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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 28, 2024

CERTIFIED MAIL # 9489 0090 0027 6517 0497 50
RETURN RECEIPT REQUESTED

Mr. Richard Schaeffer, President
Windermere Oaks Water Supply Corporation
PO Box 610
Spicewood, TX 78669

Re: Notice of Violation for Comprehensive Compliance Investigation at:
Windermere Oaks WSC Public Water System, Burnet County, Texas
RN 101276236, PWS ID No.: 0270035, Investigation No.: 2001845

Dear Mr. Schaeffer:

On June 26, 2024, Mr. Michael Cameron of the Texas Commission on Environmental Quality (TCEQ) Austin 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. Please submit to this office by **October 25, 2024**, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. Additionally, please see the Additional Issues noted during the investigation.

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 Austin Region Office at (512) 339-2929 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 Austin Region Office within 10 days from the date of this letter. At that time, Mr. Shawn Stewart will schedule a violation review meeting to be conducted. 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. Richard Schaeffer
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If you or members of your staff have any questions, please feel free to contact Mr. Michael Cameron in the Austin Region Office at (512) 239-7076.

Sincerely,

A handwritten signature in cursive script that reads "Lori Wilson".

Lori Wilson
Regional Director
Austin Region Office

LW/mc

Enclosure: Summary of Investigation Findings

Cc: Mr. Mike Bamer, 500 N Capital of TX Hwy Bldg 1 Ste 125, Austin, TX 78746-3334

Summary of Investigation Findings

WINDERMERE OAKS WSC

Investigation # 2001845

Investigation Date: 06/26/2024

, BURNET COUNTY,

Additional ID(s): 0270035

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

Track No: 812509 Compliance Due Date: 10/25/2024

30 TAC Chapter 290.44(h)(1)(A)

30 TAC Chapter 290.44(h)(4)

30 TAC Chapter 290.47(f)

Alleged Violation:

Investigation: 1811241

Comment Date: 05/24/2022

Failed to provide an Air Gap or the backflow prevention assembly required by 30 Texas Administrative Code (TAC), Chapter 290.47(f) at the meter for a residence or establishment where an actual or potential contamination hazard exists. Specially, potable water from the Windermere Oaks Water Supply Corporation's (WSC's) Public Water Supply was being supplied to the Airport and Tennis Court lift stations, which are in the wastewater collection system for the WSC's wastewater treatment facility. Neither an Air Gap or a Reduced-Pressure Backflow Assembly (RPBA) was provided on the potable water lines. Water hoses were connected to the water spigots at the lift stations. The water lines were active.

Investigation: 2001845

Comment Date: 08/28/2024

Failed to provide an Air Gap or the backflow prevention assembly required by 30 Texas Administrative Code (TAC), Chapter 290.47(f) at the meter for a residence or establishment where an actual or potential contamination hazard exists. Specially, potable water from the Windermere Oaks Water Supply Corporation's (WSC's) Public Water Supply was being supplied to the Airport and Tennis Court lift stations, which are in the wastewater collection system for the WSC's wastewater treatment facility. Neither an Air Gap or a Reduced-Pressure Backflow Assembly (RPBA) was provided on the potable water lines. Water hoses were connected to the water spigots at the lift stations.

The compliance status of this violation was unable to be determined during the CCI. No compliance documentation has been provided at this time.

Recommended Corrective Action: Submit documentation demonstrating that either an Air Gap or a RPBA has been installed at the water meter for the potable water lines going to the lift stations.

If RPBA's are installed in lieu of Air Gaps, submit documentation demonstrating that upon installation, the RPBA's have been tested and certified to be operating within specifications by a TCEQ licensed backflow prevention assembly tester.

ADDITIONAL ISSUES

Description

Additional Comments

- Item #1
- Unless the executive director has approved an alternate recycling location, spent backwash water and the liquids from sludge settling lagoons, spent backwash water tanks, sludge thickeners, and similar dewatering facilities shall be returned to the raw waterline upstream of the raw water sample tap and coagulant feed point. The blended recycled liquids shall pass through all of the major unit processes at the plant.
- During the visual inspection it was observed that the recycled water was entering the raw waterline downstream of the sample tap and prior to the coagulant feed point. Mr. Henderson stated that he would be able to add a sample tap after the recycle location and before the coagulant feed point and begin using it for sample collection.
- Item #2
- During the investigation, it was observed that the system was using a Hach 1720E for monitoring and recording of the Individual and Combined Filter Effluents and a CL17 online chlorine analyzer. The Hach 1720E and CL17 were made obsolete by Hach and discontinued. The discontinuance of the online analyzers means that it may not be repaired in the event of failure. At this time, the system is maintaining a small stock of parts from analyzers that were taken from other AWR operated systems.
- Mr. Bamer stated that Chem Equip would no longer be performing the required calibrations for the 1720 and CL17 which are required to be performed at least once every 90 days. Additionally, Mr. Bamer stated that they have not been able to receive approval from the board to purchase new units. It is recommended that the system continues to work on obtaining an approved turbidimeter that can be maintained and calibrated in accordance with the rules. Because the calibration was recently performed and verifications were done in accordance with the rules, the analyzers were technically compliant at the time of the investigation.
- Item #3
- If the continuous turbidity monitoring equipment at a system serving fewer than 10,000 people malfunctions, the system must conduct grab sampling every four hours in lieu of continuous monitoring, but for no more than 14 working days following the failure of the equipment.
- Item #4
- Public water systems that treat surface water or groundwater under the direct influence of surface water, serve 3,300 or fewer people and do not sell treated water on a wholesale basis must monitor and record the disinfectant residual of the water at each entry point with either continuous monitors or grab samples. Treatment plants that use grab samples and fail to detect an appropriate disinfectant residual must repeat the test at four-hour or shorter intervals until compliance has been reestablished.

Item #5

During the investigation, it was observed that water entering the effluent launders in the clarifier favored one side (uneven) and that algae and other solids had built up along the sidewalls. It is recommended that the system evaluate the condition of the current clarifier and continue to plan for future alternatives.

Item #6

During the investigation, it was determined that the system had reached almost 100% of its pressure tank and service pump capacity. 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 290.45 shall 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. The system must submit an administratively and technically complete report addressing the 85% capacity planning requirement, in accordance with 30 Tex. Admin. Code §291.93. The report shall be submitted to:

- Plan and Technical Review Section
- Water Supply Division, MC 159
- Texas Commission on Environmental Quality
- P.O. Box 13087
- Austin, Texas 78711-3038

