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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 8, 2013

ESIGNATURE CONFIRMATION # 91 3408 2133 3931 7411 9688

Mr. Michael T. Slye, Town Manager
Town of Trophy Club
100 Municipal Drive
Trophy Club, Texas 76262

Re: Notice of Violation for Focused Investigation at:
Town of Trophy Club Public Improvement District, Trophy Club, Denton County
Regulated Entity No.: RN106855323, TCEQ ID No.:0610273, Investigation No.:
1104074, Complaint Incident No.: 186148

Dear Mr. Slye:

On June 4, 2013, and July 15, 2013, Mr. Robert E. Ferry of the Texas Commission on Environmental Quality (TCEQ) Dallas / Fort Worth (DFW) 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, some concerns were noted which were alleged non-compliances that have been since been resolved.

In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by November 6, 2013, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for 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.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 DFW Region 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.

Mr. Michael Slye
Page 2
August 8, 2013

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 DFW Region Office within 10 days from the date of this letter. At that time, Mr. Charles Marshall 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 regarding these matters, please feel free to contact Mr. Ferry in the DFW Metroplex Region Office at (817) 588-5814.

Sincerely,



Charles Marshall
Team Leader, Public Water Supply Section
DFW Regional Office

CM/ref

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

TOWN OF TROPHY CLUB PUBLIC IMPROVEMENT DISTRICT , DENTON COUNTY, Additional ID(s): 0610273	Investigation # 1104074 Investigation Date: 06/04/2013
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OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 508899 Compliance Due Date: 11/06/2013
30 TAC Chapter 290.39(h)

Alleged Violation:

Investigation: 1104074

Comment Date: 07/25/2013

Failure to submit "as-built" plans to the TCEQ for review. The plans for the distribution system were not submitted for approval before construction of the infrastructure of the PID.

Recommended Corrective Action: Submit copies of the plans for the distribution system to the Water Supply Division, Utilities Technical Review Team, attention Ms. Vera Poe, for review and approval.

Track No: 509444 Compliance Due Date: 11/06/2013
30 TAC Chapter 290.39(i)

Alleged Violation:

Investigation: 1104074

Comment Date: 08/01/2013

Failure to submit modifications to the approved elevated storage tank plans prior to construction. The plans approved in 2008 were replaced by plans developed in 2011. Any changes or modifications to the original plans were not submitted to the TCEQ for review and approval.

Recommended Corrective Action: Submit copies of the 2011 plans for the elevated storage tank to the Water Supply Division, Utilities Technical Review Team, attention Ms. Vera Poe, for review and approval as-built. Note any changes or modifications, if any, from the 2008 plan submittal. Ms. Poe can be contacted at 512 / 239-6988 for additional information if necessary.

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

Track No: 508896
30 TAC Chapter 290.39(m)

Alleged Violation:

Investigation: 1104074

Comment Date: 07/25/2013

Failure to provide written notification to the TCEQ of the startup of a new public water system.

Recommended Corrective Action: Obtain a PWS ID # for the Town of Trophy Club PID.

Resolution: The system was registered on July 22, 2013, and a PWS ID number of 0610273 was assigned.

Track No: 509407
30 TAC Chapter 290.39(d)(3)(C)

Alleged Violation:

290.39(d)(3)(C) - Failure to notify the TCEQ in writing upon completion of all work. The tank was completed sometime in 2012 and was placed into service on May 30, 2012. Written notification had not been submitted at the time of the initial inspection conducted on June 4, 2013.

Recommended Corrective Action: Submit all written notifications to the TCEQ in a timely manner.

Resolution: Written notification was submitted via letter from the contracted engineering company dated July 2, 2013. The rule requiring written notification of completion of all work does not give a deadline on when the notification should be submitted. Therefore, although the notification was submitted over a year after the construction was completed, this notification resolves the violation.

ADDITIONAL ISSUES

Description

Item 3

Additional Comments

290.39(h)(2) - Failure to submit written notification before construction begins.

Records of written notification about beginning construction of the EST could not be found. Records of verbal notification could not be found either. In all future projects be aware of the requirement to submit written notification to the TCEQ.