

sections of barbed wire along the fence, so that the water system is fully enclosed by an intruder-resistant fence in accordance with 30 Tex. Admin. Code § 290.38(41).

4. Pressure Tanks Inspection. Within 30 Days of the Effective Date, Barnett shall inspect the interior and exterior of all pressure tanks at Villa, in accordance with 30 Tex. Admin. Code § 290.46(m). Within 45 Days of the Effective Date, Barnett shall submit the reports of such inspections to TCEQ.
5. Well Casing Vent. Within 30 days of the Effective Date, Barnett shall install a well vent on the groundwater well at Villa with an opening that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, in accordance with 30 Tex. Admin. Code § 290.41(c)(3)(K).
6. Air-Water Volume. Within 30 Days of the Effective Date, Barnett shall equip the air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank, in accordance with 30 Tex. Admin. Code § 290.43(d)(3). Within 30 Days of the Effective Date, Barnett shall also install a sight glass on the pressure tank to adequately monitor the air-water-volume in the pressure tank at the design water level and working pressure, in accordance with 30 Tex. Admin. Code § 290.43(d)(3).
7. Pipelines. Within 30 Days of the Effective Date, Barnett shall apply for an exception to 30 Tex. Admin. Code § 290.41(c)(1)(A), which does not allow a PWS well to be located within 150 feet of an underground petroleum and chemical pipeline. The exception should be requested in accordance with 30 Tex. Admin. Code § 290.39(l) and submitted to:

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

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

8. Legible Sign. Within 30 Days of the Effective Date, Barnett shall provide a legible sign located in plain view at Villa, providing the name of its water supply and an emergency telephone number at each of its production, treatment, and storage facilities, in accordance with 30 Tex. Admin. Code § 290.46(t).
9. Plant operations manual. Within 30 Days of the Effective Date, Barnett shall

compile an up-to-date plant operations manual for Villa in accordance with 30 Tex. Admin. Code § 290.42(l). Within 45 Days of the Effective Date, Barnett shall submit copies of Villa's plant operations manual to TCEQ. Thereafter, Barnett shall ensure that Villa's plant operations manual is kept up-to-date, on file at Villa, and shall make it available to the TCEQ upon request.

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

create and keep on file copies of well completion data, as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A), for each groundwater well at Villa, in accordance with 30 Tex. Admin. Code § 290.46(n)(3). Within 45 Days of the Effective Date, Barnett shall submit the copies of well completion data records to TCEQ. Thereafter, Barnett shall maintain copies of the well completion data records on file at Villa and shall make them available to the TCEQ upon request.

- 16. Engineering Reports.** Within 30 Days of the Effective Date, Barnett shall secure the services of a registered professional engineer well versed in the design and construction of public water systems to prepare an engineering report to be submitted to the TCEQ in accordance with 30 Tex. Admin. Code § 290.39(e)(1). The engineering report shall include, but is not limited to: a statement of the problems at Villa; the present and future areas to be served, with population data; the source, with quantity and quality of the water available; present and estimated future maximum and minimum water quality demands; description of the site and surrounding water works facilities; the type of treatment, equipment, and capacity of facilities; basic design data, including pumping capacities, water storage and flexibility of system operation under normal and emergency conditions; and the adequacy of the facilities with regard to delivery capacity and pressure throughout the system.

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

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

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

- 18. Well Meter Calibration Records.** Within 30 Days of the Effective Date, Barnett shall submit to TCEQ records of well calibration at Villa. If there are no reports of well calibration available, Barnett shall, within 30 days after the Effective Date,

calibrate all well meters at Villa, in accordance with 30 Tex. Admin. Code § 290.46(s), and submit the calibration records to TCEQ, within 45 days after the Effective Date.

19. Drought Contingency Plan. Within 30 Days of the Effective Date, Barnett shall submit to the TCEQ a drought contingency plan for Villa that complies with all the requirements of 30 Tex. Admin. Code §§ 288.20 and 288.30.
20. Emergency Preparedness Plan. Within 30 Days of the Effective Date, Barnett shall submit to TCEQ for its approval an emergency preparedness plan, in accordance with 30 Tex. Admin. Code § 290.39(o)(1), that demonstrates Villa's ability to provide emergency operations.
21. Cyanide. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for cyanide levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the cyanide sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the cyanide levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
22. SOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for SOC levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the SOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the SOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(1)(C)(i) and (e).
23. VOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for VOC levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the VOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the VOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) and (e).
24. Metal and Minerals. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for metal and mineral levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the metal and mineral sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the metal and mineral levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
25. Radionuclides Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for radionuclides levels at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the radionuclides

sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the radionuclides levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.108.

26. Nitrate and Nitrite Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of nitrate and nitrite samples at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the nitrate and nitrite sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the nitrate and nitrite levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(6).
27. Disinfectant Byproduct Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of disinfectant byproduct samples at Villa. Within 90 Days of the Effective Date, Barnett shall ensure that the disinfectant byproduct sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the disinfectant byproduct levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.115(b)(1)(A).
28. Lead and Copper Levels. Barnett shall conduct lead and copper distribution sampling at Villa within the first 30 Days of the next monitoring period following the Effective Date. Barnett shall ensure that the results of the lead and copper sampling are reported to the TCEQ within 10 Days after the sampling is conducted. Thereafter, Barnett shall sample for lead and copper levels in accordance with the monitoring periods set by the TCEQ and shall ensure that the sampling results are reported to the TCEQ within 10 Days after the end of the monitoring period, in accordance with 30 Tex. Admin. Code § 290.117(i)(1).
29. Consumer Tap Notices. Within 60 Days of the Effective Date, Barnett shall implement policies and procedures at Villa to ensure that all necessary consumer notices of lead tap water monitoring results are reported to TCEQ, in accordance with 30 Tex. Admin. Code § 290.117(i)(6).
30. Public Notifications. Within 60 Days of the Effective Date, Barnett shall implement policies and procedures at Villa to ensure that all necessary public notifications are provided in a timely manner to persons served by Villa and a copy of the public notification is submitted to the TCEQ, in accordance with 30 Tex. Admin. Code § 290.122.
31. CCR to the TCEQ. Within 70 Days of the Effective Date, Barnett shall submit a copy of the most recent annual CCR that has been provided to Villa's customers to the TCEQ along with certification that the CCR has been distributed to the customers and that the information in the CCR is correct and consistent with the

compliance monitoring data, in accordance with 30 Tex. Admin. Code § 290.274.

32. All Weather Access Road. Within 90 Days of the Effective Date, Barnett shall provide an all-weather access road comprised of gravel or other comparable material to the water treatment plant at Villa, in accordance with 30 Tex. Admin. Code § 290.41(e)(4).
33. Planning Report. Within 90 Days of the Effective Date, Barnett shall submit to TCEQ a planning reports for reaching 85% of well capacity at Villa. The reports shall explain how Villa will provide the expected service demands to the remaining areas within the boundaries of its certificated area, in accordance with 30 Tex. Admin. Code § 291.93(3).
34. DLQORs. Within 90 Days of the Effective Date, Barnett shall begin submitting DLQORs for Villa to the TCEQ each quarter, by the tenth day of the month following the quarter, in accordance with 30 Tex. Admin. Code § 290.110(e)(4)(A). Thereafter, Barnett shall submit the DLQORs for Villa every quarter, in accordance with 30 Tex. Admin. Code § 290.110(e)(4)(A). DLQORs shall be submitted to:

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

d. Ordering Provisions for Vista

1. Operating and Maintenance Records. Immediately upon the Effective Date, Barnett shall begin implementing policies and procedures at Vista to ensure that operation and maintenance records are maintained and are made available to TCEQ during inspection, and upon request. If Barnett is not currently keeping operating and maintenance records at Vista, he shall begin keeping these records immediately upon the Effective Date. Within 90 Days of the Effective Date, Barnett shall submit to TCEQ the following operating and maintenance records for Vista for the first 90 day after the Effective Date:
 - i. Microbiological analyses;
 - ii. Records showing the amount of chemicals used and the volume of water treated at Vista;
 - iii. Monthly reports of waterworks operations;
 - iv. Distribution chlorine residual monitoring reports;
 - v. Customer service inspections;
 - vi. Disinfectant residual monitoring results; and
 - vii. Records showing that the accuracy of manual disinfectant residual

analyzers has been verified using chlorine solutions of known concentrations.

2. Watertight Condition. Within 45 Days of the Effective Date, Barnett shall submit documentation to TCEQ that all leaks have been repaired.
3. Properly Maintain the Facility. Within 30 Days of the Effective Date, Barnett shall ensure the good working condition and general appearance of Vista's facilities and equipment. Specifically, Barnett shall repair the peeling paint on the pressure tank and repair the hole under the concrete slab supporting the pressure tank.
4. Intruder-Resistant Fence. Within 30 Days of the Effective Date, Barnett shall repair the fence surrounding the water system at Vista, including, but not limited to, replacing any missing sections of the fence; repairing or replacing any loose sections of barbed wire along the fence; and affixing the hinges on the locked fence gate to the metal post, so that the water system is fully enclosed by an intruder-resistant fence in accordance with 30 Tex. Admin. Code § 290.38(41).
5. Well Meters. Within 30 Days of the Effective Date, Barnett shall install a flow-measuring device for the well at Vista. If Barnett has already installed a flow-measuring device, Barnett shall provide documentation proving that the flow-measuring device has been installed within 30 Days of the Effective Date.
6. Legible Sign. Within 30 Days of the Effective Date, Barnett shall provide a legible sign located in plain view at Vista, providing the name of its water supply and an emergency telephone number at each of its production, treatment, and storage facilities, in accordance with 30 Tex. Admin. Code § 290.46(t).
7. ASME Plate. Within 30 days of the Effective Date, Barnett shall ensure that all hydropneumatic pressure tanks at Vista have an American Society of Mechanical Engineers (ASME) name plate permanently attached to the tanks, in accordance with 30 Tex. Admin. Code § 290.43(d)(1).
8. Pressure Tanks Inspection. Within 30 Days of the Effective Date, Barnett shall inspect the interior and exterior of all pressure tanks at Vista, in accordance with 30 Tex. Admin. Code § 290.46(m). Within 45 Days of the Effective Date, Barnett shall submit the reports of such inspections to TCEQ.
9. Plant operations manual. Within 30 Days of the Effective Date, Barnett shall compile an up-to-date plant operations manual for Vista in accordance with 30 Tex. Admin. Code § 290.42(l). Within 45 Days of the Effective Date, Barnett shall submit copies of Vista's plant operations manual to TCEQ. Thereafter, Barnett shall ensure that Vista's plant operations manual is kept up-to-date, on file at Vista, and shall make it available to the TCEQ upon request.

10. System Monitoring Plan. Within 30 Days of the Effective Date, Barnett shall create and maintain on file an up-to-date system monitoring plan for Vista in accordance with 30 Tex. Admin. Code § 290.121. Within 45 Days of the Effective Date, Barnett shall submit copies of the system monitoring plan for Vista to TCEQ. Thereafter, Barnett shall maintain an up-to-date system monitoring plan on file at Vista and shall make it available to the TCEQ upon request.
11. Sample Siting Plan. Within 30 Days of the Effective Date, Barnett shall develop and create a Sample Siting Plan at Vista in accordance with 30 Tex. Admin. Code § 290.109(d)(6). Within 45 Days of the Effective Date, Barnett shall submit copies of the Sample Siting Plan for Vista to TCEQ. Thereafter, Barnett shall maintain the Sample Siting Plan on file at Vista and shall make it available to the TCEQ upon request.
12. Service Agreement. Within 30 Days of the Effective Date, Barnett shall adopt a service agreement for Vista in accordance with 30 Tex. Admin. Code § 290.46(i). Within 45 Days of the Effective Date, Barnett shall submit copies of the service agreement for Vista to TCEQ. Thereafter, Barnett shall maintain a service agreement on file at Vista and shall make it available to the TCEQ upon request.
13. Map of Water Distribution System. Within 30 Days of the Effective Date, Barnett shall create and keep on file a map of the water distribution system at Vista in accordance with 30 Tex. Admin. Code § 290.46(n)(2). Within 45 Days of the Effective Date, Barnett shall submit copies of the map of the water distribution system for Vista to TCEQ. Thereafter, Barnett shall maintain a map of the distribution system on file at Vista and shall make it available to the TCEQ upon request.
14. As-Built Plans and Records. Within 30 Days of the Effective Date, Barnett shall create and keep on file at Vista copies of accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment, plant, pump station, and storage tank at Vista, in accordance with 30 Tex. Admin. Code § 290.46(n)(1). Within 45 Days of the Effective Date, Barnett shall submit copies of the accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment, plant, pump station, and storage tank at Vista to TCEQ. Thereafter, Barnett shall maintain all as-built plans and records on file at Vista and shall make them available to the TCEQ upon request.
15. Well Completion Data Records. Within 30 Days of the Effective Date, Barnett shall create and keep on file copies of well completion data, as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A), for each groundwater well at Vista, in accordance with 30 Tex. Admin. Code § 290.46(n)(3). Within 45 Days of the Effective Date, Barnett shall submit the copies of well completion data records to TCEQ. Thereafter, Barnett shall maintain copies of the well completion data records on file at Vista and shall make them available to the TCEQ upon request.

- 16. Engineering Reports.** Within 30 Days of the Effective Date, Barnett shall secure the services of a registered professional engineer well versed in the design and construction of public water systems to prepare an engineering report to be submitted to the TCEQ in accordance with 30 Tex. Admin. Code § 290.39(e)(1). The engineering report shall include, but is not limited to: a statement of the problems at Vista; the present and future areas to be served, with population data; the source, with quantity and quality of the water available; present and estimated future maximum and minimum water quality demands; description of the site and surrounding water works facilities; the type of treatment, equipment, and capacity of facilities; basic design data, including pumping capacities, water storage and flexibility of system operation under normal and emergency conditions; and the adequacy of the facilities with regard to delivery capacity and pressure throughout the system.

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

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

- 17. Backflow Prevention Devices.** Within 30 days of the Effective Date, Barnett shall test all backflow prevention devices at Vista annually and retain the test and maintenance report forms for at least three years, in accordance with 30 Tex. Admin. Code § 290.46(f)(3)(A)(iv). Within 45 Days of the Effective Date, Barnett shall submit test and maintenance report from the backflow prevention devices test to the TCEQ.
- 18. Dead-end Mains Flushing Records.** Within 30 Days of the Effective Date, Barnett shall submit to TCEQ copies of the most recent reports of flushing of the dead-end mains at Vista. If there are no reports of flushing of the dead-end mains available, Barnett shall, within 30 days after the Effective Date flush the dead-end mains at Vista, in accordance with 30 Tex. Admin. Code § 290.46(l), and submit the reports of such flushing to TCEQ, within 45 Days of the Effective Date. In addition, Barnett shall maintain records of the dead-end mains flushing at Vista, in accordance with 30 Tex. Admin. Code § 290.46(f)(3)(A)(iv).
- 19. Drought Contingency Plan.** Within 30 Days of the Effective Date, Barnett shall submit to the TCEQ a drought contingency plan for Vista that complies with all the

requirements of 30 Tex. Admin. Code §§ 288.20 and 288.30.

20. Plumbing Ordinance. Within 30 Days of the Effective Date, Barnett shall update Vista's customer service agreement to show that pipes and pipe fittings should not contain more than 0.25% lead, in accordance with 30 Tex. Admin. Code § 290.46(i). Within 45 Days of the Effective Date, Barnett shall submit to TCEQ a copy of Vista's updated customer service agreement.
21. Cyanide. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for cyanide levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the cyanide sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the cyanide levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
22. SOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for SOC levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the SOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the SOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) and (e).
23. VOC Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for VOC levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the VOC sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the VOC levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.107(c)(2)(C)(i) and (e).
24. Metal and Minerals. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for metal and mineral levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the metal and mineral sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the metal and mineral levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.106(c)(4) and (e).
25. Radionuclides Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of samples for radionuclides levels at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the radionuclides sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the radionuclides levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.108.
26. Nitrate and Nitrite Levels. Within 45 Days of the Effective Date, Barnett shall

arrange for and collect the required number of nitrate and nitrite samples at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the nitrate and nitrite sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the nitrate and nitrite levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 290.416(c)(6).

27. Disinfectant Byproduct Levels. Within 45 Days of the Effective Date, Barnett shall arrange for and collect the required number of disinfectant byproduct samples at Vista. Within 90 Days of the Effective Date, Barnett shall ensure that the disinfectant byproduct sample results are released and reported to TCEQ. Thereafter, Barnett shall sample for and report the disinfectant byproduct levels to TCEQ pursuant to an applicable monitoring period and in accordance with 30 Tex. Admin. Code § 30 Tex. Admin. Code § 290.115(b)(1)(A).

28. Lead and Copper Levels. Barnett shall conduct lead and copper distribution sampling at Vista within the first 30 Days of the next monitoring period following the Effective Date. Barnett shall ensure that the results of the lead and copper sampling are reported to the TCEQ within 10 Days after the sampling is conducted. Thereafter, Barnett shall sample for lead and copper levels in accordance with the monitoring periods set by the TCEQ and shall ensure that the sampling results are reported to the TCEQ within 10 Days after the end of the monitoring period, in accordance with 30 Tex. Admin. Code § 290.117(i)(1).

29. Well Capacity. Within 60 Days of the Effective Date, Barnett shall seek TCEQ and other any other applicable government agency approval to install additional well capacity at Vista so that Vista maintains a total capacity of 1.5 gallons per minute (“gpm”) per connection, in accordance with 30 Tex. Admin. Code § 290.45(b)(1)(A)(i). Within 300 Days of the Effective Date, Barnett shall obtain approval and complete installation of the additional well production capacity at Vista so that Vista maintains a total production capacity of 1.5 gpm per connection, in accordance with 30 Tex. Admin. Code § 290.45(b)(1)(A)(i).

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

31. Public Notifications. Within 60 Days of the Effective Date, Barnett shall implement policies and procedures at Vista to ensure that all necessary public notifications are provided in a timely manner to persons served by Vista and a copy of the public notification is submitted to the TCEQ, in accordance with 30 Tex. Admin. Code § 290.122.

32. CCR to the TCEQ. Within 70 Days of the Effective Date, Barnett shall submit a copy of the most recent annual CCR that has been provided to Vista’s customers to

the TCEQ along with certification that the CCR has been distributed to the customers and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 Tex. Admin. Code § 290.254.

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

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

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

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

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

12.6 Within 30 days after obtaining initial compliance with each provision of this Injunction, Defendants must submit a written certification of compliance, as well as supporting documents, including, but not limited to, photographs, receipts, or other records to demonstrate compliance to:

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

Austin, Texas 78711-3087

and

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

12.7 Upon final trial, the State requests that this Court make the temporary injunction against Defendant permanent and issue such additional injunctive relief as may be warranted by the facts.

XIII. ATTORNEY'S FEES AND COSTS

13.1 This is an action brought by the State for civil penalties and injunctive relief. Therefore, the Attorney General is entitled to recover and collect reasonable attorney's fees, investigative costs, and court costs on behalf of the State. Tex. Water Code § 7.108. In the event of an appeal to the Court of Appeals or to the Supreme Court, the Attorney General is entitled to recover and collect additional reasonable attorney's fees and court costs on behalf of the State.

XIV. POST-JUDGMENT INTEREST

14.1 Pursuant to Tex. Fin. Code § 304.003, the State asks this Court to award the State post-judgment interest on all amounts awarded in relation to this proceeding, at the maximum rate allowed by law.

PRAYER

The State of Texas requests the following:

1. That, upon hearing, the Court grant a temporary injunction against Barnett, as requested above;
2. That, upon trial, the Court grant a permanent injunction against Barnett, as requested above;

3. That the Court grant judgment for appropriate civil penalties within the range allowed by law against Barnett as requested above;
4. That the State be awarded its reasonable attorney's fees and all costs of court;
5. That the Court grant judgment against Barnett for unpaid public health services fees, as requested above;
6. That the Court award the State post-judgment interest on all amounts awarded herein until fully paid; and
7. That the State be awarded all such other and further relief, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

KRISTIAN DORFMAN
Deputy First Assistant Attorney General

SHAWN COWLES
Deputy Attorney General for Civil Litigation

PRISCILLA M. HUBENAK
Chief, Environmental Protection Division

/s/Ixchel Parr
IXCHEL PARR
Assistant Attorney General
State Bar No. 24110196
Ixchel.Parr@oag.texas.gov

Office of the Attorney General
Environmental Protection Division
P.O. Box 12548, MC 066
Austin, Texas 78711-2548
Tel.: (512) 463-2012
Fax: (512) 320-0911

ATTORNEYS FOR THE STATE OF TEXAS

UNSWORN DECLARATION OF BRENDA LOGGINS

STATE OF TEXAS

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COUNTY OF TRAVIS

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My name is Brenda Carol Loggins. I am over the age of eighteen and am currently of sound mind and competent to make this declaration. I have personal knowledge of all facts set forth herein and those facts are true and correct.

I am employed as the Collection Coordinator for the Financial Administration Division for the Texas Commission on Environmental Quality ("TCEQ"). As Collection Coordinator for the Financial Administration Division of the TCEQ, I am the legal custodian of any payment records of the TCEQ regarding payment of regulatory assessment fees and public health service ("PHS") fees.

In the performance of the functions of my office as custodian of payment records, I made a diligent and thorough review of the records and documents on file with TCEQ relating to TCEQ Financial Administration Account No. 91010945, TCEQ Financial Administration Account No. 91011183, TCEQ Financial Administration Account No. 90360026, TCEQ Financial Administration Account No. 91011684, and records and documents on file with TCEQ relating to regulatory assessment fees for CCN No. 12079. During my review, I documented the following:

1. TCEQ 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.
2. TCEQ did not receive PHS fees for Villa Utilities for fiscal years 1996 through 2021, for the TCEQ Financial Administration Account No. 91011183 totaling \$6,614.95.
3. TCEQ 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.
4. TCEQ 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.
5. TCEQ has not received Reed Estates' regulatory assessment reporting and associated fees, relating to CCN No. 12079, for the calendar years 2009 to 2020.

Declaration of Brenda Loggins

State of Texas v. Norman Barnett dba Reed Estate, Villa Utilities, Vista Utilities, and J&L Terry Lane

My name is Brenda Carol Loggins, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 29th day of April 2021.



Brenda Loggins, Collection Coordinator
Texas Commission on Environmental Quality

Declaration of Brenda Loggins

State of Texas v. Norman Barnett dba Reed Estate, Villa Utilities, Vista Utilities, and J&L Terry Lane

UNSWORN DECLARATION OF DESTINY GEPPERT

STATE OF TEXAS

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§

COUNTY OF Harris §

My name is Destiny Geppert, I am over the age of eighteen and of sound mind, capable of making this declaration, and personally acquainted with the facts herein.

I am employed by the Texas Commission on Environmental Quality as an Environmental Investigator for the Houston regional office. In this capacity, I have the authority to make this declaration. Furthermore, in this capacity, I am familiar with TCEQ rules regarding water quality as they apply to the water systems located at 8918 ½ Furry Avenue in Houston, Harris County, Texas, 77016 (Reed Estates); 6423 Lemoine Lane in Chambersview, Harris County, Texas, 77049 (Villa Utilities); 8802 Lennie Lane in Beach City, Chambers County, Texas, 77523 (Vista Utilities); and at 3107 Terry Lane in Baytown, Harris County, Texas, 77521 (J & L Terry Lane); together "the Facilities."

I have read the foregoing *State's Original Petition and Application for Injunctive Relief* and am personally familiar with the facts alleged in paragraphs 5.12, 5.13, 5.17, 5.18, 5.22, 5.23, 5.26, 5.27, 5.30, 5.31, 5.34, 5.35, 5.38, 5.39, 5.41, 5.42, and 5.44. I gained my personal knowledge of those facts based on a review of the factual findings obtained during investigations and memorialized in investigation reports, and through observations made during my November 19, 2020 inspections of the Facilities. The facts alleged in paragraphs 5.12, 5.13, 5.17, 5.18, 5.22, 5.23, 5.26, 5.27, 5.30, 5.31, 5.34, 5.35, 5.38, 5.39, 5.41, 5.42, and 5.44. are true and correct.

My name is Destiny Geppert and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration under penalty of perjury that the facts stated in this document are true and correct.

Executed in Harris County, State of Texas, on the 19 day of May 2021.


DESTINY GEPPERT
Environmental Investigator
Texas Commission on Environmental Quality

UNSWORN DECLARATION OF JAMES LAMANNA

STATE OF TEXAS

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COUNTY OF TRAVIS

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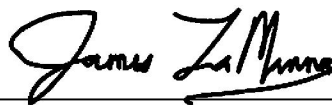
My name is James LaManna, I am over the age of eighteen and of sound mind, capable of making this declaration, and personally acquainted with the facts herein.

I am employed by the Texas Commission on Environmental Quality as a Team Leader for the Drinking Water Technical Review Team. In this capacity, I have the authority to make this declaration. Furthermore, in this capacity, I am familiar with TCEQ rules regarding water quality as they apply to the water systems located at 8918 ½ Furay Avenue in Houston, Harris County, Texas, 77016 (Reed Estates); 6423 Lemoine Lane in Channelview, Harris County, Texas, 77049 (Villa Utilities); 8802 Lennie Lane in Beach City, Chambers County, Texas, 77523 (Vista Utilities); and at 3107 Terry Lane in Baytown, Harris County, Texas, 77521 (J & L Terry Lane); together "the Facilities."

I have read the foregoing *State's Original Petition and Application for Injunctive Relief* and am personally familiar with the facts alleged in paragraphs 5.11, 5.15, 5.16, 5.21, 5.24, 5.25, 5.29, 5.32, 5.33, 5.37, 5.40, and 5.43. I gained my personal knowledge of those facts based on a review of the factual findings obtained during investigations and memorialized in record reviews of the Facilities. The facts alleged in paragraphs 5.11, 5.15, 5.16, 5.21, 5.24, 5.25, 5.29, 5.32, 5.33, 5.37, 5.40, and 5.43 are true and correct.

My name is James LaManna and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration under penalty of perjury that the facts stated in this document are true and correct.

Executed in Travis County, State of Texas, on the 25 day of May 2021.



Automated Certificate of eService

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

Christopher Loebe on behalf of Ixchel Parr
Bar No. 24110196
christopher.loebe@oag.texas.gov
Envelope ID: 55196971
Status as of 7/13/2021 1:38 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Ixchel Parr		ixchel.Parr@oag.texas.gov	7/9/2021 11:59:32 AM	SENT
Christopher Carl Loebe		christopher.loebe@oag.texas.gov	7/9/2021 11:59:32 AM	SENT

ATTACHMENT 7

Texas Commission on Environmental Quality Investigation Report

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

Customer: Norman Barnett
Customer Number: CN601358443

Regulated Entity Name: REED ESTATES WATER SYSTEM

Regulated Entity Number: RN101259018

Investigation # 1691481

Incident Numbers

Investigator: DESTINY GEPPERT

Site Classification GW <=50 CONNECTION

Conducted: 11/19/2020 -- 11/19/2020

No Industry Code Assigned

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Investigation

Location: KEY MAP 415R

Additional ID(s): 1010945

Address: 8918 1/2 FURAY RD,
HOUSTON, TX , 77016

Local Unit: REGION 12 - HOUSTON

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

Principal(s):

Role	Name
RESPONDENT	NORMAN BARNETT
RESPONDENT	MARIA L HERNANDEZ
RESPONDENT	MERCED J HERNANDEZ

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	OWNER	MR MERCED J HERNANDEZ	Work (281) 454-5892
NOTIFIED	OPERATOR/OWNER	MR NORMAN BARNETT	Cell (713) 705-0177 Work (281) 837-0726
REGULATED ENTITY MAIL CONTACT	OWNER	MS MARIA L HERNANDEZ	Work (281) 454-5892
REGULATED ENTITY CONTACT	OPERATOR/OWNER	MR NORMAN BARNETT	Work (281) 837-0726 Cell (713) 705-0177
REGULATED ENTITY MAIL CONTACT	OPERATOR/OWNER	MR NORMAN BARNETT	Cell (713) 705-0177 Work (281) 837-0726

Other Staff Member(s):

Role	Name
Investigator	CHRISTINA BERNAL
QA Reviewer	CHRISTINA BERNAL
Supervisor	NICHOLE NUNES

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS GENERIC VIOLATIONS (35 ITEMS)	Violations
PWS STANDARD FIELD	Violation
WATER EQUIPMENT	Equipment

Investigation Comments:**INTRODUCTION**

A Comprehensive Compliance Investigation (CCI) was conducted at Reed Estates Water System, Public Water Supply (PWS) ID 1010945, on November 19, 2020, by Texas Commission on Environmental Quality (TCEQ) Environmental Investigators (EIs) Destiny Geppert and Christina Bernal, to determine compliance with applicable PWS regulations. The notification of the CCI was conducted by EI Bernal on November 9, 2020 and November 12, 2020 by phone. Messages were left for Mr. Norman Barnett, Owner, to schedule the CCI. A call back deadline was given of November 13th during the November 12th phone call.

The investigation was conducted without presence from the regulated entity. The notification phone calls were not returned, and no one showed up during the assigned investigation date.

The exit interview was conducted by EI Bernal with Mr. Barnett by phone on November 20, 2020, and the TCEQ Exit Interview Form was faxed by EI Geppert and received by Mr. Barnett on November 20, 2020 (Attachment 1).

The investigation included the examination of TCEQ records, and an on-site investigation of all physical facilities that pertain to the PWS. More specifically, the investigation inspection included the water source, water treatment; water distribution; finished water storage; pumps/pump facilities and controls; monitoring/reporting/data verification; water system management/operations; and operator compliance with TCEQ requirements.

A Notice of Enforcement letter was mailed to the water system. A detailed description of the alleged violations and additional issues listed in the exit interview form can be found in the Summary of Investigation Findings.

BACKGROUND

The previous CCI was conducted on October 11, 2017, and resulted in the following alleged violations for: failure to make public water system's operating records accessible for review during an inspection or upon request by the executive director (chlorine distribution monitoring reports, calibration records for the disinfectant residual analyzer, customer service inspections), failure to maintain up to date detailed as built drawings, failure to maintain a service agreement, failure to maintain the exterior of the pressure tank, failure to maintain the exterior of the well casing, failure to provide an easily readable pressure gauge, failure to comply with Permanent Injunction 226.b.ii Default Judgment Cause No. D-1-GN-16-001049, failure to comply with Permanent Injunction 226.b.iii Default Judgment Cause No. D-1-GN-16-001049, failure to provide dead-end main flushing logs, failure to comply with Permanent Injunction 226.b.v Default Judgment Cause No. D-1-GN-16-001049, failure to provide a copy of the interior and exterior pressure tank inspections, failure to comply with Permanent Injunction 226.b.i Default Judgment Cause No. D-1-GN-16-001049, failure to comply with Permanent Injunction 226.b.vi Default Judgment Cause No. D-1-GN-16-001049, failure to comply with Permanent Injunction 226.b.vii Default Judgment Cause No. D-1-GN-16-001049, failure to maintain facilities in a watertight condition, failure to maintain a planning report, failure to provide 50 gallons per connection, failure to provide a distribution map, and failure to provide a monitoring plan. There was one additional issue in regard to the Revised Total Coliform Rule Sample Siting Plan.

An original petition and application for injunctive relief were filed on March 10, 2016. Agreed Commission Order Cause No. D-1-GN-16-001049 was effective on June 22, 2016.

Reed Estates has had three complaints within the ten years preceding this investigation. The complaints were conducted on January 14, 2014, November 19, 2013, and July 8, 2014. Additionally, all three complaints alleged that they had a water outage. At this time, the violations associated with the complaints have been resolved.

GENERAL FACILITY AND PROCESS INFORMATION

Reed Estates Water System is a community PWS. The water system maintains one water plant which supplies water to one pressure plane. This system serves a total of 32 connections, with an estimated population of 96. The connection count and population used was from the previous CCI, since no information about the current count was provided by the owner at the time of the investigation. The area served by the water plant is Reed Estates.

Plant No. 1 is located at 8918 1/2 Furay Avenue and contains one submersible well, Source ID No. G1010945A. The well was unable to be timed during the investigation since the investigators were unable to access the plant. The plant treats with sodium hypochlorite for disinfection purposes prior to entering the 0.0015 million-gallon (MG) pressure tank. This information was gathered from the previous CCI and was unable to be confirmed at the time of this investigation.

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

As of the site visit on October 11, 2017, the system does not meet the minimum capacity requirements for systems with less than 50 connections pursuant to 30 Texas Administrative Code (TAC) §290.45(b)(1)(A). The information regarding the number of connections (32) and pressure tank storage capacity of 0.0015 MG was collected from the October 11, 2017 investigation. For more detailed information see the water system capacity calculations spreadsheet (Attachment 4).

The water system employs the following operator for Reed Estates Water System:

Mr. Norman Barnett has a D – Water license, license number W00011004, which expires on June 8, 2021.

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

Exceptions:

The water system has not been granted any TCEQ regulatory exceptions.

Emergency Preparedness Plan:

Regulated entities located in Harris County are required to submit an Emergency Preparedness Plan (EPP). At this time, the regulated entity does not have an approved EPP on file. This can be found in the Alleged Violation Section of the Summary of Investigation Findings.

Chemical Analysis:

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

Interconnects:

Reed Estates Water System does not have any interconnects with any other water systems at this time.

Field Monitoring Activities:

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

At the time of the field investigation, the disinfectant residual concentration and distribution pressure were

monitored at a sample tap at the 11800 block of Ferndell Street. The location had a 1.90 mg/L free chlorine residual concentration and a pressure of 37 psi. The pressure and chlorine reading were compliant.

ADDITIONAL INFORMATION

At the time of the investigation, Mr. Barnett did not respond to phone calls conducted by Investigator Bernal and was not present during the investigation. The investigators were not able to access the interior of the water system and walked the perimeter of each water plant, where possible, and collected photographs (Attachment 5). Upon arrival at the water plant, it was noted that the front gate was locked, and there was an emergency ownership sign located on the front gate. In addition, it was noted that the barbed along the front of the fence was loose, and vegetation was growing along the fence and barbed wire on the east side of the fence. It was noted that the water plant has one well, a pressure tank. Due to the compliant chlorine residual found by the EIs at the time of the investigation, it is believed that hypochlorination is being stored in a black box at the water plant. Due to limited access, the investigator was unable to verify what was located in the black box. It was, also, noted at the time of the investigation that mildew was growing on the north and east sides of the pressure tank. Due to a private residence boarding the west side of the plant, the investigators were unable to walk around the south and west of the water plant.

An Exit Interview Form prepared and was faxed to Mr. Barnett on November 20, 2020 (Attachment 1). As EI Bernal had been unable to contact Mr. Barnett before the site visit, and the investigators were, therefore, unable to review operational records at the time of the investigation. In the Exit Interview Form requests were made for records. A deadline of November 30, 2020 was also given.

An alleged violation for failure to provide the system's operational records, including monthly operating reports, distribution chlorine residual logs, verification records for the manual disinfectant analyzer, and Customer Service Inspection (CSI) certifications was previously cited as part of Violation Track No. 661569. This violation is associated to Enforcement Case No. 53666 and is outstanding.

Alleged violations for failure to develop and maintain an up to date monitoring plan were previously cited as Violation Track No. 581938 and Violation Track No. 676502. Violation Track No. 581938 is not associated to an enforcement case. Violation Track No. 676502 is associated to Enforcement Case No. 53666. This was, therefore, included as an Additional Issue in this investigation.

A copy of the system's Sample Siting Plan was not provided, and this has been cited as an alleged violation.

Drinking Water Watch shows that one bacteriological sample is collected each month, and the results for 2019 and 2020 indicate that all samples were negative for total coliform and Escherichia (E.) coli. However, all of the samples were collected at the same location in the 8810 block of Furry. An Additional Issue was included regarding rotating sample sites according to the list. The requested records in the form of copies of the bacteriological sample result forms, to document that the regulated entity retains the records as required, were not provided. This was cited an alleged violation.

The requested copies of any Boil Water Notices, Boil Water rescindment notices, or other public notifications for 2019 and 2020 were not provided. It is unknown whether any notifications were required to be issued. This was, therefore, included as an additional issue in this investigation.

A copy of the system's Disinfection Level Quarterly Operation Reports for 2019 and 2020 were not received, and this has been addressed as an additional issue.

The requested plant operations manual was not provided. Alleged violations for failure to compile and maintain a current and thorough plant operations manual were previously cited as Violation Track No. 441734 which is associated to Enforcement Case No. 39672, and Violation Track No. 662800 which is associated to Enforcement Case No. 53666. Violation Track No. 662800 was indicated to be a failure to comply with Agreed Commission Order Cause No. D-1-GN-16-001049. This was, therefore, included as an Additional Issue in this investigation.

The requested flushing logs were not provided. Alleged violations for failure to conduct flushing of all dead-end mains monthly and to retain the records for a minimum of two years were previously cited as Violation Track No. 441734 which is associated to Enforcement Case No. 39672, and Violation Track No. 662797 which is associated to Enforcement Case No. 53666. Violation Track No. 662797 was indicated to be a failure to comply with Agreed Commission Order Cause No. D-1-GN-16-001049. This was, therefore, included as an Additional Issue in this

investigation.

The requested well completion data was not provided. This was cited as an alleged violation.

The requested as-built plans of the well and plant were not provided. This alleged violation was previously cited as Violation Track No. 661582 which is associated to Enforcement Case No. 53666. This was, therefore, included as an Additional Issue in this investigation.

The requested letters of approval to construct the well and plant and approval to use the well were not provided. Alleged violations for failure to secure the services of a registered engineer so that as-built plans can be submitted to the TCEQ were previously cited as Violation Track No. 505350 which is associated to Enforcement Case No. 39672, and Violation Track No. 671698 which is associated to Enforcement Case No. 53666. Violation Track No. 671698 was indicated to be a failure to comply with Agreed Commission Order Cause No. D-1-GN-16-001049. This was, therefore, included as an Additional Issue in this investigation.

The requested interior and exterior tank inspections were not received. The tank has been previously recorded to be 1500 gallons in the CCI completed on October 11, 2017. A tank of 1,000 gallons or greater capacity is required to have an access port for periodic inspections. The pressure tank at Reed Estates was not observed to have an access port. Without an access port, an interior inspection of the pressure tank can't be conducted. There is an exception to the regulatory requirement for an access port for pressure tanks installed before July 1, 1988, as per 30 TAC §290.43(d)(1). It is unknown when the pressure tank at Reed Estates was installed. An alleged violation for failure to provide the exterior and interior inspection reports for the pressure tank was previously cited as Violation Track No. 662760 which is associated to Enforcement Case No. 53666. The lack of an access port and an interior and exterior inspection report were, therefore, included as Additional Issues in this investigation.

A copy of the service agreement was not received. An alleged violation for failure to provide the customer service agreement was previously cited as Violation Track No. 661748 which is associated to Enforcement Case No. 53666. This was, therefore, included as an Additional Issue in this investigation.

A copy of the distribution map was not provided. Alleged violations for failure to prepare and maintain a map of the distribution system were previously cited as Violation Track No. 566050 and Violation Track No. 67650. Violation Track No. 566050 is not associated to an Enforcement Case, and Violation Track No. 676501 is associated to Enforcement Case No. 53666. This was, therefore, included as an Additional Issue in this investigation.

The requested annual backflow prevention assembly test reports were not provided. EI Bernal and EI Geppert observed that the system appears to be entirely residential with no businesses observed during the site visit. It was unknown whether there are any potential cross-connection hazards present in the system. This was, therefore, included as an Additional Issue in this investigation.

The requested sanitary control easements for the well were not provided. EIs Bernal and Geppert observed the well is located within approximately 30 feet of a residence based on google maps. Alleged violations for failure to provide the sanitary control easements were previously cited as Violation Track No. 662758 which is associated to Enforcement Case No. 53666. Violation Track No. 662758 was indicated to be a failure to comply with Agreed Commission Order Cause No. D-1-GN-16-001049. This was, therefore, included as an Additional Issue in this investigation.

The requested well meter calibration report was not received. Alleged violations for failure to provide the sanitary control easements were previously cited as Violation Track No. 662754 which is associated to Enforcement Case No. 53666. Violation Track No. 662754 was indicated to be a failure to comply with Agreed Commission Order Cause No. D-1-GN-16-001049. This was, therefore, included as an Additional Issue in this investigation.

The Drought Contingency Plan requested was not provided. This was cited as an alleged violation.

The requested copy of the approved emergency preparedness plan was not received. Alleged violations for failure to provide an approved EPP was previously cited as Violation Track No. 662761 which is associated to Enforcement Case No. 53666. Violation Track No. 662761 was indicated to be a failure to comply with Agreed Commission Order Cause

No. D-1-GN-16-001049. This was, therefore, included as an Additional Issue in this investigation.

The requested records of customer complaints were not provided nor were records provided that stated if there had been any complaints received by the regulated entity. This was, therefore, included as an additional issue.

The requested records that were to provide information on the type of meter that Mr. Barnett uses to collect chlorine residuals was not received. This was, therefore, will be noted as an additional issue.

It was noted during the investigation, that the following maintenance items have been previously cited: mold on the well casing (violation crack no. 661757), exterior of the pressure tank was covered in mold (violation track no. 661752), pressure gauge not working (violation track no. 661761), vegetation on the fence line (violation track no. 661763), loose barbed wire (violation track no. 671693), leaking schrader valve and leaking chlorine injection point (violation track no. 671718). These previously cited violations are associated to Enforcement Case No. 53666. Violations, Track nos. 671693 and 671718, are also associated to Agreed Commission Order Cause No. D-1-GN-16-001049; however, Violation Track No 671718 was indicated to be a failure to comply with to comply with Agreed Commission Order Cause No. D-1-GN-16-001049. These were noted to still be issues at the time of the investigation; therefore, it is included as Additional Issues in this investigation.

It was noted during the investigation that there was a crack in the concrete slab of the well, and this will be cited as an alleged violation.

Due to the limited access granted to the investigators at the water system, they were unable to verify if there were scales or equipment available to determine the amount of disinfectant remaining or that the hypochlorination container is sealed and covered from contaminants. These will be included as additional issues.

EI Geppert was unable to calculate current well capacity due to Mr. Barnett not providing the connection count or other information and substituted the rated capacity of the well pump and the connection count from the previous investigation on October 11, 2017.

1.5 gpm per connection = $1.5 \text{ gpm/conn} \times 32 \text{ conn} = 48 \text{ gpm required}$
Rated well capacity = 40 gpm provided

Alleged violations for failure to provide a minimum well capacity of 1.5 gpm per connection were previously cited as Violation Track No. 445839 which is associated to Enforcement Case No. 39672, and Violation Track No. 662762 which is associated to Enforcement Case No. 53666. Violation Track No. 662762 was indicated to be a failure to comply with Agreed Commission Order Cause No. D-1-GN-16-001049. This was, therefore, included as an Additional Issue in this investigation.

At the time of the investigation on October 11, 2017, information of the size of the pressure tank was collected from the previous investigation, it was noted to be 1,500 gallons.

50 gallon/connection = $50 \text{ gall/conn} \times 32 \text{ conn} = 1600 \text{ total gallons required}$
Pressure tank size = 1500 gallon provided

Alleged violations for failure to provide a minimum pressure tank capacity were previously cited as Violation Track No. 676500 which is associated to Enforcement Case No. 53666. This was, therefore, included as an Additional Issue in this investigation.

A copy of the requested planning report for the well and pressure tank capacity and were not provided. This was previously cited as Violation Track No. 674198 which is associated to Enforcement Case No. 53666. This was, therefore, included as an Additional Issue in this investigation. However, the review of the Public Utility Commission CCN map viewer shows that this location does not have an assigned CCN number. A CCN is a permit issued by the Public Utility Commission 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.

As a result of the investigation, five new violations are being alleged, and 31 additional issues are being issued.

NOE Date: 1/7/2021

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

Track Number: 766941 **Compliance Due Date:** To Be Determined
Violation Start Date: Unknown

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

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure by a public water system to provide a record of operations for at least ten years of any Sample Siting Plans required by §290.109(d)(6) of this title and monitoring plans required by §290.121(b) of this title (relating to Monitoring Plans). At the time of the investigation, no records were provided.

In addition, all public water systems must submit a copy of the Sample Siting Plan for review and approval upon development and revisions. Submit one copy of the complete Sample Siting Plan to:

Texas Commission on Environmental Quality
Attn: Drinking Water Quality Team (RTCR Program)
Public Drinking Water Section, Mail Code 155
PO Box 13087
Austin, TX 78711-3087

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

Track Number: 766943 **Compliance Due Date:** To Be Determined
Violation Start Date: Unknown

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

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure by a public water system to provide a record of operations for at least five years to provide the results of microbiological analysis. At the time of the investigation, no records were provided.

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

Track Number: 766945 **Compliance Due Date:** To Be Determined
Violation Start Date: Unknown

30 TAC Chapter 290.46(n)(3)

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure to provide copies of well completion data.

At the time of the investigation, it was documented that the water system was not maintaining well completion data. A public water system shall furnish a copy of the well completion data, which includes the following items per 30 TAC 290.41(c)(3)(A):

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

Exceptions can be requested by writing to the Texas Commission on Environmental Quality (TCEQ), Technical Review and Oversight Team (TROT); MC 159, PO Box 13087, Austin, TX 78711-3087.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Technical Review and Oversight Team or Plan Review and CC the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track Number: 766948

Compliance Due Date: To Be Determined

Violation Start Date: Unknown

30 TAC Chapter 288.30(5)(B)

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure to provide a copy of the drought contingency plan. At the time of the investigation, no records were provided.

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

Track Number: 766954

Compliance Due Date: To Be Determined

Violation Start Date: Unknown

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure to maintain the well with a concrete sealing block. At the time of the investigation, it was noted that there was a crack in the concrete sealing block.

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

Additional Issues

Description Item 1

Additional Comments

Please be aware the regulated entity failed to provide records recording the amount of chemicals used and the volume of water treated and distributed as per 30 TAC §290.46(f)(3)(A) that shall be retained for at least two years. At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 2

Additional Comments

Please be aware the regulated entity failed to provide the monitoring plans required by 30 TAC §290.121(a) that shall be retained for at least ten years as per 30 TAC §290.46(f)(3)(E)(ix). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 5

Additional Comments

Please be aware the regulated entity failed to provide copies of any public notice issued by the water system that shall be retained for at least three years as per 30 TAC §290.46(f)(3)(B)(ii). At the time of the investigation, no records were provided.

Description Item 6

Additional Comments

Please be aware the regulated entity failed to provide records recording the disinfectant residual monitoring result from the distribution system as per 30 TAC §290.46(f)(3)(B)(iii) that shall be retained for at least three years. At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 7

Additional Comments

Please be aware that the regulated entity that is a community public water system and is required to submit the Disinfection Level Quarterly Operating Report each quarter, by the tenth day of the month following the end of the quarter as per 30 TAC §290.110(e)(4)(A). At the time of the investigation, no records were provided.

Description Item 8

Additional Comments

Please be aware the regulated entity failed to provide records that record the accuracy of manual disinfectant residual analyzers is being verified at least once every 90 days using chlorine solutions of known concentrations as per 30 TAC §290.46(s)(2)(C)(i). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 9

Additional Comments

Please be aware the regulated entity failed to provide a copy of the plant operations manual as per 30 TAC §290.42(l). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, no records were provided.

Description Item 10

Additional Comments

Please be aware the regulated entity failed to provide a copy of the monthly dead-end main records as per 30 TAC §290.46(l). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, no records were provided.

Description Item 12

Additional Comments

Please be aware that the regulated entity shall failed to provide accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned per 30 TAC §290.46(n)(1). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 13

Additional Comments

Please be aware the regulated entity failed to submit planning material to the TCEQ or obtain approval for construction per 30 TAC §290.39(e)(1) and §290.39(h)(1). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, no records were provided.

Description Item 14

Additional Comments

Please be aware the regulated entity failed to provide copies of the exterior and interior tank inspections for the pressure tank per 30 TAC §290.46(f)(3)(D)(ii). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, no records were provided.

Description Item 15

Additional Comments

Please be aware that the regulated entity failed to provide a copy of the service agreement per 30 TAC §290.46(i). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 16

Additional Comments

Please be aware that the regulated entity failed to provide copies of customer service inspections (CSIs) per 30 TAC §290.46(j). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 17

Additional Comments

Please be aware that the regulated entity failed to provide a copy of an up to date distribution map per 30 TAC §290.46(n)(2). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Description Item #1

Additional Comments

Please be aware the regulated entity failed to provide a well production capacity of 1.5 gallons per minute per connection as per 30 TAC §290.45(b)(1)(A)(i). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016.

The information regarding the number of connections (32) and pressure tank storage capacity of 0.0015 MG was collected from the October 11, 2017 investigation due to Mr. Barnett not providing the connection count or capacity plant information.

Description Item 18

Additional Comments

Please be aware as per 30 TAC §290.44(h)(1) no water connection from any public drinking water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination. If a cross connection exists be aware of 30 TAC §290.44(h)(1)(A) at any residence or establishment where an actual or potential contamination hazard exists, additional protection shall be required at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified in §290.47(f) of this title (relating to Appendices). At the time of the investigation it was observed that the system appears to be entirely residential with no businesses observed during the site visit. It was unknown whether there are any potential cross-connection hazards present in the system.

Description Item #2

Additional Comments

Please be aware that the regulated entity did not provide copies of the planning report for production and pressure capacity as per 30 TAC §291.93(3). Specifically, it is noted on this investigation that the well production has reached 107% of its capacity. This was based on 40 gpm of well production, 0.0015 MG capacity of pressure tank and 32 connections. The information regarding the number of connections (32) and pressure tank storage capacity of 0.0015 MG was collected from the October 11, 2017 investigation due to Mr. Barnett not providing the connection count or capacity plant information. Currently, this violation is associated to Enforcement Case Number 53666. However, the review of the Public Utility Commission CCN map viewer shows that this location does not have an assigned CCN number. A CCN is a permit issued by the Public Utility Commission 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. Please be aware a Certificate of Convenience and Necessity must be obtained from the Public Utility Commission a Certificate of Public Convenience and Necessity (CCN) that includes the area in which the consuming facility is located and that the present or future public convenience and necessity requires. To obtain an application for a CCN you can write to the Public Utility Commission: PUC contact information: PO Box 13326 Austin, Texas 78711-3326 512-936-7000.

Description Item 19

Additional Comments

Please be aware the regulated entity failed to provide a copy of the sanitary control easement as per 30 TAC §290.41(c)(1)(F). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that was effective June 22, 2016. At the time of the investigation, no records were provided.

Description Item 20

Additional Comments

Please be aware the regulated entity failed to provide a copy of the well meter calibration as per 30 TAC §290.46(f)(3)(B)(iv). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 was effective June 22, 2016. At the time of the investigation, no records were provided.

Description Item 22

Additional Comments

Please be aware the regulated entity failed to provide a copy of the approved emergency preparedness plan as per 30 TAC §290.39(O)(1). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that was effective June 22, 2016. At the time of the investigation, no records were provided.

Description Item 23

Additional Comments

Please be aware that copies of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation; shall be retained for at least two years as per 30 TAC §290.46(f)(3)(A)(iii). At the time of the investigation, no records were provided nor was information provided that the system had received complaints in the preceding two years to record.

Description Item 24

Additional Comments

Please be aware that copies of the boil water notices, boil water rescindment notices and certificates of delivery; shall be retained for at least three years as per 30 TAC §290.46(f)(3)(B)(ii). At the time of the investigation, no records were provided nor was information provided that the system had issue boil water notices in the preceding three years.

Description Item 25

Additional Comments

Please be aware that the system shall maintain equipment as per 30 TAC §290.110(d)(1), that is able to measure free chlorine or chloramines to a minimum accuracy of plus or minus 0.1 mg/L. Color comparators may be used for distribution system samples only. At the time of the investigation, no documentation about the type of equipment used for chlorine residual sampling was provided.

Description Item 26

Additional Comments

Please be aware that the regulated entity failed to maintain equipment at the water plant as per 30 TAC §290.46(m). At the time of the investigation, that the well casing had discoloration on the east side that appeared to be mold. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 28

Additional Comments

Please be aware the regulated entity failed to maintain the fence line of the water plant as per 30 TAC §290.46(m). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that was effective June 22, 2016. At the time of the investigation, it was noted that the fence line had vegetation overgrowth, loose barbed wire, and missing portions of the fence in some sections.

Description Item 29

Additional Comments

Please be aware the regulated entity failed to provide documentation showing that the leak at the schrader valve located at the well discharge line and that the chlorine injection point had been repaired as per 30 TAC §290.46(m)(4). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, it was noted that no documentation had been provided. In addition, the investigators were unable to determine the continued presence of a leak due to being unable to access the water plant.

Description Item 30

Additional Comments

Please be aware as per 30 TAC §290.42(e)(3)(D) facilities shall be provided for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use. At the time of the investigation, due to the compliant chlorine residual found by the EIs at the time of the investigation, it is believed that hypochlorination is being stored in a black box at the water plant.

Description Item 31

Additional Comments

Please be aware as per 30 TAC 290.42(e)(5) hypochlorination solution containers and pumps must be housed in a secure enclosure to protect them from adverse weather conditions and vandalism. The solution container top must be completely covered to prevent the entrance of dust, insects, and other contaminants. At the time of the investigation, the chlorine bleach container was located in a black box, and the investigators did not have access to look inside to verify if the solution container top was completely covered.

Description Item 32

Additional Comments

Please be aware that the regulated entity shall maintain the pressure gauge on the pressure tank as per 30 TAC 290.46(m)(6). At the time of the investigation, the investigators were unable to verify if the pressure gauge on the pressure tank had been repaired or replaced. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 33

Additional Comments

Please be aware that the regulated entity failed to maintain the pressure tank as per 30 TAC 290.46(m). At the time of the investigation, it was noted that there was mildew on the exterior of the pressure tank on the east side and front. Currently this violation is associated to Enforcement Case Number 53666.

Description Item 34

Additional Comments

Please be aware that as per §290.43(d)(1) tanks of 1,000 gallons capacity or larger must meet the standards of the American Society of Mechanical Engineers (ASME) Section VIII, Division 1 Codes and Construction Regulations and must have an access port for periodic inspections. At the time of the investigation, the investigators were unable to access the plant to see all sides of the sides pressure tank. In addition, the perimeter of the plant could not be walked due to a resident's private property being located on one side of the plant.

Description Item 35

Additional Comments

Please be aware that the regulated entity does not provide 50 gallons per connections for pressure capacity as per 30 TAC §290.45(b)(1)(A)(ii). At the time of the inspection the facility had a total of 32 connection (conn.) and is required to provide 50 gallons per conn. The information regarding the number of connections (32) and pressure tank storage capacity of 0.0015 MG was collected from the October 11, 2017 investigation due to Mr. Barnett not providing the connection count or capacity plant information.

The system has a total of 1500 gallons and is short a total of 100 gallons. This is calculated in the following manner:

Required 50 gal/conn. X 32 conn. = 1600 Total Gallons

Short 1600 gallons Required - 1500 gallons Provided = 100 Total Gallons

Currently this violation is associated to Enforcement Case Number 53666.

Signed 

Environmental Investigator

Date 1/7/2021

Signed 

Supervisor

Date 1/7/2021

Attachments: (in order of final report submittal)

☒ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : NOE

Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ Notice of Registration

☐ Maps, Plans, Sketches

☒ Photographs

☐ Correspondence from the facility

☒ Other (specify) :

See list of Attachments

List of Attached files

Attachments-merged.pdf

Summary of Investigation Findings

REED ESTATES WATER SYSTEM

8918 1/2 FURAY RD

HOUSTON, HARRIS COUNTY, TX 77016

Additional ID(s): 1010945

Investigation #

1691481

Investigation Date: 11/19/2020

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

Track No: 766941

Compliance Due Date: To Be Determined

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

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure by a public water system to provide a record of operations for at least ten years of any Sample Siting Plans required by §290.109(d)(6) of this title and monitoring plans required by §290.121(b) of this title (relating to Monitoring Plans). At the time of the investigation, no records were provided.

In addition, all public water systems must submit a copy of the Sample Siting Plan for review and approval upon development and revisions. Submit one copy of the complete Sample Siting Plan to:

Texas Commission on Environmental Quality
Attn: Drinking Water Quality Team (RTCR Program)
Public Drinking Water Section, Mail Code 155
PO Box 13087
Austin, TX 78711-3087

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

Track No: 766943

Compliance Due Date: To Be Determined

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

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure by a public water system to provide a record of operations for at least five years to provide the results of microbiological analysis. At the time of the investigation, no records were provided.

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

Track No: 766945

Compliance Due Date: To Be Determined

30 TAC Chapter 290.46(n)(3)

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure to provide copies of well completion data.

At the time of the investigation, it was documented that the water system was not maintaining well completion data. A public water system shall furnish a copy of the well completion data, which includes the following items per 30 TAC 290.41(c)(3)(A):

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

Exceptions can be requested by writing to the Texas Commission on Environmental Quality (TCEQ), Technical Review and Oversight Team (TROT); MC 159, PO Box 13087, Austin, TX 78711-3087.

Recommended Corrective Action: Submit compliance documentation to the TCEQ Technical Review and Oversight Team or Plan Review and CC the TCEQ Houston Region Office demonstrating corrective measures have been taken to resolve the alleged violation.

Track No: 766948 **Compliance Due Date:** To Be Determined
30 TAC Chapter 288.30(5)(B)

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure to provide a copy of the drought contingency plan. At the time of the investigation, no records were provided.

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

Track No: 766954 **Compliance Due Date:** To Be Determined
30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1691481

Comment Date: 01/05/2021

Failure to maintain the well with a concrete sealing block. At the time of the investigation, it was noted that there was a crack in the concrete sealing block.

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

ADDITIONAL ISSUES

Description

Item 1

Additional Comments

Please be aware the regulated entity failed to provide records recording the amount of chemicals used and the volume of water treated and distributed as per 30 TAC §290.46(f)(3)(A) that shall be retained for at least two years. At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.

Item 2	Please be aware the regulated entity failed to provide the monitoring plans required by 30 TAC §290.121(a) that shall be retained for at least ten years as per 30 TAC §290.46(f)(3)(E)(ix). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.
Item 5	Please be aware the regulated entity failed to provide copies of any public notice issued by the water system that shall be retained for at least three years as per 30 TAC §290.46(f)(3)(B)(ii). At the time of the investigation, no records were provided.
Item 6	Please be aware the regulated entity failed to provide records recording the disinfectant residual monitoring result from the distribution system as per 30 TAC §290.46(f)(3)(B)(iii) that shall be retained for at least three years. At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.
Item 7	Please be aware that the regulated entity that is a community public water system and is required to submit the Disinfection Level Quarterly Operating Report each quarter, by the tenth day of the month following the end of the quarter as per 30 TAC §290.110(e)(4)(A). At the time of the investigation, no records were provided.
Item 9	Please be aware the regulated entity failed to provide a copy of the plant operations manual as per 30 TAC §290.42(l). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, no records were provided.
Item 8	Please be aware the regulated entity failed to provide records that record the accuracy of manual disinfectant residual analyzers is being verified at least once every 90 days using chlorine solutions of known concentrations as per 30 TAC §290.46(s)(2)(C)(i). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.
Item 10	Please be aware the regulated entity failed to provide a copy of the monthly dead-end main records as per 30 TAC §290.46(l). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, no records were provided.
Item 13	Please be aware the regulated entity failed to submit planning material to the TCEQ or obtain approval for construction per 30 TAC §290.39(e)(1) and §290.39(h)(1). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, no records were provided.

Item 12	Please be aware that the regulated entity shall failed to provide accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned per 30 TAC §290.46(n)(1). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.
Item 15	Please be aware that the regulated entity failed to provide a copy of the service agreement per 30 TAC §290.46(i). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.
Item 14	Please be aware the regulated entity failed to provide copies of the exterior and interior tank inspections for the pressure tank per 30 TAC §290.46(f)(3)(D)(ii). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, no records were provided.
Item 17	Please be aware that the regulated entity failed to provide a copy of an up to date distribution map per 30 TAC §290.46(n)(2). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.
Item 16	Please be aware that the regulated entity failed to provide copies of customer service inspections (CSIs) per 30 TAC §290.46(j). At the time of the investigation, no records were provided. Currently this violation is associated to Enforcement Case Number 53666.
Item 19	Please be aware the regulated entity failed to provide a copy of the sanitary control easement as per 30 TAC §290.41(c)(1)(F). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that was effective June 22, 2016. At the time of the investigation, no records were provided.
Item 18	Please be aware as per 30 TAC §290.44(h)(1) no water connection from any public drinking water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination. If a cross connection exists be aware of 30 TAC §290.44(h)(1)(A) at any residence or establishment where an actual or potential contamination hazard exists, additional protection shall be required at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified in §290.47(f) of this title (relating to Appendices). At the time of the investigation it was observed that the system appears to be entirely residential with no businesses observed during the site visit. It was unknown whether there are any potential cross-connection hazards present in the system.

Item 20	Please be aware the regulated entity failed to provide a copy of the well meter calibration as per 30 TAC §290.46(f)(3)(B)(iv). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 was effective June 22, 2016. At the time of the investigation, no records were provided.
Item 22	Please be aware the regulated entity failed to provide a copy of the approved emergency preparedness plan as per 30 TAC §290.39(O)(1). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that was effective June 22, 2016. At the time of the investigation, no records were provided.
Item 23	Please be aware that copies of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation; shall be retained for at least two years as per 30 TAC §290.46(f)(3)(A)(iii). At the time of the investigation, no records were provided nor was information provided that the system had received complaints in the preceding two years to record.
Item 25	Please be aware that the system shall maintain equipment as per 30 TAC §290.110(d)(1), that is able to measure free chlorine or chloramines to a minimum accuracy of plus or minus 0.1 mg/L. Color comparators may be used for distribution system samples only. At the time of the investigation, no documentation about the type of equipment used for chlorine residual sampling was provided.
Item 24	Please be aware that copies of the boil water notices, boil water rescindment notices and certificates of delivery; shall be retained for at least three years as per 30 TAC §290.46(f)(3)(B)(ii). At the time of the investigation, no records were provided nor was information provided that the system had issue boil water notices in the preceding three years.
Item 26	Please be aware that the regulated entity failed to maintain equipment at the water plant as per 30 TAC §290.46(m). At the time of the investigation, that the well casing had discoloration on the east side that appeared to be mold. Currently this violation is associated to Enforcement Case Number 53666.
Item 29	Please be aware the regulated entity failed to provide documentation showing that the leak at the schrader valve located at the well discharge line and that the chlorine injection point had been repaired as per 30 TAC§290.46(m)(4). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016. At the time of the investigation, at was noted that no documentation had been provided. In addition, the investigators were unable to determine the continued presence of a leak due to being unable to access the water plant.

Item 30	Please be aware as per 30 TAC §290.42(e)(3)(D) facilities shall be provided for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use. At the time of the investigation, due to the compliant chloramine residual found by the EIs at the time of the investigation, it is believed that hypochlorination is being stored in a black box at the water plant.
Item 28	Please be aware the regulated entity failed to maintain the fence line of the water plant as per 30 TAC §290.46(m). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that was effective June 22, 2016. At the time of the investigation, it was noted that the fence line had vegetation overgrowth, loose barbed wire, and missing portions of the fence in some sections.
Item 31	Please be aware as per 30 TAC 290.42(e)(5) hypochlorination solution containers and pumps must be housed in a secure enclosure to protect them from adverse weather conditions and vandalism. The solution container top must be completely covered to prevent the entrance of dust, insects, and other contaminants. At the time of the investigation, the chlorine bleach container was located in a black box, and the investigators did not have access to look inside to verify if the solution container top was completely covered.
Item 33	Please be aware that the regulated entity failed to maintain the pressure tank as per 30 TAC 290.46(m). At the time of the investigation, it was noted that there was mildew on the exterior of the pressure tank on the east side and front. Currently this violation is associated to Enforcement Case Number 53666.
Item 34	Please be aware that as per §290.43(d)(1) tanks of 1,000 gallons capacity or larger must meet the standards of the American Society of Mechanical Engineers (ASME) Section VIII, Division 1 Codes and Construction Regulations and must have an access port for periodic inspections. At the time of the investigation, the investigators were unable to access the plant to see all sides of the sides pressure tank. In addition, the perimeter of the plant could not be walked due to a resident's private property being located on one side of the plant.

Item 35	<p>Please be aware that the regulated entity does not provide 50 gallons per connections for pressure capacity as per 30 TAC §290.45(b)(1)(A)(ii). At the time of the inspection the facility had a total of 32 connection (conn.) and is required to provide 50 gallons per conn. The information regarding the number of connections (32) and pressure tank storage capacity of 0.0015 MG was collected from the October 11, 2017 investigation due to Mr. Barnett not providing the connection count or capacity plant information.</p> <p>The system has a total of 1500 gallons and is short a total of 100 gallons. This is calculated in the following manner:</p> <p>Required 50 gal/conn. X 32 conn. = 1600 Total Gallons Short 1600 gallons Required - 1500 gallons Provided = 100 Total Gallons</p> <p>Currently this violation is associated to Enforcement Case Number 53666.</p>
Item 32	<p>Please be aware that the regulated entity shall maintain the pressure gauge on the pressure tank as per 30 TAC 290.46(m)(6). At the time of the investigation, the investigators were unable to verify if the pressure gauge on the pressure tank had been repaired or replaced. Currently this violation is associated to Enforcement Case Number 53666.</p>
Item #1	<p>Please be aware the regulated entity failed to provide a well production capacity of 1.5 gallons per minute per connection as per 30 TAC §290.45(b)(1)(A)(i). This item is noted in Default Judgment Cause No. D-1-GN-16-001049 that became effective June 22, 2016.</p> <p>The information regarding the number of connections (32) and pressure tank storage capacity of 0.0015 MG was collected from the October 11, 2017 investigation due to Mr. Barnett not providing the connection count or capacity plant information.</p>

Item #2

Please be aware that the regulated entity did not provide copies of the planning report for production and pressure capacity as per 30 TAC §291.93(3). Specifically, it is noted on this investigation that the well production has reached 107% of its capacity. This was based on 40 gpm of well production, 0.0015 MG capacity of pressure tank and 32 connections. The information regarding the number of connections (32) and pressure tank storage capacity of 0.0015 MG was collected from the October 11, 2017 investigation due to Mr. Barnett not providing the connection count or capacity plant information. Currently, this violation is associated to Enforcement Case Number 53666. However, the review of the Public Utility Commission CCN map viewer shows that this location does not have an assigned CCN number. A CCN is a permit issued by the Public Utility Commission 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. Please be aware a Certificate of Convenience and Necessity must be obtained from the Public Utility Commission a Certificate of Public Convenience and Necessity (CCN) that includes the area in which the consuming facility is located and that the present or future public convenience and necessity requires. To obtain an application for a CCN you can write to the Public Utility Commission: PUC contact information: PO Box 13326 Austin, Texas 78711-3326 512-936-7000.

Texas Commission on Environmental Quality
Investigation Report
Reed Estates Water System
RN: 101259018, PWS ID: 1010943
Investigation No.: 1691481
Investigation Type: Comprehensive Compliance Investigation
Conducted on November 19, 2020

LIST OF ATTACHMENTS

1. Exit Interview Form
2. PWS System Flow Diagram
3. Drinking Water Watch Summary Sheet
4. Water System Capacity Calculations
5. Photographs taken by Investigator Geppert

Attachment 1

 *** FAX TX REPORT ***

TRANSMISSION OK

JOB NO. 3029
 DESTINATION ADDRESS 2814226272
 SUBADDRESS
 DESTINATION ID
 ST. TIME 11/20 13:12
 TX/RX TIME 01' 18
 PGS. 5
 RESULT OK

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records

Regulated Entity/Site Name	Reed Estates Water System		TCEQ Add. ID No. RN No (optional)
Investigation Type	CCI (Y/N)	Contact Made In-House	Purpose of Investigation
Regulated Entity Contact	Mr. Norman Barnett		comprehensive compliance
Title	Owner	Telephone No.	Business 281-837-0726 Cell 713-705-0177
		FAX #/Email address	281-422-6272

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Issue	No.	Type	Rule Citation (if known)	Description of Issue
	1	RR		Provide a copy of the connection count and population count
	2	RR		Provide the system's Average daily demand/water usage, in gallons or twelve months
	3	RR/PV	30TAC290.46(f)(3)(A)(ii)(iii) 30TACS290.46(f)(3)(A)(i)(iii)	Provide a copy of the water plant monthly logs including amount of water and the volume of water treated and distributed each week for 2019
	4	RR/PV	30 TAC \$290.121(a), 30 TAC \$290.46(f)(3)(E)(ix)	Provide a copy of the monitoring plan
	5	RR/PV	30 TAC \$290.109(d)(6), 30 TAC \$290.46(f)(3)(E)(ix)	Provide a copy of the RTCR Sample Siting Plan
	6	RR/PV	30 TAC \$290.109(d), 30 TAC \$290.46(f)(3)(D)(i)	Provide copies of the system's results of monthly microbiological analysis
	7	RR/PV	30 TAC \$290.46(f)(3)(B)(ii)	Provide copies of the system's other public notices given to customer
	8	RR/PV	30 TAC \$290.110(c)(4)(A), 30 TAC \$290.46(f)(3)(B)(iii)	Provide copies of the system's distribution chlorine residual logs for 2019

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

Did the TCEQ document the regulated entity named above operating without proper authorization? ☐ Yes ☐ No

Did the investigator advise the regulated entity representative that continued operation is not authorized? ☐ Yes ☐ No

If you have questions about any information on this form, please contact your local TCEQ Regional Office.
 Please contact the agency's public information officer with any requests, questions, or comments on access to records or information at 512-239-0860.
 TCEQ 20085 (01/2019) White Copy: Regulated Entity Representative Yellow Copy: TCEQ (Note: 1)

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

Regulated Entity/Site Name	Reed Estates Water System			TCEQ Add. ID No. RN No (optional)	PWS ID No. 1010945, RN101259018
Investigation Type	CCI	Contact Made In-House (Y/N)	Purpose of Investigation	comprehensive compliance investigation	
Regulated Entity Contact	Mr. Norman Barnett			Telephone No.	Date Contacted
				Business 281-837-0726 Cell 713-705-0177	
Title	Owner			FAX #/Email address	FAX/Email date
				281-422-6272	

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Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
1	RR		Provide a copy of the connection count and population count
2	RR		Provide the system's Average daily demand/water usage, in gallons or million gallons, for the past twelve months
3	RR/PV	30TAC290.46(f)(3)(A)(ii)(III) 30TAC§290.46(f)(3)(A)(i)(III)	Provide a copy of the water plant monthly logs including amount of water chemicals used each week and the volume of water treated and distributed each week for 2019 and 2020
4	RR/PV	30 TAC §290.121(a), 30 TAC §290.46(f)(3)(E)(ix)	Provide a copy of the monitoring plan
5	RR/PV	30 TAC §290.109(d)(6),30 TAC §290.46(f)(3)(E)(ix)	Provide a copy of the RTRC Sample Siting Plan
6	RR/PV	30 TAC §290.109(d),30 TAC §290.46(f)(3)(D)(i)	Provide copies of the system's results of monthly microbiological analyses for 2019 and 2020
7	RR/PV	30 TAC §290.46(f)(3)(B)(ii)	Provide copies of the system's other public notices given to customers for 2019 and 2020
8	RR/PV	30 TAC §290.110(c)(4)(A), 30 TAC §290.46(f)(3)(B)(iii)	Provide copies of the system's distribution chlorine residual logs for 2019 and 2020

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

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

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

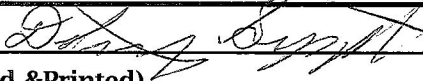
Please contact the agency's public information officer with any requests, questions, or comments on access to records or information at 512-239-0800.

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(Note: use additional pages as necessary) Page 1 of 10

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

Destiny Geppert 	11/20/2020		
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

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

Please contact the agency's public information officer with any requests, questions, or comments on access to records or information at 512-239-0800.

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

Regulated Entity/Site Name	Reed Estates Water System			TCEQ Add. ID No. RN No (optional)	PWS ID No. 1010945, RN101259018
Investigation Type	CCI	Contact Made In-House (Y/N)		Purpose of Investigation	comprehensive compliance investigation
Regulated Entity Contact	Mr. Norman Barnett			Telephone No.	Business 281-837-0726 Cell 713-705-0177
Title	Owner			FAX #/Email address	281-422-6272
					FAX/Email date

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Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
9	RR/PV	30 TAC §290.110(e)(4)	Provide copies of the system's DLQORs for 2019 and 2020
10	RR/PV	30 TAC §290.46(s)(2)(C)(i)	Provide copies of the system's manual disinfectant analyzer (ex. pocket colorimeter or DR 300) verification records, as completed once every 90 days using chlorine solutions of known concentrations (ex. gel standards) for 2019 and 2020
11	RR/PV	30 TAC §290.42(l)	Provide a copy of the system's plant operations manual
12	RR/PV	30 TAC §290.46(l), 30 TAC §290.46(f)(3)(A)(iv)	Provide copies of the system's records of monthly flushing of dead-end mains for 2019 and 2020
13	RR/PV	30 TAC §290.46(n)(3), 30 TAC §290.41(c)(3)(A)	Provide copies of the system's well completion data
14	RR/PV	30 TAC §290.46(n)(1), 30TAC 290.39(e) and 39 (h)(1)	Provide copies of the system's the as-built plans or record drawings and specifications for the well and water plant and approval to construct letters
15	RR/PV	30 TAC §290.46(m)(1)(B), 30 TAC §290.46(f)(3)(D)(ii)	Provide a copy of the system's exterior inspection report for the pressure tank dated within the past year and the interior inspection report dated within the past five years.
16	RR/PV	30 TAC §290.46(i)	Provide a copy of the system's customer service agreement

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Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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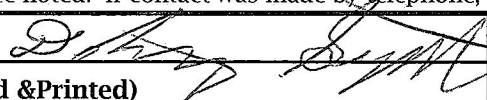
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Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Destiny Geppert		11/20/2020	
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

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

Regulated Entity/Site Name	Reed Estates Water System			TCEQ Add. ID No. RN No (optional)	PWS ID No. 1010945, RN101259018
Investigation Type	CCI	Contact Made In-House (Y/N)		Purpose of Investigation	comprehensive compliance investigation
Regulated Entity Contact	Mr. Norman Barnett			Telephone No.	Business 281-837-0726 Cell 713-705-0177
Title	Owner			FAX #/Email address	281-422-6272
					FAX/Email date

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Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
17	RR/PV	30 TAC §290.46(j), 30 TAC §290.46(f)(3)(E)(iv)	Provide copies of the system's Customer Service Inspection certifications
18	RR/PV	30 TAC §290.42(n)(2)	Provide a copy of the system's complete and up to date distribution map
19	RR/PV	30 TAC §290.44(h)(4), 30 TAC §290.46(f)(3)(b)(v)	Provide copies of the system's annual test reports for backflow prevention assemblies installed to provide protection against health hazards
20	RR/PV	30 TAC §290.41(c)(1)(F)	Provide copies of the system's sanitary control easement(s) for the well
21	RR/PV	30 TAC §290.46(s)(1), 30 TAC §290.46(f)(3)(B)(iv)	Provide a copy of the system's well meter calibration report dated within the past three years
22	RR/PV	30 TAC §288.30(5)	Provide a copy of the system's Drought Contingency Plan
23	RR/PV	30 TAC §290.39(o)	Provide a copy of the system's approved Emergency Preparedness Plan
24	RR/PV	30 TAC §290.46(f)(3)(A)(iii)	Provide copies of the system's records of customer complaints for 2019 and 2020

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

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

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Destiny Geppert

11/20/2020

Investigator Name (Signed & Printed)

Date

Regulated Entity Representative Name (Signed & Printed)

Date

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

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

Regulated Entity/Site Name	Reed Estates Water System			TCEQ Add. ID No. RN No (optional)	PWS ID No. 1010945, RN101259018
Investigation Type	CCI	Contact Made In-House (Y/N)		Purpose of Investigation	comprehensive compliance investigation
Regulated Entity Contact	Mr. Norman Barnett			Telephone No.	Business 281-837-0726 Cell 713-705-0177
Title	Owner			FAX #/Email address	281-422-6272
					FAX/Email date

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Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
25	RR/PV	30 TAC §290.46(q)(1), 30 TAC §290.46(f)(3)(B)(ii)	Provide copies of the system's Boil Water Notices, Boil Water Rescindment Notices, and Certificates of Delivery for 2019 and 2020
26	RR/PV		Provide documentation that the system has a certificate of public convenience and necessity number
27	RR/PV	30 TAC §290.110(d)(1)	Provide documentation of the type of free chlorine test kit being used
28	AV/PV	30 TAC 290.46(m)	Failure to maintain the well casing. It was noted to be moldy
29	AV/PV	30 TAC 290.41(c)(3)(J)	Failure to maintain the concrete sealing block. It was noted to have a crack in it
30	AV/PV	30 TAC 290.41(c)(3)(O), 30 TAC 290.46(m)	Failure to maintain the fence line of the water plant. It was noted that barbed wire was loose and missing in the back section. In addition, vegetation was overgrown
31	AV/PV	30 TAC 290.46(m)(4)	Failure to provide documentation that the leak at the schrader valve and on the chlorine injection line had been repaired.
32	RR/PV	30 TAC 290.42(e)(3)(D)	Provide documentation that there are scales or gauges to determine the amount of disinfectant remaining

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

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


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Destiny Geppert 	11/20/2020		
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

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

Regulated Entity/Site Name	Reed Estates Water System			TCEQ Add. ID No. RN No (optional)	PWS ID No. 1010945, RN101259018
Investigation Type	CCI	Contact Made In-House (Y/N)		Purpose of Investigation	comprehensive compliance investigation
Regulated Entity Contact	Mr. Norman Barnett			Telephone No.	Business 281-837-0726 Cell 713-705-0177
Title	Owner			FAX #/Email address	281-422-6272
					FAX/Email date

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Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
33	RR/PV	290.42(e)(5)	Provide documentation that the hypochlorination container is sealed/covered to prevent entrance of contaminants
34	AV	290.43(d)(2)	Failure to equip the pressure tank with a working pressure gauge
35	AV	290.46(m)	Failure to maintain the pressure tank. It was noted that mold was on the exterior
36	RR/PV	290.43(d)(1)	Provide documentation that the pressure tank has an access port
37	AV	290.45(b)(1)(A)(ii)	Failure to provide 50 gal/conn for the pressure tank based on 32 connections
38	O		Outstanding production capacity violation for failure to provide 1.5 gpm/conn based on a time reading of 40 gpm from the well from a previous investigation
39	RR/PV		Provide a copy of the planning report for the production and pressure tank capacity.
			Provide documentation by November 30, 2020. If no documentation is received the record requests will be noted as violations.

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

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

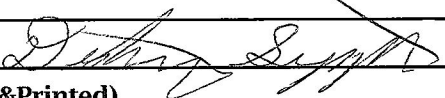
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Destiny Geppert 	11/20/2020		
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

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Please contact the agency's public information officer with any requests, questions, or comments on access to records or information at 512-239-0800.

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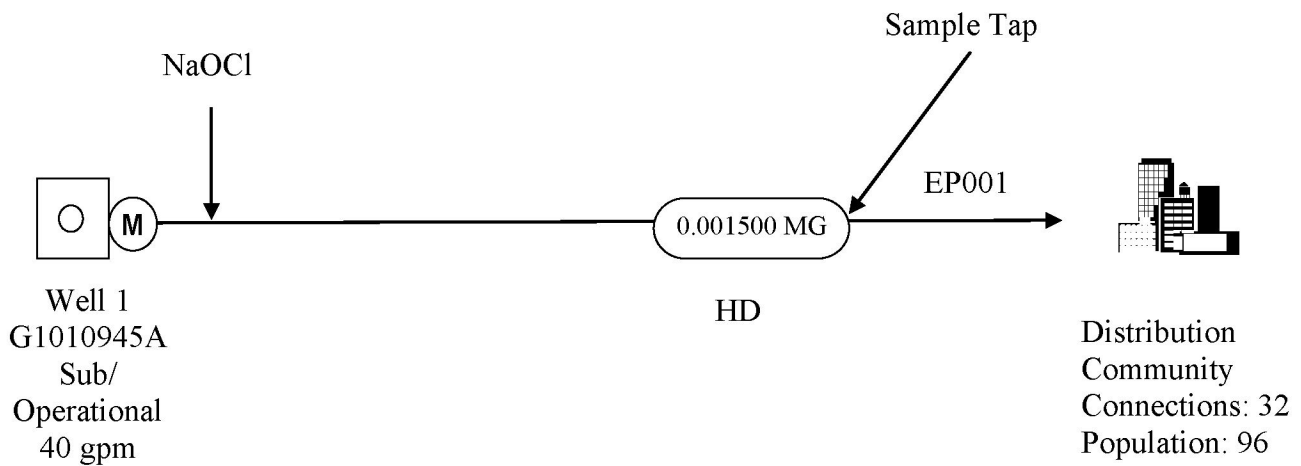
(Note: use additional pages as necessary) Page 10 of 10

Attachment 2

PWS - SYSTEM FLOW DIAGRAM

Name of System:	REED ESTATES WATER SYSTEM		Additional ID:	1010945
Investigation #:	1691481	Investigation Date:	11/19/2020	
Description of Sources, Treatment, Entry Points and Distribution Labeling: owners source names and TCEQ wtrsrc code designation, types of treatment and chemicals, entry points to distribution, entry point sample taps, booster disinfection, distribution connections and layout (if possible).				

8918 ½ Furay Road
Houston, TX



Attachment 3

<u>PWS ID</u>	<u>PWS Name</u>	<u>Central Reg RN</u>
TX1010945	REED ESTATES WATER SYSTEM	RN101259018
<u>Organization / Customer</u>		<u>Central Reg CN</u>
BARNETT, NORMAN		CN601358443
TX1010945	REED ESTATES WATER SYSTEM	RN101259018
<u>Organization / Customer</u>		<u>Central Reg CN</u>
HERNANDEZ, MERCED, JOSE		CN603071895
TX1010945	REED ESTATES WATER SYSTEM	RN101259018
<u>Organization / Customer</u>		<u>Central Reg CN</u>
HERNANDEZ, MARIA, LUZ		CN604314021

TX1010945	All Water System Contacts				
<u>BARNETT, NORMAN</u>		<u>ADDR1</u> PO BOX 3104			
<u>JOBTITLE</u>	<u>OWNER</u>	<u>BAYTOWN</u>		<u>TX</u>	<u>77522-3104</u>
<u>POCTYPE</u>		<u>PURPOSE_CODE</u>	<u>PHONE_NUMBER</u>	<u>EXT</u>	
OW		BUS	281-837-0726		
OW		MOB	713-705-0177		
<u>HERNANDEZ, MARIA, LUZ</u>		<u>ADDR1</u> 8918 FURAY RD			
<u>JOBTITLE</u>	<u>OWNER</u>	<u>HOUSTON</u>		<u>TX</u>	<u>77016-1640</u>
<u>POCTYPE</u>		<u>PURPOSE_CODE</u>	<u>PHONE_NUMBER</u>	<u>EXT</u>	
OW		BUS	281-454-5892		
<u>HERNANDEZ, MERCED, JOSE</u>		<u>ADDR1</u> 8918 FURAY RD			
<u>JOBTITLE</u>	<u>OWNER</u>	<u>HOUSTON</u>		<u>TX</u>	<u>77016-1640</u>
<u>POCTYPE</u>		<u>PURPOSE_CODE</u>	<u>PHONE_NUMBER</u>	<u>EXT</u>	
OW		BUS	281-454-5892		
<u>BARNETT, NORMAN</u>		<u>ADDR1</u> PO BOX 3104			
<u>JOBTITLE</u>	<u>OWNER</u>	<u>BAYTOWN</u>		<u>TX</u>	<u>77522-3104</u>
<u>POCTYPE</u>		<u>PURPOSE_CODE</u>	<u>PHONE_NUMBER</u>	<u>EXT</u>	
AC		MOB	713-705-0177		
AC		BUS	281-837-0726		
<u>HERNANDEZ, MARIA, LUZ</u>		<u>ADDR1</u> 8918 FURAY RD			
<u>JOBTITLE</u>	<u>OWNER</u>	<u>HOUSTON</u>		<u>TX</u>	<u>77016-1640</u>
<u>POCTYPE</u>		<u>PURPOSE_CODE</u>	<u>PHONE_NUMBER</u>	<u>EXT</u>	
AC		BUS	281-454-5892		
<u>HERNANDEZ, MERCED, JOSE</u>		<u>ADDR1</u> 8918 FURAY RD			
<u>JOBTITLE</u>	<u>OWNER</u>	<u>HOUSTON</u>		<u>TX</u>	<u>77016-1640</u>
<u>POCTYPE</u>		<u>PURPOSE_CODE</u>	<u>PHONE_NUMBER</u>	<u>EXT</u>	
AC		BUS	281-454-5892		

<u>OWNER TYPE</u>	Investor Owned
-------------------	----------------

TX1010945		
<u>Population Type</u>	<u>Population Served</u>	<u># of Connections</u>
Residential	96	32
TOTAL	96	32

TX1010945	
<u>Purchases (Buys From)</u>	
<u>Wholesales (Sells To)</u>	

<u>WATERTYPE</u>	GW	<u>PURCHASEFLAG</u>	
<u>SYSTEM_TYPE</u>	COMMUNITY	<u>ACTIVITY STATUS</u>	A

<u>TOTAL PRODUCT</u>	<u>AVG DAILY USG</u>	<u>MAX DAILY DMD</u>	<u>TOT STORG MSR</u>
0.057			
<u>UNITS</u>	<u>UNITS</u>	<u>UNITS</u>	<u>UNITS</u>
MGD			
<u>TOTL ELEV STORG</u>	<u>SERV PUMP CAP</u>	<u>MAX PURCH CAP FLOW RATE</u>	<u>TOTAL PRES TANK CAP</u>
			1500
<u>UNITS</u>	<u>UNITS</u>	<u>UNITS</u>	<u>UNITS</u>
			GAL

ACTIVE SOURCES

<u>Source Number</u>	<u>SOURCE NAME</u>	<u>Activity Status</u>	<u>Oprtnl Status</u>	<u>SOURCE TYPE</u>	<u>WELL DEPTH</u>	<u>TESTED FLOW RATE</u>	<u>RATED FLOW RATE</u>
G1010945A	1 - 8918 1/2 FURAY	A	P	G	575	40 GPM	55 GPM
<u>Drill Date</u>	<u>SOURCE SUMMATION</u>				<u>Plant Num</u>	<u>TYPE CODE</u>	
05/15/1974	EVANGELINE				TP5970	WL	
<u>GPS Latitude</u>	<u>GPS Longitude</u>	<u>GPS ELEVATION</u>		<u>GPS DATE</u>		<u>SELLER PWS ID</u>	
29.885464	-95.25795	56		10/22/2003		Not Purchasing	

TREATMENT PLANT

<u>ENTRY PNT</u>	<u>EP Name, Source,Status</u>	<u>Plant Name & Status</u>	<u>Plant Num</u>
EP001	TRT-TAP / Ground Water / A	PLANT (A)	TP5970
<u>Chemical Mon Type</u>	<u>Chemical Sample Point</u>	<u>Distribution Mon Type</u>	<u>Distribution Sample Point</u>
NO		NO	

TREATMENTS

<u>TRAIN</u>	Unnamed			<u>PLANT NUM</u>	TP5970
<u>Disinfection Zone</u>	<u>Treatment Sequence</u>	<u>OBJ CD</u>	<u>OBJECTIVE</u>	<u>Process</u>	<u>Treatment</u>
null	null	D	DISINFECTION	423	HYPOCHLORINATION, PRE

INACTIVE / OFFLINE SOURCES

<u>SOURCE ID</u>	<u>SOURCE NAME</u>	<u>TYPE</u>	<u>STATUS</u>	<u>AVAIL - ABILITY</u>	<u>FACID</u>	<u>WATER TYPE</u>

PUMPS

<u>PUMP_ID</u>	<u>PUMP_NAME</u>	<u>FACILITY TYPE</u>	<u>ACTIVITY STATUS</u>	<u>AVAIL ABILITY</u>	<u>FLOW RATE NAME</u>	<u>TESTED FLOW</u>	<u>TESTED UOM</u>

STORAGE TANKS

<u>TANK ID</u>	<u>TANK NAME</u>	<u>TANK TYPE</u>	<u>ACTIVITY STATUS</u>	<u>AVAIL ABILITY CODE</u>	<u>STOR AGE TYPE</u>	<u>CON STR MATRL TP</u>	<u>MEASURE QUANTITY</u>	<u>UOM</u>	<u>MEASURE NAME</u>
ST3122	8918 1/2 FURAY RD - 0.0015 MG - HD	ST	A	P	HD	ST	1500.000	GAL	CAP

END OF REPORT

Attachment 4

Capacity Calculations Worksheet

Community Systems (Groundwater)**Fill in green cells only****System Name:** Reed Estates Water System

PWS ID: 1010945

Inv. No.: 1691481

Community (Y/N) Y

MHP (≥ 8 units/ac) or Apts? (Y/N) N

CCN? (Y/N) N

Number of Connections 32

Population 96

Maximum Daily Demand (MDD): MGD

Average Daily Demand (ADD): 290.38(43)

MDD Date (mm/dd/yyyy):

ADD Dates (mm/dd/yyyy):

to

	Rate	Units	Conn.	Required	Units	Provided	85% Rule	% Short	Sufficient?(Y/N)
Prod. Capacity:	1.5	gpm/conn	32	48	gpm	40	N/A	17%	N
Production ACR:		gpm/conn							
Pressure Storage (HD):	50	gal/conn	32	0.0016	MG	0.0015	N/A	6%	N
HD ACR:		gal/conn							
Elevated Storage (EL):	0	gal/conn	32	0	MG		N/A	N/A	N/A
EL ACR:		gal/conn							
Ground Storage (GR):									
Total Storage*:	N/A	gal/conn	32	0	MG	0	N/A	N/A	N/A
Tot. Storage ACR:		gal/conn							
*Total Storage = GR + EL + ST									
SP Capacity:	0	gpm/conn	32	0	gpm		N/A	N/A	N/A
SP ACR:		gpm/conn							
SP Capacity:	(w/largest pump out of service)				gpm				
SP Peaking Factor:	N/A	-	32	0	gph	0	N/A		N/A

Bacti Samples:

Wholesale Contract? (Y/N) n

Maximum Purchase Rate? MGD

Required Submitted

Distribution 1 1

Raw 0 0

Capacity Calculations Worksheet

System Name: Reed Estates Water System

PWS ID: 1010945

Inv. No.: 1691481

Additional Comments:

Attachment 5

Investigation Photographs

Reed Estates Water System

8918 ½ Furay Avenue

Houston (Harris County), Texas

Regulated Entity No: 101259018

TCEQ PWS ID No: 1010943

Investigation Date: November 19, 2020



PHOTOGRAPH #1

At the time of the investigation, it was noted that there was an ownership sign with a phone number on it. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #2

At the time of the investigation, it was noted that barbed wire is loose on the front gate. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #3

At the time of the investigation, it was noted that there was vegetation on the barbed wire. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #4

*At the time of the investigation, it was noted that the water plant was locked.
Photograph taken by Investigator Geppert.*

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #5

At the time of the investigation, a photograph of the overview of the well was collected. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #6

At the time of the investigation, a photograph of the overview of the well was collected. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #7

At the time of the investigation, a photograph of the overview of the front of the pressure tank with mildew. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #8

At the time of the investigation, a photograph of the overview of the front of the pressure tank with mildew. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System

8918 ½ Furay Avenue

Houston (Harris County), Texas

Regulated Entity No: 101259018

TCEQ PWS ID No: 1010943

Investigation Date: November 19, 2020



PHOTOGRAPH #9

At the time of the investigation, a photograph of the overview of the front of the pressure tank and sight glass. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #10

At the time of the investigation, a photograph of the pressure gauge on the pressure tank. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #11

*At the time of the investigation, a photograph of the overview of the plant.
Photograph taken by Investigator Geppert.*

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #12

*At the time of the investigation, a photograph of the overview of the plant.
Photograph taken by Investigator Geppert.*

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #13

At the time of the investigation, a photograph of the black box that potentially is storing the disinfection equipment. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #14

At the time of the investigation, a photograph of the vegetation growing on the back corner of the fence. Photograph taken by Investigator Geppert.

Investigation Photographs

Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020



PHOTOGRAPH #15

At the time of the investigation, the back section of the fence behind the pressure tank is missing the barbed wire. Photograph taken by Investigator Geppert.

Investigation Photographs

**Reed Estates Water System
8918 ½ Furay Avenue
Houston (Harris County), Texas
Regulated Entity No: 101259018
TCEQ PWS ID No: 1010943
Investigation Date: November 19, 2020**



PHOTOGRAPH #16

At the time of the investigation, a photograph of the vegetation growing along the fence line. Photograph taken by Investigator Geppert.

ATTACHMENT 8

DOCKET NO. 53356

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

EMERGENCY ORDER APPOINTING A TEMPORARY MANAGER FOR VILLA UTILITIES, REED ESTATES WATER SYSTEM, VISTA UTILITIES, AND J & L TERRY LANE WITHOUT A HEARING

This Order addresses the request filed by the Staff of Public Utility Commission of Texas for an emergency order appointing a temporarily manager to Villa Utilities, Reed Estates Water System, Vista Utilities, and J & L Terry Lane. The executive director, on behalf of the Commission, issues this emergency order without a hearing, and sets a hearing on this matter to be held as soon as practicable at the Open Meeting scheduled for April 21, 2022 to be held at the Commission's offices in Austin, Texas.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

1. Commission Staff, as the requesting party, is located at 1701 N. Congress Avenue, 7th Floor, Austin, Texas 78701.
2. The public water systems affected by this emergency order are: (1) Villa Utilities,¹ (2) Reed Estates Water System,² (3) Vista Utilities,³ and (4) J & L Terry Lane.⁴
3. The four public water systems affected by this order are owned by Norman Barnett.
4. The four public waters systems currently serve approximately 91 connections.

¹ Villa Utilities, PWS ID No. 1011183.

² Reed Estates Water System, PWS ID No. 1010945.

³ Vista Utilities, PWS ID No. 0360026.

⁴ J & L Terry Lane, PWS ID No. 1011684.

5. On December 15, 1987, the Texas Water Commission granted CCN No. 12079 to Villa Utilities.
6. Reed Estates, Vista Utilities, and J & L Terry Lane are not certificated to provide retail water service.
7. Villa Utilities' license to operate as a business in the state of Texas was forfeited on November 18, 1991.
8. Since January 31, 2022, the Commission has received ten complaints from Mr. Barnett's customers alleging persistent water service outages.⁵
9. Mr. Barnett did not respond to any of the ten customer complaints.
10. In early February 2022, Villa Utilities delivered hand-written notices of its intent to discontinue service to customers in Reed Estate Public Water System.
11. On March 16, 2022, Commission Staff filed a request for an emergency order appointing a person to temporarily manage the four affected public water systems.
12. In its request, Commission Staff recommended the executive director appoint Harrison Williams as temporary manager for the four affected public water systems.
13. Mr. Williams is the president and owner of South Coast Utilities, LLC.
14. Mr. Williams holds a current ground water treatment operator B license number WG0014737.
15. Commission Staff recommended the emergency order appointing Mr. Williams as temporary manager begin on March 16, 2022 and end on September 12, 2022, or when Mr. Williams is discharged from these responsibilities by the Commission or a superseding action is taken by an appropriate court, whichever occurs first.

⁵ Complaint Nos. CP2022010924, CP2022010925, CP2022010927, CP2022020004, CP2022020022, CP2022020452, CP2022020491, CP2022020579, CP2022020593, and CP2022020594.

II. Conclusions of Law

1. The Commission has jurisdiction over this matter under Texas Water Code (TWC) § 13.041(d)(1) and 16 Texas Administrative Code (TAC) § 24.14(a)(1).
2. Under TWC § 13.451(b), the Commission may, by order or rule, delegate to the executive director the authority to issue emergency order under Subchapter K-1 of the TWC. The delegation was made by Commission order on December 4, 2015, in Docket No. 43517.
3. Under TWC § 13.4132 and 16 TAC § 24.357, the Commission may authorize a willing person to temporarily manager and operate a utility if the utility has abandoned operations.
4. TWC § 13.412(f) and 16 TAC § 24.355(c) enumerate actions that constitute abandonment, which include but are not limited to, “failure to adequately maintain facilities or provide sufficient facilities resulting in potential health hazards, extended outages, or repeated service interruptions;” “failure to secure an alternative available water supply during an outage;” or “repeatedly failing to respond to the commission or the utility’s customers.”
5. Villa Utilities, Reed Estates, Vista Utilities, and J & L Terry Lane abandoned the operation of their facilities under TWC § 13.412(f)(3) and 16 TAC § 24.355(c)(3) when they failed to adequately maintain their facilities, which resulted in extended outages or repeated service interruptions.
6. Villa Utilities, Reed Estates, Vista Utilities, and J & L Terry Lane abandoned the operation their facilities under TWC § 13.412(f)(5) and 16 TAC § 24.355(c)(5) when they failed to secure an alternative available water supply during an outage.
7. Villa Utilities, Reed Estates, Vista Utilities, and J & L Terry Lane abandoned the operation their facilities under TWC § 13.412(f)(7) and 16 TAC § 24.355(c)(7) when they repeatedly failed to respond to the Commission or the utilities’ customers.
8. Under TWC § 13.451(a) and 16 TAC §§ 24.14(a)(1), 24.355(b), and 22.299(d) an emergency order to appoint a temporary manager may be issued with or without a hearing.

III. Ordering Paragraphs

In accordance with these finding of facts and conclusions of law, the Commission issues the following Order:

1. Commission Staff's request for an order appointing Harrison Williams to temporarily manage and operate Villa Utilities, Reed Estates, Vista Utilities, and J & L Terry Lane is granted.
2. Mr. Williams is appointed temporary manager for Villa Utilities, Reed Estates, Vista Utilities, and J & L Terry Lane for a term of 180 days to begin on March 16, 2022 and ending on September 12, 2022 or when Mr. Williams is discharged from these responsibilities by the Commission or a superseding action is taken by an appropriate court, whichever occurs first.
3. Mr. Williams has all the powers and duties necessary to ensure the continued operation of Villa Utilities, Reed Estates, Vista Utilities, and J & L Terry Lane and the provision of continuous and adequate service to their customers.
4. As temporary manager, Mr. Williams must comply with all requirements in 16 TAC § 24.357, including but not limited to reading meters, billing for utility service, collecting revenues, disbursing funds, requesting rate increases if needed, accessing all system components, conducting required sampling, making necessary repairs, and performing other acts necessary to ensure continuous and adequate utility service as authorized by the Commission.
5. Mr. Williams must return to the Commission an inventory of all property received within 60 days of his appointment in accordance with 16 TAC § 24.357(e).
6. Mr. Williams must report to the Commission on a monthly basis. This report must include an income statement for the reporting period; a summary of utility activities, such as improvements or major repairs made, number of connections added, and amount of water produced or treated; and any other information required by the Commission in accordance with 16 TAC § 24.357(h).
7. Mr. Williams must maintain his license to operate a ground water treatment system for the duration of his appointment as temporary manager.

8. Mr. Williams must comply with all applicable requirements imposed by the Texas Commission on Environmental Quality.
9. Mr. Williams is not required to post financial assurance.
10. Commission Staff must provide notice of issuance of this emergency order to Villa Utilities, Reed Estates, Vista Utilities, and J & L Terry Lane as soon as practicable in accordance with 16 TAC § 22.293(c).
11. Mr. Williams must provide notice of issuance of this emergency order to the customers of Villa Utilities, Reed Estates Water System, Vista Utilities, and J & L Terry Lane in accordance with 16 TAC § 24.293(e).
12. A hearing to affirm, modify, or set aside this emergency order will be held at the Commission's at the Open Meeting scheduled for April 21, 2022 to be held at the Commission's offices in Austin, Texas.
13. Commission Staff must provide notice of the opportunity to participate in an evidentiary hearing to affirm, modify, or set aside this emergency order to Villa Utilities, Reed Estates, Vista Utilities, and J & L Terry Lane no later than the tenth day before the date of the hearing and the notice must provide that Villa Utilities, Reed Estates Water System, Vista Utilities, or J & L Terry Lane may waive the right to this hearing by written notice to the Commission or by failing to attend the hearing.

Signed at Austin, Texas the ____ day of March, 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

Thomas Gleeson, Executive Director