sample Siting Plan. Within 30 Days of the Effective Date, Barnett shall develop and create a Sample Siting Plan at Villa in accordance with 30 Tex. Admin. Code § 290.109(d)(6). Within 45 Days of the Effective Date, Barnett shall submit copies of the Sample Siting Plan for Villa to TCEQ. Thereafter, Barnett shall maintain the Sample Siting Plan on file at Villa and shall make it available to the TCEQ upon

request.

12. Service Agreement. Within 30 Days of the Effective Date, Barnett shall adopt a service agreement for Villa in accordance with 30 Tex. Admin. Code § 290.46(i). Within 45 Days of the Effective Date, Barnett shall submit copies of the service agreement for Villa to TCEQ. Thereafter, Barnett shall maintain a service agreement on file at Villa and shall make it available to the TCEQ upon request.
13. Map of Water Distribution System. Within 30 Days of the Effective Date, Barnett shall create and keep on file a map of the water distribution system at Villa in accordance with 30 Tex. Admin. Code § 290.46(n)(2). Within 45 Days of the Effective Date, Barnett shall submit copies of the map of the water distribution system for Villa to TCEQ. Thereafter, Barnett shall maintain a map of the distribution system on file at Villa and shall make it available to the TCEQ upon request.
14. As-Built Plans and Records. Within 30 Days of the Effective Date, Barnett shall create and keep on file at Villa copies of accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment, plant, pump station, and storage tank at Villa, in accordance with 30 Tex. Admin. Code § 290.46(n)(1). Within 45 Days of the Effective Date, Barnett shall submit copies of the accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment, plant, pump station, and storage tank at Villa to TCEQ. Thereafter, Barnett shall maintain all as-built plans and records on file at Villa and shall make them available to the TCEQ upon request.
15. Well Completion Data Records. Within 30 Days of the Effective Date, Barnett shall create and keep on file copies of well completion data, as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A), for each groundwater well at Villa, in accordance with 30 Tex. Admin. Code § 290.46(n)(3). Within 45 Days of the Effective Date, Barnett shall submit the copies of well completion data records to TCEQ. Thereafter, Barnett shall maintain copies of the well completion data records on file at Villa and shall make them available to the TCEQ upon request.
16. Engineering Reports. Within 30 Days of the Effective Date, Barnett shall secure the services of a registered professional engineer well versed in the design and construction of public water systems to prepare an engineering report to be submitted to the TCEQ in accordance with 30 Tex. Admin. Code § 290.39(e)(1). The engineering report shall include, but is not limited to: a statement of the problems at Villa; the present and future areas to be served, with population data; the source, with quantity and quality of the water available; present and estimated future maximum and minimum water quality demands; description of the site and surrounding water works facilities; the type of treatment, equipment, and capacity of facilities; basic design data, including pumping capacities, water storage and flexibility of system operation under normal and emergency conditions; and the adequacy of the facilities with regard to delivery capacity and pressure throughout

the system.

Within 45 Days of the Effective Date, Barnett shall submit the name of the registered professional engineer hired to perform the engineering report to TCEQ. The selected registered engineer shall complete the engineering report within 180 Days after the Effective Date. Within 30 Days of receiving the engineering report from the registered engineer, Barnett shall submit the engineering report to:

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

17. Dead-End Main Flushing Records. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ copies of the most recent reports of flushing of the dead-end mains at Villa. If there are no reports of flushing of the dead-end mains available, Barnett shall, within 30 days after the Effective Date, flush the dead-end mains at Villa, in accordance with 30 Tex. Admin. Code § 290.46(l), and submit the reports of such flushing to TCEQ, within 45 Days of the Effective Date. In addition, Barnett shall maintain records of the dead-end mains flushing at Villa, in accordance with 30 Tex. Admin. Code § 290.46(f)(3)(A)(iv).
18. Well Meter Calibration Records. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ records of well calibration at Villa. If there are no reports of well calibration available, Barnett shall, within 30 days after the Effective Date, calibrate all well meters at Villa, in accordance with 30 Tex. Admin. Code § 290.46(s), and submit the calibration records to TCEQ, within 45 days after the Effective Date.
19. Drought Contingency Plan. Within 30 Days of the Effective Date, Barnett shall submit to the TCEQ a drought contingency plan for Villa that complies with all the requirements of 30 Tex. Admin. Code §§ 288.20 and 288.30.
20. Emergency Preparedness Plan. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ for its approval an emergency preparedness plan, in accordance with 30 Tex. Admin. Code § 290.39(o)(1), that demonstrates Villa's ability to provide emergency operations.
21. Cyanide. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for cyanide levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the cyanide sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the cyanide levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).

22. SOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for SOC levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the SOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the SOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(1)(C)(i) and (e).
23. VOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for VOC levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the VOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the VOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) and (e).
24. Metal and Minerals. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for metal and mineral levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the metal and mineral sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the metal and mineral levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
25. Radionuclides Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for radionuclides levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the radionuclides sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the radionuclides levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.108.
26. Nitrate and Nitrite Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of nitrate and nitrite samples at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the nitrate and nitrite sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the nitrate and nitrite levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(6).
27. Disinfectant Byproduct Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of disinfectant byproduct samples at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the disinfectant byproduct sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the disinfectant byproduct levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.115(b)(1)(A).

28. Lead and Copper Levels. Barnett shall conduct lead and copper distribution sampling at Villa within the first 30 Days of the next monitoring period following the Effective Date. Barnett shall ensure that the results of the lead and copper sampling are reported to the TCEQ within 10 Days after the sampling is conducted. Thereafter, Barnett shall sample for lead and copper levels in accordance with the monitoring periods set by the TCEQ and shall ensure that the sampling results are reported to the TCEQ within 10 Days after the end of the monitoring period, in accordance with 30 Tex. Admin. Code § 290.117(i)(1).
29. Consumer Tap Notices. Within 60 Days of the Effective Date, Barnett shall implement policies and procedures at Villa to ensure that all necessary consumer notices of lead tap water monitoring results are reported to TCEQ, in accordance with 30 Tex. Admin. Code § 290.117(i)(6).
30. Public Notifications. Within 60 Days of the Effective Date, Barnett shall implement policies and procedures at Villa to ensure that all necessary public notifications are provided in a timely manner to persons served by Villa and a copy of the public notification is submitted to the TCEQ, in accordance with 30 Tex. Admin. Code § 290.122.
31. CCR to the TCEQ. Within 70 Days of the Effective Date, Barnett shall submit a copy of the most recent annual CCR that has been provided to Villa's customers to the TCEQ along with certification that the CCR has been distributed to the customers and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 Tex. Admin. Code § 290.274.
32. All Weather Access Road. Within 90 Days of the Effective Date, Barnett shall provide an all-weather access road comprised of gravel or other comparable material to the water treatment plant at Villa, in accordance with 30 Tex. Admin. Code § 290.41(e)(4).
33. Planning Report. Within 90 Days of the Effective Date, Barnett shall submit to TCEQ a planning reports for reaching 85% of well capacity at Villa. The reports shall explain how Villa will provide the expected service demands to the remaining areas within the boundaries of its certificated area, in accordance with 30 Tex. Admin. Code § 291.93(3).
34. DLQORs. Within 90 Days of the Effective Date, Barnett shall begin submitting DLQORs for Villa to the TCEQ each quarter, by the tenth day of the month following the quarter, in accordance with 30 Tex. Admin. Code § 290.110(e)(4)(A). Thereafter, Barnett shall submit the DLQORs for Villa every quarter, in accordance with 30 Tex. Admin. Code § 290.110(e)(4)(A). DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC-155



Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**D. Ordering Provisions for Vista**

1. Operating and Maintenance Records. Immediately upon the Effective Date, Barnett shall begin implementing policies and procedures at Vista to ensure that operation and maintenance records are maintained and are made available to TCEQ during inspections and upon request. If Barnett is not currently keeping operating and maintenance records at Vista, he shall begin keeping these records immediately upon the Effective Date. Within 90 Days of the Effective Date, Barnett shall submit to TCEQ the following operating and maintenance records for Vista for the first 90 days after the Effective Date:
  - i. Microbiological analyses;
  - ii. Records showing the amount of chemicals used and the volume of water treated at Vista;
  - iii. Monthly reports of waterworks operations;
  - iv. Distribution chlorine residual monitoring reports;
  - v. Customer service inspections;
  - vi. Disinfectant residual monitoring results; and
  - vii. Records showing that the accuracy of manual disinfectant residual analyzers has been verified using chlorine solutions of known concentrations.
2. Watertight Condition. Within 45 Days of the Effective Date, Barnett shall submit documentation to TCEQ that all leaks have been repaired.
3. Properly Maintain the Facility. Within 30 Days of the Effective Date, Barnett shall ensure the good working condition and general appearance of Vista's facilities and equipment. Specifically, Barnett shall repair the peeling paint on the pressure tank and repair the hole under the concrete slab supporting the pressure tank.
4. Intruder-Resistant Fence. Within 30 Days of the Effective Date, Barnett shall repair the fence surrounding the water system at Vista, including, but not limited to, replacing any missing sections of the fence; repairing or replacing any loose sections of barbed wire along the fence; and affixing the hinges on the locked fence gate to the metal post, so that the water system is fully enclosed by an intruder-resistant fence in accordance with 30 Tex. Admin. Code § 290.38(41).
5. Well Meters. Within 30 Days of the Effective Date, Barnett shall install a flow-measuring device for the well at Vista. If Barnett has already installed a flow-measuring device, Barnett shall provide documentation proving that the flow-measuring device has been installed, within 30 Days of the Effective Date.

6. Legible Sign. Within 30 Days of the Effective Date, Barnett shall provide a legible sign located in plain view at Vista, providing the name of its water supply and an emergency telephone number at each of its production, treatment, and storage facilities, in accordance with 30 Tex. Admin. Code § 290.46(t).
7. ASME Plate. Within 30 days of the Effective Date, Barnett shall ensure that all hydropneumatic pressure tanks at Vista have an American Society of Mechanical Engineers (ASME) name plate permanently attached to the tanks, in accordance with 30 Tex. Admin. Code § 290.43(d)(l).
8. Pressure Tanks Inspection. Within 30 Days of the Effective Date, Barnett shall inspect the interior and exterior of all pressure tanks at Vista, in accordance with 30 Tex. Admin. Code § 290.46(m). Within 45 Days of the Effective Date, Barnett shall submit the reports of such inspections to TCEQ.
9. Plant operations manual. Within 30 Days of the Effective Date, Barnett shall compile an up-to-date plant operations manual for Vista in accordance with 30 Tex. Admin. Code § 290.42(l). Within 45 Days of the Effective Date, Barnett shall submit copies of Vista's plant operations manual to TCEQ. Thereafter, Barnett shall ensure that Vista's plant operations manual is kept up-to-date, on file at Vista, and shall make it available to the TCEQ upon request.
10. System Monitoring Plan. Within 30 Days of the Effective Date, Barnett shall create and maintain on file an up-to-date system monitoring plan for Vista in accordance with 30 Tex. Admin. Code § 290.121. Within 45 Days of the Effective Date, Barnett shall submit copies of the system monitoring plan for Vista to TCEQ. Thereafter, Barnett shall maintain an up-to-date system monitoring plan on file at Vista and shall make it available to the TCEQ upon request.
11. Sample Siting Plan. Within 30 Days of the Effective Date, Barnett shall develop and create a Sample Siting Plan at Vista in accordance with 30 Tex. Admin. Code § 290.109(d)(6). Within 45 Days of the Effective Date, Barnett shall submit copies of the Sample Siting Plan for Vista to TCEQ. Thereafter, Barnett shall maintain the Sample Siting Plan on file at Vista and shall make it available to the TCEQ upon request.
12. Service Agreement. Within 30 Days of the Effective Date, Barnett shall adopt a service agreement for Vista in accordance with 30 Tex. Admin. Code § 290.46(i). Within 45 Days of the Effective Date, Barnett shall submit copies of the service agreement for Vista to TCEQ. Thereafter, Barnett shall maintain a service agreement on file at Vista and shall make it available to the TCEQ upon request.
13. Map of Water Distribution System. Within 30 Days of the Effective Date, Barnett shall create and keep on file a map of the water distribution system at Vista in accordance with 30 Tex. Admin. Code § 290.46(n)(2). Within 45 Days of the Effective Date, Barnett shall submit copies of the map of the water distribution

system for Vista to TCEQ. Thereafter, Barnett shall maintain a map of the distribution system on file at Vista and shall make it available to the TCEQ upon request.

14. As-Built Plans and Records. Within 30 Days of the Effective Date, Barnett shall create and keep on file at Vista copies of accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment, plant, pump station, and storage tank at Vista, in accordance with 30 Tex. Admin. Code § 290.46(n)(1). Within 45 Days of the Effective Date, Barnett shall submit copies of the accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment, plant, pump station, and storage tank at Vista to TCEQ. Thereafter, Barnett shall maintain all as-built plans and records on file at Vista and shall make them available to the TCEQ upon request.
15. Well Completion Data Records. Within 30 Days of the Effective Date, Barnett shall create and keep on file copies of well completion data, as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A), for each groundwater well at Vista, in accordance with 30 Tex. Admin. Code § 290.46(n)(3). Within 45 Days of the Effective Date, Barnett shall submit the copies of well completion data records to TCEQ. Thereafter, Barnett shall maintain copies of the well completion data records on file at Vista and shall make them available to the TCEQ upon request.
16. Engineering Reports. Within 30 Days of the Effective Date, Barnett shall secure the services of a registered professional engineer well versed in the design and construction of public water systems to prepare an engineering report to be submitted to the TCEQ in accordance with 30 Tex. Admin. Code § 290.39(e)(1). The engineering report shall include, but is not limited to: a statement of the problems at Vista; the present and future areas to be served, with population data; the source, with quantity and quality of the water available; present and estimated future maximum and minimum water quality demands; description of the site and surrounding water works facilities; the type of treatment, equipment, and capacity of facilities; basic design data, including pumping capacities, water storage and flexibility of system operation under normal and emergency conditions; and the adequacy of the facilities with regard to delivery capacity and pressure throughout the system.

Within 45 Days of the Effective Date, Barnett shall submit the name of the registered professional engineer hired to perform the engineering report to TCEQ. The selected registered engineer shall complete the engineering report within 180 Days after the Effective Date. Within 30 Days of receiving the engineering report from the registered engineer, Barnett shall submit the engineering report to:

Plan and Technical Review Section  
Water Supply Division MC -159  
Texas Commission on Environmental Quality

P.O. Box 13087  
Austin, Texas 78711-3087

17. Backflow Prevention Devices. Within 30 days of the Effective Date, Barnett shall test all backflow prevention devices at Vista annually and retain the test and maintenance report forms for at least three years, in accordance with 30 Tex. Admin. Code § 290.46(f)(3)(A)(iv). Within 45 Days of the Effective Date, Barnett shall submit test and maintenance report from the backflow prevention devices test to the TCEQ.
18. Dead-End Mains Flushing Records. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ copies of the most recent reports of flushing of the dead-end mains at Vista. If there are no reports of flushing of the dead-end mains available, Barnett shall, within 30 days after the Effective Date flush the dead-end mains at Vista, in accordance with 30 Tex. Admin. Code § 290.46(l), and submit the reports of such flushing to TCEQ, within 45 Days of the Effective Date. In addition, Barnett shall maintain records of the dead-end mains flushing at Vista, in accordance with 30 Tex. Admin. Code § 290.46(f)(3)(A)(iv).
19. Drought Contingency Plan. Within 30 Days of the Effective Date, Barnett shall submit to the TCEQ a drought contingency plan for Vista that complies with all the requirements of 30 Tex. Admin. Code §§ 288.20 and 288.30.
20. Plumbing Ordinance. Within 30 Days of the Effective Date, Barnett shall update Vista's customer service agreement to show that pipes and pipe fittings should not contain more than 0.25% lead, in accordance with 30 Tex. Admin. Code § 290.46(i). Within 45 Days of the Effective Date, Barnett shall submit to TCEQ a copy of Vista's updated customer service agreement.
21. Cyanide. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for cyanide levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the cyanide sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the cyanide levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
22. SOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for SOC levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the SOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the SOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(1)(C)(i) and (e).
23. VOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for VOC levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the VOC sample results are released

and reported to TCEQ. Thereafter, Barnett shall sample for and report the VOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) and (e).

24. Metal and Minerals. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for metal and mineral levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the metal and mineral sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the metal and mineral levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
25. Radionuclides Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for radionuclides levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the radionuclides sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the radionuclides levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.108.
26. Nitrate and Nitrite Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of nitrate and nitrite samples at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the nitrate and nitrite sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the nitrate and nitrite levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(6).
27. Disinfectant Byproduct Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of disinfectant byproduct samples at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the disinfectant byproduct sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the disinfectant byproduct levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 30 Tex. Admin. Code § 290.115(b)(1)(A).
28. Lead and Copper Levels. Barnett shall conduct lead and copper distribution sampling at Vista within the first 30 Days of the next monitoring period following the Effective Date. Barnett shall ensure that the results of the lead and copper sampling are reported to the TCEQ within 10 Days after the sampling is conducted. Thereafter, Barnett shall sample for lead and copper levels in accordance with the monitoring periods set by the TCEQ and shall ensure that the sampling results are reported to the TCEQ within 10 Days after the end of the monitoring period, in accordance with 30 Tex. Admin. Code § 290.117(i)(1).
29. Well Capacity. Within 60 Days of the Effective Date, Barnett shall seek TCEQ and other any other applicable government agency approval to install additional well capacity at Vista so that Vista maintains a total capacity of 1.5 gallons per minute

("gpm") per connection, in accordance with 30 Tex. Admin. Code § 290.45(b)(1)(A)(i). Within 300 Days of the Effective Date, Barnett shall obtain approval and complete installation of the additional well production capacity at Vista so that Vista maintains a total production capacity of 1.5 gpm per connection, in accordance with 30 Tex. Admin. Code § 290.45(b)(1)(A)(i).

30. Consumer Tap Notices. Within 60 Days of the Effective Date, Barnett shall implement policies and procedures at Vista to ensure that all necessary consumer notices of lead tap water monitoring results are reported to TCEQ, in accordance with 30 Tex. Admin. Code § 290.117(i)(6).
31. Public Notifications. Within 60 Days of the Effective Date, Barnett shall implement policies and procedures at Vista to ensure that all necessary public notifications are provided in a timely manner to persons served by Vista and a copy of the public notification is submitted to the TCEQ, in accordance with 30 Tex. Admin. Code § 290.122.
32. CCR to the TCEQ. Within 70 Days of the Effective Date, Barnett shall submit a copy of the most recent annual CCR that has been provided to Vista's customers to the TCEQ along with certification that the CCR has been distributed to the customers and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 Tex. Admin. Code § 290.274.
33. Planning Report. Within 90 Days of the Effective Date, Barnett shall submit to TCEQ a planning reports for reaching 85% of well capacity at Vista. The reports shall explain how Vista will provide the expected service demands to the remaining areas within the boundaries of its certificated area, in accordance with 30 Tex. Admin. Code § 291.93(3).
34. DLQORs. Within 90 Days of the Effective Date, Barnett shall begin submitting DLQORs for Vista to the TCEQ each quarter, by the tenth day of the month following the end of the quarter, in accordance with 30 Tex. Admin. Code § 290.110(e)(4)(A). Thereafter, Barnett shall submit the DLQORs for Vista every quarter, in accordance with 30 Tex. Admin. Code § 290.110(e)(4)(A). DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC-155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

162. All plans, reports, submittals, specifications, notices, and other documents required to be submitted by this Injunction to the TCEQ shall be delivered to:

Section Manager, Drinking Water Standards Section

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

163. Within 10 days after obtaining initial compliance with each provision of this Injunction, Defendants must submit a written certification of compliance, as well as supporting documents, including, but not limited to, photographs, receipts, or other records to demonstrate compliance, to:

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

and

Ixchel Parr, Assistant Attorney General  
Environmental Protection Division  
Office of the Attorney General, AG #CX7882695357  
P.O. Box 12548, MC-066  
Austin, Texas 78711-2548.

**THE COURT FURTHER ORDERS:**

164. The effective date of this Judgment is the date it is signed by the Judge Presiding.

165. The Clerk of this Court shall issue a writ of permanent injunction against Norman Barnett, his officers, agents, servants, employees, and all other persons acting in concert or participation with him, as set forth above.

166. The Court orders execution to issue for this Judgment.

167. The State shall be allowed such writs and processes as may be necessary in the enforcement and collection of this Judgment.

168. All relief not expressly granted herein is denied. This Judgment finally disposes of all parties and all claims and is appealable.

SIGNED this 13th day of October, 2021.

  
\_\_\_\_\_  
JUDGE PRESIDING  
KARIN CRUMP  
250th DISTRICT COURT



### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 58155375

Status as of 10/18/2021 10:52 AM CST

#### **Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Ixchel Parr		ixchel.Parr@oag.texas.gov	10/13/2021 3:05:57 PM	SENT
Christopher CarlLoebe		christopher.loebe@oag.texas.gov	10/13/2021 3:05:57 PM	SENT

CAUSE NO. D-1-GN-21-003181

The State of Texas	§	IN THE COURT OF
	§	
Plaintiff,	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
NORMAN BARNETT D/B/A REED ESTATES WATER	§	
SYSTEM; VILLA ESTATES,; VILLA ESTATES AND J & L		
TERRY LANE		
Defendant.	§	250TH JUDICIAL DISTRICT COURT

AFFIDAVIT OF SERVICE

"The following came to hand on Nov 15, 2021, 10:49 am,

WRIT OF PERMANENT INJUNCTION, FINAL DEFAULT JUDGMENT AND PERMANENT INJUNCTION, ORIGINAL PETITION  
AND APPLICATION FOR INJUNCTIVE RELIEF, ,

and was executed at 1001 Fleetwood St, Baytown, TX 77520 within the county of Harris at 12:29 PM on Wed, Dec 01  
2021, by delivering a true copy to the within named

NORMAN BARNETT

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is LeMardre Miller, my date of birth is 09-13-1989, and my address is P.O. Box 681081 Houston, Texas 77268, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of TX, on December 01, 2021.



---

LeMardre Miller  
Certification Number: 11688  
Certification Expiration: 10-31-2022

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

ABSTRACT OF JUDGMENT

I, the undersigned, hereby certify that in a certain suit pending in the 250th Judicial District Court of Travis County, Texas, Cause No. D-1-GN-21-003181, wherein the State of Texas is Plaintiff whose address is P.O. Box 12548, Austin, Texas 78711, and Norman Barnett d/b/a Reed Estates, Villa Estates, Vista Estates, and J&L Terry Lane is Defendant; Plaintiff the State of Texas recovered a Final Default Judgment and Permanent Injunction against Defendant on October 13, 2021.

Norman Barnett is an individual whose date of birth 11/30/1942; whose Texas driver's license number is XXXXX046; and whose last known address is 1001 Fleetwood Street, Baytown, TX 77520.

The October 13, 2021 Order for Final Default Judgment and Permanent Injunction awards the State of Texas against Defendant Norman Barnett, the following:

1. Civil penalties in the amount of ONE-HUNDRED THIRTY-ONE THOUSAND ONE-HUNDRED AND FIFTY DOLLARS (\$131,150.00);
2. Unpaid Public Health Services ("PHS") fees in the amount of TWENTY THOUSAND SIX-HUNDRED AND NINETY-ONE DOLLARS AND TWENTY CENTS (\$20,691.20);
3. Attorney's fees in the amount of FIFTEEN THOUSAND TWO-HUNDRED AND THIRTY-ONE DOLLARS (\$15,231.00);
4. Court Costs in the amount TWO HUNDRED NINETY-SEVEN DOLLARS (\$297.00); and
5. Post-judgment interest at the legal rate of 5% on the above amounts until the entire judgment is paid.

The Final Default Judgment and Permanent Injunction described herein is entitled to no credits. There is still due ONE HUNDRED SIXTY-SEVEN THOUSAND THREE HUNDRED SIXTY-NINE DOLLARS and TWENTY CENTS (\$167,369.20).

I hereby verify in accordance with § 52.002 of the Texas Property Code that the foregoing is true and correct.

OFFICE OF THE ATTORNEY GENERAL

DocuSigned by:

*IXCHEL PARR*

IXCHEL PARR

Assistant Attorney General

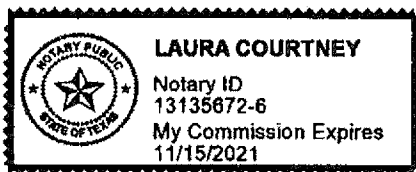
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State Bar No. 24110196


STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

BEFORE ME, Laura Courtney, a Notary Public in and for the State of Texas, on this day personally appeared by means of an interactive two-way audio and video communication Ixchel Parr, who is known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed. This notarial act was an online notarization.

Given under my hand and seal of office this day of 10/21/2021 | 9:06 AM CDT



Notary Seal       Notary w/o Bond

DocuSigned by:  
  
025A05806A014E6  
Laura Courtney  
Notary in and for the State of Texas

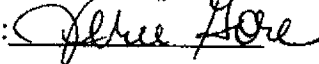
Digital Certificate

**PLEASE RETURN TO:**  
Ixchel Parr  
Office of the Attorney General  
Environmental Protection Division  
P.O. Box 12548 - MC 066  
Austin, Texas 78711-2548

**FILED FOR RECORD IN:**  
Chambers County  
On: 10/27/2021 12:45:03 PM  
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Number of Pages: 2  
Amount: 30.00  
Order#: 20211027000031  
By: JG



Heather H. Hawthorne, County Clerk

Recorded: 

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STATE OF TEXAS §  
COUNTY OF TRAVIS §

ABSTRACT OF JUDGMENT

I, the undersigned, hereby certify that in a certain suit pending in the 250<sup>th</sup> Judicial District Court of Travis County, Texas, Cause No. D-1-GN-21-003181, wherein the State of Texas is Plaintiff whose address is P.O. Box 12548, Austin, Texas 78711, and Norman Barnett d/b/a Reed Estates, Villa Estates, Vista Estates, and J&L Terry Lane is Defendant; Plaintiff the State of Texas recovered a Final Default Judgment and Permanent Injunction against Defendant on October 13, 2021. for  
See

Norman Barnett is an individual whose date of birth 11/30/1942; whose Texas driver's license number is XXXXX046; and whose last known address is 1001 Fleetwood Street, Baytown, TX 77520.

The October 13, 2021 Order for Final Default Judgment and Permanent Injunction awards the State of Texas against Defendant Norman Barnett, the following:

1. Civil penalties in the amount of ONE-HUNDRED THIRTY-ONE THOUSAND ONE-HUNDRED AND FIFTY DOLLARS (\$131,150.00);
2. Unpaid Public Health Services ("PHS") fees in the amount of TWENTY THOUSAND SIX-HUNDRED AND NINETY-ONE DOLLARS AND TWENTY CENTS (\$20,691.20);
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The Final Default Judgment and Permanent Injunction described herein is entitled to no credits. There is still due ONE HUNDRED SIXTY-SEVEN THOUSAND THREE HUNDRED SIXTY-NINE DOLLARS and TWENTY CENTS (\$167,369.20).

I hereby verify in accordance with § 52.002 of the Texas Property Code that the foregoing is true and correct.

OFFICE OF THE ATTORNEY GENERAL

DocuSigned by:

*Ixchel Parr*

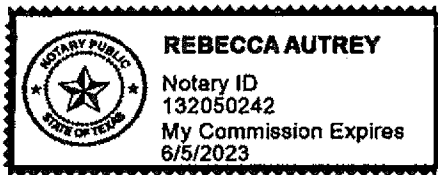
IXCHEL PARR

Assistant Attorney General

STATE OF TEXAS       §  
                                   §  
 COUNTY OF TRAVIS   §

BEFORE ME, Rebecca Autrey, a Notary Public in and for the State of Texas, on this day personally appeared by means of an interactive two-way audio and video communication Ixchel Parr, who is known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed. This notarial act was an online notarization.

Given under my hand and seal of office this day of 11/30/2021 | 2:11 PM CST



Notary Seal      Notary w/o Bond

DocuSigned by:  
*Rebecca Autrey*  
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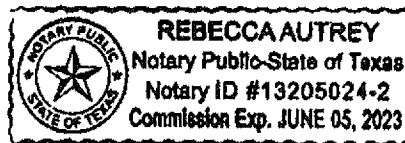
Digital Certificate

DECLARATION OF AUTHENTICITY

State of TEXAS       §  
                                   §  
 County of TRAVIS   §

The attached document, Abstract of Judgment, dated October 21, 2021 and containing 2 pages, is a true and correct copy of an electronic record printed by me or under my supervision. At the time of printing, no security features present on the electronic record indicated any changes or errors in an electronic signature or other information in the electronic record after the electronic record's creation or execution. This declaration is made under penalty of perjury.

Given under my hand and seal of office this day of 11/30/2021 | 2:11 PM CST



Notary Seal

Notary without Bond

*Rebecca Autrey*

Digital Certificate

**PLEASE RETURN TO:**

Ixchel Parr  
 Office of the Attorney General  
 Environmental Protection Division  
 P.O. Box 12548 - MC 066  
 Austin, Texas 78711-2548

**RECORDER'S MEMORANDUM:**

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED FOR RECORD

8:00:00 AM

Wednesday, December 8, 2021



COUNTY CLERK, HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County Texas

Wednesday, December 8, 2021



COUNTY CLERK  
HARRIS COUNTY, TEXAS

No. D-1-GN-21-003181
















































**TRAVIS COUNTY, TEXAS**

**150TH JUDICIAL DISTRICT**

**NORMAN BARNETT D/B/A REED  
ESTATES WATER SYSTEM, VILLA  
ESTATES, VISTA ESTATES, AND J & L  
TERRY LANE.**

**Defendant.**

The State of Texas, by and through its Attorney General, on behalf of the Texas Commission on Environmental Quality ("TCEQ"), files this Original Petition and Application for Injunctive Relief seeking injunctive relief, civil penalties, unpaid public health services fees, and attorney's fees for violations of state drinking water regulations at the public water systems owned and operated by Norman Barnett located in Harris County and Chambers County, Texas.

**1.1** The State of Texas will conduct discovery under the Level 2 Discovery Control Plan pursuant to Tex. R. Civ. P. 190.3.

1.2 This case is not subject to the restrictions of expedited actions process in Tex. R. Civ. P. 169 because the State of Texas seeks non-monetary, injunctive relief.

**1.3 The State of Texas seeks monetary relief within the jurisdictional limits of the court.**

1.4 Pursuant to Tex. R. Civ. P. 47(c), the State of Texas pleads that it is seeking monetary relief of \$250,000 or less, non-monetary relief, and all other relief to which it is entitled.

Under the alternative, the State of Texas is seeking monetary relief over \$250,000 but not more than



\$1,00,000, non-monetary relief, and all other relief to which it is entitled.

## **II. PARTIES**

**2.1** Plaintiff, the State of Texas ("State"), is authorized to bring this suit through its Attorney General at the request of the TCEQ pursuant to Tex. Water Code § 7.105 and Tex. Health & Safety Code § 341.048(e). The State is not required to pay a filing fee or other security for costs and is not required to pay a bond to the Court granting an injunction under Tex. Civ. Prac. & Rem. Code § 6.001 and Tex. Health & Safety Code § 341.048(g).

**2.2** Defendant Norman Barnett ("Barnett") is an individual doing business as four different names: Reed Estates Water System, Villa Utilities, Vista Utilities, and J&L Terry Lane. Barnett may be served with process at 1001 Fleetwood St., Baytown, Texas 77520-2526, or wherever he may be found.

## **III. JURISDICTION AND VENUE**

**3.1** This Court has jurisdiction pursuant to Tex. Health and Safety Code § 341.048(c), Tex. Gov't Code § 2001.202(a), and Tex. Water Code § 7.105(a).

**3.2** Venue for this suit is proper in Travis County pursuant to Tex. Health and Safety Code § 341.048(f) and Tex. Water Code § 7.105(c).

## **IV. NATURE OF SUIT AND AUTHORITY**

**4.1** This is a civil enforcement proceeding under Chapter 26 of the Texas Water Code and Chapter 341, Subchapter C of the Texas Health & Safety Code. This matter involves four public drinking water systems, at which Barnett has not adhered to the requirements applicable to public drinking water suppliers, including ensuring that a safe and adequate drinking water supply is provided to the customers.

4.2 Safe drinking water is essential to the protection of public health, and the State has empowered TCEQ with authority to ensure that public drinking water supply systems in the State “(1) supply safe drinking water in adequate quantities; (2) are financially stable; and (3) are technically sound.” Tex. Health and Safety Code § 341.0315(a).

4.3 Each public drinking water supply system must provide an “adequate and safe drinking water supply” and must meet the requirements of TCEQ rules. *Id.* § 341.0315(c).

4.4 TCEQ rules and regulations establishing standards for the protection of public drinking water supplies are codified in Chapter 290 of Title 30 of the Texas Administrative Code.

4.5 Rules applicable to public water systems specifically relevant to this lawsuit include the following:

**A. Public Water Systems in General**

1. Drinking Water is “[a]ll water distributed by any agency or individual, public or private, for the purpose of human consumption.” 30 Tex. Admin. Code § 290.38(23).
2. Public Water System (“PWS”) is “a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water.” *Id.* § 290.38(71). A PWS must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. *Id.*
3. Community Water System is “a [PWS] which has a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis.” *Id.* § 290.38(15).
4. Connection is a single-family residential unit or each commercial or industrial establishment to which drinking water is supplied from the system. *Id.* § 290.38(16).
5. TCEQ regulations that apply to a given PWS depend on its size, water source, and whether the PWS serves residences or businesses.

**B. Community Water Systems must comply with the following:**

1. **All-Weather Access Road.** Provide an all-weather access road to each well site. 30 Tex. Admin. Code. § 290.41(c)(3)(P)
2. **Consumer Confidence Reports ("CCR").** Provide to its customers an annual report that contains information on the quality of the water delivered by the systems and characterize any risk from exposure to contaminants detected in the drinking water. *Id.* § 290.271. A copy of the report must be mailed or delivered to each bill paying customer, as well as the TCEQ, by July 1 of each year. *Id.* § 290.274(a).
3. **Dead-end Mains.** The system shall be designed to afford effective circulation of water with a minimum of dead ends. *Id.* § 290.44(d)(6). All dead-end mains shall be provided with acceptable flush valves and discharge piping. *Id.* Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation. *Id.*
4. **Disinfectant Byproduct Levels.** Comply with the monitoring and additional requirements for total trihalomethanes ("TTHM"). *Id.* § 290.115(f)(1). The maximum contaminant level ("MCL") for TTHM is 0.080 milligrams per liter ("mg/L"). *Id.* § 290.115(b)(1)(A). A PWS must comply with the monitoring and additional requirements for haloacetic acids ("HAA5"). *Id.* § 290.115(b). The MCL for HAA5 is 0.060 mg/L. *Id.* § 290.115(b)(1)(B). Failure to submit the results of monitoring tests to the TCEQ results in a reporting violation. *Id.* § 290.115(f)(4).
5. **Disinfectant Residuals.** Properly disinfect water before it is distributed to the customers and maintain acceptable disinfectant residuals within the distribution system. *Id.* § 290.110(a). The disinfectant levels are verified through periodic sampling and analysis of the drinking water. *Id.* § 290.110(c). The residual disinfectant concentration in the water within the distribution system must be at least 0.2 mg/l free chlorine. *Id.* § 290.110(b)(4). The owner or operator of a PWS that uses groundwater must submit to TCEQ a Disinfection Level Quarterly Operation Report ("DLQOR") each quarter, by the tenth day of the month following the end of the quarter. *Id.* § 290.110(e)(4)(A). A PWS that fails to conduct the monitoring tests for disinfectant residuals commits a monitoring violation. *Id.* § 290.110(f)(2). A PWS that fails to report the results of the tests commits a reporting violation. *Id.* § 290.110(f)(3). A PWS that fails to issue a required public notice or certify that it has issued that notice commits a violation. *Id.* § 290.110(f)(10). The owner or operator of a PWS that fails to comply with required monitoring and reporting must notify its customers and TCEQ of the noncompliance. *Id.* § 290.110(g).
6. **Emergency Preparedness Plans.** A retail public utility that furnishes water service to more than one customer in a county with a population of 3.3. million or more shall adopt and submit to the commission for its approval an emergency

preparedness plan that demonstrates the utility's ability to provide emergency operations. *Id.* at § 290.39(o)(1); Tex. Water Code § 13.1395(a)(1)(A) and (b)(1).

7. **Lead and Copper.** Control the levels of lead and copper in the drinking water by controlling the corrosivity of the water. *Id.* § 290.117(a). PWSs must sample at sites approved by TCEQ and at a frequency set by TCEQ. *Id.* § 290.117(c).<sup>1</sup> PWSs must sample for two consecutive six-month periods unless they qualify for reduced monitoring. *Id.* § 290.117(c)(2)(A) and (B). Owners or operators of a PWS must submit to the TCEQ a copy of the results of the test, measurement, or analysis. *Id.* § 290.117(i). PWSs on reduced monitoring may be required to return to routine sampling in two consecutive six-month periods. *Id.* § 290.117(c)(2)(A)(ii). The TCEQ shall determine whether a system continues to meet the requirements to remain on reduced monitoring. *Id.* § 290.117(c)(2)(G). PWSs returning to routine sampling because of the action level must start the two consecutive six-month periods in the next calendar year after the exceedance occurs. *Id.* § 290.117(c)(2)(A)(ii)(III). Tap samples must be reported to TCEQ within ten days following the end of each monitoring period. *Id.* § 290.117(i)(1). For PWSs on annual or less frequent schedules, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if TCEQ established an alternative monitoring period, the last day of that period. *Id.*
8. **Consumer Notification of Lead Tap Water Results.** Provide a consumer notice of lead tap water monitoring results not later than 30 days after the system receives the lead tap sampling results. *Id.* § 290.117(j)(1). PWSs must also mail a sample copy of the consumer notification to the TCEQ no later than three months following the end of the monitoring period. *Id.* § 290.117(i)(6).
9. **Engineering Plans and Maps.** Maintain plans, specifications, maps, and other pertinent information to facilitate the operation and maintenance of the system's facilities and equipment. *Id.* § 290.46(n). A PWS must maintain accurate and up-to-date plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the PWS until the facility is decommissioned. *Id.* § 290.46(n)(1). An accurate and up-to-date map of the distribution system must be available so that valves and mains can be easily located during emergencies. *Id.* § 290.46(n)(2).
10. **Engineering Reports.** Engineering reports are required when design or capacity deficiencies are identified in an existing PWS. *Id.* § 290.39(e)(1).
11. **Flow-measuring Devices.** Provide flow measuring devices for each well to measure production yields and provide for the accumulation of water production data. *Id.* § 290.41(c)(3)(N).

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<sup>1</sup> Lead and copper samples are taken at consumer's taps within the distribution system at sites approved by the TCEQ. 30 Tex. Admin. Code § 290.117(c)(1).