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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 14, 2023

Mr. Robert Rolf  
President  
Galveston County WCID 12  
1155 Dairy Ashford Road Suite 875  
Houston, Texas 77079-3034

Re: Notice of Compliance with Notice of Violation (NOV) dated March 6, 2023:  
Galveston County WCID 12, 444 9<sup>th</sup> Street, Kemah, Galveston County, Texas  
Regulated Entity No.: 101409084, TCEQ ID No.: 0840031, Investigation No.: 1938713

Dear Mr. Rolf:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received adequate compliance documentation on May 15, 2023, to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on January 31, 2023. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Ms. Destiny Geppert in the Houston Region Office at (713) 767-3729.

Sincerely,

A handwritten signature in black ink, appearing to read "JD", with a stylized flourish extending from the end.

Justin Dockal  
Water Section Team Leader  
Houston Region 12

JD/DG/es

cc: Galveston County Health District, 9850A Emmett F. Lowry Expressway, Suite A108,  
Texas City, Texas 77591-2122

Ms. Caitlyn Williams, Regulatory Affairs Analyst, Municipal District Services, LLC.  
Via email

# Summary of Investigation Findings

**GALVESTON COUNTY WCID 12**

**524 CIEN RD**

**KEMAH, GALVESTON COUNTY, TX 77565**

**Additional ID(s): 0840031**

**Investigation #**

**1938713**

**Investigation Date: 11/07/2023**

## ALLEGED VIOLATION(S) NOTED AND RESOLVED

**Track No: 837172**

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

### **Alleged Violation:**

Investigation: 1874645

Comment Date: 03/02/2023

Failure to make available sanitary control easements for well #3, G0840031C, 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. Approval for all easements and substitutes to an easement is determined by the Technical Review and Oversight Team in Austin.

At the time of the investigation, it was noted that the temporary exception for the sanitary easement expired on September 5, 2021. 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.

Investigation: 1938713

Comment Date: 11/07/2023

Failure to make available sanitary control easements for well #3, G0840031C, at the time of investigation, or executive director approval for a substitute authorized in §290.41(c)(1)(F)(iv).

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

**Resolution:** The TCEQ has granted an exception to the sanitary control easement and well setback to storm sewer requirement dated on May 15, 2023.

# Texas Commission on Environmental Quality Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact [oce@tceq.texas.gov](mailto:oce@tceq.texas.gov)

**Customer: Galveston County Water Control and Improvement  
District 12**

**Customer Number: CN600738017**

**Regulated Entity Name: GALVESTON COUNTY WCID 12**

**Regulated Entity Number: RN101409084**

**Investigation #** 1938713

**Investigator:** DESTINY GEPPERT

**Conducted:** 11/07/2023 -- 11/07/2023

**Program:** PUBLIC WATER SYSTEM/SUPPLY

**Investigation Type :** Compliance Invest File Review

**Location :** KEY MAP 620Y

**Additional ID** 0840031

**Address:** 524 CIEN RD; **City** KEMAH, **State** TX **Zip** 77565

**Local Unit :** REGION 12 - HOUSTON

**Activity Type:** PWSFRR - PWS NOV Record Review

**Principal(s):**

**Role** RESPONDENT

**Name** GALVESTON COUNTY WCID 12

**Contact(s):**

**Role** REGULATED  
ENTITY MAIL  
CONTACT

**Title** PRESIDENT

**Name** MR Robert Rolf

Phone Number for Phone is (713) 864-5466  
End of record for this contact

**Role** REGULATED  
ENTITY  
CONTACT

**Title** REGULATORY AFFAIRS ANALYST

**Name** MS CAITLYN WILLIAMS

Phone Number for Work is (281) 290-3163  
Phone Number for Phone is (281) 290-6500  
End of record for this contact

**Other Staff Member(s):**

**Role** QA Reviewer

**Name** WESLEY BOOK

**Role** Supervisor

**Name** JUSTIN DOCKAL

## Associated Check List

**Checklist Name** PWS GENERIC VIOLATIONS

**Unit Name** Violations

## **Investigation Comments:**

### **INTRODUCTION**

Ms. Destiny Geppert, Environmental Investigator for the Texas Commission on Environmental Quality (TCEQ) Houston Region Office, conducted a Public Water Supply record review (RR) investigation of Galveston County Water Control and Improvement District (WCID) 12, Public Water Supply Registration No. 0840031. The TCEQ has granted an exception to the sanitary control easement and well setback to storm sewer requirement dated on May 15, 2023, (Attachment 1). Based on the information provided, the outstanding alleged violation has been resolved.

### **BACKGROUND**

On January 31, 2023, a Modified Comprehensive Compliance Investigation (MODCCI) was conducted (TCEQ Consolidated Compliance and Enforcement Data System (CCEDS) Investigation No. 1874645), and a Notice of Violation (NOV) letter was subsequently mailed to the facility on March 6, 2023. During the investigation, a concern was noted which was an alleged violation which remained outstanding.

### **GENERAL FACILITY AND PROCESS INFORMATION**

General facility and process information were documented during the MOD CCI conducted on January 31, 2023.

### **ADDITIONAL INFORMATION**

The TCEQ has granted an exception to the sanitary control easement and well setback to storm sewer requirement dated on May 15, 2023, (Attachment 1). This appears to resolve the outstanding alleged violation. A Final Compliance letter was sent to the facility.

### **ALLEGED VIOLATION(S) NOTED AND RESOLVED**

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**Track Number:** 837172

**Resolution Status Date:** 11/7/2023

**Violation Start Date:** Unknown

**Violation End Date:** 5/15/2023

Citations include TAC or T. A. C. which stands for Texas Administrative Code

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

No or N. O. stands for Number and Pg or P. G. stands for page.

Req or R. E. Q. stands for requirements

### **Alleged Violation:**

**Investigation: 1874645**

Comment Date: 03/02/2023

Failure to make available sanitary control easements for well #3, Go840031C, 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. Approval for all easements and substitutes to an easement is determined by the Technical Review and Oversight Team in Austin.

At the time of the investigation, it was noted that the temporary exception for the sanitary easement expired on September 5, 2021. 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.

**Investigation: 1938713**

Comment Date: 11/07/2023

Failure to make available sanitary control easements for well #3, Go840031C, at the time of investigation, or executive director approval for a substitute authorized in §290.41(c)(1)(F)(iv).

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

**Resolution:** The TCEQ has granted an exception to the sanitary control easement and well setback to storm sewer requirement dated on May 15, 2023.

Signature lines for Environmental Investigator and supervisor with dates

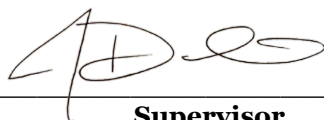
Signed



Environmental Investigator

Date 12/14/2023

Signed



Supervisor

Date 12/14/2023

Checklist for different types of attachments

**Attachments: (in order of final report submittal)**

\_\_\_ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : Notice of Compliance

Investigation Report

\_\_\_ Sample Analysis Results

\_\_\_ Manifests

\_\_\_ Notice of Registration

\_\_\_ Maps, Plans, Sketches

\_\_\_ Photographs

\_\_\_ Correspondence from the facility

☒ Other (specify) :

See list of attached files.

**List of Attached files**

Att1-PWS\_o840031\_Correspondence\_Agency-Public\_20230515\_Exception\_6581220\_

# Attachment 1



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 15, 2023

Mr. Michael Helfrich P.E.  
LJA Engineering, Inc.  
11821 East Freeway, Suite 360  
Houston, Texas 77029

Re: Galveston County WCID 12 - PWS ID No. 0840031  
Request for an Exception to the Sanitary Control Easement Requirement  
Request for an Exception to the Well Setback to Storm Sewer Requirement  
Well No. 3 (TCEQ Well ID G0840031C)  
Galveston County, Texas  
RN 101409084 | CN 600738017

Dear Mr. Helfrich:

On March 1, 2023, the Texas Commission on Environmental Quality (TCEQ) received your letter dated February 28, 2023, requesting an exception to the requirement that all public water supply wells have properly recorded sanitary control easements as specified in Title 30 of the Texas Administrative Code (30 TAC) §290.41(c)(1)(F). Subsequently, Mr. Jordan Hazlewood of my staff received your email dated March 15, 2023, requesting an exception to the well setback to a storm sewer requirement as specified in 30 TAC §290.41(c)(1)(A). These requests are for the Galveston County WCID 12 public water system (PWS) Well No. 3 (TCEQ Well ID G0840031C) located approximately 600 feet south of the intersection of Hanson Road and Marina Bay Drive in Kemah, Texas. The submittal and our records indicate that Well No. 3 is an active PWS well that was approved for use in the TCEQ letter dated October 24, 2019 (TCEQ Plan Review Log No. P-08262019-143). We note that the PWS was granted an exception with an expiration date to the sanitary control easement (SCE) requirement in the TCEQ letter dated September 5, 2018. That exception has since expired and is no longer valid due to a lack of raw water bacteriological sample results, which were required as a condition of the exception.

The submittal indicated there are three properties within 150 feet of Well No. 3 not owned by the PWS. The exception request was made due to the inability to secure an SCE for the adjacent property owned by Elks Lodge No. 2232. The owner of the other two adjacent properties, which are south and southeast of the well, granted SCEs when solicited in 2018. During our review, it was discovered that an exception would also be needed to the well setback to a storm sewer requirement specified in §290.41(c)(1)(A) due to the presence of this hazard approximately 45 feet north of Well No. 3 on the adjacent property. The TCEQ has determined that the inability to secure a sanitary control easement and maintain a minimum well setback distance indicates that this groundwater source may be susceptible to fecal contamination and may result in a risk to public health. In order to allow monitoring of the well to determine if the well has been impacted by lack of sanitary control and the presence of the storm sewer, we are **granting your requests** for an exception to the SCE requirement and an exception to the well setback to storm

sewer requirement, until May 15, 2026, under the conditions listed below. The well setback exception applies to Well No. 3 and the SCE exception applies to all of the property owned by Elks Lodge No. 2322 having Galveston County Appraisal District legal description "Abst 18 M Muldoon Survey, Tract 33, 6.296 Acres" within a 150-foot radius of Well No. 3. In accordance with 30 TAC §290.46(b) and §290.109(d)(4)(E), the PWS is required to fulfill the conditions of approval outlined below.

**Condition 1:**

- **Starting on the date of this letter, the PWS must collect one raw water sample per month from Well No. 3 (G0840031C). The PWS must submit the sample for bacteriological analysis at a TCEQ-accredited laboratory with a current National Environmental Laboratory Accreditation Program (NELAP) certification.**

The sampling procedure should be the same as the one used when collecting routine distribution samples. Please ensure that the sample is delivered to the laboratory clearly labeled with the proper TCEQ Well ID (G0840031C) and marked "RAW."

A current list of TCEQ-accredited laboratories can be directly downloaded using the following web address (url):

<https://www.tceq.texas.gov/downloads/compliance/labs/tx-nelap-lab-list.docx/>

These samples are in addition to the normally required monthly distribution bacteriological samples and must be collected at a point prior to the disinfectant injection point. The sample results should be submitted in the same manner as the results of the monthly distribution bacteriological samples.

Once at least twelve (12) consecutive monthly bacteriological sample results have been received and reviewed, the TCEQ will evaluate the results and reissue, if appropriate, exceptions without an expiration date. Based on the results of the raw water bacteriological samples the TCEQ may modify the current monitoring requirement, require a more stringent disinfection protocol, or require treatment.

Unless otherwise directed by the TCEO, the PWS must continue to collect and analyze the monthly raw water samples as required in this letter for as long as Well No. 3 is used as a public water supply well. Please note that at a minimum, a monthly monitoring requirement will remain in effect should an exception without an expiration date be granted following the review of the bacteriological sample results.

If any of the samples yields a positive result, please follow the instructions specified in Enclosure 1: *Instructions for Positive Bacteriological Samples*.

Please update your system's monitoring plan to reflect the monitoring requirements outlined in this letter and mail to the TCEQ Monitoring Plan Coordinator at the letterhead address using mail code MC-155.

Additional information is available in TCEQ's Regulatory Guidance No. 384 (RG-384), *How to Develop a Monitoring Plan for a Public Water System*, or on our website at:

[https://www.tceq.texas.gov/drinkingwater/monitoring\\_plans](https://www.tceq.texas.gov/drinkingwater/monitoring_plans)

All PWS monitoring plans are required to be kept up-to-date and on file at the system at all times and must be presented to TCEQ staff upon request.



**Condition 2:**

- **These exceptions will expire 36 months from the date of this letter (*May 15, 2026*).**

In support of your exception requests, you provided the following information:

- A general location map and a detailed site map;
- A well log for Well No. 3;
- A copy of an SCE refusal letter from the adjacent property owner identified above;
- Official copies of recorded SCEs, dated July 10, 2018, granted by Kemah Development Texas, LP for their two tracts within 150 feet of Well No. 3;
- Official copies of the deeds for the two tracts owned by the PWS within 150 feet of Well No. 3; and
- A statement that sanitary hazards prohibited by the required sanitary easement are not located within a 150-foot radius of Well No. 3, except for the storm sewer for which a well setback exception is granted in this letter.

A copy of this letter, and all related monitoring data, must be maintained with the water system's records for as long as any exception granted in this letter is in effect. These records must be made available to TCEQ staff upon request. If contamination of a well occurs which is not remediated through treatment, a new, properly constructed well may be required at another location and abandonment, proper plugging, and sealing of the abandoned well will be required.

All exceptions are subject to review. If new information indicates that any granted exception compromises the public health or degrades service or water quality, that exception may be revoked as specified in 30 TAC §290.39(l)(2). Noncompliance with any condition stated in this exception letter may result in enforcement action as specified in 30 TAC §290.39(l)(5). Granted exceptions only waive compliance to the 30 TAC Chapter 290 requirements explicitly stated in the TCEQ exception letter. Granted exceptions cannot be used as a defense in an enforcement action resulting from noncompliance with other requirements of 30 TAC Chapter 290.

If you have questions concerning this letter, or if we can be of additional assistance, please contact Mr. Jordan Hazlewood at [Jordan.Hazlewood@tceq.texas.gov](mailto:Jordan.Hazlewood@tceq.texas.gov) or (512) 239-5268, or any member of the Technical Review and Oversight Team at [PTRS@tceq.texas.gov](mailto:PTRS@tceq.texas.gov).

Sincerely,



Stephanie Escobar, Team Leader  
Technical Review and Oversight Team  
Plan and Technical Review Section  
Water Supply Division  
Texas Commission on Environmental Quality

SJE/jwh/db

Enclosure 1: *Instructions for Positive Bacteriological Samples*

cc: Mr. Robert Rolf, President; Galveston County WCID 12; 1155 Dairy Ashford Rd, Ste. 875; Houston, TX, 77079-3034  
Ms. Susan K Young; Compliance Coordinator; 406 W Grand Parkway S STE 260; Katy, TX, 77494

bcc: TCEQ Harris Regional Office - R12

### **Instructions for Positive Bacteriological Samples**

If multiple raw water samples are found to be **positive** for total coliform and **negative** for *E. coli* and other fecal indicators, a new exception with revised conditions may be required. TCEQ personnel recommend reviewing the sample collection protocol to ensure proper sample collection methods are in place. Personnel also recommend well disinfection according to American Water Works Association (AWWA) well disinfection standards.

If a raw water sample is found to be **positive** for total coliform and **positive** for *E. coli* or other fecal indicators, Groundwater Rule requirements include:

- A. Issuance of a Public Notice to water system customers in accordance with 30 TAC §290.122(a) within 24 hours of being notified of the positive result.
- B. Notification to all consecutive systems served by the well within 24 hours of being notified of the positive result.
- C. Notification to TCEQ Drinking Water Assessment Team personnel at 512-239-4691 or GWRdata@tceq.texas.gov within 24 hours of being notified of the positive result.
- D. Implementation of one or more of the Corrective Actions described in 30 TAC §290.116 as indicated by TCEQ Drinking Water Assessment Team personnel.

Additionally, the current exception may be revoked and a new exception with revised conditions may be required

Information on the Groundwater Rule can be found by calling 512-239-4691 and asking to speak to a member of the Drinking Water Assessment Team or at the following website:

[https://www.tceq.texas.gov/drinkingwater/gwr\\_main.html](https://www.tceq.texas.gov/drinkingwater/gwr_main.html)