



Filing Receipt

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Control Number - 54429

Item Number - 32



October 11, 2023

PUC
Filing Clerk
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Re: Application of Palo Duro Company, Inc. DBA Trinity River Estates and the City of Hudson Oaks for Sale, Transfer, or Merger of Facilities and Certificate Of Convenience in Parker County, Texas

Docket No. 55429

Dear PUC Filing Clerk:

Per Order No. 11, in the above referenced matter, the City of Hudson Oaks provides the following responses to the requests for information and confirmation in the same order as presented.

1. Whether the improvements to increase pressure tank capacity and storage tank capacity have been completed and will resolve the alleged violations resulting from the June 14, 2022 inspection and will ensure the Trinity River Estates Water System meets the TCEQ's minimum requirements.
The storage tank capacity and pressure tank capacity improvements have not been addressed to date. The City of Hudson Oaks has maintained communication with the seller in an attempt to determine the responsible party for the needed improvements. The City of Hudson Oaks has recently agreed to undertake the obligation to make these improvements.
2. What, if anything, has Palo Duro done to address the outstanding alleged violation for failure to calibrate well meters at least once every three years.
Per the TCEQ Review on August 24, 2022, the meters' violation was addressed. Please see attached Summary of Findings.
3. What are the plans by Hudson Oaks to address the alleged violations, if any remain, resulting from the TCEQ's June 14, 2022 inspection.

While the seller has submitted plans to cure the alleged violations, the City of Hudson Oaks has employed a Texas PE to address the storage tank and pressure tank violations to meet/exceed the State of Texas requirements.

4. Whether there are any other unresolved violations identified by the TCEQ.

The City of Hudson Oaks is not aware of any further unresolved violations.

The applicant respectfully requests a 60-day extension to further investigate options and design needs for the pressure tank and storage tank capacity violations.

If you require any additional information, please let me know. Thank you in advance for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Sterling Naron", with a stylized flourish at the end.

Sterling Naron
City Administrator

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 23, 2022

E-CERTIFIED # 9171 9690 0935 0274 9106 82

Mr. Rhett Micheletti
President
Palo Duro Service Company Inc.
3505 Williams Rd.
Fort Worth, Texas 76116-7029

Re: Additional Compliance Documentation Needed for:
Trinity River Estates Public Water System, Weatherford, Parker County, Texas
RN 101266153, PWS ID No. 1840099, Investigation No. 1823340

Dear Mr. Micheletti:

The Texas Commission on Environmental Quality (TCEQ) Dallas / Fort Worth (D/FW) Regional Office has received the compliance documentation that you submitted on July 25, 2022, for the alleged violations noted during the investigation of the above-referenced facility conducted on June 14, 2022. The compliance documentation contained in your response appears to indicate that some the problems documented during the investigation have been corrected. However, information is still needed for the alleged violations listed in the enclosed summary. Please submit to our office by **September 23, 2022**, a written description of corrective action taken and the required compliance documentation demonstrating that these remaining alleged violations have been resolved.

The TCEQ appreciates your assistance in this matter and your compliance efforts to protect the State's environment. We look forward to receiving your response for the remaining alleged violations. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements.

If you or members of your staff have any questions, please feel free to contact Mr. Scott Gilrein in the D/FW Regional Office at (817) 588-5881 or scott.gilrein@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Crystal O. Watkins".

Crystal Watkins
Team Leader, Public Water Supply Program
D/FW Regional Office

CW/sg

Cc: Mr. Micheletti, rhettmicheletti@gmail.com

Enclosures: Summary of Investigation Findings

Summary of Investigation Findings

TRINITY RIVER ESTATES 904 CLEAR FORK DR WEATHERFORD, PARKER COUNTY, TX 76087	Investigation # 1833801 Investigation Date: 07/29/2022
Additional ID(s): 1840099	

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 815224 Compliance Due Date: 08/08/2022
30 TAC Chapter 290.45(b)(1)(B)(iv)

Alleged Violation:

Investigation: 1823340

Comment Date: 06/15/2022

Failure to provide a pressure tank capacity of 20 gallons per connection.

During the Comprehensive Compliance Investigation on June 14, 2022, it was noted that the water system failed to provide a pressure tank capacity of 20 gallons per connection. The water system serves 29 connections and is required to provide 580 gallons of pressure tank storage, while the system provides a total pressure tank capacity of 440 gallons. Therefore, the water system is approximately 24% deficient of the required pressure tank capacity requirement.

30 TAC 290.45(b)(1)(B)(iv) states for fewer than 50 connections with ground storage, the system must meet the following requirements: a pressure tank capacity of 20 gallons per connection.

Investigation: 1833801

Comment Date: 07/29/2022

Failure to provide a pressure tank capacity of 20 gallons per connection.

During the File Record Review investigation, the investigator determined that inadequate compliance documentation had been submitted by the water system.

Recommended Corrective Action: Provide a minimum total pressure tank capacity of 20 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.

In lieu of increasing the pressure tank capacity, an alternative capacity requirement may be requested through correspondence with the TCEQ Technical Review and Oversight Team at the following address:

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

Submit documentation indicating that the water system can provide a minimum total pressure tank capacity of 20 gallons per connection, or a copy of the granted exception to the rule to the TCEQ D/FW Regional Office to document that the alleged violation has been corrected.

Track No: 815225 Compliance Due Date: 08/08/2022
30 TAC Chapter 290.45(b)(1)(B)(ii)

Alleged Violation:

Investigation: 1823340

Comment Date: 06/15/2022

Failure to provide a storage tank capacity of 200 gallons per connection.

During the Comprehensive Compliance Investigation on June 14, 2022, it was noted that the water system failed to provide a storage tank capacity of 200 gallons per connection. The water system serves 29 connections and is required to provide 5,800 gallons of storage tank capacity, while the system provides a total storage tank capacity of 5,000 gallons. Therefore, the water system is approximately 14% deficient of the required storage tank capacity requirement.

30 TAC 290.45(b)(1)(B)(ii) states for fewer than 50 connections with ground storage, the system must meet the following requirements: a total storage capacity of 200 gallons per connection.

Investigation: 1833801

Comment Date: 07/29/2022

Failure to provide a storage tank capacity of 200 gallons per connection.

During the File Record Review investigation, the investigator determined that inadequate compliance documentation had been submitted by the water system.

Recommended Corrective Action: Provide a minimum total storage tank capacity of 200 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. In lieu of increasing the pressure tank capacity, an alternative capacity requirement may be requested through correspondence with the TCEQ Plan and Technical Review Section.

Submit documentation indicating that the water system can provide a minimum total storage tank capacity of 200 gallons per connection, or a copy of the granted exception to the rule to the TCEQ D/FW Regional Office to document that the alleged violation has been corrected.

Track No: 815229

Compliance Due Date: 08/08/2022

30 TAC Chapter 290.46(s)(1)

Alleged Violation:

Investigation: 1823340

Comment Date: 06/15/2022

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

During the Comprehensive Compliance Investigation on June 14, 2022, it was noted that the water system failed to calibrate the well meters at least once every three years. Specifically, the water system failed to calibrate the well meters once every three years for Well G1840099A and Well G1840099B.

30 TAC 290.46(s)(1) states well meters required by 30 TAC 290.41(c)(3)(N) shall be calibrated at least once every three years.

Investigation: 1833801

Comment Date: 07/29/2022

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

During the File Record Review investigation, the investigator determined that inadequate compliance documentation had been submitted by the water system. On July 25, 2022, the water system submitted a copy of the purchase receipt of two new flow meters for the wells. The water system indicated that they had not yet received the new flow meters or manufacturer calibration records. At this time, this appears insufficient to resolve the alleged violation.

Recommended Corrective Action: Calibrate the flow meters for Well G1840099A and Well G1840099B, or conduct an accuracy check on each meter to ensure proper operation. If an accuracy check is performed and the percent error is greater than plus or minus five percent, the meters must be calibrated. If an accuracy check is performed with acceptable results,

provide a copy of the accuracy check which must include the date, instrument used for the accuracy check, percent error, and results. If the meters are calibrated, please submit a copy of the calibration certifications. If replaced with a new meter, please send a copy of the purchase receipt and calibration certification from the manufacturer. Submit the required documentation and a letter stating the corrective actions taken by the water system to the TCEQ D/FW Region Office.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 815226

30 TAC Chapter 290.43(c)(4)

30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1823340

Comment Date: 06/15/2022

Failure to maintain a functioning liquid level indicator for the ground storage tank.

During the Comprehensive Compliance Investigation on June 14, 2022, it was noted that the water system failed to maintain a functioning liquid level indicator for the ground storage tank.

30 TAC 290.46(m) states maintenance and housekeeping. The maintenance and housekeeping practices used by a public water system shall ensure the good working condition and general appearance of the system's facilities and equipment. The grounds and facilities shall be maintained in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water.

30 TAC 290.43(c)(4) states all clearwells and water storage tanks shall have a liquid level indicator located at the tank site. The indicator can be a float with a moving target, an ultrasonic level indicator, or a pressure gauge calibrated in feet of water. If an elevated tank or standpipe has a float with moving target indicator, it must also have a pressure indicator located at ground level. Pressure gauges must not be less than three inches in diameter and calibrated at not more than two foot intervals. Remote reading gauges at the owner's treatment plant or pumping station will not eliminate the requirement for a gauge at the tank site unless the tank is located at the plant or station.

Investigation: 1833801

Comment Date: 07/29/2022

Failure to maintain a functioning liquid level indicator for the ground storage tank.

During the File Record Review investigation, the investigator determined that adequate compliance documentation had been submitted by the water system.

Recommended Corrective Action: Provide documentation including, but not limited to, photographs, work orders, and invoices/receipts to the TCEQ D/FW Regional Office demonstrating that the ground storage tank maintains a functioning liquid level indicator to document that the alleged violation has been corrected.

Resolution: On July 25, 2022, documentation was received from the water system at the TCEQ D/FW Regional Office. Included in the documentation was a photograph of the replaced functioning liquid level indicator for the ground storage tank. This appears sufficient to resolve the alleged violation

Track No: 815227

30 TAC Chapter 290.42(l)

Alleged Violation:

Investigation: 1823340

Comment Date: 06/15/2022

Failure to maintain a plant operations manual.

During the Comprehensive Compliance Investigation on June 14, 2022, it was noted that the

water system failed to maintain a plant operations manual.

30 TAC 290.42(l) states that a thorough plant operations manual must be compiled and kept up to date for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency. If operating a reverse osmosis or nanofiltration membrane system, the manual must also include the system's configuration, baseline performance data, and any set point for membrane cleaning or replacement.

Investigation: 1833801

Comment Date: 07/29/2022

Failure to maintain a plant operations manual.

During the File Record Review investigation, the investigator determined that adequate compliance documentation had been submitted by the water system.

Recommended Corrective Action: Prepare and maintain a plant operations manual. Provide a copy of the plant operations manual to the TCEQ D/FW Region Office to document that the alleged violation has been corrected.

Resolution: On July 25, 2022, documentation was received from the water system at the TCEQ D/FW Regional Office. Included in the documentation was a copy of the plant operations manual for Trinity River Estates. This appears sufficient to resolve the alleged violation.