

\$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 trihalomethane (“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 Residual.** 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)(2).

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).¹ 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).

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

12. Flushing of Mains. Flush all dead-end mains at monthly intervals. *Id.* § 290.46(c). Dead-end lines and other mains shall be flushed as needed if water quality complaints are received from PWS customers or if disinfectant residuals fall below acceptable levels as specified in 30 Tex. Admin. Code § 290.110. *Id.* Records of the dates that dead-end mains were flushed must be retained for at least two years and be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(3)(A)(iv) and (f)(2).

13. Maintenance and Housekeeping. Utilize diligent maintenance and housekeeping to ensure the good working condition and general appearance of the PWS's facilities and equipment. *Id.* § 290.46(m). The ground and facilities shall be maintained in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water. *Id.* Additionally, pumps, motors, valves, and other mechanical devices must be maintained in good working condition. *Id.* § 290.46(m)(6). All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances must be maintained in a watertight condition and be free of excessive solids. *Id.* § 290.46(m)(4).

14. Map of Distribution System. Maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. *Id.* § 290.46(n)(2). The distribution maps must be maintained on file at the PWS and be available to TCEQ upon request. *Id.* § 290.46(n).

15. Metals and Minerals. Routinely monitor for inorganic contaminants, including metals and minerals at each groundwater entry point every three years. *Id.* § 290.106(c)(4)(A). TCEQ may increase the monitoring frequency for metals and minerals for PWS using groundwater sources. *Id.* § 290.106(c)(9). The owner or operator of a PWS must provide a copy of the results of any test, measurement, or analysis required within 10 days following the month in which the result is received by the PWS or the first 10 days following the end of the required monitoring period, whichever occurs first. *Id.* § 290.106(e).

16. Modifications. No person may begin construction of modification to a PWS without providing notification to TCEQ and submitting and receiving TCEQ approval of plans and specifications. *Id.* § 290.39(h)(1).

17. Monitoring Plan. Must maintain an up-to-date chemical and microbiological monitoring plan for review at a central location. *Id.* § 290.121(a). The monitoring plan should identify all sampling locations, sampling frequency, and analytical procedures and laboratories to be used. *Id.* § 290.121(b). The monitoring plan must include the PWS's Sample Siting Plan as required by 30 Tex. Admin. Code § 290.109(d)(1)-(6). *Id.* § 290.121(b)(3).

- 18. Nitrates.** Monitor for nitrate annually at each groundwater entry point to the distribution system. *Id.* § 290.106(c)(6)(A)(i). The TCEQ may increase the nitrate monitoring frequency for community water systems using groundwater sources. *Id.* § 290.106(c)(6)(C).
- 19. Nitrites.** Routinely monitor for nitrite once during each nine-year compliance cycle at the time designated by the TCEQ. *Id.* § 290.106(c)(7)(A). During the first year of operation, new entry points will be scheduled for nitrite sample collection, then every nine years thereafter unless increased nitrite monitoring is required. *Id.*
- 20. Operating Records and Reports.** Maintain a record of water works operation and maintenance activities and submit periodic operating reports. *Id.* § 290.46(f). The operating records must be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(2). A PWS must retain the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers for at least three years. *Id.* § 290.46(f)(3)(B)(iv).
- 21. Plant Operations Manual.** Compile and maintain a thorough plant operations manual for operator review and reference. *Id.* § 290.42(1). This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency. *Id.*
- 22. Plumbing Ordinance.** Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connection nor other unacceptable plumbing practices are permitted. *Id.* § 290.46(i). The PWS's records must be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(2).
- 23. Pressure Tanks.** PWSs with less than 50 connections without ground storage must have a pressure tank capacity of 50 gallons per connection. *Id.* § 290.45(b)(1)(A)(ii).
- 24. Pressure Tank Injection Lines.** Air injection lines must be equipped with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank. *Id.* § 290.43(d)(3).
- 25. Public Health Services Fees ("PHS fees").** TCEQ charges PHS fees for services provided by TCEQ to PWSs. *Id.* § 290.51(a)(1). The maximum fee charged by the TCEQ to PWS with 25-160 connections is \$300. *Id.* § 290.51(a)(3)(B). All fees are

due each year by January 1. *Id.* § 290.51(a)(6). Penalties and interest shall be assessed for the late payment of fees. *Id.*

26. Public Notice Requirement. PWSs that fail to perform any required monitoring or reporting or exceeds any MCL must issue a notice of such failure by mail or other direct delivery to each bill-paying customer of the system. *Id.* § 290.122. Each notice must meet requirements of 30 Tex. Admin. Code § 290.122(d). *Id.* § 290.122(c). A copy of any public notice accompanied by a signed certificate must be submitted to the TCEQ within 10 days of its distribution as proof of public notice. *Id.* § 290.122(f).

27. Radionuclides. The PWS must measure the concentration of radionuclides at locations and frequencies specified in the system's monitoring plan. *Id.* § 290.108(c). The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.108(e). A PWS that fails to conduct the monitoring tests for radionuclides or report the results of the tests commits a monitoring violation. *Id.* § 290.108(f)(3).

28. Records of Disinfectant Residual Monitoring. Records of disinfectant residual monitoring results must be retained for at least three years and be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(3)(B)(iii) and (f)(2).

29. Reporting Requirements for Organic Contaminants. The owner or operator of a public water system must ensure that the TCEQ is provided with a copy of the results of any test, measurement, or analysis required by 30 Tex. Admin. Code § 290.107 within the first ten days following the month in which the PWS receives the results, or the first ten days following the end of the required monitoring period as provided by 30 Tex. Admin. Code § 290.107, whichever occurs first. *Id.* § 290.107(e).

30. Sample Siting Plan. Develop and complete a written Sample Siting Plan that identifies routine and repeat microbial sampling sites and a sample collection schedule representative of water throughout the distribution system. *Id.* § 290.46(f)(3)(B)(iii). A copy of the Sample Siting Plan must be maintained on file for at least ten years at a PWS and be available to TCEQ upon request. *Id.* § 290.46(f)(3)(E)(ix).

31. Sanitary Control Easement. A PWS with groundwater sources must obtain a sanitary control easement covering land within 150 feet of the well, or TCEQ approval for a substitute. *Id.* § 290.41(c)(1)(F).

32. Security. Each water treatment plant and all its appurtenances must be enclosed by an intruder-resistant fence. *Id.* § 290.42(m). The gates must be locked during

periods of darkness and when the plant is unattended. *Id.* A locked building in the fence line may satisfy this requirement or serve as a gate. *Id.*

33. Synthetic Organic Contaminants (“SOCs”). Community water systems must take four consecutive quarterly samples for each SOC contaminant during each compliance period at the time designated by the TCEQ. *Id.* § 290.107(c)(1)(C)(i). The TCEQ must be provided with a copy of the results of any monitoring required by this 30 Tex. Admin. Code § 290.107. *Id.* § 290.107(e).

34. System Ownership. All community water systems must post a legible sign at each of its production, treatment, and storage facilities in plain view of the public. *Id.* § 290.46(t). The sign must provide the name of the water supply and an emergency telephone number where a responsible official can be contacted. *Id.*

35. Volatile Organic Compounds. Community water systems must take four consecutive quarterly samples for each VOC during each compliance period. *Id.* § 290.107(c)(2)(C)(i). The TCEQ may change the monitoring frequency for VOCs. *Id.* § 290.107(c)(2)(D).

36. Well Capacity. Maintain an adequate well capacity. *Id.* § 290.45(b)(1)(A)(i). PWSs with less than 50 connections without ground storage must have a well capacity of 1.5 gallons per minute (“gpm”) per connection. *Id.*

37. Well Meter Calibration. Calibrate well meters required by 30 Tex. Admin. Code § 290.41(c)(3)(N) at least once every three years. *Id.* § 290.46(s)(1). The calibration records must be kept on file for at least three years and be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(3)(B)(iv) and (f)(2).

38. Well Casing Vents. A well casing vent must be provided with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. *Id.* § 290.41(c)(3)(K). Wellheads and well vents shall be at least two feet above the highest known watermark or 100-year flood elevation, if available, or adequately protected from possible flood damage by levees. *Id.*

C. Retail Public Utilities

1. Retail Public Utility. Any person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both, for compensation. 30 Tex. Admin. Code § 291.3(14).

2. Certificate of Convenience and Necessity (“CCN”). A permit issued by PUC which authorizes and obligates a retail public utility to furnish, make available,

render, or extend continuous and adequate retail water or sewer utility service to a specified geographic area. *Id.* § 291.3(3).

3. **Planning Reports.** Each retail public utility that provides water service must plan, furnish, operate, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water. *Id.* § 291.93. A retail public utility that possesses a CCN that has reached 85% of its capacity² must submit to TCEQ a planning report that clearly explains how the public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area. *Id.* § 291.93(3).
4. **Regulatory Assessment Fees.** A retail public utility that provides potable water must collect a regulatory assessment from each retail customer and remit such fee to TCEQ. *Id.* § 291.76(b). Amounts payable to TCEQ are calculated, for a public utility, as 1% of the charge for retail water and must be based on the amounts actually collected during the previous calendar year. *Id.* § 291.76(d)(1) and (e). A public utility is responsible for keeping records of annual charges and assessment collections for retail water and provide such records to TCEQ upon request. *Id.* § 291.76(h). The full amount payable for the 12 calendar months of each year must be remitted to TCEQ by January 30th of the following year. *Id.* § 291.76(i). Penalties and interest shall be assessed for the late payment of fees. *Id.* § 291.76(k).

4.6 A person may not cause, suffer, allow, or permit a violation of the state's statutes, rules, or orders regarding the protection of public water supplies. Tex. Health and Safety Code § 341.048(a), Tex. Water Code § 7.101.

4.7 A person who causes, suffers, allows or permits a violation under Chapter 341, Subchapter C of the Tex. Health and Safety Code, or a rule or order issued thereunder, shall be assessed a civil penalty of not less than \$50 nor more than \$5,000 for each day of violation. Tex. Health and Safety Code § 341.048(b). Each day of a continuing violation is a separate violation. *Id.*

²Capacity is defined as "the overall rated capacity in number of residential connection equivalents based on the most restrictive criteria for production, treatment, storage, or pumping." 30 Tex. Admin. Code § 291.93(3)(A).

4.8 The Attorney General, at the request of the TCEQ, may file a suit for injunctive relief and civil penalties, or both, for violations of the state's statutes or TCEQ rules or orders. Tex. Water Code §§ 7.032(e), 7.105(a); Tex. Health & Safety Code § 341.048(e).

V. BACKGROUND

The Water Systems

5.1 At all times relevant to this suit, Norman Barnett ("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 Lemmon Lane in Houston, Harris County, Texas, 77049; Vista Utilities ("Vista"), located at 8801 Jennie 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."

5.2 Reed is comprised of one submersible pump well. It maintains one water plant which supplies water to one pressure plane. The plant treats with hypochlorination before entering the pressure tank, which is 0.0015 million gallons ("MG"). As of at least October 11, 2017, Reed has approximately 32 connections and serves a population of approximately 96 individuals.

5.3 Villa is comprised of one submersible pump well. It maintains one water plant which supplies water to one pressure plane. The plant treats with hypochlorination before entering the pressure tank, which is 0.010 MG. As of at least October 11, 2017, Villa has approximately 29 connections and serves a population of approximately 85 individuals.

5.4 Vista is comprised of one submersible pump well. It maintains one water plant which supplies water to one pressure plane. The plant treats with hypochlorination before entering the pressure tank, which is 0.0015 MG. As of at least October 11, 2017, Vista has approximately

25 connections and serves a population of approximately 75 individuals.

5.5 J&L is comprised of one submersible pump well. It maintains one water plant which supplies water to one pressure plane. The system has two pressure tanks. The plant treats with hypochlorination before entering the pressure tanks, each with a storage capacity for each tank of 0.000525 MG. On information and belief, as of at least October 11, 2017, J&L has approximately 16 connections. On November 19, 2020, TCEQ investigators determined that J&L no longer meets the definition of a PWS because it has terminated service and all residences served by the system receive water from private wells.

5.6 Barnett holds Certificate of Convenience and Necessity (“CCN”) No. 12079 covering the area of Reed, Villa, Vista, and J & L.

5.7 Because the Facilities each serve drinking water to at least 25 individuals at least 60 days out of the year and have at least 15 service connections on a year-round basis, Reed, Villa, Vista, and J&L are PWSs pursuant to 30 Tex. Admin. Code § 290.38(71) and community water systems pursuant to 30 Tex. Admin. Code § 290.38(15).³

5.8 The Facilities have previously been the subject of enforcement action by the State.

State Default Judgment

5.9 On June 21, 2016, the State of Texas obtained a default judgment in Cause No. D-1-GN-16-001049 (“2016 Default Judgment”).⁴

5.10 During at least the past four years, TCEQ has documented numerous violations at the Facilities during comprehensive compliance investigations, complaint investigations, and

³ J&L is no longer considered a PWS. All violations for J&L alleged in this petition end on November 19, 2020.

⁴ A true and correct copy of the 2016 Default Judgment is provided as Exhibit A and is incorporated as though fully set forth herein. The 2016 Default Judgment ordered Barnett to pay civil penalties totaling \$136,500 and attorney’s fees totaling \$11,800 by July 21, 2016.

record reviews.

TCEQ Investigations of the Facilities Subsequent to the 2016 Default Judgment

TCEQ Investigations of Reed

5.11 From October 10-21, 2016, TCEQ conducted a record review of Reed and documented that TCEQ did not receive the following reports from Barnett:

- a. Cyanide levels for the January 2012-December 2014 monitoring period;
- b. SOC levels for the January 2011-December 2013 and January 2012-December 2014 monitoring periods;
- c. Metal levels for the January 2008-December 2011 monitoring period;
- d. Radionuclide levels for the January 2008-December 2013 monitoring period;
- e. Reed's consumer notice of lead tap water monitoring results to persons served at the taps tested during the January-December 2014 monitoring period;
- f. Reed's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Submit DLQORs for the fourth quarter of 2014 and the first quarter of 2015;
 - ii. Report nitrate levels for the January-December 2014 monitoring period;
 - iii. Report cyanide levels for the January 2010-December 2012 monitoring period; and
 - iv. Report SOC levels for the January 2012-December 2014 monitoring period.

5.12 On October 11, 2017, a TCEQ investigator conducted an onsite investigation at Reed and documented the following:

- a. The exterior of the pressure tank was covered in mold;
- b. The well casing was covered in mold and corrosion;
- c. The pressure gauge on the pressure tank read zero psi while there was pressure existing in the distribution system, indicating that the pressure gauge was not working;

- d. The fence around the facility had vegetation growing through the barbed wire and chain link fencing;
- e. There was no barbed wire installed at the top of the fence;
- f. A leaking Shrader valve located at the well discharge line and the chlorine injection point was leaking on the water line leading to the pressure tank;
- g. Reed still had 32 service connections, but Barnett did not submit any evidence that Reed had been modified to maintain a well capacity of 1.5 gpm per connection;⁵
- h. The pressure tank capacity had a total of capacity of 1500 gallons, which was below the required capacity of 1600 gallons; and
- i. The PWS has reached more than 100% of its pressure capacity and is short 17%.

5.13 During the investigation, the TCEQ investigator was not provided with the following documents from Barnett when requested:

- a. Copies of Reed's monthly reports of water works operations, distribution chlorine residual monitoring reports from September 2014 through September 2017, operator's calibration record for the disinfectant residual analyzers, and customer service inspections;
- b. Accurate and up-to-date detailed as-built plans or record drawing and specifications for each treatment plant, pump station, and storage tank at Reed;
- c. Reed's service agreement;
- d. A copy of Reed's plant operations manual;
- e. A copy of Reed's well meter calibration report;
- f. Record on flushing dead-end mains at Reed;
- g. A copy of Reed's sanitary control easement;
- h. A copy of Reed's interior and exterior pressure tank inspections;
- i. A copy of Reed's Emergency Preparedness Plan;

⁵ During an investigation on February 18, 2015, a TCEQ investigator documented that Reed provided 40 gpm, below the 80 gpm required for its 32 connections. The 2016 Default Judgment required Barnett to provide additional well capacity at Reed by July 21, 2016 and submit proof to TCEQ that the well capacity at Reed was at least 1.5 gpm per connection by August 5, 2016.

- j.** Planning material or TCEQ approval for construction of Reed, including engineering reports;
- k.** A planning report explaining how Reed will provide the expected service demands to the remaining areas within the boundaries of its area after exceeding TCEQ's minimum capacity requirements;
- l.** A map of Reed's distribution system; and
- m.** Reed's up-to-date system monitoring plan.

5.14 On July 3, 2018, the TCEQ sent Barnett a notice of enforcement ("NOE") notifying him of the violations observed during the October 11, 2017 investigation.

5.15 On September 24-October 26, 2018, TCEQ conducted a record review of Reed and documented that TCEQ did not receive the following reports from Barnett:

- a.** Cyanide levels for the January 2015-December 2017 monitoring period;
- b.** SOC levels for the January 2014-December 2016 and the January 2015-December 2017 monitoring periods;
- c.** Metal/mineral levels for the January 2014-December 2016 monitoring period;
- d.** Nitrite levels for the January-December 2017 monitoring period;
- e.** Nitrate levels for the January-December 2016 and January-December 2017 monitoring periods;
- f.** VOC levels for January-December 2016 and January-December 2017 monitoring period;
- g.** DLOCs for the second quarter of 2018;
- h.** Disinfectant byproduct levels for the January 2014-December 2016 monitoring period;
- i.** Distribution lead and copper levels for the January 2015-December 2017 monitoring period;
- j.** Reed's 2015 and 2016 CCRs; and

- k.** Reed's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i.** Submit DLQORs for the second and third quarters of 2016;
 - ii.** Report VOC levels for the January-December 2015 and January-December 2016 monitoring periods;
 - iii.** Report nitrate levels for the January-December 2015 and January-December 2016 monitoring periods;
 - iv.** Report for SOC levels for the January 2014-December 2016 monitoring period;
 - v.** Report disinfectant byproduct levels for the January 2014-December 2016 monitoring period; and
 - vi.** Report metal and mineral levels for the January 2014-December 2016 monitoring period.

5.16 From July 13-24, 2020, TCEQ conducted a record review of Reed and documented that TCEQ did not receive the following reports from Barnett:

- a.** SOC levels for the January 2017-December 2019 monitoring period;
- b.** Metal/mineral levels for the January 2017-December 2019 monitoring period;
- c.** Nitrate levels for the January-December 2018 and January-December 2019 monitoring periods;
- d.** Nitrite levels for the January-December 2018 and January-December 2019 monitoring periods;
- e.** Radionuclide levels for the January 2014-December 2019 monitoring period;
- f.** VOC levels for the January-December 2018 and January-December 2019 monitoring periods;
- g.** DLQORs for the fourth quarter of 2019 and the first quarter of 2020;
- h.** Distribution lead and copper levels for the January-December 2018 and January-December 2019 monitoring periods;
- i.** Reed's 2018 CCR; and

- j.** Reed's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i.** Report distribution lead and copper levels for the January-December 2018 monitoring period; and
 - ii.** Report cyanide levels for the January 2015-December 2017 monitoring period.

5.17 On November 19, 2020, a TCEQ investigator conducted a onsite investigation at Reed and documented the following:

- a.** There was a crack in the concrete sealing block at the well;
- b.** There was mildew on the exterior of the pressure tank on the east side and front;
- c.** The well casing had discoloration on the east side that appeared to be mold;
- d.** The fence around the plant still had vegetation growing through the barbed wire and chain link fencing;
- e.** There was loose barbed wire on the fence line, and portions of the fence were missing; and
- f.** Reed still had 32 service connections, but Barnett still had not submitted any evidence that Reed had been modified to maintain a well capacity of 1.5 gpm per connection.

5.18 During the investigation, the TCEQ investigator was not provided with the following documents from Barnett when requested:

- a.** Reed's Sample Siting Plan;
- b.** Reed's records of operation for at least five years providing results of microbiological analysis;
- c.** A copy of Reed's drought contingency plan;
- d.** Records of the amount of chemicals used and the volume of water treated and distributed at Reed;
- e.** Reed's up-to-date system monitoring plan;

- f. Reed's disinfectant residual monitoring results records;
- g. Records showing that the accuracy of manual disinfectant residual analyzers is being verified at least once every 90 days using chlorine solution of known concentrations at Reed;
- h. A copy of Reed's plant operations manual;
- i. 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;
- j. Planning material or TCEQ approval for construction of Reed, including engineering reports;
- k. Copies of the monthly dead-end main records at Reed;
- l. Copies of Reed's interior and exterior tank pressure tank inspections;
- m. A copy of Reed's service agreement;
- n. Copies of Reed's customer service inspections;
- o. A copy of Reed's distribution map;
- p. A planning report explaining how Reed will provide the expected service demands to the remaining areas within the boundaries of its area after exceeding TCEQ's minimum capacity requirements
- q. Reed's well completion data;
- r. A copy of Reed's well meter calibration report;
- s. A copy of Reed's Emergency Preparedness Plan; and
- t. Documentation showing that a leaking Schrader valve located at the well discharge line and the chlorine injection point was repaired at Reed.

5.19 On April 28, 2021, TCEQ verified that it did not receive PHS fees for Reed Estates for fiscal years 2001 through 2021, for the TCEQ Financial Administration Account No. 91010945 totaling \$4,536.19.

5.20 On April 28, 2021, TCEQ staff verified that TCEQ has not received Reed Estates' regulatory assessment reporting and associated fees, relating to CCN No. 12079, for calendar years 2009 to 2020.

TCEQ Investigations of Villa

5.21 On October 10-21, 2016, TCEQ conducted a record review of Villa and documented that TCEQ did not receive the following reports from Barnett:

- a. Metal levels for the January 2008-December 2013 monitoring period;
- b. Nitrite levels for the January-December 2015 monitoring period;
- c. Radionuclide levels for the January 2008-December 2013 monitoring period;
- d. SOC levels for the January 2011-December 2013 and January 2012 to December 2014 monitoring periods;
- e. VOC levels for the January-December 2015 monitoring period;
- f. Villa's consumer notice of lead tap water monitoring results for the January-December 2014 monitoring period; and
- g. Villa's signed certificate of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Submit PQLORs for the second quarter of 2014 and the first quarter of 2015;
 - ii. Report nitrate levels for the January-December 2012 monitoring period; and
 - iii. Report SOC levels for the January 2012-December 2014 monitoring period.

5.22 On October 11, 2017, TCEQ conducted an onsite investigation and observed the following:

- a. The exterior of the pressure tank was covered in mold, rust, and peeling paint;
- b. The well casing vent was not supplied with 16-mesh or finer corrosion-resistant screening material;

- c. There was no paved road to the well site;
- d. The pressure tank injection line was missing devices to prevent contaminants from entering the pressure tank; and
- e. The well production at Villa reached 97% of its capacity.⁶

5.23 During the investigation, the TCEQ investigator was not provided with the following documents from Barnett when requested:

- a. Villa's monthly reports of water works operation, distribution chlorine residual monitoring reports from September 2014 through September 2017, operator's calibration record for the disinfectant residual analyzers, and customer service inspections;
- b. A copy of Villa's service agreement;
- c. A copy of Villa's up-to-date plant operations manual;
- d. A copy of Villa's well meter calibration reports;
- e. A copy of Villa's sanitary condition assessment;
- f. A copy of Villa's interior and exterior pressure tank inspections;
- g. A copy of Villa's Emergency Preparedness Plan;
- h. Planning material for TCEQ approval for construction of Villa, including engineering reports;
- i. Villa's Sample Siting Plan;
- j. Villa's up-to-date system monitoring plan;
- k. A copy of Villa's accurate and up-to-date map of the distribution system; and
- n. planning report explaining how Villa will provide the expected service demands to the remaining areas within the boundaries of its area after exceeding TCEQ's minimum capacity requirements.

⁶This is based on 45 gpm of well production, 0.01 MG capacity of pressure tank, and 29 connections.

5.24 On September 24-October 12, 2018, TCEQ conducted a record review of Villa and documented that TCEQ did not receive the following reports from Barnett:

- a. SOC levels for the January 2014-December 2016 and January 2017-December 2017 monitoring periods;
- b. Metal and mineral levels for the January 2014-December 2016 monitoring period;
- c. Nitrate levels for the January-December 2016 and January-December 2017 monitoring periods;
- d. Nitrite levels for the January-December 2017 monitoring period;
- e. VOC levels for the January-December 2016 and January-December 2017 monitoring periods;
- f. Disinfectant byproduct levels for the January 2014-December 2016 monitoring period;
- g. Distribution lead and copper levels for the January 2015-December 2017 monitoring period;
- h. Villa's 2015 and 2016 CCR; and
- i. Villa's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Submit DLQRs for the second and third quarter of 2016;
 - ii. Report VOC levels for the January 2008-December 2010, January-December 2015, and January-December 2016 monitoring periods;
 - iii. Report nitrate levels for the January-December 2013, January-December 2014, January-December 2015, and January-December 2016 monitoring periods;
 - iv. Report nitrite levels for the January-December 2015 monitoring period;
 - v. Report SOC levels for the January 2011-December 2013 and January 2014-December 2016 monitoring periods;
 - vi. Report metal/mineral levels for the January 2008-December 2013, January-December 2013, and January 2014-December 2016 monitoring periods;

- vii. Report disinfectant byproduct levels for the January 2011-December 2013 and January 2014-December 2016 monitoring periods; and
- viii. Report radionuclide levels for the January 2008-December 2013 monitoring period.

5.25 From June 29-July 10, 2020, TCEQ conducted a record review of Villa and documented that TCEQ did not receive the following reports from Barnett:

- a. Cyanide levels for the January-December 2019 monitoring period;
- b. Metal/mineral levels for the January 2017-December 2019 monitoring period;
- c. Nitrate/nitrite levels for the January-December 2019 monitoring period;
- d. SOC levels for the January 2017-December 2019 monitoring period;
- e. Radionuclide levels for the January 2017-December 2019 monitoring period;
- f. VOC levels for the January-December 2019 monitoring period;
- g. DLQORs for the fourth quarter of 2019;
- h. Distribution lead and copper levels for the January-December 2018 monitoring period;
- i. Villa's consumer notice of lead tap water monitoring results to persons served at the taps tested during the January-December 2019 monitoring period;
- j. Villa's 2017 and 2018 CCR;
- k. Villa's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Submit DLQORs for the second quarter of 2018;
 - ii. Report distribution lead and copper levels for the January 2015-December 2017 and January-December 2018 monitoring periods;
 - iii. Report nitrate/nitrite levels for the January-December 2017 monitoring period;
 - iv. Report VOC levels for the January-December 2017 monitoring period; and

- v. Report SOC levels for the January 2015-December 2017 monitoring period.

5.26 On November 19, 2020, a TCEQ investigator visited Villa and observed the following:

- a. A section of the fence near the shed had loose barbed wire, and the fence was starting to come loose from the upper metal bar, leaving a gap;
- b. The pressure tank was missing a sight glass;
- c. The ownership sign at the water plant was faded and the phone number was illegible;
- d. The well at Villa was located within 150 feet of underground petroleum and chemical pipelines;
- e. There was mold on the entire exterior of the pressure tank; and
- f. There was no paved road to the well site.

5.27 During the investigation, the TCEQ investigator was not provided with the following documents from Barnett when requested:

- a. Villa's Sample Siting Plan;
- b. Villa's records of operation for at least five years providing results of microbiological analysis;
- c. Logs showing that flushing is being conducted on all dead-end mains monthly at Villa for the preceding two years;
- d. Villa's well completion data;
- e. A copy of Villa's drought contingency plan;
- f. Records of the amount of chemicals used and the volume of water treated and distributed at Villa;
- g. Villa's monitoring plan;
- h. Villa's disinfectant residual monitoring records for the preceding three years;

- i. Records showing that the accuracy of manual disinfectant residual analyzers is being verified at least every 90 days using chlorine solutions of known concentrations at Villa;
- j. A copy of Villa's plant operations manual;
- k. Accurate and up-to-date-as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at Villa;
- l. Planning material to TCEQ or documentation that Barnett sought approval for construction of the well and plant, and approval to use the well;
- m. A copy of Villa's interior and exterior tank inspections;
- n. A copy of Villa's service agreement;
- o. Copies of Villa's customer service inspection;
- p. A copy of Villa's up-to-date distribution map;
- q. A planning report explaining how Villa will provide the expected service demands to the remaining areas within the boundaries of its area after exceeding TCEQ's minimum capacity requirements;
- r. A copy of Villa's well meter calibration report; and
- s. A copy of Villa's Emergency Preparedness Plan.

5.28 On April 28, 2021, TCEQ verified that it did not receive PHS fees for Villa Utilities for fiscal years 1996 through 2021, for the TCEQ Financial Administration Account No. 91011183 totaling \$6,611.05.

TCEQ Investigations of Vista

5.29 On October 10-28, 2016, TCEQ conducted a record review of Vista and documented that TCEQ did not receive the following reports from Barnett:

- a. SOC levels for the January 2012-December 2014 monitoring period;
- b. Nitrite levels for the January-December 2015 monitoring period;

- c. Distribution lead and copper levels for the January-December 2015 monitoring period;
- d. Vista's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Submit DLQORs for the first quarter of 2015 and the second quarter of 2016;
 - ii. Conduct increased coliform monitoring for November 2015; and
 - iii. Report distribution lead and copper levels for the January-December 2015 monitoring period.

5.30 On October 11, 2017, a TCEQ investigator conducted an onsite investigation at Vista and observed the following:

- a. There was no flow meter device installed on the well discharge line;
- b. There was a hole between the ground and the slab that the pressure tank sits on at the well site;
- c. There was peeling paint on the pressure tank;
- d. The PWS's sign was not in plain view of the public;
- e. The barbed wire on the fence was sagging;
- f. Vista had 25 connections, but Barnett did not submit any evidence that Vista had been modified to maintain a well capacity of 1.5 gpm per connection;⁷
- g. The well capacity had reached 114% of its capacity;

5.31 During the investigation, the TCEQ investigator was not provided with the following documents from Barnett when requested:

- a. A copy of Vista's interior and exterior pressure tank inspections;
- b. A copy of Vista's service agreement;

⁷ During an investigation on May 21, 2013, a TCEQ investigator documented that Vista provided 32 gpm, below the 37 gpm required for its 25 connections. The 2016 Default Judgment required Barnett to provide additional well capacity at Vista by July 21, 2016 and submit proof to TCEQ that the well capacity at Vista was at least 1.5 gpm per connection by August 5, 2016.

- c. Documentation that previously observed leaks at Vista have been repaired;
- d. A map of Vista's distribution system;
- e. Records demonstrating the dead-end lines are being flushed at Vista a minimum of once a month;
- f. A copy of Vista's monitoring plan;
- g. A copy of Vista's plant operations manual;
- h. Planning material to TCEQ or documentation that Barnett sought approval for construction of the well and plant and approval to use the well;
- i. Copies of Vista's monthly reports of water works operation, distribution chlorine residual monitoring reports, operator's calibration record for the disinfectant residual analyzers, and customer service inspections; and
- j. A copy of Vista's sanitary control easement.

5.32 On September 24-October 5, 2018, TCEQ conducted a record review of Vista and documented that TCEQ did not receive the following reports from Barnett:

- a. SOC levels for the January 2014-December 2016, January 2015-December 2017, and January-December 2017 monitoring periods;
- b. Metal/mineral levels for the January 2014-December 2016 monitoring period;
- c. Nitrate levels for the January-December 2016 and January-December 2017 monitoring periods;
- d. Nitrite levels for the January-December 2017 monitoring period;
- e. VOC levels for the January-December 2016 and January-December 2017 monitoring periods;
- f. Disinfectant byproduct levels for the January 2014-December 2016 monitoring period;
- g. Distribution lead and copper levels for the January-December 2016; January-June 2017 and July-December 2017 monitoring periods;
- h. Vista's 2016 CCR; and

- i.** Vista's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i.** Report distribution lead and copper levels for the January-December 2016 and January-June 2017 monitoring periods;
 - ii.** Submit DLQORs for the second and third quarters of 2016;
 - iii.** Report nitrate levels for the January-December 2014, January-December 2015, and January-December 2016 monitoring periods;
 - iv.** Report VOC levels for the January-December 2015 and January-December 2016 monitoring periods;
 - v.** Report nitrite levels for the January-December 2015 monitoring period;
 - vi.** Report metal/mineral levels for the January 2014-December 2016 monitoring period;
 - vii.** Report SOC levels for the January 2012-December 2014 and January 2014-December 2016 monitoring periods; and
 - viii.** Report disinfectant byproduct levels for the January 2014-December 2016 monitoring period.

5.33 From July 13-24, 2020, TCEQ conducted a record review of Vista and documented that TCEQ did not receive the following reports from Barnett:

- a.** Cyanide levels for the January-December 2018 monitoring period;
- b.** Metal/mineral levels for the January 2017-December 2019 monitoring period;
- c.** Nitrate and nitrite levels for January-December 2018 and January-December 2019 monitoring periods;
- d.** SOC levels for the January 2017-December 2019 monitoring period;
- e.** Radionuclide levels for the January 2014-December 2019 monitoring period;
- f.** VOC levels for January-December 2018 and January-December 2019 monitoring periods;
- g.** DLQORs for the fourth quarter of 2019 and first quarter of 2020;

- h. Vista's consumer notice of lead tap water monitoring results to persons at the sites that were tested during July-December 2018 monitoring period;
- i. Vista's 2018 CCR; and
- j. Vista's signed certificate of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Report distribution lead and copper levels for the January-June 2018 monitoring period; and
 - ii. Report nitrite levels for the January-December 2018 monitoring period.

5.34 On November 19, 2020, a TCEQ investigator conducted an on-site investigation at Vista and documented the following:

- a. There were vines growing on and over the top of the water plant fences, and grass and weeds growing up around the fence perimeter and inside the plant;⁸
- b. The hinges on the locked fence gate were not secured to the metal post, allowing the gate to be opened;
- c. The pressure tank did not have an ASME name plate or access port;
- d. The chlorine residual in distribution was measured at 0.11 mg/L free chlorine at the flush valve in the 8800 block of Lennie Lane;⁹
- e. Logs showed that flushing was being conducted at monthly intervals at all dead-end mains at Vista, but the location marked on the logs was "2' main line." This location could not be matched up with the location on the distribution map;
- f. A flow meter was installed at the well discharge line, but investigators could not determine whether the meter was functional;
- g. An exterior inspection report for the pressure tank, dated March 11, 2020 was provided marking all applicable items on the checklist as "ok." The report did not list the date of the last interior inspection;
- h. Sample customer service agreements were provided to the investigators, but an outdated lead amount of 8% for pipes and pipe fittings were included;

⁸ TCEQ confirmed that the vegetation had been removed on January 6, 2021.

⁹ Barnett submitted documentation showing that the chlorine residual concentration had been brought up to 0.68 mg/L on November 19, 2020.

- i. A copy of Vista's distribution map was provided, but locations on the map were marked but unlabeled;
- j. The rated capacity of the well pump was 32 gpm;
- k. Vista had 30 connections and was now required to provide a well capacity of 45 gpm;
- l. Well production had reached 117% of its capacity;
- m. The pressure tank's coating was peeling from its side, end, and bottom surfaces;
- n. There was a hole in the ground near the northeast corner of the water plant fence, which was partially located under the east edge of the concrete slab supporting the pressure tank;
- o. The barbed wire on the fence around the water plant was loose and not strung in parallel on the fence's support arms;
- p. The ownership sign at Vista was low to the ground and not plainly visible from the road; and
- q. A copy of Vista's monitoring plan was provided, but it did not include information for chemical sampling.

5.35 During the investigation, the TCEQ investigator was not provided with the following documents from Barnett which were requested:

- a. Vista's Sample Siting Plan;
- b. Records of operation for at least five years providing results of Vista's microbiological analysis;
- c. Vista's well completion data;
- d. A copy of Vista's drought contingency plan;
- e. Records showing that the accuracy of manual disinfectant residual analyzers is being verified at least every 90 days using chlorine solutions of known concentrations at Vista;
- f. A copy of Vista's plant operations manual;
- g. 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;

- h. Planning material to TCEQ or documentation that Barnett sought approval for construction of the well and plant and approval to use the well;
- i. Copies of Vista's customer service inspections;
- j. A planning report explaining how Vista will provide the expected service demands to the remaining areas within the boundaries of its area after exceeding TCEQ's minimum capacity requirements; and
- k. Vista's annual backflow prevention assembly test reports for the last three years.

5.36 On April 28, 2021, TCEQ verified that it did not receive PHS fees for the TCEQ Financial Administration Account No. 90360026 in relation to Vista, for the fiscal years 2000 through 2021, totaling \$5,944.11.

TCEQ Investigations of J&L

5.37 From December 27-30, 2016, TCEQ conducted a record review of J&L and documented that TCEQ did not receive the following reports from Barnett:

- a. DLQORs for the second and third quarter of 2016;
- b. Distribution lead and copper levels for the January 2013-December 2015 and January-December 2015 monitoring periods;
- c. SOC levels for the January 2012-December 2014 monitoring period;
- d. J&L's 2015 TCR; and
- e. J&L's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Submit DLQORs for the first quarter of 2015;
 - ii. Report distribution lead and copper levels for the January 2013-December 2015 monitoring period;
 - iii. Report SOC levels for the January 2011-December 2013 and January 2012-December 2014 monitoring periods;

- iv. Report metal/mineral levels for the January 2008-December 2013 and January 2011-December 2013 monitoring periods;
- v. Report radionuclide levels for the January 2008-December 2013 monitoring period; and
- vi. Report disinfectant byproduct levels for the January 2011-December 2013 monitoring period.

5.38 On October 11, 2017, a TCEQ investigator conducted an on-site investigation and documented the following:

- a. A tree was sagging over the pressure tank; and
- b. The pressure tanks were not cleaned and repaired.

5.39 After the investigation, the TCEQ investigator was not provided with the following documents from Barnett when requested:

- a. A copy of J&L's distribution system map;
- b. J&L's up-to-date system monitoring plan;
- c. A copy of J&L's service agreement;
- d. Records demonstrating J&L's dead-end lines are being flushed a minimum of once a month;
- e. A copy of J&L's well flow meter calibration report;
- f. A copy of J&L's plant operations manual;
- g. A copy of J&L's exterior pressure tank inspection reports;
- h. Permitting material to TCEQ or documentation that Barnett sought approval for construction of the well and plant and approval to use the well;
- i. J&L's Emergency Preparedness Plan;
- j. Copies of J&L's monthly reports of water works operations, distribution chlorine residual monitoring reports from September 2014 through September 2017, operator's calibration record for the disinfectant residual analyzers and provide Customer Service Inspections; and

k. Copies of J&L's Sample Siting Plan.

5.40 On September 24-October 26, 2018, TCEQ conducted a record review of J&L and documented that TCEQ did not receive the following reports from Barnett:

- a. SOC levels for the January 2014-December 2016 and January 2015-December 2017 monitoring periods;
- b. Metal/mineral levels for the January 2014-December 2017 monitoring period;
- c. Nitrate levels for the January-December 2016 and January-December 2017 monitoring periods;
- d. Nitrite levels for the January-December 2017 monitoring period;
- e. VOC levels for the January-December 2016 and January-December 2017 monitoring periods;
- f. DLQORs for the second quarter of 2018;
- g. Disinfectant byproduct level for the January 2014-December 2016 monitoring period;
- h. Distribution lead and copper levels for the January-June 2017 and July-December 2017 monitoring periods;
- i. J&L's 2016 CCRs and
- j. J&L's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Submit DLQORs for the second and third quarters of 2016;
 - ii. Distribution lead and copper levels for the January-December 2016 and January-June 2017 monitoring periods;
 - iii. Nitrate reports for the January-December 2015 and January-December 2016 monitoring periods;
 - iv. VOC levels for the January-December 2015 and January-December 2016 monitoring periods;
 - v. SOC levels for the January 2014-December 2016 monitoring period;

- vi. Metal and mineral levels for the January 2014-December 2016 monitoring period; and
- vii. Disinfectant byproducts levels for the January 2014-December 2016 monitoring period.

5.41 On October 17, 2018, a TCEQ investigator conducted an onsite investigation at J&L and documented the following:

- a. There was a large amount of sediment in the water sample from the well at J&L and from the flush valve in J&L's distribution system collected by the investigator;
- b. Sand was observed on the concrete sealing block beneath the blow-off line at the well site, and the operator stated to the investigator that the well had been progressively pumping more sand for several months;
- c. The investigator observed a hydraulic dead-end on J&L's distribution map at the intersection of Sjolander Road and Ten Lane.¹⁰ These locations are required to be flushed, but the distribution system only has one flush valve located on Sjolander Road towards East Cedar Bayou Lynchburg Road.

5.42 On April 1, 2019, TCEQ investigators conducted an onsite investigation at J&L in response to a customer complaint alleging brown, sandy, muddy and chalky water and documented the following:

- a. The well at J&L had not been functioning since March 29, 2019. TCEQ received notice that the well was repaired, and water was restored on April 3, 2019.
- b. At the time of the investigation, Barnett was aware that there was a water outage and low water pressure. On April 1, 2019, Barnett provided the boil water notice door-to-door to customers of J&L. On May 2, 2019, TCEQ confirmed that it did not receive a copy of the boil water notice from Barnett.

5.43 From July 13-24, 2020, TCEQ conducted a record review of J&L and documented that TCEQ did not receive the following reports from Barnett:

¹⁰ A hydraulic dead-end in a water distribution system is a point in the distribution that is only fed from one end and does not connect back into the main water line. These are required to be flushed.

- a. Cyanide levels for the January-December 2019 monitoring period;
- b. Metal/mineral levels for January 2017-December 2019 monitoring period;
- c. Nitrate and nitrite levels for the January-December 2018 and January-December 2019 monitoring periods;
- d. Radionuclide levels for the January 2014-December 2019 monitoring period;
- e. VOC levels for the January-December 2018 and January-December 2019 monitoring periods;
- f. Distribution lead and copper levels for the January-June 2018, July-December 2018, January-June 2019, and July-December 2019 monitoring periods;
- g. SOC levels for the January 2017-December 2019 monitoring period;
- h. J&L's 2017 and 2018 CCR; and
- i. J&L's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:
 - i. Report distribution lead and copper reports for the July-December 2017, January-June 2018, and July 2018-December 2018 monitoring periods;
 - ii. Submit DLQORs for the second quarter of 2018;
 - iii. Report VOC levels for the January-December 2017 monitoring period;
 - iv. Report SOC levels for the January 2015-December 2017 monitoring period; and
 - v. Report nitrate/nitrite reports for the January-December 2017 monitoring period.

5.44 On November 19, 2020, a TCEQ investigator conducted an onsite investigation at J&L and documented that J&L no longer meets the definition of an active PWS because it does not have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. At the time of the investigation, the water plant was shut down and all residents previously served by the system now had their own wells.

5.45 On April 28, 2021, TCEQ verified that it did not receive PHS fees for J&L for fiscal years 2000 through 2021, for the TCEQ Financial Administration Account No. 91011684 totaling \$3,599.85.

VI. VIOLATIONS AT REED ESTATES

Failure to Maintain Facilities in a Watertight Condition

6.1 30 Tex. Admin. Code § 290.46(m)(4) requires a PWS 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, a TCEQ investigator observed a leaking Schrader valve located at the well discharge line at Reed and that the chlorine injection point was leaking on the water line leading to the pressure tank. On November 19, 2020, a TCEQ investigator verified that TCEQ had not received documentation showing that the Schrader valve had been repaired. Therefore, Barnett violated 30 Tex. Admin. Code § 290.42(m)(4) and Tex. Water Code § 7.101 at Reed on at least October 11, 2017 and potentially even longer.

Failure to Properly Maintain the Facilities

6.2 30 Tex. Admin. Code § 290.46(m) requires a PWS to ensure the good working condition and general appearance of its facilities and equipment. This includes maintaining pumps, motors, valves, and other mechanical devices in good working condition. *Id.* § 290.46(m)(6). During the October 11, 2017 investigation at Reed, a TCEQ investigator observed that the well casing was covered in mold and corrosion; the exterior of the pressure tank was covered in mold; the pressure gauge on the pressure tank read zero psi while there was pressure existing in the distribution system, indicating that the pressure gauge was not working; and the fence around the PWS had vegetation growing through the barbed wire and chain link fencing. During the November 19, 2020 investigation, a TCEQ investigator observed that there was a crack in the

concrete sealing block at the well; the well casing had discoloration on the east side that appeared to be mold; there was mildew on the exterior of the pressure tank on the east side; and the fence around the plant still had vegetation growing through the barbed wire and chain link fencing. Therefore, Barnett has violated 30 Tex. Admin. Code § 290.46(m) and Tex. Water Code § 7.101 at Reed from at least October 11, 2017, to the present.

Failure to Maintain Adequate Fencing

6.3 30 Tex. Admin. Code § 290.42(m) requires each water treatment plant and all appurtenances at a PWS to be enclosed by an intruder-resistant fence. An intruder resistance fence must be at least six feet tall and must have three strands of barbed wire across the top of the fence at a 45-degree angle. *Id.* § 290.38(41). On October 11, 2017, a TCEQ investigator documented that the PWS's fence did not have any barbed wire installed across the top of the fence. During the November 19, 2020 investigation, a TCEQ investigator documented that there was loose barbed wire on the top of the fence line and portions of the fence were missing. Therefore, Barnett violated 30 Tex. Admin. Code § 290.42(m) and Tex. Water Code § 7.101 at Reed on at least October 11, 2017 and November 19, 2020.

Failure to Provide Adequate Well Capacity

6.4 30 Tex. Admin. Code § 290.45(b)(1)(A)(i) requires a PWS with fewer than 50 connections to provide a well capacity of 1.5 gpm per connection. Reed has 32 service connections. Therefore, Reed is required to provide a total well capacity of 48 gpm (1.5 gpm per connection x 32 connections = 48 gpm). During an investigation on February 18, 2015, a TCEQ investigator documented that the well production capacity was only 40 gpm per connection. Barnett was required to provide additional well capacity by the 2016 Default Judgment. During the October 17, 2017 and November 19, 2020 investigations, the TCEQ investigator documented

that Reed still had 32 service connections, so it was required to provide a well capacity of 48 gpm. However, the investigator documented that Barnett had not submitted any evidence that Reed had been modified to maintain a well capacity of 1.5 gpm per connection. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.45(b)(1)(A)(i) and Tex. Water Code § 7.101 at Reed each day from at least October 11, 2017, to present.

Failure to Provide Adequate Pressure Tank Capacity

6.5 A PWS using groundwater with fewer than 50 connections and no ground storage must provide a pressure tank capacity of 50 gallons per connection. 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii). Reed is required to provide 1600 gallons total.¹¹ During an investigation on October 11, 2017, a TCEQ investigator documented that Reed provided a total pressure tank capacity of only 1500 gallons for its 32 connections, making it short a total of 100 gallons. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii) and Tex. Water Code § 7.101 at Reed each day from at least October 11, 2017, to present.

Failure to Produce Results of Microbiological Analyses

6.6 A PWS must retain results of microbiological analyses for at least five years. 30 Tex. Admin. Code § 290.46(f)(3)(D)(i). On or about November 19, 2020, Barnett could not produce records of microbiological analyses for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(D)(i) and Tex. Water Code § 7.101 at Reed on at least November 19, 2020.

Failure to Produce Records of Chemicals Used and Volume of Water Treated

A PWS must maintain a record of the amount of chemicals used and the volume

¹¹This is calculated by multiplying the required number of gallons per connection by the number of connections (50 gallons x 32 connections).

of water treated and distributed for at least two years. 30 Tex. Admin. Code § 290.46(f)(3)(A)(i) and (ii). On or about November 19, 2020, Barnett could not produce records of the amount of chemicals used and the volume of water treated and distributed for 2019 and 2020 for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code §§ 290.46(f)(3)(A)(i) and (ii) and Tex. Water Code § 7.101 at Reed on at least November 19, 2020.

Failure to Produce a Plant Operations Manual

6.8 30 Tex. Admin. Code § 290.42(l) requires a PWS to compile and maintain an up-to-date plant operations manual for operator review and reference. On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of the plant operations manual for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.42(l) and Tex. Water Code § 7.101 at Reed on at least October 11, 2017 and November 19, 2020.

Failure to Produce Records of Disinfectant Residual Monitoring Results

6.9 A PWS must retain copies of disinfectant residual monitoring results from the distribution system for at least three years. 30 Tex. Admin. Code § 290.46(f)(3)(B)(iii). On or about November 19, 2020, Barnett could not provide records of disinfectant residual monitoring results for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(B)(iii) and Tex. Water Code § 7.101 at Reed on at least November 19, 2020.

Failure to Produce Well Completion Data

6.10 30 Tex. Admin. Code § 290.46(n)(3) requires a PWS using groundwater to maintain well completion data on file for as long as the well remains in service. Well completion data includes copies of sanitary control easements or a TCEQ-approved exception. *Id.*

§ 290.41(c)(3)(A).¹² On or about October 11, 2017 and November 19, 2020, Barnett could not produce records of sanitary control easements or other well completion data for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.41(c)(3)(F) and Tex. Water Code § 7.101 at Reed on at least October 11, 2017 and November 19, 2020.

Failure to Produce an up-to-date System Monitoring Plan

6.11 30 Tex. Admin. Code § 290.121(a) requires a PWS to maintain an up-to-date chemical and microbiological monitoring plan. A copy of the monitoring plan must be maintained at each water treatment plant and at a central location. *Id.* On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of the monitoring plan for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.121(a) and Tex. Water Code § 7.101 at Reed on at least October 11, 2017 and November 19, 2020.

Failure to Produce a Sample Siting Plan

6.12 A PWS must maintain a Sample Siting Plan, as required by 30 Tex. Admin. Code § 290.109(d), as part of its chemical and microbiological monitoring plan. 30 Tex. Admin. Code § 290.121(b)(3). The Siting Plan must include a list of all routine and repeat microbial sample sites. *Id.* A PWS is required to maintain a copy of the Sample Siting Plan for at least ten years and be available to TCEQ upon request. *Id.* § 290.46(f)(3)(E)(ix). On or about November 19, 2020, Barnett could not produce a copy of the Sample Siting Plan for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(E)(ix) and Tex. Water Code § 7.101 at Reed on at least one day for each record Barnett failed to make available to TCEQ

¹² Well completion data also includes a driller's log, a cementing certificate, the results of a 36-hour pump test, the results of the microbiological and chemical analyses required by 290.41(c)(3)(F) and (G), a legible copy of recorded data within 150 feet of the well, a copy of the US geological survey showing the accurate well location, and a map demonstrating the well location in relation to surrounding property boundaries. 30 Tex. Admin. Code § 290.41(c)(3)(A).

upon request.

Failure to Produce Engineering Plans and Maps

6.13 30 Tex. Admin. Code § 290.46(n)(1) requires that a PWS maintain an accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the PWS and be available to the TCEQ upon request. On or about October 11, 2017 and November 19, 2020, Barnett could not 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 to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(n)(1) and Tex. Water Code § 7.101 at Reed on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records of Dead-End Main Flushing

6.14 A PWS must flush all dead-end mains at monthly intervals. 30 Tex. Admin. Code § 290.46(l). Records of the dates that dead-end mains were flushed must be retained for at least two years. *Id.* § 290.46(f)(3)(A)(iv). Additionally, these records must be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017 and November 19, 2020, Barnett could not produce records of dead-end main flushing for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2) and Tex. Water Code § 7.101 at Reed on at least one day for each missing record.

Failure to Produce Records of the Interior and Exterior Pressure Tank Inspections

6.15 30 Tex. Admin. Code § 290.46(m)(1) requires a PWS to conduct annual inspections of each of the system's ground, elevated, and pressure tanks. A PWS must maintain the records of tank inspections for at least five years. *Id.* § 290.46(f)(3)(D)(ii). Additionally, these records must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2).

On or about October 11, 2017 and November 19, 2020, Barnett could not produce records of interior and exterior tank inspections for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2) and Tex. Water Code § 7.101 at Reed on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Map of the Distribution System

6.16 30 Tex. Admin. Code § 290.46(n)(2) requires a PWS to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. The distribution maps must be maintained on file at a PWS and be available to the TCEQ upon request. *Id.* § 290.46(n). On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of the distribution system map for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(n) and Tex. Water Code § 7.101 at Reed on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to make the Facility's Operating Records Accessible for Review During Inspection

6.17 30 Tex. Admin. Code § 290.46(f)(2) requires a PWS to make its operating records accessible for review during inspections and be available to the TCEQ upon request. On or about October 11, 2017, Barnett could not provide the following records for Reed to a TCEQ investigator upon request: monthly reports of water works operations; distribution chlorine residual monitoring reports from September 2014 through September 2017; operator's calibration record for the disinfectant residual analyzers; and customer service inspections. On or about November 19, 2020, Barnett could not produce copies of customer service inspections or records showing that the accuracy of manual disinfectant residual analyzers is being verified at least every 90 days using chlorine solutions of known concentrations to a TCEQ investigator upon request. Therefore,

Barnett violated 30 Tex. Admin. Code § 290.46(f)(2) and Tex. Water Code § 7.101 at Reed on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Service Agreement

6.18 30 Tex. Admin. Code § 290.46(i) requires a PWS to adopt a service agreement with provisions for proper enforcement to ensure unacceptable plumbing practices are not permitted. The service agreement must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of the service agreement for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(i) and Tex. Water Code § 7.101 at Reed on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records on Well Calibration

6.19 30 Tex. Admin. Code § 290.46(f)(3)(B)(iv) requires a PWS to calibrate its well meters at least once every three years. The calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers must be maintained for at least three years. *Id.* § 290.46(f)(3)(B)(iv). The calibration records must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 17, 2017 and November 19, 2020, Barnett could not produce well calibration records for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(B)(iv) and Tex. Water Code § 7.101 at Reed on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Drought Contingency Plan

6.20 30 Tex. Admin. Code § 288.30(5)(B) requires retail public water suppliers to adopt a drought contingency plan that complies with the requirements set forth in 30 Tex. Admin. Code

§§ 288.20–22. The drought contingency plan must be available to the TCEQ on request. *Id.* § 288.30(5)(B). On or about November 19, 2020, Barnett could not produce a copy of the drought contingency plan for Reed to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 288.30(5)(B) at Reed on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Submit an Emergency Preparedness Plan

6.21 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 TCEQ for its approval an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations. 30 Tex. Admin. Code § 290.39(o)(1); Tex. Water Code § 13.1395(a)(1)(A) and (b)(2). During the investigations on October 11, 2017 and November 19, 2020, a TCEQ investigator confirmed that Barnett had not submitted an Emergency Preparedness Plan to TCEQ. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.39(o)(1) and Tex. Water Code § 7.101 at Reed from at least October 11, 2017, to present.

Failure to Submit a Planning Report After Exceeding 85% Capacity

6.22 30 Tex. Admin. Code § 291.93(3) requires a retail public utility that has reached 85% of its capacity requirements as compared to the most restrictive minimum capacity requirements applicable to the PWS to submit to TCEQ a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area. The planning report should be filed within 90 days after TCEQ notifies the PWS that it has exceeded 85% of its minimum capacity. *Id.* § 291.93(3)(A). On October 11, 2017 and November 19, 2020, the TCEQ investigator documented that Reed had reached 100% of its well production capacity. During the investigations, the investigator

documented that TCEQ has not received planning reports that explain how Reed would provide adequate capacity to meet expected service demands when the system has reached at least 80% of its capacity. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 291.93⁽³⁾ and Tex. Water Code § 7.101 from at least October 11, 2017, to present.

Failure to Submit Planning Material to TCEQ Before Construction of a PWS

6.23 No person may begin construction or modifications to a PWS without providing notification to the TCEQ and submitting and receiving approval of plans and specifications if requested. 30 Tex. Admin. Code § 290.39(h)(1). A PWS must submit engineering reports for new water systems and when design or capacity deficiencies are identified in an existing system as part of the planning material. *Id.* § 290.39(e)(1). During the investigations on October 11, 2017 and November 19, 2020, a TCEQ investigator confirmed that Barnett had not submitted plans and specifications or engineering reports to TCEQ to Reed. Therefore, Barnett continuously violated 30 Tex. Admin. Code §§ 290.39(h)(1) and 290.39(e)(1) and Tex. Water Code § 7.101 at Reed from at least October 11, 2017, to present.

Failure to Submit an Annual CCR

6.24 A PWS is required to 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. 30 Tex. Admin. Code § 290.271(a) and (b). 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(c). As provided in Section V, TCEQ did not receive Reed's annual CCR for 2015, 2016, and 2018. Therefore, Barnett violated 30 Tex. Admin. Code § 290.274(c) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report Cyanide Levels to the TCEQ

6.25 30 Tex. Admin. Code § 290.106(c)(4)(A)(i) requires a PWS to routinely monitor for inorganic contaminants, including cyanide, at each groundwater entry point every three years. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit Reed's report for cyanide for the January 2012-December 2014 and January 2015-December 2017 monitoring periods (2 reports). Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report SOC Levels to the TCEQ

6.26 30 Tex. Admin. Code § 290.107(c)(1)(C)(i) requires a PWS to take four consecutive quarterly samples for each SOC contaminant during each compliance period. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.107(e). As provided in Section V, Barnett failed to submit to TCEQ Reed's 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). Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report VOC Levels to the TCEQ

6.27 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) requires a PWS to take four consecutive quarterly samples for each VOC contaminant during each compliance period, beginning with the initial compliance period. If the PWS did not detect any VOC contaminant, the system must take one VOC sample annually after the initial compliance period. *Id.* § 290.107(c)(2)(C)(ii). The owner or operator of a PWS must ensure that the TCEQ is provided

with a copy of the results of the test, measurement, or analysis. *Id.* § 290.107(e). As provided in Section V, Barnett failed to submit to TCEQ Reed's VOC levels for the January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods (4 reports). Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report Metal and Mineral Levels to the TCEQ

6.28 30 Tex. Admin. Code § 290.106(c)(4)(A)(i) requires a PWS to routinely monitor for metals and minerals at each groundwater entry point every three years. TCEQ may increase the monitoring frequency for metals and minerals for PWS using groundwater sources. *Id.* § 290.106(c)(9). The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit to TCEQ Reed's metal and mineral levels for the January 2008-December 2013; January 2014-December 2016; and January 2017-December 2019 monitoring periods (3 reports). Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report Radionuclide Levels to the TCEQ

6.29 30 Tex. Admin. Code § 290.108 requires a PWS to ensure that the drinking water does not contain concentrations of radionuclides in excess of MCL. The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.108(e). As provided in Section V, Barnett failed to submit to TCEQ Reed's radionuclides levels for the January 2008-December 2013 and January 2014-December 2019 monitoring periods (2 reports). Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report Nitrate and Nitrite Levels to the TCEQ

6.30 30 Tex. Admin. Code § 290.106(c)(6) requires a PWS to monitor for nitrate and nitrite.¹³ The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit to TCEQ Reed's nitrate and/or nitrite levels for the January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report Disinfectant Byproduct Levels to the TCEQ

6.31 30 Tex. Admin. Code § 290.115(b)(1)(A) requires a PWS to comply with the MCL for TTHM of 0.080 mg/L. The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.115(e)(1). As provided in Section V, Barnett failed to submit to TCEQ Reed's TTHM levels for the January 2014-December 2016 monitoring period (1 report). Therefore, Barnett violated 30 Tex. Admin. Code § 290.115(e)(1) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report DLQOR to the TCEQ

6.32 30 Tex. Admin. Code § 290.110(a) requires a PWS to properly disinfect water before it is distributed to the customers and maintain acceptable disinfectant residuals within the distribution system. The disinfectant levels are verified through periodic sampling and analysis of the drinking water. *Id.* § 290.110(c). A PWS that uses groundwater must submit to TCEQ a

¹³ A PWS must monitor for nitrate annually. 30 Tex. Admin. Code § 290.106(c)(6)(A)(i). A PWS must monitor for nitrite once during each nine-year compliance cycle at the time designated by TCEQ. *Id.* § 290.106(c)(7)(A). The TCEQ may increase the monitoring frequency for community water systems using groundwater sources. *Id.* § 290.106(c)(9).

Disinfection Level Quarterly Operating Report (“DLQOR”) for each quarter. *Id.* § 290.110(e)(4)(A). As provided in Section V, Barnett failed to submit a DLQOR to the TCEQ for the second quarter of 2018, the fourth quarter of 2019, and the first quarter of 2020 (reports). Therefore, Barnett violated 30 Tex. Admin. Code § 290.110(e)(4)(A) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Report Lead and Copper Levels to the TCEQ

6.33 30 Tex. Admin. Code § 290.117(c) requires a PWS to collect lead and copper tap samples from each approved sampling site. A PWS must report lead and copper tap sample results to TCEQ. *Id.* § 290.117(i). As provided in Section V, Barnett failed to submit Reed’s reports for lead and copper levels for the January 2015-December 2017; January-December 2018; and January-December 2019 monitoring periods (3 reports). Therefore, Barnett violated 30 Tex. Admin. Code § 290.117(i) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Provide TCEQ with Consumer Notification of Lead and Copper Levels.

6.34 All PWSs must also provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested within 30 days after the system receives the tap sampling results. 30 Tex. Admin. Code § 290.117(j)(1). The system must also mail a sample copy of the consumer notification of tap results to TCEQ no later than three months following the end of the monitoring period. *Id.* § 290.117(i)(6). As provided in Section V, TCEQ investigators documented that Barnett did not submit to TCEQ a copy of Reed’s consumer notice of lead tap water monitoring results to persons served at the taps tested during the January-December 2014 monitoring period (1 report). Therefore, Barnett violated 30 Tex. Admin. Code § 290.117(i)(6) and Tex. Water Code § 7.101 at Reed on at least one day for each missing report.

Failure to Provide TCEQ with Public Notices Regarding Routine Monitoring

6.35 30 Tex. Admin. Code § 290.122(c) and (f) require an owner and operator of a PWS to submit to TCEQ a copy of any public notice accompanied by a signed certificate when the system fails to perform any of the required monitoring or reporting. As provided in Section V, Barnett failed to submit to TCEQ Reed's signed certificates of delivery certifying that public notices were issued for Barnett's failure to:

- a. Submit DLQORs for the fourth quarter of 2014, the first quarter of 2015, and the second and third quarters of 2016;
- b. Report nitrate levels for the January-December 2014, January-December 2015 and January-December 2016 monitoring periods;
- c. Report cyanide levels for the January 2010-December 2012 and January 2015-December 2017 monitoring periods;
- d. Report SOC levels for the January 2012-December 2014 and January 2014-December 2016 monitoring periods;
- e. Report VOC levels for the January-December 2015 and January-December 2016 monitoring periods;
- f. Report disinfectant product levels for the January 2014-December 2016 monitoring period;
- g. Report metal and mineral levels for the January 2014-December 2016 monitoring period; and
- h. Report distribution lead and copper levels for the January-December 2018 monitoring period.

Therefore, Barnett violated 30 Tex. Admin. Code § 290.122(c) and (f) and Tex. Water Code § 7.201(c) at Reed on at least one day for each missing certificate.

VII. VIOLATIONS AT VILLA UTILITIES

Failure to Properly Maintain the Facilities

7.1 30 Tex. Admin. Code § 290.46(m) requires a PWS to ensure the good working

condition and general appearance of its facilities and equipment. During the October 11, 2017 investigation at Villa, a TCEQ investigator observed that the exterior of the pressure tank was covered in mold, rust, and peeling paint. During the November 19, 2020 investigation at Villa, a TCEQ investigator observed mold on the entire exterior of the pressure tank. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.46(m) and Tex. Water Code § 7.101 at Villa from at least October 11, 2017, to present.

Failure to Maintain Adequate Fencing

7.2 30 Tex. Admin. Code § 290.42(m) requires each water treatment plant and all appurtenances at a PWS to be enclosed by an intruder-resistant fence. An intruder resistance fence must be at least six feet tall and must have three strands of barbed wire across the top of the fence at a 45-degree angle. *Id.* § 290.38(41). On November 19, 2020, a TCEQ investigator documented that a section of the fence near the shed had loose barbed wire, and the fence was starting to come loose from the upper metal bar, leaving a gap. Therefore, Barnett violated 30 Tex. Admin. Code § 290.42(m) and Tex. Water Code § 7.101 at Villa on at least November 19, 2020.

Failure to Provide a Well Casing Vent

7.3 A well that is used as a public water supply source must have a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen to minimize the drawing of contaminants into the well. 30 Tex. Admin. Code § 290.41(c)(3)(K). During the TCEQ investigation on October 11, 2017, the TCEQ investigator observed that there the well casing vent did was not covered with 16-mesh or finer corrosion-resistant screening material. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.41(c)(3)(K) and Tex. Water Code § 7.101 at Villa from at least October 11, 2017, to present.

Failure to Provide an All-Weather Access Road

7.4 30 Tex. Admin. Code § 290.41(c)(3)(P) requires a PWS to provide an all-weather access road to each well site. During investigations on October 11, 2017 and November 19, 2020, a TCEQ investigator observed that there was no all-weather access road to the well site. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.121(c)(3)(P) and Tex. Water Code § 7.101 from at least October 11, 2017, to present.

Failure to Maintain the Air-Water-Volume at the Design Water Level and Working Pressure

7.5 30 Tex. Admin. Code § 290.43(d)(3) requires a PWS to maintain the air-water-volume at the design water level and working pressure. A PWS with pressure tanks must equip air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank. *Id.* On October 11, 2017, a TCEQ investigator observed that the pressure tank injection line was not equipped with devices to prevent contaminants from entering the pressure tank. During the investigation on November 19, 2020, a TCEQ investigator documented that the pressure tank was missing a sight glass, which would not allow Barnett to adequately monitor the air-water-volume in the pressure tank at the design water level and working pressure. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.43(d)(3) and Tex. Water Code § 7.101 at Villa from at least October 11, 2017, to present.

Failure to Locate Wells 150 Feet from Underground Petroleum and Chemical Pipelines

7.6 A PWS well may not be located within 150 feet of underground petroleum and chemical storage tank or pipelines. 30 Tex. Admin. Code § 290.41(c)(1)(A). During the investigation on November 19, 2020, a TCEQ investigator documented that the well at Villa was located within 150 feet of underground petroleum and chemical pipelines. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.41(c)(1)(A) and Tex. Water Code § 7.101 at

Villa from at least November 19, 2020, to present.

Failure to Post a Legible Sign at the PWS

7.7 A PWS must post a legible sign located in plain view, providing the name of its water supply and an emergency telephone number where a responsible official can be contacted. 30 Tex. Admin. Code § 290.46(t). During the investigation on November 19, 2020, the TCEQ investigator documented that the ownership sign at the water plant was faded and the phone number was illegible. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.46(t) at Villa from at least November 19, 2020, to present.

Failure to Produce Results of Microbiological Analyses

7.8 A PWS must retain results of microbiological analyses for at least five years. *Id.* § 290.46(f)(3)(D)(i). On or about November 19, 2020, Barnett could not produce records of microbiological analyses for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(D)(i) and Tex. Water Code § 7.101 at Villa on at least November 19, 2020.

Failure to Produce a Plant Operations Manual

7.9 30 Tex. Admin. Code § 290.42(l) requires a PWS to compile and maintain an up-to-date, plant operations manual for operator review and reference. On or about October 11, 2017 and November 19, 2020, Barnett could not produce an up-to-date, plant operations manual for Villa to a TCEQ investigator upon request. Therefore, Barnett violated of 30 Tex. Admin. Code § 290.42(l) and Tex. Water Code § 7.101 at Villa on at least October 11, 2017 and November 19, 2020.

Failure to Produce Records of Disinfectant Residual Monitoring Results

7.10 A PWS must retain copies of disinfectant residual monitoring results from the

distribution system for at least three years. 30 Tex. Admin. Code § 290.46(f)(3)(B)(iii). On or about November 19, 2020, Barnett could not produce records of disinfectant residual monitoring results for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(B)(iii) and Tex. Water Code § 7.101 at Villa on at least November 19, 2020.

Failure to Produce Well Completion Data

7.11 30 Tex. Admin. Code § 290.46(n)(3) requires a PWS using groundwater to maintain well completion data on file for as long as the well remains in service. Well completion data includes copies of sanitary control easements or a TCEQ-approved exception. *Id.* § 290.41(c)(3)(A).¹⁴ On or about October 11, 2017 and November 19, 2020, Barnett could not produce records of sanitary control easements or other well completion data for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(n)(3) and Tex. Water Code § 7.101 at Villa on at least October 11, 2017 and November 19, 2020.

Failure to Produce an up-to-date System Monitoring Plan

7.12 30 Tex. Admin. Code § 290.121(a) requires a PWS to maintain an up-to-date chemical and microbiological monitoring plan. A copy of the monitoring plan must be maintained at the water treatment plant and at a central location. *Id.* On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of the monitoring plan for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.121(a) and Tex. Water Code § 7.101 at Villa on at least October 11, 2017 and November 19, 2020.

¹⁴ Well completion data also includes a driller's log, a cementing certificate, the results of a 36-hour pump test, the results of the microbiological and chemical analyses required by 290.41(c)(3)(F) and (G), a legible copy of recorded depths within 150 feet of the well, a copy of the US geological survey showing the accurate well location, and a map demonstrating the well location in relation to surrounding property boundaries. 30 Tex. Admin. Code § 290.41(c)(3)(A).

Failure to Produce Record of Operations

7.13 A PWS must maintain a record of the amount of chemicals used and the volume of water treated and distributed for at least two years. 30 Tex. Admin. Code § 290.46(f)(3)(A)(i) and (ii). On or about November 19, 2020, Barnett could not produce records of the amount of chemicals used and the volume of water treated and distributed at Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(A)(i) and (ii) and Tex. Water Code § 7.101 at Villa on at least November 19, 2020.

Failure to Produce a Sample Siting Plan

7.14 A PWS must maintain a Sample Siting Plan, as required by 30 Tex. Admin. Code § 290.109(d), as part of its chemical and microbiological monitoring plan. *Id.* § 290.121(b)(3). A PWS is required to maintain a copy of the Sample Siting Plan for at least ten years and be available to TCEQ upon request. *Id.* § 290.46(f)(3)(E)(i). On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of the Sample Siting Plan for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.121(b)(3) and Tex. Water Code § 7.101 at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Engineering Plans and Maps

7.15 30 Tex. Admin. Code § 290.46(n)(1) requires that a PWS maintain an accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the water system and be available to the TCEQ upon request. On November 19, 2020, Barnett could not 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 to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code

§ 290.46(n)(1) and Tex. Water Code § 7.101 at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records of Dead-End Main Flushing

7.16 A PWS must flush all dead-end mains at monthly intervals. 30 Tex. Admin. Code § 290.46(l). Records of the dates that dead-end mains were flushed must be retained for at least two years. *Id.* § 290.46(f)(3)(A)(iv). Additionally, these records must be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about November 19, 2020, Barnett could not produce records of dead-end main flushing for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(A)(iv), (f)(2) and Tex. Water Code § 7.101 at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records of the Interior and Exterior Pressure Tank Inspections

7.17 30 Tex. Admin. Code § 290.46(m)(1) requires a PWS to conduct annual inspections of each of the system's ground, elevated, and pressure tanks. A PWS must keep the records of tank inspections for at least five years. *Id.* § 290.46(f)(3)(D)(ii). Additionally, these records must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017 and November 19, 2020, Barnett could not produce records of interior and exterior tank inspections for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46290.46(f)(3)(D)(ii), (f)(2) and Tex. Water Code § 7.101 at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Map of the Distribution System

7.18 30 Tex. Admin. Code § 290.46(n)(2) requires a PWS to maintain an accurate and

up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. The distribution maps must be maintained on file at a PWS and be available to the TCEQ upon request. *Id.* § 290.46(n). On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of the distribution system map for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(n) and Tex. Water Code § 7.101 at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to make the Facility's Operating Records Accessible for Review During Inspection

7.19 30 Tex. Admin. Code § 290.46(f)(2) requires a PWS to make its operating records accessible for review during inspections and be available to the TCEQ upon request. On or about October 11, 2017, Barnett could not provide the following records for Villa to a TCEQ investigator upon request: copies of monthly reports of water works operations; distribution chlorine residual monitoring reports from September 2014 through September 2017, operator's calibration record for the disinfectant residual analyzers, and customer service inspections. On or about November 19, 2020, Barnett could not provide no copies of customer service inspections for Villa or records showing that the accuracy of manual disinfectant residual analyzers at Villa is being verified at least every 90 days using chlorine solutions of known concentrations. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2) and Tex. Water Code § 7.101 at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Service Agreement

26 30 Tex. Admin. Code § 290.46(i) requires a PWS to adopt a service agreement with provisions for proper enforcement to ensure unacceptable plumbing practices are not permitted. A service agreement must be accessible for review during inspections and available to TCEQ upon

request. *Id.* § 290.46(f)(2). On or about October 11, 2017 and November 19, 2020, Barnett could not produce a service agreement for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2) and Tex. Water Code § 7.101 at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Well Calibration Records

7.21 30 Tex. Admin. Code § 290.46(s)(1) requires a PWS to calibrate its well meters at least once every three years. The calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfection residual analyzers must be maintained for at least three years. *Id.* § 290.46(f)(3)(B)(v). The calibration records must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 17, 2017 and November 19, 2020, Barnett could not produce records of well calibration for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(B)(iv), (f)(2), and Tex. Water Code § 7.101 at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Drought Contingency Plan

7.22 30 Tex. Admin. Code § 288.30(5)(B) requires retail public water suppliers to adopt a drought contingency plan that complies with the requirements set forth in 30 Tex. Admin. Code §§ 288.20–22. The drought contingency plan must be available to the TCEQ on request. *Id.* § 288.30(5)(B). On or about November 19, 2020, Barnett could not produce a drought contingency plan for Villa to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 288.30(5)(B) at Villa on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Submit an Emergency Preparedness Plan

7.23 A PWS 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 TCEQ for its approval an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations. 30 Tex. Admin. Code § 290.39(o)(1); Tex. Water Code § 13.1395(a)(1)(A) and (b)(2). On or about October 11, 2017 and November 19, 2020, a TCEQ investigator confirmed that Barnett had not submitted an Emergency Preparedness Plan to TCEQ. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.39(o)(1) and Tex. Water Code § 7.101 at Villa from at least October 11, 2017, to present.

Failure to Submit a Planning Report After Exceeding 85% of Well Capacity

7.24 30 Tex. Admin. Code § 291.93(3) requires a PWS that has reached 85% of its minimum capacity requirements to submit to TCEQ a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area. The planning report should be filed within 90 days after TCEQ notifies the PWS that it has exceeded 85% of its minimum capacity. *Id.* § 291.93(3)(A). On October 11, 2017, the TCEQ investigator documented that Villa had reached 97% of its well production capacity. During the investigation, the investigator documented that TCEQ has not received planning reports that explain how Villa would provide adequate capacity to meet expected service demands when the system has reached at least 85% of its capacity. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 291.93(3) and Tex. Water Code § 7.101 at Villa from at least October 11, 2017, to present.

Failure to Submit Planning Material to TCEQ Before Construction of a PWS

7.25 No person may begin construction or modifications to a PWS without providing

notification to the TCEQ and submitting and receiving approval of plans and specifications if requested. 30 Tex. Admin. Code § 290.39(h)(1). A PWS must submit engineering reports for new water systems and when design or capacity deficiencies are identified in an existing system as part of the planning material. *Id.* § 290.39(e)(1). During the investigations on October 11, 2017 and November 19, 2020, a TCEQ investigator confirmed that Barnett had not submitted plans and specifications to TCEQ or engineering reports. Therefore, Barnett continuously violated 30 Tex. Admin. Code §§ 290.39(h)(1) and 290.39(e)(1) and Tex. Water Code § 7.101 at Villa from at least October 11, 2017, to present.

Failure to Submit an Annual CCR

7.26 A PWS is required to 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. 30 Tex. Admin. Code § 290.271(a) and (b). 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(c). As provided in Section V, TCEQ did not receive Villa's CCRs for 2015, 2016, 2017, and 2018. Therefore, Barnett violated 30 Tex. Admin. Code § 290.274(c) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Report DLQORs to the TCEQ

7.27 30 Tex. Admin. Code § 290.110(a) requires a PWS to properly disinfect water before it is distributed to the customers and maintain acceptable disinfectant residuals within the distribution system. The disinfectant levels are verified through periodic sampling and analysis of the drinking water. *Id.* § 290.110(c). A PWS that uses groundwater must submit to TCEQ a Disinfection Level Quarterly Operating Report ("DLQOR") for each quarter. *Id.* § 290.110(e)(4)(A). As provided in Section V, Barnett failed to submit a DLQOR to the TCEQ for

the fourth quarter of 2019 (1 report). Therefore, Barnett violated 30 Tex. Admin. Code § 290.110(e)(4)(A) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Report Lead and Copper Levels to the TCEQ

7.28 30 Tex. Admin. Code § 290.117(c) requires a PWS to collect lead and copper tap samples from each approved sampling site. A PWS must report lead and copper tap sample results to TCEQ. *Id.* § 290.117(i). As provided in Section V, Barnett failed to submit Villa's reports for lead and copper levels for the January 2015-December 2017 and January-December 2018 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.117(i) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Report Metal and Mineral Levels to the TCEQ

7.29 30 Tex. Admin. Code § 290.106(c) requires a PWS to routinely monitor for metals and minerals at each groundwater entry point every three years. TCEQ may increase the monitoring frequency for metals and minerals for PWS using groundwater sources. *Id.* § 290.106(c)(9). The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit to TCEQ Villa's metal and mineral levels for the January 2008-December 13; January 2014-December 2016 and January 2017-December monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Villa on at least one day for the missing report.

Failure to Report Nitrate and Nitrite Levels to the TCEQ

30 30 Tex. Admin. Code § 290.106(c)(6) and (7) requires a PWS to monitor for nitrate

and nitrite.¹⁵ The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit to TCEQ Villa's nitrate and/or nitrite levels for the January-December 2015, January-December 2016; January-December 2017; and January-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Report Radionuclide Levels to the TCEQ

7.31 30 Tex. Admin. Code § 290.108 requires a PWS to ensure that the drinking water does not contain concentrations of radionuclides in excess of MCL. The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.108(e). As provided in Section V, Barnett failed to submit to TCEQ Villa's radionuclides levels for the January 2008-December 2013 and January 2014-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Report Cyanide Levels to the TCEQ

7.32 30 Tex. Admin. Code § 290.106(c)(4)(A)(i) requires a PWS to routinely monitor for inorganic contaminants, including cyanide, at each groundwater entry point every three years. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit Villa's cyanide levels for the January-December 2019 monitoring period. Therefore,

¹⁵ A PWS must monitor for nitrate annually. 30 Tex. Admin. Code § 290.106(c)(6)(A)(i). A PWS must monitor for nitrate once during each nine-year compliance cycle at the time designated by TCEQ. *Id.* § 290.106(c)(7)(A). The TCEQ may increase the monitoring frequency for community water systems using groundwater sources. *Id.* § 290.106(c)(9).

Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Report SOC Levels to the TCEQ

7.33 30 Tex. Admin. Code § 290.107(c)(1)(C)(i) requires a PWS to take four consecutive quarterly samples for each SOC contaminant during each compliance period, beginning with the initial compliance period. If the PWS did not detect any SOC contaminant, the system must take a minimum of two consecutive quarterly SOC samples annually after the initial compliance period. *Id.* § 290.107(c)(1)(C)(ii). The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.107(e). As provided in Section V, Barnett failed to submit to TCEQ Villa's SOC levels for the January 2011-December 2013; January 2014-December 2014; January 2015-December 2015; January 2016-December 2016; January 2017-December 2017; and January 2018-December 2018 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Report VOC Levels to the TCEQ

7.34 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) requires a PWS to take four consecutive quarterly samples for each VOC contaminant during each compliance period, beginning with the initial compliance period. If the PWS did not detect any VOC contaminant, the system must take one VOC sample annually after the initial compliance period. *Id.* § 290.107(c)(2)(C)(ii). The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.107(e). As provided in Section V, Barnett failed to submit to TCEQ Villa's VOC levels for the January-December 2015; January-December 2016; January-December 2017; and January-December 2018 monitoring

periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Report Disinfectant Byproduct Levels to the TCEQ

7.35 30 Tex. Admin. Code § 290.115(b)(1)(A) requires a PWS to comply with the MCL for TTHM of 0.080 mg/L. The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.115(e)(1). As provided in Section V, Barnett failed to submit to TCEQ Villa's TTHM levels for the January 2014-December 2016 monitoring period. Therefore, Barnett violated 30 Tex. Admin. Code § 290.115(e)(1) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Provide TCEQ with Customer Notification of Lead and Copper Levels.

7.36 All PWSs must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested within 30 days after the system receives the tap sampling results. 30 Tex. Admin. Code § 290.117(j)(1). The PWS must also mail a sample copy of the consumer notification of tap results to the TCEQ no later than three months following the end of the monitoring period. *Id.* § 290.117(i)(6). As provided in Section V, TCEQ investigators documented that Barnett did not submit to TCEQ a copy of Villa's consumer notice of lead tap water monitoring results to persons served at the taps tested during the January-December 2014 and January-December 2019 monitoring period. Therefore, Barnett violated 30 Tex. Admin. Code § 290.117(i)(6) and Tex. Water Code § 7.101 at Villa on at least one day for each missing report.

Failure to Provide TCEQ with Public Notices Regarding Routine Monitoring.

37 30 Tex. Admin. Code § 290.122(c) and (f) require an owner and operator of a PWS to submit to TCEQ a copy of any public notice accompanied by a signed certificate when the system fails to perform any of the required monitoring or reporting. As provided in Section V,

Barnett failed to submit to TCEQ Villa's signed certificates of delivery certifying that public notices were issued for failing to:

- a. Submit DLQORs for the fourth quarter of 2014, the first quarter of 2015, the second and third quarter of 2016 and the second quarter of 2018;
- b. Report VOC levels for the January 2008-December 2010, January-December 2015, January-December 2016, and January-December 2017 monitoring periods;
- c. Report nitrate/nitrite levels for the January-December 2012, January-December 2013, January-December 2014, January-December 2015, January-December 2016, and January-December 2017 monitoring periods;
- d. Report SOC levels for the January 2011-December 2013, January 2012-December 2014, January 2014-December 2016, and January-December 2017 monitoring periods;
- e. Report metal/mineral levels for the January 2008-December 2013 and January 2014-December 2016 monitoring periods;
- f. Report disinfectant byproduct levels for the January 2011-December 2013 and January 2014-December 2016 monitoring periods;
- g. Report radionuclide levels for the January 2008-December 2013 monitoring period; and
- h. Report distribution lead and copper levels for the January 2015-December 2017 and January-December 2018 monitoring periods.

Therefore, Barnett violated 30 Tex. Admin. Code § 290.122(f) and (c) and Tex. Water Code § 7.101 at Villa on at least one day for each missing certificate.

VIII. VIOLATIONS AT VISTA UTILITIES

Failure to Maintain Facilities in a Watertight Condition

8.130 Tex. Admin. Code § 290.46(m)(4) requires a PWS 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, a TCEQ investigator observed that Barnett had not submitted documentation to show that leaks at Vista have been repaired. Therefore,

Barnett violated 30 Tex. Admin. Code § 290.42(m)(4) and Tex. Water Code § 7.101 at Vista on at least October 11, 2017.

Failure to Properly Maintain the Facilities

8.2 30 Tex. Admin. Code § 290.46(m) requires a PWS to ensure the good working condition and general appearance of its facilities and equipment. During the October 11, 2017 investigation at Vista, a TCEQ investigator observed that there was a hole between the ground and the slab that the pressure tank sits on at the well site; and there was peeling paint on the pressure tank. During the November 19, 2020 investigation at Vista, a TCEQ investigator observed that there were vines growing on and over the top of the water plant fences; grass and weeds were growing up around the fence perimeter and inside the plant; and the pressure tank's coating was peeling from its side, end, and bottom surfaces. The investigator also documented that there was still a hole in the ground near the northeast corner of the water plant fence, which was partially located under the east edge of the concrete slab supporting the pressure tank. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.46(m) and Tex. Water Code § 7.101 at Vista from at least October 11, 2017, to present.

Failure to Provide Working Well Meters

8.3 Pursuant to 30 Tex. Admin. Code § 290.41(c)(3)(N) a PWS must provide flow-measuring devices for each well to measure production yields and provide for the accumulation of water production data. During the October 11, 2017 investigation, a TCEQ investigator observed that there was no flow meter device installed on the well discharge line. During the November 19, 2020 investigation, the investigator documented that a flow meter appeared to be recently installed at the well discharge line, but investigators could not determine whether the meter was functional. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.41(c)(3)(N) and Tex. Water

Code § 7.101 at Vista from at least October 11, 2017, to at least November 19, 2020.

Failure to Post a Legible Sign at the PWS

8.4 30 Tex. Admin. Code § 290.46(t) requires a PWS to post a legible sign at each of its production, treatment, and storage facilities in plain view of the public that provides the name of the water supply and an emergency telephone number where a responsible official can be contacted. On October 11, 2017, a TCEQ investigator documented that the sign at Vista was not in plain view of the public. On November 19, 2020, a TCEQ investigator documented that an ownership sign was installed, but it was so low to the ground that it was not plainly visible from the road. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.46(t) and Tex. Water Code § 7.101 at Vista from at least October 11, 2017, to present.

Failure to Maintain Adequate Fencing

8.5 30 Tex. Admin. Code § 290.42(n) requires each water treatment plant and all appurtenances at a PWS to be enclosed by an intruder-resistant fence. 30 Tex. Admin. Code § 290.41(c)(3)(O) requires all completed well units to be protected by intruder-resistant fences, the gates of which are provided with locks or enclosed in locked, ventilated well houses. An intruder resistance fence is six feet tall and must have three strands of barbed wire across the top. *Id.* § 290.38(41). On October 11, 2017, a TCEQ investigator documented that the barbed wire on the fence at Vista was sagging. On November 19, 2020, a TCEQ investigator documented that the hinges on the locked fence gate were not secured to the metal post, allowing the gate to be opened, and the barbed wire on the fence around the water plant was loose and not strung in parallel on the fence support arms. Therefore, Barnett violated 30 Tex. Admin. Code § 290.42(m) and Tex. Water Code § 7.101 at Vista on at least October 11, 2017 and November 19, 2020.

Failure to Meet ASME Standard for Pressure Tanks

8.6 Pressure tanks of 1,000 gallons capacity or larger must meet the standards of the American Society of Mechanical Engineers (ASME) and must have an access port for periodic inspections. 30 Tex. Admin. Code § 290.43(d)(1). An ASME name plate must be permanently attached to those tanks. *Id.* The pressure tank at Vista has a capacity of 1500 gallons. During the investigation on November 19, 2020, a TCEQ investigator documented that Vista's pressure tank did not have an ASME name plate or access port. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.43(d)(1) and Tex. Water Code § 7.101 at Vista from at least November 19, 2020, to present.

Failure to Provide Adequate Well Capacity

8.7 30 Tex. Admin. Code § 290.45(b)(1)(A)(i) requires a PWS with fewer than 50 connections to have a well capacity of 1.5 gpm per connection. Vista has 25 service connections. Therefore, Vista is required to provide a total well capacity of 37.5 gpm (1.5 gpm per connection x 25 connections = 37.5 gpm). During an investigation on May 21, 2016, a TCEQ investigator documented that the well production capacity was only 32 gpm. Barnett was required to provide additional well capacity by the 2016 Default Judgment. During the October 11, 2017 investigation, the TCEQ investigator documented that Vista still had at least 25 connections, so it was required to provide a well capacity of 37.5 gpm. During the investigation on November 19, 2020, the TCEQ investigator documented that Vista now had 30 connections, so it was required to provide a well capacity of 45 gpm (1.5 gpm per connection x 30 connections = 45 gpm). However, the TCEQ investigator documented that the rated capacity of the well pump at Vista was only 32 gpm. The investigator also documented that Barnett had not submitted any evidence that Vista had been modified to maintain a well capacity of 1.5 gpm per connection. Therefore, Barnett continuously

violated 30 Tex. Admin. Code § 290.45(b)(1)(A)(i) and Tex. Water Code § 7.101 at Vista from at least October 11, 2017, to present.

Failure to Maintain the Required Chlorine Residual

8.8 30 Tex. Admin. Code § 290.110(b)(4) requires a PWS to properly disinfect water before it is distributed to the customers and to maintain acceptable disinfectant residuals within the distribution system. The residual disinfectant concentration in the water within the distribution system must be at least 0.2 mg/L free chlorine. *Id.* As provided in Section V, the free chlorine residual measured 0.11 mg/L free chlorine at the flush valve in the 800 block of Lennie Lane on November 19, 2020. Therefore, Barnett violated 30 Tex. Admin. Code § 290.110(b)(4) and Tex. Water Code § 7.101 at Vista on at least November 19, 2020.

Failure to Produce Results of Microbiological Analyses

8.9 A PWS must retain results of microbiological analyses for at least five years. 30 Tex. Admin. Code § 290.46(f)(3)(D)(i). On or about November 19, 2020, Barnett could not produce records of microbiological analyses to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(D)(i) and Tex. Water Code § 7.101 at Vista on at least November 19, 2020.

Failure to Produce a Plant Operations Manual

8.10 30 Tex. Admin. Code § 290.42(l) requires a PWS to compile and maintain an up-to-date, plant operations manual for operator review and reference. On or about October 11, 2017 and November 19, 2020, Barnett could not produce an up-to-date, plant operations manual for Vista to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.42(l) and Tex. Water Code § 7.101 at Vista on at least October 11, 2017 and November 19, 2020.

Failure to Produce Well Completion Data

8.11 30 Tex. Admin. Code § 290.46(n)(3) requires a PWS using groundwater to maintain well completion data on file for as long as the well remains in service. Well completion data includes copies of sanitary control easement(s) or a TCEQ-approved exception. *Id.* § 290.41(c)(3)(A).¹⁶ On or about October 11, 2017 and November 19, 2020, Barnett could not produce records of sanitary control easements or other well completion data for Vista to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.41(c)(1)(F) and Tex. Water Code § 7.101 at Vista on at least October 11, 2017 and November 19, 2020.

Failure to Produce Records of Backflow Prevention Device Programs

8.12 30 Tex. Admin. Code § 290.46(f)(3)(B)(v) requires a PWS to maintain records of backflow prevention device programs for at least three years. On or about November 19, 2020, Barnett could not produce copies of annual backflow prevention assembly test reports for the last three years for Vista to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(B)(v) and Tex. Water Code § 7.101 at Vista on at least November 19, 2020.

Failure to Produce an up-to-date System Monitoring Plan

8.13 30 Tex. Admin. Code § 290.121(a) requires a PWS to maintain an up-to-date chemical and microbiological monitoring plan. A copy of the monitoring plan must be maintained at the water treatment plant and at a central location. *Id.* The monitoring plan must identify all sampling locations, describe the sampling frequency, and specify the analytical procedures and

¹⁶ Well completion data also includes a driller's log, a cementing certificate, the results of a 36-hour pump test, the results of the microbiological and chemical analyses required by 290.41(c)(3)(F) and (G), a legible copy of recorded data(s) within 150 feet of the well, a copy of the US geological survey showing the accurate well location, and a map demonstrating the well location in relation to surrounding property boundaries. 30 Tex. Admin. Code § 290.41(c)(3)(A).

laboratories that the PWS will use to comply with the monitoring requirements in 30 Tex. Admin. Code § 290.121. *Id.* § 290.121(b). On or about October 11, 2017, Barnett could not produce a copy of Vista's monitoring plan for Vista to a TCEQ investigator upon request. On or about November 19, 2020, Barnett produced a copy of the monitoring plan for Vista, but it did not include information for chemical sampling. Therefore, Barnett violated 30 Tex. Admin. Code § 290.121(a) and (b) and Tex. Water Code § 7.101 at Vista on at least October 11, 2017 and November 19, 2020.

Failure to Produce a Sample Siting Plan

8.14 A PWS must maintain a Sample Siting Plan, as required by 30 Tex. Admin. Code § 290.109(d), as part of its chemical and microbiological monitoring plan. *Id.* § 290.121(b)(3). A PWS is required to maintain a copy of the Sample Siting Plan for at least ten years and be available to TCEQ upon request. *Id.* § 290.46(f)(3)(E)(ix). On or about November 19, 2020, Barnett could not produce a copy of Vista's Sample Siting Plan for Vista to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.121(f)(3)(E)(ix) and Tex. Water Code § 7.101 at Vista on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Engineering Plans and Maps

8.15 30 Tex. Admin. Code § 290.46(n)(1) requires that a PWS maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the water system and be available to the TCEQ upon request. On November 19, 2020, Barnett could not 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 Vista to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code

§ 290.46(n)(1) and Tex. Water Code § 7.101 at Vista on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records of Dead-End Main Flushing

8.16 A PWS must flush all dead-end mains at monthly intervals. 30 Tex. Admin. Code § 290.46(l). Records of the dates that dead-end mains were flushed must be retained for at least two years. *Id.* § 290.46(f)(3)(A)(iv). Additionally, these records must be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017, Barnett could not produce records of dead-end main flushing for Vista to a TCEQ investigator upon request. On or about November 19, 2020, Barnett produced logs showed that flushing was being conducted at monthly intervals at all of Vista's dead-end mains, but the location marked on the logs was "2' main line." This location could not be matched up with the location on the distribution map to verify if that flush location was part of this system. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(A)(iv), (f)(2) and Tex. Water Code § 7.101 at Vista on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records of the Interior and Exterior Pressure Tank Inspections

8.17 30 Tex. Admin. Code § 290.46(m)(1) requires a PWS to conduct annual inspection of each of the system's ground, elevated, and pressure tanks. A PWS must keep the records of tank inspection results for at least five years. *Id.* § 290.46(f)(3)(D)(ii). Additionally, these records must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017, Barnett could not produce records of Vista's interior and exterior tank inspections to a TCEQ investigator upon request. On or about November 19, 2020, Barnett produced an exterior inspection report for the pressure tank, dated March 11, 2020. All applicable items on the checklist were marked as "ok," but the report did not list the date of the last interior

inspection. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(3)(D)(ii), (f)(2) and Tex. Water Code § 7.101 at Vista on at least one day for each complete record Barnett failed to make available to TCEQ upon request

Failure to Produce a Map of the Distribution System

8.18 30 Tex. Admin. Code § 290.46(n)(2) requires a PWS to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. The distribution maps must be maintained on file at a PWS and be available to the TCEQ upon request. *Id.* § 290.46(n). On or about October 11, 2017, Barnett could not produce a copy of Vista's distribution map to a TCEQ investigator upon request. On or about November 19, 2020, Barnett produced a copy of the distribution map. Locations on the map were marked but unlabeled. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(n) and Tex. Water Code § 7.101 at Vista on at least one day for each complete record Barnett failed to make available to TCEQ upon request.

Failure to make the Facility's Operating Records Accessible for Review During Inspection

8.19 30 Tex. Admin. Code § 290.46(f)(2) requires a PWS to make its operating records accessible for review during inspections and be available to the TCEQ upon request. On or about October 11, 2017, Barnett could not provide the following records for Vista to a TCEQ investigator upon request: a copy of monthly reports of water works operations; distribution chlorine residual monitoring reports from September 2014 through September 2017, operator's calibration record for the distribution residual analyzers, and customer service inspections. On or about November 19, 2020, Barnett could not provide documentation showing that the accuracy of manual distribution residual analyzers is being verified at least every 90 days using chlorine solutions of known concentrations, and copies of customer service inspections to a TCEQ investigator upon

request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2) and Tex. Water Code § 7.101 at Vista on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Service Agreement

8.20 30 Tex. Admin. Code § 290.46(i) requires a PWS to adopt a service agreement with provisions for proper enforcement to ensure unacceptable plumbing practices are not permitted. The service agreement must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of the service agreement for Vista to TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2) and Tex. Water Code § 7.101 at Vista on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Drought Contingency Plan

8.21 30 Tex. Admin. Code § 288.30(5)(B) requires retail public water suppliers to adopt a drought contingency plan that complies with the requirements set forth in 30 Tex. Admin. Code §§ 288.20–22. The drought contingency plan must be available to the TCEQ on request. *Id.* § 288.30(5)(B). On or about November 19, 2020, Barnett could not produce Vista's drought contingency plan to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 288.30(5)(B) at Vista on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Adopt Adequate Plumbing Ordinances

8.22 30 Tex. Admin. Code § 290.46(i) prohibits a PWS from using pipes and pipe fittings that contain more than 0.25% lead or solders and flux that contain more than 0.2% lead. On November 19, 2020, a TCEQ investigator documented that Vista's sample customer service

agreements listed the lead amount of pipes and pipe fittings at Vista as 8%, far above the limit. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(i) and Tex. Water Code § 7.101 at Vista on a least one day for each incorrect report.

Failure to Submit a Planning Report After Exceeding 85% of Well Capacity

8.23 30 Tex. Admin. Code § 291.93(3) requires a PWS that has reached 85% of its minimum capacity requirements to submit to TCEQ a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area. The planning report should be filed within 90 days after TCEQ notifies the PWS that it has exceeded 85% of its minimum capacity. *Id.* § 291.93(3)(A). On October 11, 2017 and November 19, 2020, a TCEQ investigator documented that Vista had reached 114% and 117% of its well production capacity, respectively. During the investigations, the investigator documented that TCEQ has not received planning reports that explain how Vista would provide adequate capacity to meet expected service demands when the system has reached at least 85% of its capacity. Therefore, Barnett violated 30 Tex. Admin. Code § 291.93(3) and Tex. Water Code § 7.101 at Vista from at least October 11, 2017, to present.

Failure to Submit Planning Material to TCEQ Before Construction of a PWS

8.24 No person may begin construction or modifications to a PWS without providing notification to the TCEQ and submitting and receiving approval of plans and specifications if requested. 30 Tex. Admin. Code § 290.39(h)(1). A PWS must submit engineering reports for new water systems and when design or capacity deficiencies are identified in an existing system as part of the planning material. *Id.* § 290.39(e). During the investigations on October 11, 2017 and November 19, 2020, a TCEQ investigator confirmed that Barnett had not submitted plans and specifications to TCEQ or engineering reports. Therefore, Barnett violated 30 Tex. Admin. Code

§ 290.39(h)(1) and 290.39(e)(1) and Tex. Water Code § 7.101 at Vista from at least October 11, 2017, to present.

Failure to Submit an Annual CCR

8.25 A PWS is required to 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. 30 Tex. Admin. Code § 290.271(a)-(b). 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) and (c). As provided in Section V, TCEQ did not receive Vista's annual CCR for 2016 and 2018. Therefore, Barnett violated 30 Tex. Admin. Code § 290.274(c) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

Failure to Report DLQORs to the TCEQ

8.26 30 Tex. Admin. Code § 290.110(a) requires a PWS to properly disinfect water before it is distributed to the customers and maintain acceptable disinfectant residuals within the distribution system. The PWS must monitor the performance of the disinfection facilities to ensure that appropriate disinfectant levels are maintained. *Id.* § 290.110(c). A PWS that use groundwater and serves fewer than 250 connections must monitor the disinfectant residual, including chlorine residuals, at representative locations in the distribution system at least once every seven days. *Id.* § 290.110(c)(4)(A). A PWS that uses groundwater must submit to TCEQ a Disinfection Level Quarterly Operating Report ("DLQOR"), by the tenth day of the month following the end of each quarter. *Id.* § 290.110(e)(4)(A). As provided in Section V, Barnett failed to submit a DLQOR for Vista to the TCEQ for the fourth quarter of 2019 and the first quarter of 2020. Therefore, Barnett violated 30 Tex. Admin. Code § 290.110(e)(4)(A) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

Failure to Report Lead and Copper Levels to the TCEQ

8.27 30 Tex. Admin. Code § 290.117(c)(2)(C) requires a PWS to collect tap samples from each approved sampling site. A PWS must report lead and copper tap sample results to TCEQ. *Id.* § 290.117(i). As provided in Section V, Barnett failed to submit Vista's reports for lead and copper levels for the January-December 2015; January-December 2016; January-June 2017; and July-December 2017 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.117(i) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

Failure to Provide TCEQ with Customer Notification of Lead and Copper Levels.

8.28 All PWSs must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested within 30 days after the system receives the tap sampling results. 30 Tex. Admin. Code § 290.117(i)(4). The system must also mail a sample copy of the consumer notification of tap results to the TCEQ no later than three months following the end of the monitoring period. *Id.* § 290.117(i)(6). As provided in Section V, TCEQ investigators documented that Barnett did not submit to TCEQ a copy of Vista's consumer notice of lead tap water monitoring results to persons served at the taps tested during the July-December 2018 monitoring period. Therefore, Barnett violated 30 Tex. Admin. Code § 290.117(i)(6) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

Failure to Report Metal and Mineral Levels to the TCEQ

8.29 30 Tex. Admin. Code § 290.106(c)(4)(A)(i) requires a PWS to routinely monitor for metals and minerals at each groundwater entry point every three years. TCEQ may increase the monitoring frequency for metals and minerals for PWS using groundwater sources. *Id.* § 290.106(c)(9). The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.106(e). As provided in Section V, Barnett failed to

submit to TCEQ Vista's metal and mineral levels for the January 2014-December 2016 and January 2017-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Vista on at least one day for the missing report.

Failure to Report Nitrate and Nitrite Levels to the TCEQ

8.30 30 Tex. Admin. Code § 290.106(c)(6) and (7) requires a PWS to monitor for nitrate and nitrite.¹⁷ The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit to TCEQ Vista's 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. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

Failure to Report SOC Levels to the TCEQ

8.31 30 Tex. Admin. Code § 290.107(c)(1)(C)(i) requires a PWS to take four consecutive quarterly samples for each SOC contaminant during each compliance period. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.107(e). As provided in Section V, Barnett failed to submit to TCEQ Reed's SOC levels for the January 2012-December 2014; January 2014-December 2016; January-December 2017; and January 2017-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

¹⁷ A PWS must monitor for nitrate annually. 30 Tex. Admin. Code § 290.106(c)(6)(A)(i). A PWS must monitor for nitrite once during each nine-year compliance cycle at the time designated by TCEQ. *Id.* § 290.106(c)(7)(A). The TCEQ may increase the monitoring frequency for community water systems using groundwater sources. *Id.* § 290.106(c)(9).

Failure to Report VOC Levels to the TCEQ

8.32 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) requires a PWS to take four consecutive quarterly samples for each VOC contaminant during each compliance period, beginning with the initial compliance period. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.107(e). As provided in Section V, Barnett failed to submit to TCEQ Vista's VOC levels for the January-December 2016; January-December 2017; January-December 2018 and January-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

Disinfectant Byproduct Levels.

8.33 30 Tex. Admin. Code § 290.115(b)(1)(A) requires a PWS to comply with the MCL for TTHM of 0.080 mg/L. The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.115(e)(1). As provided in Section V, Barnett failed to submit to TCEQ Vista's TTHM levels for the January 2014-December 2016 monitoring period. Therefore, Barnett violated 30 Tex. Admin. Code § 290.115(e)(1) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

Failure to Report Radionuclide Levels to the TCEQ

8.34 30 Tex. Admin. Code § 290.108(b) requires a PWS to ensure that the drinking water does not contain concentrations of radionuclides in excess of MCL. The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.108(e). As provided in Section V, Barnett failed to submit to TCEQ Vista's radionuclides levels for the January 2014-December 2019 monitoring period. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at Vista on at least one day for each

missing report.

Failure to Report Cyanide Levels to the TCEQ

8.35 30 Tex. Admin. Code § 290.106(c)(4)(A)(i) requires a PWS to routinely monitor for inorganic contaminants, including cyanide, at each groundwater entry point every three years. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit Vista's cyanide levels for the January-December 2018 monitoring period. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at Vista on at least one day for each missing report.

Failure to Provide TCEQ with Public Notices Regarding Routine Monitoring

8.36 30 Tex. Admin. Code § 290.122(c) and (f) require an owner and operator of a PWS to submit to TCEQ a copy of any public notice, accompanied by a signed certificate when the system fails to perform any of the required monitoring or reporting. As provided in Section V, Barnett failed to submit to TCEQ Records signed certificates of delivery certifying that public notices were issued for failing to:

- a. Report distribution lead and copper levels for the January-December 2015, January-December 2016, January-June 2017, and January-June 2018 monitoring periods;
- b. Conduct increased coliform monitoring for November 2015;
- c. Submit DLQORs for the first quarter of 2015, and the second and third quarters of 2016;
- d. Report nitrate/nitrite levels for the January-December 2014, January-December 2015, January-December 2016, and January-December 2017 monitoring periods;
- e. Report VOC levels for the January-December 2015 and January-December 2016 monitoring periods;

- f. Report metal/mineral levels for the January 2014-December 2016 monitoring period;
- g. Report SOC levels for the January 2012-December 2014 and January 2014-December 2016 monitoring periods; and
- h. Report disinfectant byproduct levels for the January 2014-December 2016 monitoring period.

8.37 Therefore, Barnett violated 30 Tex. Admin. Code § 290.132(a) and (c) and Tex. Water Code § 7.101 at Vista on at least one day for each missing certificate.

IX. Violations at J&L Terry Lane

Failure to Properly Maintain the Facilities

9.1 30 Tex. Admin. Code § 290.46(m) requires a PWS to ensure the good working condition and general appearance of its facilities and equipment. On October 11, 2017, a TCEQ investigator observed that a tree was sagging over the pressure tank and the pressure tank was not clean or repainted. On April 1, 2019, a TCEQ investigator observed that J&L's well had not been functioning since March 29, 2019. TCEQ received notice that the well was repaired and water was restored on April 3, 2019. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.46(m) and Tex. Water Code § 7.101 at J&L from at least October 11, 2017, to November 19, 2020.¹⁸

Failure to Maintain Facilities Free of Excessive Solids

9.2 30 Tex. Admin. Code § 290.46(m)(4) requires a PWS to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and be free of excessive solids. On October 17, 2018, a

¹⁸ On November 19, 2020, a TCEQ investigator documented that J&L no longer met the definition of a PWS because it does not have at least 15 service connections, nor does it serve at least 25 individuals at least 60 days out of the year.

TCEQ investigator documented that there was a large amount of sediment in the water sample from the well at J&L and from the flush valve in the distribution system collected by the investigator. The investigator also observed sand on the concrete sealing block beneath the blow-off line at the well site. The operator stated to the investigator that the well had been progressively pumping more sand for several months. Therefore, Barnett violated 30 Tex. Admin. Code § 290.42(m)(4) and Tex. Water Code § 7.101 at J&L on at least October 17, 2018.

Failure to Design a System to Afford Effective Circulation of Water

9.3 30 Tex. Admin. Code § 290.44(d)(6) requires a PWS to be designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains must be provided with acceptable flush valves and discharge piping. *Id.* On October 17, 2018, a TCEQ investigator reviewed J&L's distribution map and observed a hydraulic dead-end at the intersection of Sjolander Road and Terry Lane. Because it is a dead end, a flush valve should have been present at the intersection. However, the investigator documented that J&L's distribution system has only one flush valve located on Sjolander Road toward East Cedar Bayou Lynchburg Road. Therefore, Barnett continuously violated 30 Tex. Admin. Code § 290.44(d)(6) and Tex. Water Code § 7.101 at J&L from at least October 17, 2018, to November 19, 2020.

Failure to provide boil water notices to customers within 24 hours

9.4 30 Tex. Admin. Code 290.46(q)(1) requires that a PWS issue boil water notices to customers within 24 hours of a water outage. A copy of the notice must be provided to TCEQ within 24 hours after the notice is provided to customers. *Id.* A TCEQ investigator documented that J&L's well was not functioning from March 29 to April 3, 2019. On April 1, 2019, Barnett provided the boil water notice door to door to customers of J&L. On May 2, 2019, TCEQ confirmed that it did not receive a copy of the boil water notice from Barnett. Therefore, Barnett

violated 30 Tex. Admin. Code 290.46(q)(1) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Produce a Plant Operations Manual

9.5 30 Tex. Admin. Code § 290.42(l) requires a PWS to compile and maintain an up-to-date plant operations manual for operator review and reference. On or about October 11, 2017 and November 19, 2020, Barnett could not produce J&L's plant operations manual to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.42(l) and Tex. Water Code § 7.101 at J&L on at least October 11, 2017.

Failure to Produce an up-to-date System Monitoring Plan

9.6 30 Tex. Admin. Code § 290.121(a) requires a PWS to maintain an up-to-date chemical and microbiological monitoring plan. A copy of the monitoring plan must be maintained at the water treatment plant and at a central location. *Id.* On or about October 11, 2017 and November 19, 2020, Barnett could not produce a copy of J&L's monitoring plan to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.121(a) and Tex. Water Code § 7.101 at J&L on at least October 11, 2017.

Failure to Produce a Sample Siting Plan

9.7 A PWS must maintain a Sample Siting Plan, as required by 30 Tex. Admin. Code § 290.109(d)(1)-(6), as part of its chemical and microbiological monitoring plan. 30 Tex. Admin. Code § 290.121(c)(3). A PWS is required to maintain a copy of the Sample Siting Plan for at least ten years and be available to TCEQ upon request. *Id.* § 290.46(f)(2), (3)(E)(ix). 30 Tex. Admin. Code § 290.109(d)(6)(E) requires that a PWS maintain a copy of its Sample Siting Plan onsite for inspection purposes. On or about October 11, 2017, Barnett could not produce a copy of J&L's Sample Siting Plan to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex.

Admin. Code §§ 290.121(b)(3), 290.46(f)(2), (3)(E)(ix), 290.109(d)(6)(E) and Tex. Water Code § 7.101 at J&L on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records of Dead-End Main Flushing

9.8 A PWS must flush all dead-end mains at monthly intervals. 30 Tex. Admin. Code § 290.46(1). Records of the dates that dead-end mains were flushed must be retained for at least two years. *Id.* § 290.46(f)(3)(A)(iv). Additionally, these records must be accessible for review during inspections and be available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017, Barnett could not produce J&L's records of dead-end main flushing to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2), (3)(A)(iv) and Tex. Water Code § 7.101 at J&L on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records of the Exterior Pressure Tank Inspections

9.9 30 Tex. Admin. Code § 290.46(m)(1) requires a PWS to conduct annual inspections of each of the system's ground, elevated, and pressure tanks. A PWS must keep the records of tank inspections for at least five years. *Id.* § 290.46(f)(3)(D)(ii). Additionally, these records must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017, Barnett could not produce records of exterior tank inspections to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(D)(ii) and Tex. Water Code § 7.101 at J&L on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Map of the Distribution System

9.10 30 Tex. Admin. Code § 290.46(n)(2) requires a PWS to maintain an accurate and

up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. The distribution maps must be maintained on file at a PWS and be available to the TCEQ upon request. *Id.* § 290.46(n). On or about October 11, 2017, Barnett could not produce a copy of J&L's distribution system map to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(n) and Tex. Water Code § 7.101 at J&L on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to make the Facilities' Operating Records Accessible for Review during an inspection

9.11 30 Tex. Admin. Code § 290.46(f)(2) requires a PWS to make its operating records accessible for review during inspections and be available to the TCEQ upon request. On October 11, 2017, Barnett could not provide the following records for J&L to a TCEQ investigator upon request: a copy of monthly reports of water works operations; distribution chlorine residual monitoring reports from September 2014 through September 2017; operator's calibration record for the disinfectant residual analyzers; and customer service inspections. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2) and Tex. Water Code § 7.101 at J&L on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce a Service Agreement

9.12 30 Tex. Admin. Code § 290.46(i) requires a PWS to adopt a service agreement with provisions for proper enforcement to ensure unacceptable plumbing practices are not permitted. The service agreement must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 11, 2017, Barnett could not produce J&L's service agreement to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2), (i) and Tex. Water Code § 7.101 at J&L on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Produce Records on Well Calibration

9.13 30 Tex. Admin. Code § 290.46(s)(1) requires a PWS to calibrate its well meter at least once every three years. The calibration records must be retained for at least three years. *Id.* § 290.46(f)(3)(B)(iv). Also, the calibration records must be accessible for review during inspections and available to TCEQ upon request. *Id.* § 290.46(f)(2). On or about October 17, 2017, Barnett could not produce well calibration records for J&L to a TCEQ investigator upon request. Therefore, Barnett violated 30 Tex. Admin. Code § 290.46(f)(2), (3)(B)(iv) and Tex. Water Code § 7.101 at J&L on at least one day for each record Barnett failed to make available to TCEQ upon request.

Failure to Adopt and Submit an Emergency Preparedness Plan

9.14 A PWS 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 TCEQ for its approval an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations. 30 Tex. Admin. Code § 290.39(o)(1); Tex. Water Code § 13.1395(a)(1)(A), (b)(2). During the investigation on October 11, 2017, a TCEQ investigator confirmed that Barnett had not submitted an Emergency Preparedness Plan to TCEQ. Therefore, Barnett violated 30 Tex. Admin. Code § 290.39(o)(1) and Tex. Water Code §§ 7.101, 13.1395(A)(1)(A) at J&L from at least October 11, 2017, to November 19, 2020.

Failure to Submit Planning Material to TCEQ Before Construction of a PWS

9.15 No person may begin construction or modifications to a PWS without providing notification to the TCEQ and submitting and receiving approval of plans and specifications if requested. 30 Tex. Admin. Code § 290.39(h)(1). A PWS must submit engineering reports for new water systems and when design or capacity deficiencies are identified in an existing system as part

of the planning material. *Id.* § 290.39(e)(1). During the investigation on October 11, 2017, a TCEQ investigator confirmed that Barnett had not submitted plans and specifications to TCEQ or engineering reports. Therefore, Barnett violated 30 Tex. Admin. Code §§ 290.39(d)(1) and 290.39(e)(1) and Tex. Water Code § 7.101 at J&L from at least October 11, 2017 to the present.

Failure to Provide a CCR

9.16 30 Tex. Admin. Code § 290.271(b) and § 290.274(a) require Barnett to mail or deliver one copy of the CCR to each bill paying customer by July 1st of each year. Additionally, 30 Tex. Admin. Code § 290.274(c) requires Barnett to certify that the CCR was distributed by submitting a copy of the CCR to TCEQ by the same date. As provided in Section V, TCEQ did not receive J&L's annual CCRs for 2015, 2016, 2017, and 2018. Therefore, Barnett violated 30 Tex. Admin. Code § 290.274(c) and Tex. Water Code § 7.101 at J&L on at least one day for each missing record.

Failure to Report DLQORs to the TCEQ

9.17 30 Tex. Admin. Code § 290.110(a) requires a PWS to properly disinfect water before it is distributed to the customers and maintain acceptable disinfectant residuals within the distribution system. The disinfectant levels are verified through periodic sampling and analysis of the drinking water. *Id.* § 290.110(c). A PWS that uses groundwater must submit to TCEQ a DLQOR for each quarter. *Id.* § 290.110(e)(4)(A). As provided in Section V, Barnett failed to submit a DLQOR to the TCEQ for the second and third quarter of 2016 and the second quarter of 2018. Therefore, Barnett violated 30 Tex. Admin. Code § 290.110(e)(4)(A) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Report Lead and Copper Levels to the TCEQ

9.18 30 Tex. Admin. Code § 290.117(c)(2)(C) requires a PWS to collect lead and copper

tap samples from each approved sampling site. A PWS must report lead and copper tap sample results to TCEQ within ten days following the end of each monitoring period. *Id.* § 290.117(i)(1). As provided in Section V, Barnett failed to submit J&L's reports for lead and copper levels 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 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.117(i)(1) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Report Metal and Mineral Levels to the TCEQ

9.19 30 Tex. Admin. Code § 290.106(c)(4)(A)(i) requires a PWS to routinely monitor for metals and minerals at each groundwater entry point every three years. TCEQ may increase the monitoring frequency for metals and minerals for PWS using groundwater sources. *Id.* § 290.106(c)(9). The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit to TCEQ J&L's metal and mineral levels for the January 2014-December 2016 and January 2017-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at J&L on at least one day for the missing report.

Failure to Report Nitrate and Nitrite Levels to the TCEQ

9.20 30 Tex. Admin. Code § 290.106(c)(6) and (7) requires a PWS to monitor for nitrate and nitrite.¹⁹ The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.106(e). As provided in Section V, Barnett failed to

¹⁹ A PWS must monitor for nitrate annually. 30 Tex. Admin. Code § 290.106(c)(6)(A)(i). A PWS must monitor for nitrite once during each nine-year compliance cycle at the time designated by TCEQ. *Id.* § 290.106(c)(7)(A). The TCEQ may increase the monitoring frequency for community water systems using groundwater sources. *Id.* § 290.106(c)(9).

submit to TCEQ J&L's nitrate and/or nitrite levels for the January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Report SOC Levels to the TCEQ

9.21 30 Tex. Admin. Code § 290.107(c)(1)(C)(i) requires a PWS to take four consecutive quarterly samples for each SOC contaminant during each compliance period. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.107(e). As provided in Section V, Barnett failed to submit to TCEQ J&L's SOC levels for the January 2012-December 2014; January 2014-December 2016; January 2015-December 2017; and January 2017-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Report VOC Levels to the TCEQ

9.22 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) requires a PWS to take four consecutive quarterly samples for each VOC during each compliance period, beginning with the initial compliance period. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.107(e). As provided in Section V, Barnett failed to submit to TCEQ J&L's VOC levels for the January-December 2016; January-December 2017; January-December 2018; and January-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Report Disinfectant Byproduct Levels to the TCEQ

9.23 30 Tex. Admin. Code § 290.115(b)(1)(A) requires a PWS to comply with the MCL for TTHM of 0.080 mg/L. The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.115(e)(1). As provided in Section V, Barnett failed to submit to TCEQ J&L's TTHM levels for the January 2014-December 2016 monitoring period. Therefore, Barnett violated 30 Tex. Admin. Code § 290.115(e)(1) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Report Cyanide Levels to the TCEQ

9.24 30 Tex. Admin. Code § 290.106(c)(4)(A)(i) requires a PWS to routinely monitor for inorganic contaminants, including cyanide, at each groundwater entry point every three years. The owner or operator of a PWS must ensure that the TCEQ is provided with a copy of the results of the test, measurement, or analysis. *Id.* § 290.106(e). As provided in Section V, Barnett failed to submit J&L's cyanide levels for the January-December 2019 monitoring period. Therefore, Barnett violated 30 Tex. Admin. Code § 290.106(e) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Report Radionuclide Levels to the TCEQ

9.25 30 Tex. Admin. Code § 290.108(b)(1) requires a PWS to ensure that the drinking water does not contain concentrations of radionuclides in excess of MCL. The owner or operator of a PWS must submit a copy of the results of the test, measurement, or analysis to TCEQ. *Id.* § 290.108(e). As provided in Section V, Barnett failed to submit to TCEQ J&L's radionuclides levels for the January 2014-December 2019 monitoring periods. Therefore, Barnett violated 30 Tex. Admin. Code § 290.108(e) and Tex. Water Code § 7.101 at J&L on at least one day for each missing report.

Failure to Provide TCEQ with Public Notices Regarding Routine Monitoring

9.26 30 Tex. Admin. Code § 290.122(c) and (f) require an owner and operator of a PWS to submit to TCEQ a copy of any public notice accompanied by a signed certificate when the system fails to perform any of the required monitoring or reporting. As provided in Section V, Barnett failed to submit to TCEQ Reed's signed certificates of delivery certifying that public notices were issued for failing to:

- a. Submit DLQORs for the first quarter of 2015, second and third quarters of 2016, and the second quarter of 2018;
- b. Report distribution lead and copper levels for the January 2013-December 2015, January-December 2016, January-June 2017, July-December 2017, January-June 2018, and July 2018-December 2018 monitoring periods;
- c. Report SOC levels for the January 2011-December 2013, January 2012-December 2014; January 2014-December 2015, and January 2015-December 2017 monitoring periods;
- d. Report metal/mineral levels for the January 2008-December 2013, January 2011-December 2013, and January 2014-December 2016 monitoring periods;
- e. Report radionuclide levels for the January 2008-December 2013 monitoring period;
- f. Report disinfectant byproduct levels for the January 2011-December 2013 and January 2014-December 2016 monitoring periods;
- g. Nitrate/nitrite reports for the January-December 2015, January-December 2016, and January-December 2017 monitoring periods; and
- h. VOC levels for the January-December 2015, January-December 2016, and January-December 2017 monitoring periods.

9.27 Therefore, Barnett violated 30 Tex. Admin. Code § 290.122(c) and (f) and Tex. Water Code § 7.101 at J&L on at least one day for each missing certificate.

X. CLAIM 1 - CIVIL PENALTIES

10.1 THSC § 341.048(a) provides that “[a] person may not cause, suffer, allow, or permit

a violation of this subchapter or a rule or order adopted under this subchapter.” *See also* Tex. Water Code § 7.101. A person who causes, suffers, allows, or permits a violation under THSC chapter 341, subchapter C, or a rule or order issued thereunder, shall be assessed a civil penalty of not less than \$50 nor more than \$1,000 for each day of violation. THSC § 341.048(b). Each day of a continuing violation is a separate violation. *Id.*

10.2 The State requests civil penalties within the statutory range stated above for each day of each violation alleged in Sections VI through IX against Barnett.

XI. CLAIM 2 – JUDGMENT FOR UNPAID PUBLIC HEALTH SERVICES FEES

11.1 Reed. PWSs are required to pay annual PHS fees assessed by TCEQ. 30 Tex. Admin. Code § 290.51. Barnett failed to pay annual PHS fees with respect to Reed. Up to the date of filing this Petition, Barnett has not paid the outstanding PHS fees for the TCEQ Financial Administration Account No. 91010945 in relation to Reed, for the fiscal years 2001 to 2021, totaling \$4,536.19. Therefore, pursuant to THSC § 341.041, the State requests judgment against Barnett for the entire amount of unpaid PHS fees, including any accumulated penalties and late fees.

11.2 Villa. PWSs are required to pay annual PHS fees assessed by TCEQ. 30 Tex. Admin. Code § 290.51. Barnett failed to pay annual PHS fees with respect to Villa. Up to the date of filing this Petition, Barnett has not paid the outstanding PHS fees for the TCEQ Financial Administration Account No. 91011183 in relation to Villa, for the fiscal years 1996 to 2021, totaling \$6,619.05. Therefore, pursuant to THSC § 341.041, the State requests judgment against Barnett for the entire amount of unpaid PHS fees, including any accumulated penalties and late fees.

11.3 Vista. PWSs are required to pay annual PHS fees assessed by TCEQ. 30 Tex. Admin. Code § 290.51. Barnett failed to pay annual PHS fees with respect to Vista. Up to the date of filing this Petition, Barnett has not paid the outstanding PHS fees for the TCEQ Financial Administration Account No. 90360026 in relation to Vista, for the fiscal years 2000 to 2021, totaling \$5,944.11. Therefore, pursuant to THSC § 341.041, the State requests judgment against Barnett for the entire amount of unpaid PHS fees, including any accumulated penalties and late fees.

11.4 J&L. PWSs are required to pay annual PHS fees assessed by TCEQ. 30 Tex. Admin. Code § 290.51. Barnett failed to pay annual PHS fees with respect to J&L. Up to the date of filing this Petition, Barnett has not paid the outstanding PHS fees for the TCEQ Financial Administration Account No. 91011684 in relation to J&L, for the fiscal years 2000 to 2021, totaling \$3,599.85. Therefore, pursuant to THSC § 341.041, the State requests judgment against Barnett for the entire amount of unpaid PHS fees, including any accumulated penalties and late fees.

XII. CLAIM 3 - INJUNCTIVE RELIEF

12.1 Pursuant to THSC § 341.048, the State may apply to this court to enforce, prevent, or restrain violations of state statutes, rules, or orders regarding the protection of public water supplies. As established in Sections VI to IX, Barnett operates the Facilities in continuing violation of such statutes and rules. Unless restrained, Barnett will continue to operate the Facilities in a manner that violates these statutes and rules.

12.2 The Attorney General, at the request of TCEQ, may bring an action (1) to enjoin or restrain the continuation of a violation of statutes, rules, or orders regarding the protection of public drinking water supplies; or (2) to compel compliance with these statutes, rules or orders. Tex.

Health & Safety Code § 341.048(e) and Tex. Water Code § 7.032.

12.3 Accordingly, the State seeks an appropriate injunctive order to prevent violations or threatened continuing violations and to obtain appropriate corrective actions.

12.4 The State asks this Court to grant temporary injunction against Barnett, ordering Barnett, his agents, employees, and all persons in active concert or participation with him, to ensure that the Facilities are operated in accordance with all provisions of the statutes and rules regarding the protection of public water supplies. Specifically, the State requests that the Court grant a temporary injunction, and, upon trial, a permanent injunction 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. Water Tight 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.

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 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).
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