



## Filing Receipt

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**Control Number - 53920**

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**DOCKET NO. 53920**

<b>APPLICATION OF TEXAS WATER UTILITIES, L.P. AND CREEK WATER UTILITY, LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN MARION COUNTY</b>	§ § § § § §	<b>PUBLIC UTILITY COMMISSION      OF TEXAS</b>
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**TEXAS WATER UTILITIES, L.P.’S  
RESPONSE TO ORDER NO. 16**

Texas Water Utilities, L.P. (TWU) files this Response to Order No. 16, filed on March 15, 2023.

**I. PROCEDURAL HISTORY**

On August 1, 2022, TWU and Creek Water Utility, LLC (Creek Water) filed an application for sale, transfer, or merger of facilities and certificate rights in Marion County, Texas. On March 15, 2023, the administrative law judge (ALJ) issued Order No. 16 Requiring Clarifications and Motion to Admit Evidence, which established April 3, 2023, as the deadline for the parties to file clarifications regarding issues outlined therein. In Order No. 17 issued on April 3, 2023, the ALJ extended this deadline to April 10, 2023. Therefore, this pleading is timely filed.

**II. RESPONSE**

TWU provides the following clarifications in response to the ALJ’s questions.

**A. Proposed Finding of Fact 16—Open Enforcement Actions**

As shown in Attachment 10, TWU had four enforcement actions pending with the Texas Commission on Environmental Quality (TCEQ) at the time the application was filed. All four actions have been resolved via an Agreed Order (AO). Two of the four AOs have been finalized and signed by TCEQ, one has been set for TCEQ Agenda approval during the April 12, 2023 TCEQ Commissioners Agenda and the fourth is pending a signature. A copy of each AO is provided as Attachment 1 to this pleading.

**B. Proposed Finding of Fact 17—Minor Violations Unrelated to Capacity**

TWU owns and operates over 140 water systems under water certificate of convenience and necessity number 12983. Currently, TWU is in receipt of 14 Notices of Violation (NOV) issued by TCEQ. All 14 violations are related to minor operational issues that do not materially affect TWU’s ability to provide continuous and adequate service. TWU has resolved or is in the process of resolving the issues underlying each NOV. A summary chart with information about the status of each NOV along with copies of the actual NOVs are provided as Attachment 2 to this pleading.

**C. Proposed Finding of Fact 21—Creek Water Compliance Investigation**

TWU has conferred with Creek Water, which confirmed that four of the ten alleged violations noted during TCEQ’s March 28, 2022 compliance investigation have been resolved. Those four alleged violations include the following:

<b>Alleged Violation</b>	<b>Resolution</b>
Failure to not have a pressure tank equipped with slow-closing valves and time delay pump controls to eliminate water hammer and reduce the chance of tank failure	A new booster pump was installed
Failure to meet TCEQ’s “Minimum Water System Capacity Requirements.” These requirements include a well production of 0.6 GPM per connection	A new 2 HP, 21 GPM well pump was installed on March 15, 2023
Failure to meet TCEQ’s “Minimum Water System Capacity Requirements.” These requirements include an elevated storage capacity of 100 gallons per connection, or a pressure tank capacity of 20 gallons per connection	The storage tank is 18,000 gallons
Failure to maintain plant fencing	The loose barbed wire in the fence has been repaired

Two of the additional alleged violations will be addressed immediately upon TWU’s closing of the transaction. Those violations include failure to provide NSF documentation for the water treatment chemicals used and failure to provide an adequate monitoring plan. It is TWU’s standard practice to use chemicals and components for water treatment that conform to the American National Standards Institute/NSF International Standards 60 and 61. In addition,

TWU will update the monitoring plan for the Creek Water public water system to address deficiencies in the information provided regarding radionuclides other than Radon and any other aspects of the plan that do not conform to TWU's standard operating procedures or applicable TCEQ rules.

The four remaining alleged violations are some of the factors driving CS Water's decision to enter into the proposed transaction with TWU. For example, North Well #2 was damaged during Winter Storm Uri, and CS Water does not have the financial means to drill a new well. The estimated capital improvement plan provided in Confidential Attachment 7 to the application addresses the improvements TWU will undertake in its first year as owner and operator of the CS Water facilities to resolve the alleged violations.

### **III. SUPPLEMENTAL MOTION TO ADMIT EVIDENCE**

TWU moves to admit this pleading along with all attachments into the record for this proceeding.

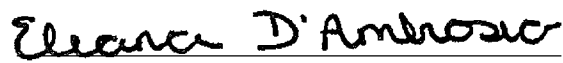
### **IV. CONCLUSION**

TWU respectfully submits the foregoing clarifications and requests the entry of an order granting its supplemental motion to admit evidence. Additionally, TWU requests any further relief to which it has shown itself justly entitled.

Respectfully submitted,

SPENCER FANE, LLP  
816 Congress Avenue  
Suite 1200  
Austin, Texas 78701  
Telephone: (512) 840-4550  
Facsimile: (512) 840-4551


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[edambrosio@spencerfane.com](mailto:edambrosio@spencerfane.com)

**ATTORNEYS FOR TEXAS WATER  
UTILITIES, L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 10, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

  
Eleanor D' Ambrosio  
Eleanor D' Ambrosio

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MONARCH UTILITIES I, L.P.  
RN102318532

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2020-1182-PWS-E

I. JURISDICTION AND STIPULATIONS

On JUN 29 2021, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Monarch Utilities I, L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 31 Governors Wood Drive in Point Blank, San Jacinto County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 157 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$150 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$120 of the penalty and \$30 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

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

## II. ALLEGATIONS

During a record review conducted on August 3, 2020, an investigator documented that the Respondent failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.0351. Specifically, a 5,000-gallon pressure tank was replaced with two 62-gallon bladder tanks without approval.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Monarch Utilities I, L.P., Docket No. 2020-1182-PWS-E" to:

Monarch Utilities I, L.P.  
DOCKET NO. 2020-1182-PWS-E  
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Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
- a. Within 180 days after the effective date of this Order, submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the addition of two 62-gallon bladder tanks, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

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

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- b. Within 195 days after the effective date of this Order, submit written certification as described in Order Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Order Provision No. 2.a.
- c. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- d. Within 285 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be signed by the Respondent and shall include the following certification language:

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



Monarch Utilities I, L.P.  
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The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

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

Monarch Utilities I, L.P.  
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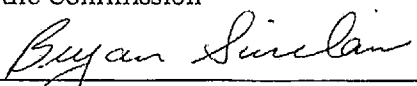
the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

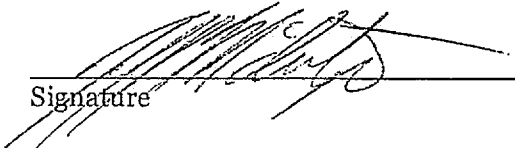
For the Commission	Date
	6/29/2021
For the Executive Director	Date

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

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

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

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

	February 11, 2021
Signature	Date
Jeffrey L. McIntyre	President
Name (Printed or typed)	Title
Authorized Representative of Monarch Utilities I, L.P.	

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

Jeffrey L. McIntyre, President  
Monarch Utilities I L.P.  
12535 Reed Road  
Sugar Land, Texas 77478

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

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 2, 2021

Mr. Charles W. Profilet, Jr., President  
Monarch Utilities I, L.P.  
12535 Reed Road  
Sugar Land, Texas 77478

Re: TCEQ Enforcement Action  
Monarch Utilities I, L.P.  
Docket No. 2020-1182-PWS-E

Dear Mr. Profilet, Jr.:

Enclosed for your records is a fully-executed copy of the Agreed Order for the above-referenced matter.

Please review the enclosed Agreed Order, particularly the "Ordering Provisions" section, to determine if further action will be required of you, such as the completion of technical requirements to achieve compliance. When technical requirements are listed (usually Ordering Provision No. 2 or 3), a deadline will be provided based on a specific number of days after the effective date. The effective date is as stated in the enclosed Agreed Order.

Should you have any questions, please contact Samantha Duncan, the Enforcement Coordinator assigned to this matter, at (512) 239-2511.

Sincerely,

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

Michael Parrish  
Enforcement Division

Enclosure

cc: Samantha Duncan, Enforcement Division  
Water Section Manager, Region 10

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 29, 2022

Mr. Jeffrey McIntyre, President  
Texas Water Services Group, LLC, General Partner  
Texas Water Utilities, L.P.  
12535 Reed Road  
Sugar Land, Texas 77478

Re: Proposed Agreed Order  
Texas Water Utilities, L.P.  
RN101255818; Public Water Supply ID No. 1580063  
Docket No. 2022-0888-PWS-E; Enforcement Case No. 62648  
**FOR SETTLEMENT PURPOSES ONLY**

Dear Mr. McIntyre:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Texas Water Utilities, L.P. for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during a record review conducted on June 20, 2022 through July 8, 2022, and documented in a letter dated July 8, 2022, from the TCEQ Drinking Water Special Functions Section.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$3,375, identifies the violations that we are addressing, and identifies specific technical requirements necessary to resolve them.

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

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing Texas Water Utilities, L.P., Docket No. 2022-0888-PWS-E) to:

Mr. Jeffrey McIntyre  
August 29, 2022  
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Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

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

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

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

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

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

Mr. Jeffrey McIntyre  
August 29, 2022  
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would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

For any questions or comments about this matter or to arrange a meeting, please contact Mr. Nick Lohret of my staff at (512) 239-4495 or [nick.lohret@tceq.texas.gov](mailto:nick.lohret@tceq.texas.gov).

Sincerely,



Megan Hamilton, Manager  
Enforcement Division  
Texas Commission on Environmental Quality

MH/nl

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

cc: Mr. Chuck Barry, EHS Manager, Texas Water Utilities, L.P., 1620 Grand Avenue  
Parkway Suite 140, Pflugerville, Texas 78660, [tbarry@swwc.com](mailto:tbarry@swwc.com)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TEXAS WATER UTILITIES, L.P.  
RN101255818

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2022-0888-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Water Utilities, L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located approximately 500 feet east of the intersection of Dogwood Trail and Mims Chapel Road near Avinger, Marion County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 95 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review for the Facility conducted on June 20, 2022 through July 8, 2022, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.101 milligrams per liter ("mg/L") for the fourth quarter of 2021, 0.129 mg/L for the first quarter of 2022, and 0.129 mg/L for the second quarter of 2022.



Texas Water Utilities, L.P.  
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## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$3,375 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$3,375 penalty.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Water Utilities, L.P., Docket No. 2022-0888-PWS-E " to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
  - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

Texas Water Utilities, L.P.  
DOCKET NO. 2022-0888-PWS-E  
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"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Drinking Water Special Functions Section Manager  
Water Supply Division, MS 155  
Texas Commission on Environmental Quality  
P.O. 13087  
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's

Texas Water Utilities, L.P.  
DOCKET NO. 2022-0888-PWS-E  
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- jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
  10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

Texas Water Utilities, L.P.  
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

-----  
For the Executive Director

-----  
Date

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

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

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

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

-----  
Signature

-----  
Date

-----  
Name (Printed or typed)  
Authorized Representative of  
Texas Water Utilities, L.P.

-----  
Title

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

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



## Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	Assigned PCW	11-Jul-2022	Screening	18-Jul-2022	EPA Due	30-Sep-2022
--------------	--------------	-------------	-----------	-------------	---------	-------------

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Texas Water Utilities, L.P.
Reg. Ent. Ref. No.	RN101255818
Facility/Site Region	5-Tyler
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	62648	No. of Violations	1
Docket No.	2022-0888-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nick Lohret
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>		<b>Subtotal 1</b>	<b>\$2,500</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
<b>Compliance History</b>	<b>35.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$875</b>
Notes	Enhancement for three NOVs with the same/similar violations and one agreed order containing a denial of liability.		
<b>Culpability</b>	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
Notes	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	<b>\$0</b>
<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$713	<small>*Capped at the Total EB \$ Amount</small>	
Estimated Cost of Compliance	\$5,000		
<b>SUM OF SUBTOTALS 1-7</b>		<b>Final Subtotal</b>	<b>\$3,375</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>0.0%</b> Adjustment	<b>\$0</b>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
		<b>Final Penalty Amount</b>	<b>\$3,375</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	<b>\$3,375</b>
<b>DEFERRAL</b>			
		<b>0.0%</b> Reduction	<b>Adjustment</b>
<small>Reduces the Final Assessed Penalty by the indicated percentage.</small>			
Notes	No deferral is recommended for Findings Orders.		
<b>PAYABLE PENALTY</b>			<b>\$3,375</b>

**Screening Date** 18-Jul-2022      **Docket No.** 2022-0888-PWS-E  
**Respondent** Texas Water Utilities, L.P.  
**Case ID No.** 62648  
**Reg. Ent. Reference No.** RN101255818  
**Media** Public Water Supply  
**Enf. Coordinator** Nick Lohret

**PCW**  
 Policy Revision 5 (January 28, 2021)  
 PCW Revision February 11, 2021

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 35%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for three NOVs with the same/similar violations and one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 35%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 35%

Screening Date 18-Jul-2022 Docket No. 2022-0888-PWS-E PCW  
 Respondent Texas Water Utilities, L.P. Policy Revision 5 (January 28, 2021)  
 Case ID No. 62648 PCW Revision February 11, 2021  
 Reg. Ent. Reference No. RN101255818

Media Public Water Supply  
 Enf. Coordinator Nick Lohret

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.101 mg/L for the fourth quarter of 2021, 0.129 mg/L for the first quarter of 2022, and 0.129 mg/L for the second quarter of 2022.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual			X		50.0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$2,500

\$2,500

Violation Events

Number of Violation Events 1 272 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$2,500

One annual event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$713 Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

### Economic Benefit Worksheet

**Respondent** Texas Water Utilities, L.P.  
**Case ID No.** 62648  
**Reg. Ent. Reference No.** RN101255818  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2021	14-Jan-2024	2.04	\$34	\$679	\$713
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The other (as needed) cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$5,000 **TOTAL** \$713



The TCEQ is committed to accessibility.  
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN602740706, RN101255818, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN602740706, Texas Water Utilities, L.P.	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	2.03
<b>Regulated Entity:</b>	RN101255818, INDIAN HILLS HARBOR SUBDIVISION	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF DOGWOOD TRAIL AND MIMS CHAPEL ROAD NEAR AVINGER, MARION COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 05 - TYLER				
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1580063				

<b>Compliance History Period:</b>	September 01, 2016 to August 31, 2021	<b>Rating Year:</b>	2021	<b>Rating Date:</b>	09/01/2021
<b>Date Compliance History Report Prepared:</b>	July 18, 2022				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	July 18, 2017 to July 18, 2022				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Nick Lohret			<b>Phone:</b>	(512) 239-2545

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 11/05/2019 ADMINORDER 2019-0429-PWS-E (1660 Order-Agreed Order With Denial)
  - Classification: Major
  - Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)  
5A THSC Chapter 341, SubChapter A 341.0351
  - Description: Failure to notify the Executive Director and receive approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance capacity. Specifically, the pressure tank was removed and two service pumps were replaced which resulted in a significant decrease in the Facility's pressure tank capacity and service pump capacity without prior approval.
  - Classification: Major
  - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)  
5A THSC Chapter 341, SubChapter A 341.0315(c)
  - Description: Failure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 92 connections requiring an elevated storage capacity of 9,200 gallons or a pressure tank capacity of 1,840 gallons. However, the Facility did not have either an elevated storage capacity or pressure tank capacity, indicating a 100% deficiency.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	November 16, 2021	(1773688)
Item 2	April 04, 2022	(1797644)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1
 

Date:	01/21/2022	(1825529)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)		
Description:	TTHM LRAA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.101 mg/L at Eagle BLF 2 MI Off Jasmine, Avinger (DBP2-01). ETT Point Value = 5		
  
- 2
 

Date:	04/21/2022	(1825529)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)		
Description:	TTHM LRAA MCL 1Q2022 - During the 1st quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.157 mg/L at Eagle BLF 2 MI Off Jasmine, Avinger (DBP2-01). ETT Point Value = 5		
  
- 3
 

Date:	06/14/2022	(1825529)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)		
Description:	TTHM LRAA MCL 2Q2022 - During the 2nd quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.129 mg/L at Eagle BLF 2 MI Off Jasmine, Avinger (DBP2-01). ETT Point Value = 5		

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
MONARCH UTILITIES I L.P.	§	
RN101450286	§	ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2021-0550-PWS-E**

On SEP 07 2022, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Monarch Utilities I L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at 366 Ridgecrest Road near Pottsboro, Grayson County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 527 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on March 15, 2021 through March 26, 2021, an investigator documented that the locational running annual average concentrations for haloacetic acids ("HAA5") for Stage 2 Disinfection Byproducts at Site 2 were 0.081 milligrams per liter ("mg/L") for the third quarter of 2020, 0.080 mg/L for the fourth quarter of 2020, and 0.083 mg/L for the first quarter of 2021.

Monarch Utilities I L.P.  
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## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5 based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$4,125 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$4,125 penalty.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Monarch Utilities I L.P., Docket No. 2021-0550-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for HAA5, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
  - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with

Monarch Utilities I L.P.  
DOCKET NO. 2021-0550-PWS-E  
Page 3

Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.

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7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

 _____	<u>9/15/22</u> _____
For the Commission	Date
 _____	7/19/2022 _____
For the Executive Director	Date

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

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

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

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

 _____	June 13, 2022 _____
Signature	Date

Jeffrey L. McIntyre _____	President _____
Name (Printed or typed)	Title
Authorized Representative of Monarch Utilities I L.P.	

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

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

September 19, 2022

FIRST CLASS MAIL

Jeffrey L. McIntyre, President  
Monarch Utilities I L.P.  
12535 Reed Road  
Sugar Land, Texas 77478

RE: Monarch Utilities I L.P.  
TCEQ Docket No. 2021-0550-PWS-E; Registration No. 0910035  
Agreed Order Assessing Administrative Penalties and Requiring Certain Actions

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Texas Commission on Environmental Quality's Enforcement Division at (512) 239-2545 or the Litigation Division at (512) 239-3400. If there are questions pertaining to the mailing of the order, then please contact Amy Davis of the Office of the Chief Clerk at (512) 239-3300.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis  
Chief Clerk

LG/ad

Enclosure

cc: Samantha Duncan, Enforcement Coordinator, TCEQ Enforcement Division



System	Inspection Date	Track Number	Violation
Bavarian Hills	13-Jan-23	835655	Failure to ensure that the well casing vent terminated in a downward angle.
Bavarian Hills	13-Jan-23	835656	Failure to equip the pressure tanks with a pressure relief valve.
Westview Enterprises	19-Aug-22	820125	Failure to have a production capacity of 0.31 gallons per minute per connection or greater.
Cedar Valley	23-Sep-22	827854	Failure by Texas Water Utilities LP - Cedar Valley Subdivision to maintain an accurate and up-to-date map of the distribution system.
Azalea Estates	20-Jun-22	821625	Failure to provide a well capacity of 1.5 gallons per minute (gpm) per connection
Harbor Point	11-Aug-22	824082	Failure by Texas Water Utilities LP - Harbor Point to have operating records accessible for review upon request.
Governors Point	2/22/2022	807520	Failure by Monarch Utilities I LP - Governors Point to have operational records available for review upon request.
Governors Point	2/22/2022	807565	Failure by Monarch Utilities I LP - Governors Point to include specific criteria for the termination of drought response stages in the drought contingency plan.
Pine Trail Shores	14-Sep-22	802172	Failure to meet the maximum secondary constituent level for color.
Pinwah Pines	22-Apr-22	807815	Failure to have a complete Nitrification Action Plan
Hideaway Bay Estates	8-Feb-23	836116	Failure to have a production capacity of 0.6 gallons per connection
Hideaway Bay Estates	8-Feb-23	836117	Failure to have the well meter calibrated at least once every three years.
Oak Trail Shores	6-Feb-23	836374	Failure to flush all dead end mains monthly.
Comanche Harbor	8-Feb-23	836997	Failure to have a gravity hinged and weighted cover on the ground storage tank that closes tightly
Comanche Harbor	8-Feb-23	836999	Failure to have the well meter calibrated at least once every three years.
Comanche Harbor	8-Feb-23	837000	Failure to have the pressure tanks interior inspected once every five years
Comanche Harbor	8-Feb-23	837002	Failure to house the disinfectant chemical so that it is not exposed to the elements
Comanche Harbor	8-Feb-23	837429	Failure to perform chloramine effectiveness sampling
Aldine Village	12-Jan-22	839200	Failure to make available sanitary control easements for well No 1 and Well No 2 at the time of investigation

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 21, 2022

**CERTIFIED MAIL {7021 0350 0000 2424 4736}  
RETURN RECEIPT REQUESTED**

**RECEIVED**  
MAY 20 2022  
TCEQ-Region 10  
Beaumont

Mr. Chuck Barry, Environment, Health, and Safety (EHS) Manager  
Monarch Utilities I LP  
1620 Grand Avenue Pkwy Ste 140  
Pflugerville, Texas 78660

Re: Notice of Violation for Public Water Supply Comprehensive Compliance Investigation at:  
Governors Point, Point Blank (San Jacinto County), Texas  
Regulated Entity No.: 102318532; PWS ID No. 2040008; Investigation No. 1802215

Dear Mr. Barry:

On February 22, 2022, Ms. Vanessa Stansbury of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, concerns were noted which were alleged noncompliances that have been resolved as Areas of Concern based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **July 20, 2022** a written description of corrective actions taken and the required documentation demonstrating that compliance has been achieved for these outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Beaumont Region Office at (409) 898-3838 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Beaumont Region Office within 10 days from the date of this letter. At that time, Mr. Ronald Hebert will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Me. Chuck Barry, Environment, Health, and Safety (EHS) Manager  
Page 2  
April 21, 2022

If you or members of your staff have any questions, please feel free to contact Ms. Vanessa Stansbury in the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Hebert", with a large, stylized flourish at the end.

Ronald Hebert,  
Water Section Manager  
Beaumont Region Office  
Texas Commission on Environmental Quality

RH/VS/bd

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

GOVERNORS POINT 31 GOV WOOD DR POINTBLANK, SAN JACINTO COUNTY, TX 77364 Additional ID(s): 2040008	Investigation # 1802215 Investigation Date: 02/22/2022
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### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 807520      Compliance Due Date: 07/20/2022  
30 TAC Chapter 288.20(a)(1)(D)

**Alleged Violation:**

Investigation: 1802215

Comment Date: 04/06/2022

Failure by Monarch Utilities I LP - Governors Point to include specific criteria for the termination of drought response stages in the drought contingency plan.

During the investigation, it was noted that the drought contingency plan did not include triggers for the termination of the drought response stages. On March 30, 2022, the water system stated that they are currently revising the drought contingency plan and will provide a copy of the updated plan once it has been approved by the Public Utilities Commission.

**Recommended Corrective Action:** Update the drought contingency plan to include triggers for the termination of the drought response stages. Submit a copy of the updated drought contingency plan to the Beaumont Regional Office.

Track No: 807565      Compliance Due Date: 07/20/2022  
30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

Investigation: 1802215

Comment Date: 04/18/2022

Failure by Monarch Utilities I LP - Governors Point to have operational records available for review upon request.

On March 16, 2022, an Exit Interview Form was sent to the water system, which requested the following documentation to be submitted to the Beaumont Regional Office within 14 days: a copy of the July 11, 2018 Exception to the Minimum Pressure Tank Capacity Requirements and twelve months of chlorine analyzer accuracy check records for all of the chlorine analyzers that are used to obtain disinfectant residuals for compliance. On March 30, 2021, the water system submitted the chlorine analyzer accuracy check records for Mr. Dustin Dawson; however, it was noted during the investigation that there are multiple operators who collect distribution disinfectant residuals for compliance, such as Mr. Chase Ferris and Mr. Dusty Harmon. On April 14, 2022, it was noted that the water system submitted the accuracy check records for Mr. Chase Ferris, Mr. Dustin Dawson, and Mr. Ryan Tolar.

Please note that the water system did not submit the chlorine analyzer accuracy check records for Mr. Dusty Harmon. The water system also did not submit a copy of the July 11, 2018 Exception to the Minimum Pressure Tank Capacity Requirements before the completion of the report.

**Recommended Corrective Action:** Submit twelve months of chlorine analyzer accuracy check records for Mr. Dusty Harmon and a copy of the July 11, 2018 Exception to the Minimum Pressure Tank Capacity Requirements to the Beaumont Regional Office.

### AREA OF CONCERN

Track No: 807517

30 TAC Chapter 290.42(I)

**Alleged Violation:**

Investigation: 1802215

Comment Date: 04/06/2022

Failure by Monarch Utilities I LP - Governors Point to maintain a complete plant operations manual.

During the investigation, it was noted that the plant operations manual did not include any local or federal contact numbers.

**Recommended Corrective Action:** Ensure that the plant operation manual includes local and federal contact numbers.

**Resolution:** During the investigation, the water system added the local and federal emergency contact numbers to the plant operations manual.

Track No: 807518

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

**Alleged Violation:**

Investigation: 1802215

Comment Date: 04/18/2022

Failure by Monarch Utilities I LP - Governors Point to maintain adequate records of the results of inspections for all water storage and pressure maintenance facilities.

During the investigation, it was noted that the water system did not maintain tank inspection records for the two 60-gallon bladder tanks that were previously in service. The water system stated that they conducted external inspections of these tanks but did not maintain records of the results. It was also noted that the March 7, 2019 tank inspection form for the 0.063 Ground Storage Tank noted "N/A" instead of the results of the internal tank inspection. The water system stated that they believed the internal tank inspection was conducted on the ground storage and that the operator just checked the incorrect boxes when filling out the tank inspection form.

**Recommended Corrective Action:** Maintain accurate and complete records of all internal and external tank inspections for the ground storage tank and pressure tank.

**Resolution:** During the investigation, it was noted that the water system completed a tank inspection form on December 20, 2021 for the new 0.005 MG Pressure Tank. It was also noted that the water system properly filled out the January 30, 2020 and October 5, 2021 internal tank inspection forms for the 0.063 MG Ground Storage Tank.

## ADDITIONAL ISSUES

Description

Additional Comments

Item #3

During the investigation, it was noted that the water system's Boil Water Notice door hangers lacked the following paragraph: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail." On March 30, 2022, the water system submitted documentation showing that they have updated the Boil Water notice language on their door hangers to include all of the required language. It is suggested that the water system ensures that they use the Boil Water Notice language on their door hangers or ensure that they continue to use another Tier 1 delivery method for the primary method for issuing Boil Water Notice while the door hangers are used as a secondary issuing method.

Item #4

During the investigation, it was noted that the distribution disinfection residual records stated that residuals were collected on August 16, 2020 and June 1, 2021 when they were actual collected on August 19, 2020 and June 2, 2021, respectively. It was also note that the residual records were missing the residuals that were collected on April 21, April 28, and May 26 2021. Please note that the water system was able to provide the operator logs for all of the missing or incorrectly recorded disinfectant residual information. It is suggested that the water system ensure that they are properly transferring distribution disinfectant residual data from the operator logs to the disinfection residual records.

Item #5

During the investigation, it was noted that the March 31, 2021 chemical usage information for sodium hypochlorite and polyphosphate was not transferred from the operator logs to the chemical usage records. It is suggested that the water system ensure that they are properly transferring the chemical usage data from the operator logs to the disinfection residual records.

Item #6

During the investigation, it was noted that the water system obtained positive total coliform results from raw water samples collected from Well No. 1 (G2040008B) on May 20, June 21, and June 23, 2021. Please note that there were no additional raw water samples collected from Well No. 1 following the positive June 23, 2021 raw water sample. It is suggested that the water system monitor Well No. 1 to ensure that it does not continue to test positive for total coliform. If it does, the water system may want to look into the cause of the positive total coliform samples.

Item #9:

On March 16, 2022, an Exit Interview Form was sent to the water system, which requested the following documentation to be submitted to the Beaumont Regional Office within 14 days: a copy of the certified operator list that was submitted to the Austin Central Office in 2021. On March 30, 2022, the water system submitted a copy of the 2022 Operator Notice Form, which was dated with the same date (March 30, 2022). The water system also did not submit a copy of the 2021 Operator Notice Form and did not clarify whether or not an Operator Notice Form was submitted for 2021 before the completion of the report.

Item #10

During the investigation, it was noted that one enforcement case has been filed against the system. Enforcement Case No. 59731 (2020-1182-PWS-E). The enforcement case contains one alleged violation (Track No. 711136) regarding the water system's failure to notify the executive director and obtain approval prior to replacing the old 5,000-gallon pressure tank with two 62-gallon bladder tanks. During the investigation, it was noted that the water system now maintains a new 5,000-gallon pressure tank, which was approved for construction on April 20, 2021. The investigator will notify the Enforcement Division of this update.

Item #11

While reviewing the chlorine analyzer accuracy check records for Mr. Ryan Tolar, it was noted that Mr. Tolar noted that he obtained a residual reading of 6.63 milligrams per liter (mg/L) for Mid-Range Standard No. 3 on February 22, 2021 while the noted mid-range standard range for Standard No. 3 was 2.66 mg/L +/- 0.30. Please note that Mr. Tolar checks the accuracy of his chlorine analyzer multiple times per week, and that all other readings were within the expected range listed above. It is suggested that the water system ensure that their chlorine analyzers test within the expected ranges, that the chlorine analyzer accuracy check results are accurately recorded, and that the water system look into any discrepancies within the chlorine analyzer check results prior to any chlorine residuals being collected for compliance. This may result in future alleged violations.

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 21, 2023

*Rec'd 3/29/23*

E-CERTIFIED # 9171 9690 0935 0289 6371 30

Mr. Chuck Barry  
EHS Manager  
Texas Water Utilities LP  
1620 Grand Avenue Pkwy. Ste. 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for Comprehensive Compliance Investigation at:  
Hideaway Bay Estates, Granbury, Hood County, Texas  
RN 101376648, PWS ID No. 1110002, Investigation No. 1875116

Dear Mr. Berry:

On February 8, 2023, Ms. Alexandra Ridgeway of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation, certain alleged violations were identified for which compliance documentation was required. Please submit to this office by **June 21, 2023** a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Regional Office at (817) 588-5800 or the Central Office Publications Ordering Team at (512) 239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the D/FW Regional Office within 10 days from the date of this letter. At that time, Mr. Brent Candler, Water Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached

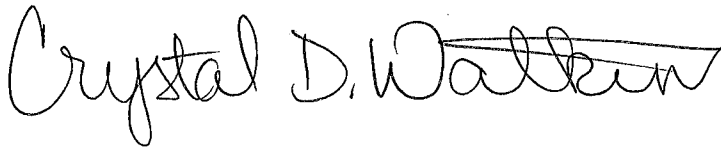


Mr. Chuck Berry  
Page 2  
March 21, 2023

Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Ridgeway in the D/FW Region Office at (817) 588-5814 or alexandra.ridgeway@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Crystal D. Watkins". The signature is written in a cursive style with a horizontal line striking through the middle of the name.

Crystal Watkins  
Team Leader, Public Water Supply Program  
D/FW Regional Office  
Texas Commission on Environmental Quality

CW/ar

cc: Kevin Harless, Field Supervisor, kharless@swwc.com

Enclosure: Summary of Investigation Findings

HIDEAWAY BAY ESTATES

Investigation #

, HOOD COUNTY,

1875116  
Investigation Date: 02/08/2023

Additional ID(s): 1110002

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

Track No: 836116 Compliance Due Date: 06/21/2023

30 TAC Chapter 290.45(b)(1)(C)(i)

**Alleged Violation:**

Investigation: 1875116

Comment Date: 03/03/2023

Failure to provide a production capacity of 0.6 gallons per connection.

During the CCI conducted on February 8, 2023, it was noted that the water system is required to provide a minimum total production capacity of 26.2 gallons per minute (gpm) for 82 connections. The water system currently has a total production capacity of 19 gpm. The water system is therefore 27% deficient in total production capacity.

30 TAC 290.45(b)(1)(C)(i), a well capacity of 0.6 gpm per connection

**Recommended Corrective Action:** Increase the total production capacity to provide 0.6 gallons per connection. Please be advised that public water systems shall notify the executive director prior to making significant change or addition to the system's production, treatment, storage, or distribution facilities. Public water systems shall submit plans and specification for the proposed changes upon request. The water system may request an alternative capacity requirement by writing to the

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

Provide documentation to the TCEQ DFW regional office to verify that the alleged violation has been resolved.

Track No: 836117 Compliance Due Date: 06/21/2023

30 TAC Chapter 290.46(s)(1)

**Alleged Violation:**

Investigation: 1875116

Comment Date: 02/28/2023

Failure to have the well meter calibrated at least once every three years.

During the CCI conducted on February 8, 2023, it was noted the well meters for well nos. 1 and 2 had not been calibrated in the past three years.

30 TAC §290.46(s)(1), flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title shall be calibrated at least once every three years.

**Recommended Corrective Action:** Have all the well meters calibrated and ensure the well meters are calibrated every three years going forward. Submit records to indicate that the alleged violation has been corrected.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 22, 2022

CERTIFIED MAIL {7019 1640 0000 6173 1246}  
RETURN RECEIPT REQUESTED

RECEIVED

APR 29 2022

TXU-AP

Mr. Chuck Barry, Environment, Health, and Safety Manager  
Monarch Utilities I.L.P.  
1620 Grand Avenue Parkway, Suite 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for Public Water Supply Comprehensive Compliance Investigation at:  
Pinwah Pines Estates, Livingston (Polk County), Texas  
Regulated Entity No.: 102987856; PWS ID No.: 1870130  
Investigation No.: 1802210

Dear Mr. Barry:

On February 22, 2022, Ms. Vanessa Stansbury of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, concerns were noted which were alleged noncompliance's that have been resolved as Areas of Concern based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **July 21, 2022**, a written description of corrective actions taken and the required documentation demonstrating that compliance has been achieved for these outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Beaumont Region Office at (409) 898-3838 or the Central Office Publications Ordering Team at (512) 239-0028.

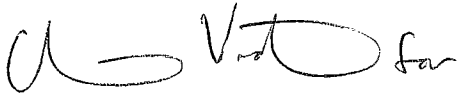
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Beaumont Region Office within 10 days from the date of this letter. At that time, Mr. Ronald Hebert, Water Section Manager, will schedule a violation review meeting to be conducted *within 21 days from the date of this letter*. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.



Mr. Chuck Barry  
Page 2  
April 22, 2022

If you or members of your staff have any questions, please feel free to contact Ms. Stansbury in the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hebert". The signature is fluid and cursive, with a large initial "R" and a stylized "H".

Mr. Ronald Hebert, Water Section Manager  
Beaumont Region Office  
Texas Commission on Environmental Quality

RH/VS/pl

Attachment: Summary of Investigation Findings



## Summary of Investigation Findings

PINWAH PINES ESTATES

Investigation #

1802210  
Investigation Date: 02/22/2022

, POLK COUNTY,

Additional ID(s): 1870130

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

Track No: 807815      Compliance Due Date: 07/21/2022  
30 TAC Chapter 290.44(h)(4)(C)

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/08/2022

Failure by Monarch Utilities I LP - Pinwah Pines to ensure that backflow test forms are completely filled out by the backflow prevention assembly tester.

During the investigation, it was noted that the backflow prevention assembly tester did not record the date and time for the initial test of the 120 Eagle Lake N backflow assembly on the 2021 backflow test form. It was also noted that the tester did not record the time of the test after the assembly was repaired. On March 30, 2022, the water system stated that they have sent this backflow form back to the backflow tester to be corrected and that they would submit a copy of the corrected form that contains the missing information once it has been resubmitted to them.

**Recommended Corrective Action:** Ensure that backflow test forms are completely filled out. Have the backflow tester revise the 2021 backflow test form for the 120 Eagle Lake N backflow assembly to include the date and time for the initial test that failed.

Track No: 807816      Compliance Due Date: 07/21/2022  
30 TAC Chapter 288.20(a)(1)(D)

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/08/2022

Failure by Monarch Utilities I LP - Pinwah Pines to include specific criteria for the termination of drought response stages in the drought contingency plan.

During the investigation, it was noted that the drought contingency plan did not include triggers for the termination of the drought response stages. On March 30, 2022, the water system stated that they are currently revising the drought contingency plan and will provide a copy of the updated plan once it has been approved by the Public Utilities Commission.

**Recommended Corrective Action:** Update the drought contingency plan to include triggers for the termination of the drought response stages. Submit a copy of the updated drought contingency plan to the Beaumont Regional Office.

Track No: 807819      Compliance Due Date: 07/21/2022  
30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/18/2022

Failure by Monarch Utilities I LP - Pinwah Pines to have operational records available for review upon request.

On March 16, 2022, an Exit Interview Form was sent to the water system, which requested the following documentation to be submitted to the Beaumont Regional Office within 14 days:

**PINWAH PINES ESTATES**

**Investigation # 1802210**

twelve months of chlorine analyzer accuracy check records for all of the chlorine analyzers that are used to obtain disinfectant residuals for compliance; the 2020 backflow form for 120 Eagle Lake N; and twelve months of weekly chloramine effectiveness sample results for both entry point and distribution.

On March 17, 2022, an Exit Interview Form was sent to the water system, which requested the following documentation to be submitted to the Beaumont Regional Office within 14 days: twelve months of monochloramine and free available ammonia analyzer accuracy check records for all of the monochloramine and free available ammonia analyzers that are used to obtain chloramine effectiveness sampling results.

On March 30, 2022, the water system submitted weekly chloramine effectiveness sampling records for total chlorine, monochloramine, and free available ammonia for the entry point and distribution system; however, no records were submitted regarding the nitrate and nitrite sampling that is required at the entry point and within the distribution system on a quarterly basis.

On April 14, 2022, the water system submitted monthly nitrate and nitrite records for January 2021 through June 2021, which is only six months of records. The water system also submitted the chlorine analyzer accuracy check records for Mr. Ryan Tolar and Mr. Dustin Dawson.

The water system did not submit any documentation regarding the following: twelve months of chlorine analyzer accuracy check records for Wally Land and Leonard Smith; twelve months of monochloramine and free available ammonia analyzer accuracy check records for Wally Land and Ryan Tolar; the 2020 backflow form for 120 Eagle Lake N; and the remaining six months of quarterly nitrate and nitrite sampling records for the entry point and distribution system that are dated after June 2021.

**Recommended Corrective Action:** Submit the following to the Beaumont Regional Office: twelve months of chlorine analyzer accuracy check records for Wally Land and Leonard Smith; twelve months of monochloramine and free available ammonia analyzer accuracy check records for Wally Land and Ryan Tolar; the 2020 backflow form for 120 Eagle Lake N; and the remaining six months of quarterly nitrate and nitrite sampling records for the entry point and distribution system that are dated after June 2021.

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**Track No:** 807820      **Compliance Due Date:** 07/21/2022  
**30 TAC Chapter 290.46(z)**

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/18/2022

Failure by Monarch Utilities I LP - Pinwah Pines to have a complete Nitrification Action Plan (NAP).

During the investigation, it was noted that the water system's NAP did not include baseline information regarding the water system's source water.

**Recommended Corrective Action:** Revise the NAP to include information regarding the water system's source water. Submit a copy of the updated NAP to the Beaumont Regional Office.

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**Track No:** 807822      **Compliance Due Date:** 07/21/2022  
**30 TAC Chapter 290.46(f)(3)(B)(ix)**

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/18/2022

Failure by Monarch Utilities I LP - Pinwah Pines to maintain complete chloramine effectiveness sampling records.

During the investigation, it was noted that the November 2021 chloramine effectiveness sampling records did not list the sample site locations where each of the recorded chloramine effectiveness samples results were obtained.



**Recommended Corrective Action:** Ensure that the chloramine effectiveness sampling records are completely and accurately filled out. Submit two months of complete chloramine effectiveness sampling records to the Beaumont Regional Office.

**AREA OF CONCERN**

Track No: 807812

30 TAC Chapter 290.42(I)

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/08/2022

Failure by Monarch Utilities I LP - Pinwah Pines to maintain a complete plant operations manual.

During the investigation, it was noted that the plant operations manual did not include any local or federal contact numbers.

**Recommended Corrective Action:** Ensure that the plant operation manual includes local and federal contact numbers.

**Resolution:** During the investigation, the water system added the local and federal emergency contact numbers to the plant operations manual.

Track No: 807814

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

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/08/2022

Failure by Monarch Utilities I LP - Pinwah Pines to maintain adequate records of the results of inspections for all water storage and pressure maintenance facilities.

During the investigation, it was noted that the January 30, 2020 tank inspection form for the 0.0126 Ground Storage Tank noted "N/A" instead of the results of the internal tank inspection. The water system stated that they believed the internal tank inspection was conducted on the ground storage and that the operator just checked the incorrect boxes when filling out the tank inspection form.

**Recommended Corrective Action:** Maintain accurate and complete records of all internal and external tank inspections for the ground storage tank.

**Resolution:** During the investigation, it was noted that the water system properly filled out the February 10, 2021 and February 15, 2022 internal tank inspection forms for the 0.0126 MG Ground Storage Tank.

Track No: 807818

30 TAC Chapter 290.46(n)(2)

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/08/2022

Failure by Monarch Utilities I LP - Pinwah Pines to maintain an up-to-date distribution map.

During the investigation, it was noted that the distribution map did not include the waterlines that run perpendicular from Cedar Lane to two flush valves.

**Recommended Corrective Action:** Update the distribution map to include the waterlines that run perpendicular from Cedar Lane to two flush valves.

**Resolution:** During the investigation, the water system wrote in the missing waterlines.

Track No: 807823

Summary of Investigation Findings

30 TAC Chapter 290.110(c)(5)(B)(i)  
30 TAC Chapter 290.110(c)(5)(D)(i)

**Alleged Violation:**

Investigation: 1802210

Comment Date: 04/18/2022

Failure by Monarch Utilities I LP - Pinwah Pines to conduct the required chloramine effectiveness sampling at the entry point and within the distribution system on a weekly basis.

During the investigation, it was noted that the chloramine effectiveness sample records showed that there were no total chlorine residuals, monochloramine residuals, and free available ammonia residuals noted between September 29 to October 13, 2021. Please note that the water system did not provide any supporting documentation showing that the required chloramine effectiveness samples were conducted at the entry point and within the distribution system during the listed timeframes before the completion of the report.

**Recommended Corrective Action:** Ensure that the water system collects total chlorine residuals, monochloramine residuals free available ammonia residuals from the entry point and within the distribution system on a weekly basis.

**Resolution:** During the investigation, it was noted that the water system has conducted the required chloramine effectiveness sampling for total chlorine, monochloramine, and free available ammonia on a weekly basis since October 13, 2021.

**ADDITIONAL ISSUES**

**Description**

Item 3

**Additional Comments**

During the investigation, it was noted that the water system exceeded the seven-day requirement for collecting distribution disinfectant residuals from February 10 to February 19, 2021, which was during the February 2021 Polar Vortex. It was noted that the water system has collected distribution disinfectant residuals every seven days since February 19, 2021. Due to this event being classified as a state of emergency, this will not be noted as an alleged violation.

Item 4

While reviewing the chlorine analyzer accuracy check records for Mr. Ryan Tolar, it was noted that Mr. Tolar noted that he obtained a residual reading of 6.63 milligrams per liter (mg/L) for Mid-Range Standard No. 3 on February 22, 2021 while the noted mid-range standard range for Standard No. 3 was 2.66 mg/L +/- 0.30. Please note that Mr. Tolar checks the accuracy of his chlorine analyzer multiple times per week, and that all other readings were within the expected range listed above. It is suggested that the water system ensure that their chlorine analyzers test within the expected ranges, that the chlorine analyzer accuracy check results are accurately recorded, and that the water system look into any discrepancies within the chlorine analyzer check results prior to any chlorine residuals being collected for compliance. This may result in future alleged violations.

Item #8	During the investigation, it was noted that the water system's operator added the Monochlor F packet prior to doing the one drop of free ammonia chlorinating solution. Please note that the Monochlor F packet is supposed to be added to the monochloramine and free available ammonia samples at the same time, which occurs after the free ammonia chlorinating solution is added to the free available ammonia sample. On March 30, 2022, the water system stated that the operator now follows the Hach instructions for testing monochloramine and free available ammonia. They also noted that they plan to ensure that all operators are familiar with the proper method as outline in the instructions provided by Hach. It is suggested that the water system ensures that their operators properly follow the exact sampling steps when conducting monochloramine and free available ammonia sampling.
Item #9	During the investigation, it was noted that the water system's Boil Water Notice door hangers lacked the following paragraph: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail." On March 30, 2022, the water system submitted documentation showing that they have updated the Boil Water notice language on their door hangers to include all of the required language. It is suggested that the water system either update the Boil Water Notice door hangers or ensure that they continue to use another Tier 1 delivery method for the primary method for issuing Boil Water Notice while the door hangers are used as a secondary issuing method.
Item #10	On March 16, 2022, an Exit Interview Form was sent to the water system, which requested the following documentation to be submitted to the Beaumont Regional Office within 14 days: a copy of the certified operator list that was submitted to the Austin Central Office in 2021; the date that the last time a raw water bacteriological samples were collected from Well No. 1; and the frequency for how often the water system changes the media within the two carbon filters at the plant. This documentation was never submitted to the Beaumont Regional Office.
Item #12	During the investigation, it was also noted that there was a total chlorine residual of 0.47 mg/L noted on Friday, February 19, 2021 at 200 Joann Pine Lane. Although this technically meets the minimum total chlorine residual requirement of 0.5 mg/L due to rounding, it is suggested that the water system ensures that the water system maintains a minimum total chlorine residual of at least 0.50 mg/L throughout the distribution system at all times.

**PINWAH PINES ESTATES**

**Investigation # 1802210**

Item #14

During the investigation, it was noted that the chloramine effectiveness sample records listed multiple occurrences of low free available ammonia residuals noted within the distribution system. The following are a few examples of these occurrences: 0.001 mg/L at 301 Cedar Lane on February 3, 2021, 0.01 mg/L at 144 Cedar Lane on June 16, 2021, 0.02 mg/L at 200 Joann Pine Lane on June 23, 2021, 0.07 mg/L at 200 Joann Pine Lake on July 28, 2021, 0.06 mg/L at 306 Joann Pine Trail on October 20, 2021, 0.04 mg/L at 301 Cedar Lane on October 27, 2021, 0.07 mg/L at Chain Road (Middle) on October 27, 2021, and 0.07 mg/L at 306 Joann Pine Trail on October 27, 2021. Please note that it is suggested that the water system monitor the water to ensure that the free available ammonia residuals do not decrease as it moves throughout the distribution system. If the free available ammonia residuals decrease as it moves from the entry point to locations of average and high water age, then nitrification may be occurring within the distribution system.

Item #16

During the investigation, it was noted that the chloramine effectiveness sample records listed multiple occurrences of the total chlorine residuals and monochloramine residuals being outside of 15% of one another. The following are a few examples of these occurrences: 301 Cedar Lane on February 3, 2021 (total chlorine: 0.69 mg/L and monochloramine: 0.39 mg/L); the entry point on February 3, 2021 (total chlorine: 1.1 mg/L and monochloramine: 0.86 mg/L); the entry point on April 14, 2021 (total chlorine: 2.66 mg/L and monochloramine: 1.8 mg/L); 144 Cedar Lane on April 21, 2021 (total chlorine: 1.51 mg/L and monochloramine: 1.06 mg/L); 144 Cedar Lane on May 12, 2021 (total chlorine: 0.83 mg/L and monochloramine: 0.6 mg/L); and 306 Joann Pine Trail on September 15, 2021 (total chlorine: 1.42 mg/L and monochloramine: 1.08 mg/L). Please note that it is suggested that the water system ensures the total chlorine and monochloramine residuals remain within 15% of one another. If these residuals are outside of 15% of one another, then the water system is potentially forming di- and tri- chloramines.

Item #13

During the investigation, it was noted that the chloramine effectiveness sample records listed multiple occurrences of free available ammonia residuals that are outside of the expected range at the entry point. The following are a few examples of these occurrences: 0 mg/L recorded on January 20, 2021, 0.36 mg/L on March 24, 2021, 0.4 mg/L on April 7, 2021, 0.49 mg/L on April 21, 2021, 0.41 mg/L on June 9, 2021, 0.34 mg/L on October 13, 2021, 0.32 mg/L on December 7, 2021, and 0.31 mg/L on December 28, 2021. Please note that it is suggested that the water leaves the entry point with trace amounts of free available ammonia, which then gradually increases as the water moves throughout the distribution system.

Item #4

During the investigation, it was noted that the water system was not collecting monthly raw water samples from Well No. 1, which is a condition of the September 19, 2005 Exception to the Sanitary Control Easement and Setback Distance Rule. The last time that a raw water bacteriological sample was collected was on February 19, 2021. Please note that Well No. 1 is currently considered an emergency well. Because the last CCI stated that this exception was no longer valid due to the water system air gapping the well and planning to plug it, this will be noted as an additional issue and may result in future alleged violations. On March 30, 2022, the water system submitted two bacteriological sample test forms, which showed that raw water bacteriological samples were collected from Well No. 1 on February 28, 2022 and March 10, 2022.

Item #5

During the investigation, it was noted that the water system did not indicate on the February 24, 2021 Certificate of Delivery for Rescinding Boil Water Notices that they flushed the affected areas and that adequate chlorine residuals were maintained throughout the distribution system prior to rescinding the February 16, 2021 Boil Water Notice. It is suggested that the water system ensures that they mark all of the applicable boxes when completing Certificates of Delivery for Boil Water Notices.



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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 19, 2022

RECEIVED  
AUG 29 2022  
TXU-AP

E-CERTIFIED # 91710 9690 0935 0289 6589 13

Mr. Chuck Berry  
EHS Manager  
Southwest Water Company  
1620 Grand Avenue Pkwy, Ste. 140  
Pflugerville, Texas, 78660-2185

Re: Notice of Violation for Comprehensive Compliance Investigation at:  
Westview Enterprises Public Water System, 130 Echo Valley Road, Parker County, Texas  
RN 101453900, PWS ID No. 1840105, Investigation No. 1832868

Dear Mr. Berry:

On July 19, 2022, Ms. Brenda Kirlin of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. In addition, a certain alleged violation was identified for which compliance documentation is required. Please submit to this office by **November 19, 2022**, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Regional Office at (817) 588-5800 or the Central Office Publications Ordering Team at (512) 239-0028.

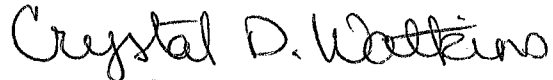
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the D/FW Regional Office within 10 days from the date of this letter. At that time, Mr. Brent Candler, Water Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached

Mr. Berry  
Page 2  
August 19, 2022

Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Kirlin in the D/FW Region Office at (817) 588-5812.

Sincerely,



Crystal Watkins  
Team Leader, Public Water Supply Program  
D/FW Regional Office  
Texas Commission on Environmental Quality

CW/bak

Enclosure: Summary of Investigation Findings

cc: Steve Hill, Field Supervisor, Southwest Water Company, [shill@swwc.com](mailto:shill@swwc.com)  
John Salmans, Field Supervisor, Southwest Water Company, [jsalmans@swwc.com](mailto:jsalmans@swwc.com)



**Summary of Investigation Findings**

<b>WESTVIEW ENTERPRISES</b>	<b>Investigation #</b> 1832868
, <b>PARKER COUNTY,</b>	<b>Investigation Date: 07/19/2022</b>
<b>Additional ID(s): 1840105</b>	

**OUTSTANDING ALLEGED VIOLATION(S)**

**Track No:** 820125      **Compliance Due Date:** 11/18/2022  
**30 TAC Chapter 290.39(l)(4)**

**Alleged Violation:**

Investigation: 1832868

Comment Date: 08/08/2022

Failure to have a production capacity of 0.31 gallons per minute per connection or greater.

During the investigation on July 19, 2022, it was noted that the well production is 15.5 gallons per minute (gpm). The water system has an Alternative Capacity Requirement establishing a minimum total production capacity of 0.31 gpm per connection. Based on 33 connections, the water system is required to provide 17.7 gpm. Thus, the water system is 12.3% deficient in production capacity.

30 TAC 290.39(l)(4) states, "The executive director may establish site specific design, operation, maintenance, and reporting requirements for systems that have been issued an exception to the subchapter."

**Recommended Corrective Action:** Provide a minimum production capacity of 0.31 gpm per connection (17.7 gpm) from the system well. Submit documentation indicating that the system is able to provide a minimum production capacity of 0.31 gpm per connection (17.7 gpm) to the TCEQ DFW Regional Office to document that the alleged violation has been corrected.

Please note that changes to the existing systems must receive prior approval from the executive director. Plans and specifications prepared by a licensed engineer are required to be submitted for review prior to any significant change as defined in 30 TAC 290.39(j)(1). Send notification of the significant change to: TCEQ, Water Supply Division, Plan and Technical Review Section, MC 159, P.O. Box 13087, Austin, TX 78711 3087; phone: (512) 239 4961.

The water system also has the option to request a different alternative capacity requirement by writing to the TCEQ Plan and Technical Review Section at the address listed in the paragraph above.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 27, 2022

CERTIFIED MAIL {7021 2720 0003 1467 7489}  
RETURN RECEIPT REQUESTED

RECEIVED

OCT 04 2022

TXU-AP

Mr. Chuck Barry, EHS Manager  
Texas Water Utilities LP  
1620 Grand Avenue Parkway  
Suite 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for a Public Water Supply Complaint Investigation at:  
Harbor Point, Trinity, Trinity County, Texas, Regulated Entity No.: 102682143  
TCEQ ID No.: 2280035, Investigation No.: 1840024, Incident No.: 384313

Dear Mr. Barry:

On July 29, and August 11, 2022, Ms. Loren Whitman of the Texas Commission on Environmental Quality (TCEQ) Beaumont Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by **October 27, 2022**, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for outstanding alleged violations.

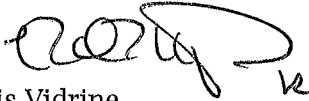
In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Beaumont Region Office at (409) 898-3838 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Beaumont Region Office within 10 days from the date of this letter. At that time, Ronald Hebert will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Mr. Chuck Barry, EHS Manager  
Page 2  
September 27, 2022

If you or members of your staff have any questions, please feel free to contact Ms. Whitman in the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "CV", with a stylized flourish extending to the right.

Chris Vidrine  
Water Section Team Leader  
Beaumont Region Office  
Texas Commission on Environmental Quality

CV/LW/jh

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

HARBOR POINT	Investigation #
140 TRINITY DR	1840024
TRINITY, TRINITY COUNTY, TX 75862	Investigation Date: 07/29/2022
Additional ID(s): 2280035	

### OUTSTANDING ALLEGED VIOLATION(S)

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Track No: 824082      Compliance Due Date: To Be Determined  
30 TAC Chapter 290.46(f)(2)

**Alleged Violation:**

Investigation: 1840024

Comment Date: 09/08/2022

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Failure by Texas Water Utilities LP - Harbor Point to have operating records accessible for review upon request.

On August 1, 2022, the Beaumont Regional Office submitted an Exit Interview to Mrs. Melissa Rich, Vice President, requesting the following records dated June 1, 2022, to August 1, 2022, within 14 days from August 1, 2022: customer complaint records, flushing records, chlorine residual records, line break/repair work orders, Boil Water Notices, and distribution system map. The requested records were never received.

**Recommended Corrective Action:** Submit the requested records to the TCEQ Beaumont Regional Office.

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 22, 2023

*Rec'd  
3/29/23*

E-CERTIFIED # 9171 9690 0935 0289 6376 35

Mr. Chuck Berry  
EHS Manager  
Texas Water Utilities LP  
1620 Grand Avenue Parkway Ste. 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for Complaint Investigation at:  
Oak Trail Shores, 5507 Tin Top Highway, Granbury, Hood County, Texas  
RN 101380848, PWS ID No. 1110004, Investigation No. 1868150, Incident Nos. 392780 and  
392763

Dear Mr. Berry:

From January 5 to February 6, 2023, Ms. Alexandra Ridgeway of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by **June 15, 2023** a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Regional Office at (817) 588-5800 or the Central Office Publications Ordering Team at (512) 239-0028.

This investigation was the result of a complaint. For information regarding our complaint policies and procedures, please refer to the following website: <https://www.tceq.texas.gov/compliance/complaints>.

Mr. Chuck Berry  
Page 2  
March 22, 2023

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the D/FW Regional Office within 10 days from the date of this letter. At that time, Mr. Brent Candler, Water Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Ridgeway in the D/FW Region Office at (817) 588-5814 or alexandra.ridgeway@tceq.texas.com.

Sincerely,



Crystal Watkins  
Team Leader, Public Water Supply Program  
D/FW Regional Office  
Texas Commission on Environmental Quality

CW/ar

cc: Mr. Kevin Harless, Field Supervisor, Texas Water Utilities LP, kharless@swwc.com

Enclosure: Summary of Investigation Findings  
Investigation Report No. 1868150 (w/o attachments)

**Summary of Investigation Findings**

<b>OAK TRAIL SHORES</b> 3227 OAK HILL DR GRANBURY, HOOD COUNTY, TX 76048	<b>Investigation #</b> 1868150 <b>Investigation Date:</b> 01/05/2023
<b>Additional ID(s):</b> 1110004	

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

**Track No:** 836374      **Compliance Due Date:** 06/15/2023  
**30 TAC Chapter 290.46(I)**

**Alleged Violation:**  
Investigation: 1868150      **Comment Date:** 02/24/2023

Failure to flush all dead end mains monthly.

During the complaint investigation from January 5 to February 6, 2023, the water system indicated the only record of flushing is from tech notes on water quality or leak repair service orders, but that consistent monthly flushing at all dead-end mains was not being conducted.

According to 30 TAC § 290.46(I), "Flushing of mains. All dead end mains must be flushed at monthly intervals. Dead end lines and other mains shall be flushed as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels as specified in §290.110 of this title."

**Recommended Corrective Action:** Begin flushing all dead end mains monthly and recording the location, number of gallons flushed, time, and date that the flushing occurred. Submit flushing records for two months to the TCEQ D/FW Region office to document that the alleged violation has been corrected.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 14, 2022

RECEIVED  
FEB 28 2022  
TXU-AP

**CERTIFIED MAIL 9171 9690 0935 0262 0513 80**  
**RETURN RECEIPT REQUESTED**

Mr. Chuck Barry, EHS Manager  
Southwest Water Company / Monarch Utilities  
1620 Grand Avenue Pkwy, Ste. 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for the Complaint and Recon Investigations at:  
Pine Trail Shores,  
Located at the Jct. of Eastern Hills & Channel View Dr., N of CR 1178 & W of the  
Jct. of SH 155 S & FM 2661 in (Smith County), Texas  
RN101194470, PWS ID No.: 2120035, Investigation No.: 1789500

Dear Mr. Barry:

Between November 18 and December 23, 2021, Mr. Kevin Glanton of the Texas Commission on Environmental Quality (TCEQ) Tyler Regional Office conducted investigations of the above-referenced system to evaluate compliance with applicable requirements for public water systems. Enclosed is a report which lists the investigation findings. During the investigation certain alleged violations were identified for which compliance documentation is required.

Please submit a compliance plan by **March 16, 2022**, for the following outstanding alleged violation by track no.: **802172**. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If the violation has already been corrected, please submit compliance documentation, such as a photograph, purchase order, etc., demonstrating what actions were taken.

In the listing of the alleged violation(s), we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules (GI 032)* are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Tyler Regional Office at (903) 535-5100 or the Central Office Publications Ordering Team at (512) 239-0028.

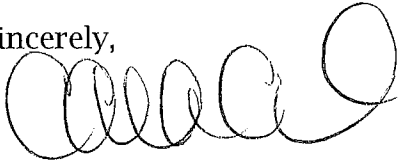


Mr. Chuck Barry, EHS Manager  
Page 2  
February 14, 2022

The Texas Commission on Environmental Quality appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Tyler Regional Office within 10 days from the date of this letter. At that time, Mr. Ross B. Morgan, Water Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Kevin Glanton in the Tyler Regional Office at (903) 535-5133.

Sincerely,



Ms. Cara C. Fisher, Water Team Leader  
Tyler Regional Office  
Texas Commission on Environmental Quality

CCF/RKG/dfy

Enclosures: Summary of Investigation Findings  
TCEQ Investigation Report

**PINE TRAIL SHORES****Investigation # 1789500****19910 EASTERN HILLS DR  
FLINT, SMITH COUNTY, TX 75762****Investigation Date: 11/18/2021****Additional ID(s): 2120035****OUTSTANDING ALLEGED VIOLATION(S)  
ASSOCIATED TO A NOTICE OF VIOLATION****Track No: 802172      Compliance Due Date: To Be Determined****30 TAC Chapter 290.118(b)  
30 TAC Chapter 290.118(f)(3)****Alleged Violation:****Investigation: 1789500****Comment Date: 02/01/2022**

Failure to meet the maximum secondary constituent level for color. 30 TAC 290.118(f)(3) states that a public water system that exceeds the secondary constituent levels in subsection (b) of this section commits a secondary constituents level violation. 30 TAC 290.118(b) states, the maximum secondary constituent level for color is 15 color units.

During an investigation conducted between 11/18/2021 and 12/23/2021 in response to a complaint, the investigator documented 18 and 19 color units at the plant and on Hillside Drive, respectively.

**Recommended Corrective Action:** Please submit a compliance plan by 03/16/2022. The plan should include the proposed actions to be taken to correct the alleged violation and a schedule for the completion of the corrections. If this violation has already been corrected, please submit compliance documentation, photographs, purchase orders, results of analyses, etc. demonstrating what actions were taken.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED  
ASSOCIATED TO A NOTICE OF VIOLATION****Track No: 802171****30 TAC Chapter 290.46(d)****Alleged Violation:****Investigation: 1789500****Comment Date: 02/01/2022**

Failure to maintain the minimum disinfectant residual concentration throughout the distribution system.

During the investigation on 12/22/2021, the investigator documented that the free chlorine residual level was 0.02 mg/L of free chlorine leaving the plant.

**Resolution:** On 12/23/2021, the investigator measured 1.80 mg/L of free chlorine leaving the plant, and 0.32 mg/L from the flush valve on Hillside Drive, which resolved the violation.

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



RECEIVED  
AUG 29 2022  
TXU-AP

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 19, 2022

**CERTIFIED MAIL # 9489 0090 0027 6331 5065 21**  
**ELECTRONIC RECEIPT REQUESTED**

Mr. Chuck Barry  
Environmental Health and Safety Manager  
Monarch Utilities I LP  
1620 Grand Avenue Parkway, Suite 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for the Modified Comprehensive Compliance Investigation at:  
Azalea Estates Mobile Home Community, 7902 Alexandria Ct, Spring, Harris County,  
Texas, Regulated Entity No.: 101237576, TCEQ ID No.: 1011253, Investigation No.:  
1823881

Dear Mr. Barry:

On June 20, 2022, Ms. Kadrienn Woodard and Ms. Christina Bernal of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for Public Water Supply. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. In addition, an Additional Issue was noted. Please submit to this office by the compliance due date listed on the Summary of Investigation Findings enclosure, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <https://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3650 or the Central Office Publications Ordering Team at (512) 239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader, Ms. Miranda Jordan, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

Mr. Chuck Barry  
Page 2  
August 19, 2022

If you or members of your staff have any questions, please feel free to contact Ms. Kadrienn Woodard in the Houston Region Office at (713) 767-3602.

Sincerely,



Miranda Jordan  
Water Section Team Leader  
Houston Region 12  
Texas Commission on Environmental Quality

MJ/KW/pd

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

Enclosure: Summary of Investigation Findings

**Summary of Investigation Findings**

<b>AZALEA ESTATES MOBILE HOME COMMUN</b>  <b>, HARRIS COUNTY,</b>  <b>Additional ID(s): 1011253</b>	<b>Investigation #</b> <b>1823881</b> <b>Investigation Date: 06/20/2022</b>
---	---

**OUTSTANDING ALLEGED VIOLATION(S)**

**Track No: 821625      Compliance Due Date: 11/17/2022**  
**30 TAC Chapter 290.45(b)(1)(A)(i)**

**Alleged Violation:**

Investigation: 1823881

Comment Date: 08/17/2022

Failure to provide a well capacity of 1.5 gallons per minute (gpm) per connection (conn.).

At the time of the investigation, the facility had a total of 22 connections and is required to provide 1.5 gallons per minute (gpm) per connection (conn). On June 20, 2022, the well produced a total of 31 gpm and is short a total of 2 gpm. This is calculated in the following manner:

1.5 gpm /conn X 22 conn. = 33 gpm Required

33 gpm Required - 31 gpm Produced = 2 gpm Short

The water system must be modified to meet this requirement to assure an adequate supply of water at all times.

Please be advised that public water systems shall notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, or distribution facilities. Public water systems shall submit plans and specifications for the proposed changes upon request to:

Plan and Technical Review Section  
Water Supply Division MC -159  
TCEQ  
PO Box 13087  
Austin, Texas 78711-3087  
512-239-4691  
PTRS@tceq.texas.gov

The water system may request an exception to this requirement by writing to:

Technical Review and Oversight Team  
Plan and Technical Review Section, MC-159  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, Texas 78711-3087  
512-239-4691  
PTRS@tceq.texas.gov

**Recommended Corrective Action:** Submit compliance documentation to the TCEQ's Houston Region Office demonstrating the system is providing adequate well capacity, and that corrective measures have been taken to resolve the alleged violation.

**ADDITIONAL ISSUES**

Description	Additional Comments
-------------	---------------------

Item 2

30 TAC §291.93(3)

Please be aware that a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in 30 TAC Chapter 290, is to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area. A report is not required if the source of supply available to the utility service provider is reduced to below the 85% level due to a court or agency conservation order unless that order is expected to extend for more than 18 months from the date it is entered in which case a report shall be required.

The executive director may waive or limit the reporting requirements if the retail public utility demonstrates that the projected growth of the area will not require the retail public utility to exceed 100% of its current capacity for the next five years.

After any commission field inspection, a retail public utility must analyze the system's capacity to determine if it has reached 85% of its capacity. If the retail public utility has reached 85% of its capacity, it must file this report no later than 90 days after the date of a commission letter detailing the results of the inspection. Capacity is considered to be the overall rated capacity in number of residential connection equivalents based on the most restrictive criteria for production, treatment, storage, or pumping.

Specifically, at the time of the investigation, the system's well was at 106% of its capacity. This was based on 22 connections.

1.5 gpm/conn. x 22 conn. = 33 gpm well capacity required, 31 gpm provided

A planning report may be submitted to:  
Technical Review and Oversight Team  
Plan and Technical Review Section, MC-159  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, Texas 787

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 29, 2023

**CERTIFIED MAIL # 9489 0090 0027 6331 5028 82**  
**ELECTRONIC RECEIPT REQUESTED**

Mr. Chuck Barry  
EHS Manager  
Texas Water Utilities LP  
1620 Grand Avenue Parkway Suite 140  
Pflugerville, Texas 78660-2185

RECEIVED

MAR 29 2023

TXU-AP

Re: Notice of Violation for the Modified Comprehensive Compliance Investigation at:  
Aldine Village Subdivision, 731 Corvette Court, Houston, Harris County, Texas  
Regulated Entity No.: 101282671, TCEQ ID No.: 1010931, Investigation No.: 1868754

Dear Mr. Barry:

On January 12, 2023, Ms. Vetricia Morrow of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for Public Water Supply. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. In addition, a concern was noted which was an alleged noncompliance that has resolved as a Resolved Violation based on subsequent corrective action. Please submit to this office by the compliance due date listed on the Summary of Investigation Findings enclosure, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <https://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3650 or the Central Office Publications Ordering Team at (512) 239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, PWS Team Leader, Mr. Jonathan Bennett, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

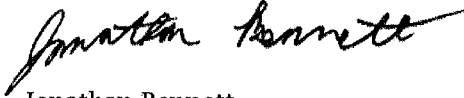
TCEQ Region 12 • 5425 Polk St., Ste. H • Houston, Texas 77023-1452 • 713-767-3500 • Fax 713-767-3520

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

Mr. Chuck Barry  
Page 2  
March 29, 2023

If you or members of your staff have any questions, please feel free to contact Ms. Vetricia Morrow in the Houston Region Office at (713) 767-3631.

Sincerely,



Jonathan Bennett  
Water Section Team Leader  
Houston Region 12  
Texas Commission on Environmental Quality

JB/VM/pd

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

Ms. Melissa Rich, Vice President for Texas Water Utilities LP, 29801 Wichita Falls  
Street Magnolia, Texas 77354-2928  
Via email

Enclosure: Summary of Investigation Findings



## Summary of Investigation Findings

ALDINE VILLAGE SUBDIVISION

Investigation #

1868754  
Investigation Date: 01/12/2023

, HARRIS COUNTY,

Additional ID(s): 1010931

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

Track No: 839200 Compliance Due Date: 06/27/2023

30 TAC Chapter 290.41(c)(1)(F)

**Alleged Violation:**

Investigation: 1868754

Comment Date: 03/27/2023

Description: Failure to make available sanitary control easements for Well No. 1 and Well No. 2 at the time of investigation, or executive director approval for a substitute authorized in §290.41(c)(1)(F)(iv). A sanitary easement, or approved substitute, covering all property within 150 feet of the well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in the well area. Residential type wells within the easement must be constructed to public water well standards. A copy of the recorded document must be submitted for our records. Acceptance and approval for all easements and substitutes to an easement is determined by the Technical Review and Oversight Team in Austin.

With the approval of the executive director, political subdivisions which have adopted and enforce equivalent ordinances or land use restrictions may substitute these documents for sanitary control easements. The water system may request an exception to this requirement in writing to the:

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

Please be aware that all requests for exceptions must be in writing and supported with adequate documentation.

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

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

Track No: 839198

30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 1868754

Comment Date: 03/27/2023

Failure to properly maintain the good working condition and general appearance of the system's facilities and equipment. At the time of the investigation, it was noted that the back right portion of the plant had damage to the intruder resistant fence and was bent inwards.

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

**Resolution:** Photographs consisting of repairs made to the intruder resistant fence were sent to El Morrow via email on February 8, 2023, by Mr. Smith. This appears to resolve the alleged violation.

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janěčka, *Commissioner*  
Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 22, 2023

RECEIVED  
FEB 23 2023  
TXU-AP

9489 0090 0027 6196 8460 39  
RETURN RECEIPT REQUESTED

Mr. Chuck Barry  
EHS Manager  
Texas Water Utilities, L.P.  
1620 Grand Avenue Pkwy, Ste. 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for a Comprehensive Compliance Investigation at:  
Bavarian Hills, 3 miles W of HWY 281 off Borgfeld Rd., San Antonio, Bexar County, Texas  
Regulated Entity No.: RN101211605, TCEQ PWS ID No.: 0150235, Investigation No.:  
1873916

Dear Mr. Barry:

On January 13, 2023, Mr. Chris Friesenhahn of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for a public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by April 23, 2023, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

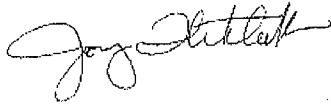
In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <https://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the San Antonio Region Office at (210) 490-3096 or the Central Office Publications Ordering Team at (512) 239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the San Antonio Region Office within 10 days from the date of this letter. At that time, Water Section Manager, Mrs. Joy Thurston-Cook will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Mr. Chuck Barry  
Page 2  
February 22, 2023

If you or members of your staff have any questions, please feel free to contact Mr. Friesenhahn in the San Antonio Region Office at (210) 403-4055 or at [chris.friesenhahn@tceq.texas.gov](mailto:chris.friesenhahn@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Joy Thurston-Cook". The signature is written in a cursive, flowing style.

Joy Thurston-Cook, Water Section Manager  
San Antonio Region Office  
Texas Commission on Environmental Quality

JTC/CMF/sr

Enclosure: Summary of Investigation Findings

**Summary of Investigation Findings**

<b>BAVARIAN HILLS</b>  <b>, BEXAR COUNTY,</b>  Additional ID(s): 0150235	Investigation # <b>1873916</b> Investigation Date: 01/13/2023
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**OUTSTANDING ALLEGED VIOLATION(S)  
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 835655      Compliance Due Date: 04/23/2023  
30 TAC Chapter 290.43(d)(2)

**Alleged Violation:**  
Investigation: 1873916      Comment Date: 02/10/2023

Failure to equip the pressure tanks with a pressure relief valve.  
  
At the time of the investigation, no pressure relief device had been installed on the pressure tanks.  
  
30 TAC 290.43(d)(2)-All pressure tanks shall be provided with a pressure release device and an easily readable pressure gauge.

**Recommended Corrective Action:** Equip the pressure tanks with a pressure relief device.

To document compliance, submit photographic documentation which indicates that pressure tanks have been equipped with a pressure relief device to this office by the compliance due date.

Track No: 835656      Compliance Due Date: 04/23/2023  
30 TAC Chapter 290.41(c)(3)(K)

**Alleged Violation:**  
Investigation: 1873916      Comment Date: 02/13/2023

Failure to ensure that the well casing vent terminated in a downward angle.  
  
At the time of the investigation, the well casing vent at Well No. 1 did not terminate in a downward angle.  
  
30 TAC 290.41(c)(3)(K)-- Wellheads and pump bases shall be sealed by a gasket or sealing compound and properly vented to prevent the possibility of contaminating the well water. A well casing vent shall be provided with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Wellheads and well vents shall be at least two feet above the highest known watermark or 100-year flood elevation, if available, or adequately protected from possible flood damage by levees.

**Recommended Corrective Action:** Position the well casing vent so that it terminates in a downward angle.

To document compliance, submit photographic documentation which indicates that the well casing vent at Well No. 1 had been repositioned in a downward angle to this office by the compliance due date.

Jon Niermann, *Chairman*  
Emily Landley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 21, 2023

E-CERTIFIED # 9171 9690 0935 0289 6371 47

*Rec'd  
3/29/23*

Mr. Chuck Barry  
EHS Manager  
Texas Water Utilities LP  
1620 Grand Avenue Pkwy. Ste. 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for Comprehensive Compliance Investigation at:  
Comanche Harbor and Port O'Call, Granbury, Hood County, Texas  
RN 101379832, PWS ID No. 1110022, Investigation No. 1875115

Dear Mr. Barry:

On February 8, 2023, Ms. Alexandra Ridgeway of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation, certain alleged violations were identified for which compliance documentation was required. Please submit to this office by **June 21, 2023** a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Regional Office at (817) 588-5800 or the Central Office Publications Ordering Team at (512) 239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the D/FW Regional Office within 10 days from the date of this letter. At that time, Mr. Brent Candler, Water Section Manager, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached

TCEQ Region 4-Dallas/Fort Worth • 2309 Gravel Dr. • Fort Worth, Texas 76118-6951 • 817-588-5800 • Fax 817-588-5700

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printed on recycled paper

Mr. Chuck Berry  
Page 2  
March 21, 2023

Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Ridgeway in the D/FW Region Office at (817) 588-5814 or alexandra.ridgeway@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Crystal D. Watkins". The signature is written in a cursive, flowing style.

Crystal Watkins  
Team Leader, Public Water Supply Program  
D/FW Regional Office  
Texas Commission on Environmental Quality

CW/ar

cc: Kevin Harless, Field Supervisor, kharless@swwc.com

Enclosure: Summary of Investigation Findings

**COMANCHE HARBOR & PORT OCALL**  
908 BATTLE CREEK RD  
GRANBURY, HOOD COUNTY, TX 76048

Investigation #  
1875115  
Investigation Date: 02/08/2023

Additional ID(s): 1110022

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

**Track No:** 836997      **Compliance Due Date:** 06/21/2023  
**30 TAC Chapter 290.43(c)(3)**

**Alleged Violation:**

Investigation: 1875115

Comment Date: 02/28/2023

Failure to have a gravity hinged and weighted cover on the ground storage tank that closes tightly.

During the CCI investigation conducted on February 8, 2023, it was noted that the overflow covers on the ground storage tank at the Port O'Call pump station and one ground storage tank at the Comanche Harbor pump station did not close tightly.

30 TAC 290.43(c)(3), The discharge opening shall be covered with a gravity-hinged and weighted cover, an elastomeric duckbill valve, or other approved device to prevent the entrance of insects and other nuisances. When the tank is not overflowing, the cover shall close automatically and fit tightly with no gap over 1/16 inch.

**Recommended Corrective Action:** Install overflow covers on the ground storage tanks that are tightly shut and have less than a 1/16 inch gap in accordance with 290.43(c)(3). Submit photographs of the installed overflow covers to the TCEQ D/FW Regional Office to indicate that the alleged violation has been corrected.

**Track No:** 836999      **Compliance Due Date:** 06/21/2023  
**30 TAC Chapter 290.46(s)(1)**

**Alleged Violation:**

Investigation: 1875115

Comment Date: 02/28/2023

Failure to have the well meter calibrated at least once every three years.

During the CCI investigation conducted on February 8, 2023, it was noted the well meters for well nos. 1, 2, 2A, 4 and 5 had not been calibrated in the past three years.

30 TAC 290.46(s)(1), Flow-measuring devices and rate-of-flow controllers that are required by §290.42(b) and (d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months. Well meters required by §290.41(c)(3)(N) of this title shall be calibrated at least once every three years.

**Recommended Corrective Action:** Have all the well meters calibrated and ensure the well meters are calibrated every three years going forward. Submit records to the TCEQ D/FW Regional Office to indicate that the alleged violation has been corrected.

**Track No:** 837000      **Compliance Due Date:** 06/21/2023  
**30 TAC Chapter 290.46(m)(1)(B)**

**Alleged Violation:**

Investigation: 1875115

Comment Date: 02/28/2023

Failure to have the pressure tanks interior inspected once every five years.

During the CCI investigation conducted on February 8, 2023, it was noted that the interior of the pressure tanks at the Comanche Harbor and Port O'Call pump stations had not been inspected in the past five years.

30 TAC 290.46(m)(1)(B), Pressure tank inspections must determine that the pressure release device and pressure gauge are working properly, the air-water ratio is being maintained at the proper level, the exterior coating systems are continuing to provide adequate protection to all metal surfaces, and the tank remains in watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

**Recommended Corrective Action:** Have both pressure tanks inspected and ensure they are inspected every five years going forward. Submit records to indicate that the alleged violation has been corrected.

---

**Track No:** 837002      **Compliance Due Date:** 06/21/2023

**30 TAC Chapter 290.42(e)(5)**

**Alleged Violation:**

Investigation: 1875115

Comment Date: 02/28/2023

---

Failure to house the disinfectant chemical so that it is not exposed to the elements.

During the CCI investigation conducted on February 8, 2023, it was noted the structure that housed the sodium hypochlorite container at the Comanche Harbor pump station had standing water and the container was partially submerged in the standing water.

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.

**Recommended Corrective Action:** Either place the sodium hypochlorite container inside the pump house or modify the structure over the chemical so that standing water cannot collect in the bottom. Submit a photograph demonstrating the chlorine container is no longer in standing water or exposed to the elements to the TCEQ D/FW Office to document that the alleged violation has been corrected.

---

**Track No:** 837429      **Compliance Due Date:** 06/21/2023

**30 TAC Chapter 290.110(c)(5)(C)**

**Alleged Violation:**

Investigation: 1875115

Comment Date: 03/08/2023

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Failure to perform chloramine effectiveness sampling.

During the CCI investigation conducted on February 8, 2023, the water system converted chloramine to free chlorine however, they were not collecting samples and analyzing them weekly.

30 TAC 290.110(c)(5)(C) states that public water systems that inject chlorine at any location to form chloramines or to convert from chloramines to free chlorine must monitor to ensure that chemical addition is effective and the proper chlorine to ammonia (as nitrogen) ratio is achieved. Samples must be collected and analyzed weekly and whenever the chemical dosage is changed.

**Recommended Corrective Action:** Begin monitoring for total chlorine, monochloramine, free ammonia, and monochloramine levels at the entry points and in the distribution system at the frequency required by 30 TAC 290.110(c)(5)(C). Submit one months' documentation to the TCEQ D/FW Regional Office to verify that the alleged violation has been corrected



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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 17, 2022

**CERTIFIED MAIL {7015 0640 0004 7938 8435}  
RETURN RECEIPT REQUESTED**

Rec'd  
12-2-22

Mr. Chuck Barry, Environmental, Health, and Safety (EHS) Manager  
Texas Water Utilities LP  
1620 Grand Avenue Parkway Suite 140  
Pflugerville, Texas 78660-2185

Re: Notice of Violation for Public Water Supply Comprehensive Compliance Investigation at:  
Cedar Valley Subdivision, Coldspring (San Jacinto County), Texas  
Regulated Entity No.: 101217016; PWS ID No.: 2040045; Investigation No.: 1846966

Dear Mr. Barry:

On September 23, 2022, Ms. Vanessa Stansbury of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as an Area of Concern based on subsequent corrective action. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by **February 15, 2023**, a written description of corrective actions taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

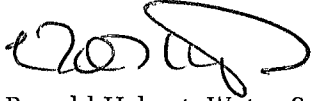
In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Beaumont Region Office at 409-898-3838 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Beaumont Region Office within 10 days from the date of this letter. At that time, Mr. Ronald Hebert will schedule a violation review meeting to be conducted (*within 21 days from the date of this letter OR specified date at specific time*). However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Mr. Chuck Barry, Environmental, Health, and Safety (EHS) Manager  
Page 2  
November 17, 2022

If you or members of your staff have any questions, please feel free to contact Ms. Stansbury in the Beaumont Region Office at 409-898-3838.

Sincerely,



Mr. Ronald Hebert, Water Section Manager  
Beaumont Region Office  
Texas Commission on Environmental Quality

RH/VS/jh

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

<p>CEDAR VALLEY SUBDIVISION</p> <p>, SAN JACINTO COUNTY,</p> <p>Additional ID(s): 2040045</p>	<p>Investigation # 1846966 Investigation Date: 09/23/2022</p>
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### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 827854      Compliance Due Date: 02/15/2023  
30 TAC Chapter 290.46(n)(2)

**Alleged Violation:**

Investigation: 1846966

Comment Date: 11/10/2022

Failure by Texas Water Utilities LP - Cedar Valley Subdivision to maintain an accurate and up-to-date map of the distribution system.

During the investigation, it was noted that the distribution map did not include the dead-end flush valve at the end of Briar Meadow Drive, did not show the three waterlines that supply Briarglen Lane and Briarhill Lane were looped, did not include the in-line flush valve on Riverside Drive, the map had not been updated to show the waterlines and valves along River Road that have been either capped or moved due to the area being overtaken by the river, did not include the Briarhill and Briarglen in-line flush valves, and Kelly Circle and Kim Circle were not shown as being looped.

The water system added the dead-end flush valve for Briar Meadow Drive, looped the three waterlines for Briarglen Lane and Briarhill Lane, the in-line flush valve on Riverside Drive, and looped Kelly Circle and Kim Circle at that time.

During the investigation, it was also noted that the distribution map showed that Deer Circle had a flush valve at the end. On October 17, 2022, the water system clarified that the waterline that was previously on Deer Circle has been disconnected and that the line will be returned to service at that location if someone builds a residence along that waterline. The water system also submitted an updated copy of the water system's distribution map, which removed the waterline on Deer Circle.

On November 7, 2022, the water system clarified that some of the waterlines that previously supplied River Road have either been moved or capped. The water system also noted that the distribution map had not been updated to reflect these changes.

This alleged violation will remain outstanding until the water system provides documentation showing all of the changes in waterline and valve locations for the area located near River Road.

**Recommended Corrective Action:** Update the distribution map that shows the change in waterline and valve locations for the waterlines that previously supplied River Road. Submit a copy of the updated distribution map to the Beaumont Regional Office.

### AREA OF CONCERN

Track No: 827855  
30 TAC Chapter 290.121(a)  
30 TAC Chapter 290.121(b)(1)  
30 TAC Chapter 290.121(b)(1)(A)  
30 TAC Chapter 290.121(b)(1)(B)