TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST

2013-2150-UCR-E Consideration of whether to affirm, modify, or set aside the **Emergency Order** issued on December 5, 2013, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the Rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision in Waller County; TCEQ ID No. RN101256121; CCN12568; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Ray Young as temporary manager of the Utility. (Joel Cordero)

Kathleen C. Decker, Director
Litigation Division

EXECUTIVE SUMMARY – ENFORCEMENT MATTER
Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision
RN101256121
Docket No. 2013-2150-UCR-E

Order Type:
Emergency Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
Near 31902 Willowbrook Street, Waller, Waller County, Texas

Type of Operation:
public water system and retail public utility

Other Significant Matters:

Additional Pending Enforcement Actions:	Referred to Office of Attorney General: 2005-0150-MLM-E, 2010-0222-PWS-E, and 2012-0267-PWS-E
Past-Due Penalties:	$5,022.32 (Docket No. 2010-0222-PWS-E); $380.85 (Docket No. 2012-0267-PWS-E); $1,173.02 (Docket No. 2005-0150-MLM-E)
Past-Due Fees:	None
Other:	Pending action at Office of Attorney General, referred October 1, 2013
Interested Third-Parties:	None

Texas Register Publication Date: N/A

Comments Received: None

Penalty Information

Total Penalty Assessed: N/A

Total Paid to General Revenue: N/A

Total Due to General Revenue: N/A

Compliance History Classifications:
Person/CN – NA
Site/RN – NA

Major Source: N/A

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: N/A

Investigation Information

Complaint Date(s):	July 11, 2011; September 22, 2011; January 14, 2013; May 14, 2013; October 10, 2013; and November 29, 2013
Complaint Information:	Utility was out of water.
Date(s) of Investigation:	July 11, 2011; September 22, 2011; January 14, 2013; January 24, 2013 (record review); May 14, 2013; October 10, 2013; and December 2, 2013
Date(s) of NOV(s):	May 14, 2013; and June 7, 2013
Date(s) of NOE(s):	N/A

Violation Information

Abandoned operations [TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

NA

Technical Requirements:

1. Immediately upon the effective date of the Emergency Order, Ray Young ("Mr. Young") shall serve as temporary manager until a receiver is appointed or 180 days after the effective date of the Emergency Order; i.e. June 3, 2014, whichever occurs first.
2. Mr. Young is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
3. Mr. Young shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of the Emergency Order.
4. Mr. Young's requirements to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
5. Mr. Young's compensation will come from Utility revenues in the amount of fifteen dollars ($15.00) per month per connection.
6. Mr. Young shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

Litigation Information

Date Petition(s) Filed:	N/A
Date Green Card(s) Signed:	N/A
Date Answer(s) Filed:	N/A
SOAH Referral Date:	N/A
Hearing Date(s):	
Preliminary hearing:	N/A
Evidentiary hearing:	N/A

Contact Information

TCEQ Attorneys: Joel Cordero, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400

EXECUTIVE SUMMARY – ENFORCEMENT MATTER
Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision
RN101256121
Docket No. 2013-2150-UCR-E

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, 361-825-3425

TCEQ Regional Contact: Steve Smith, Water Section Manager, Houston Regional Office, 713-767-3581

Respondent: Mostafa A. Soliman and Nawal Soliman, Owners, 15628 Ginger Lane, Jersey Village, Texas 77040-1300

Respondent's Attorney: N/A

Background Facts:
The Utility provides potable water service for compensation to approximately 22 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. No other source of water is available to the more than 25 people whose water is supplied by the Utility.

On October 26, 2005, the Commission issued Agreed Order Docket No. 2005-0150-MLM-E against Mostafa A. Soliman d/b/a Willowbrook Subdivision d/b/a Willowbrook Water Supply. On October 31, 2011, the Commission issued an order based on a proposal for decision, Docket No. 2010-0222-PWS-E, against Mostafa A. Soliman d/b/a Willowbrook Subdivision. On August 8, 2012, the Commission issued Default Order Docket No. 2012-0267-PWS-E against Mostafa A. Soliman d/b/a Willowbrook Subdivision. On October 1, 2013, TCEQ Docket Nos. 2005-0150-MLM-E, 2010-0222-PWS-E, and 2012-0267-PWS-E were referred to the Office of Attorney General due to Willowbrook's failure to comply with Final Commission Orders and continuous violations of Commission rules.

From July 11, 2011, to December 4, 2013, the TCEQ received six complaints that the Utility was out of water. Each complaint was investigated and confirmed by a Houston Regional investigator.

On November 29, 2013, a complainant contacted the Houston Regional Office, stating that the water had been out at the Utility since November 28, 2013. During an investigation conducted on December 2, 2013, two Houston Region investigators documented that the water was unavailable for all areas of the Utility and that electrical wiring to the well was cut. On December 3, 2013, Brian Cantrell, Captain of Patrol, Waller County Sheriff's Office, and Waller County Emergency Manager, spoke to Mostafa A. Soliman, who stated that he was unable to make necessary repairs to the Utility to restore service due to a lack of funds. On December 5, 2013, Amy Davis, Assistant Attorney General, spoke to Nawal Soliman, who stated that she and her husband, Mostafa A. Soliman, would be unable to make necessary repairs to the Utility due to a lack of funds. Respondent had abandoned the Utility by failing to adequately maintain facilities, resulting in potential health hazards, extended outages, or repeated service interruptions.

A potential health hazard exists as a result of the Utility's failure to provide continuous and adequate service. Immediate repairs on the Utility are necessary to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health & Safety Code, and TCEQ rules. Therefore, a temporary manager is necessary to operate the Utility to ensure the quality of the water meets TCEQ rule requirements, complies with the Texas Water Code and the Texas Health & Safety Code, and is safe for public use and consumption.

On December 5, 2013, the Executive Director issued an Emergency Order appointing Mr. Ray Young as Temporary Manager for the Utility. Mr. Young made repairs at the Utility in order to restore service, and service was restored on December 9, 2013.

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

[leave date blank]

Nawal Soliman
Willowbrook Subdivision
15628 Ginger Lane
Jersey Village, Texas 77040-1300

Re: TCEQ Enforcement Action
Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision
Docket No. 2013-2150-UCR-E

Dear Ms. Soliman:

Enclosed for your records are copies of documents which were filed in the Chief Clerk's Office of the Texas Commission on Environmental Quality (TCEQ) so that the above-referenced matter may be included on the agenda of items to be considered for approval by the Commission at a public meeting scheduled for **January 15, 2014, at 9:30 a.m.** The meeting will be held at the TCEQ Park 35 Campus, located at 12118 North I-35, in Building E, Room 201S, in Austin, Texas. If you have any questions you may contact me at the TCEQ Litigation Division at (512) 239-3400 or my e-mail address listed below.

Sincerely,

Joel Cordero, Staff Attorney
Litigation Division
joel.cordero@tceq.texas.gov

Enclosures

cc: Epifanio Villarreal, Enforcement Division
Steve Smith, Houston Regional Office
Lena Roberts, Litigation Division
Blas Coy, Public Interest Counsel
Mostafa A. Soliman, Willowbrook Subdivision, 15628 Ginger Lane, Jersey Village, Texas 77040-1300

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Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

[leave date blank]

Mostafa A. Soliman
Willowbrook Subdivision
15628 Ginger Lane
Jersey Village, Texas 77040-1300

Re: TCEQ Enforcement Action
Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision
Docket No. 2013-2150-UCR-E

Dear Mr. Soliman:

Enclosed for your records are copies of documents which were filed in the Chief Clerk's Office of the Texas Commission on Environmental Quality (TCEQ) so that the above-referenced matter may be included on the agenda of items to be considered for approval by the Commission at a public meeting scheduled for **January 15, 2014, at 9:30 a.m.** The meeting will be held at the TCEQ Park 35 Campus, located at 12118 North I-35, in Building E, Room 201S, in Austin, Texas. If you have any questions you may contact me at the TCEQ Litigation Division at (512) 239-3400 or my e-mail address listed below.

Sincerely,

Joel Cordero, Staff Attorney
Litigation Division
joel.cordero@tceq.texas.gov

Enclosures

cc: Epifanio Villarreal, Enforcement Division
Steve Smith, Houston Regional Office
Lena Roberts, Litigation Division
Blas Coy, Public Interest Counsel
Nawal Soliman, Willowbrook Subdivision, 15628 Ginger Lane, Jersey Village, Texas 77040-1300

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING MOSTAFA A. SOLIMAN AND NAWAL SOLIMAN D/B/A WILLOWBROOK SUBDIVISION; RN101256121 CCN12568	**§ § § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

ORDER MODIFYING EMERGENCY ORDER
DOCKET NO. 2013-2150-UCR-E

On January 15, 2014, the Texas Commission on Environmental Quality ("TCEQ" or "Commission") considered whether to affirm, modify, or set aside an Emergency Order in the matter regarding Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision ("Willowbrook"). The Emergency Order was issued by the Executive Director without a hearing on December 5, 2013. The Emergency Order and the notice of the January 15, 2014, agenda hearing to affirm, modify, or set aside the Emergency Order were sent by certified mail return receipt requested, and sent by first class mail, postage prepaid to the last known address of Willowbrook on December 5, 2013. The Emergency Order was also hand delivered to Willowbrook on December 5, 2013. The Commission finds that the Executive Director appropriately issued the Emergency Order and that the requirements for an emergency order found in Chapters 5 and 13 of the Texas Water Code have been satisfied.

THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS THAT:

The December 5, 2013, Emergency Order, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed with the following modifications:

1. Findings of Fact, Paragraph 1 shall be modified from "Willowbrook owns and operates public water system located at 31902 Willowbrook Street in Waller, Waller County, Texas (the "Utility") to "Mostafa A. Soliman and Nawal Soliman own and Mostafa A. Soliman operates the public water system located near 31902 Willowbrook Street in Waller, Waller County, Texas (the "Utility")" in order to clarify ownership and operation of the Utility and to correct typographical errors.

2. Findings of Fact, Paragraph 7 shall be modified to change "Default" to "Agreed" to reflect the correct type of Order.

3. Findings of Fact, Paragraph 11 shall be modified to change "January 17, 2013," to "January 14, 2013."

4. Findings of Fact, Paragraph 13 shall be added, stating "On December 3, 2013, Brian Cantrell, Captain of Patrol, Waller County Sheriff's Office, and Waller County Emergeny Manager, spoke to Mostafa A. Soliman. During that conversation, Mr. Soliman stated that he was unable to make necessary repairs to restore water service at the Willowbrook Subdivision utility due to a lack of funds."

5. Findings of Fact, Paragraph 14 shall be added, stating "On December 5, 2013, Amy Davis, Assistant Attorney General, spoke to Nawal Soliman on the telephone. During that conversation, Ms. Soliman stated that she and her husband, Mostafa A. Soliman, would be unable to make necessary repairs to the Willowbrook Subdivision water utility due to a lack of funds."

6. Findings of Fact Paragraphs numbered as 13, 14, and 15, shall be renumbered as 15, 16, and 17.

7. Conclusions of Law, Paragraph 2 shall be modified to change "Findings of Fact Nos. 4, 6, 7, 8, 9, 10, 11, and 12," to "Findings of Fact Nos. 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14," to incorporation new Findings of Fact, Paragraph Nos. 13 and 14.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____

For the Commission

Exhibit A

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 5, 2013

Via Hand Delivery
Via Certified Mail Return Receipt Requested
Article No. 7012 3050 0002 0159 4100
Via First Class Mail, Postage Pre-Paid

Mostafa A. Soliman and Nawal Soliman
Willowbrook Subdivision
15628 Ginger Lane
Jersey Village, Texas 77040-1300

Re: Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision
Docket No. 2013-2150-UCR-E;
Notice of Emergency Order and of Hearing to Modify, Affirm, or Set Aside

Dear Mr. and Ms. Soliman:

On December 5, 2013, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The party made the subject to this order is Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision. The Emergency Order appoints Ray Young ("Mr. Young") as temporary manager of the public water system located at 31902 Willowbrook Street in Waller, Waller County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on December 5, 2013. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **January 15, 2014**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas.** A copy of the record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Texas Commission on Environmental Quality Agenda process will be provided to you at a later time.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order.** An Administrative Law Judge will be available to conduct a hearing at Agenda on January 15, 2014, should you so request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-0672.

Sincerely,

Joel Cordero
Attorney
Litigation Division

Enclosure

cc: Mr. Steve Smith, Water Section Manager, Houston Regional Office
Mr. Terence Webb, Receivership Coordinator
Mr. Blas Coy, Office of Public Interest Counsel
Mr. Ray Young, 17230 Huffmeister Road, Suite A, Cypress, Texas 77429-1643

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

TCEQ DOCKET NO. 2013-2150-UCR-E

IN THE MATTER OF AN ENFORCEMENT ACTION AGAINST MOSTAFA A. SOLIMAN AND NAWAL SOLIMAN D/B/A WILLOWBROOK SUBDIVISION; RN101256121; CCN12568	**§ § § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EMERGENCY ORDER
APPOINTING A TEMPORARY MANAGER
OF A WATER UTILITY

On December 5, 2013, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued this Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The party made subject to this order is Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision ("Willowbrook").

I.
FINDINGS OF FACT

1. Willowbrook owns and operates public water system located at 31902 Willowbrook Street in Waller, Waller County, Texas (the "Utility").

2. The Utility provides potable water service for compensation to approximately 22 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. As such, the Utility is a public water system as defined in 30 Tex. Admin. Code § 290.38(66).

3. The Utility operates pursuant to Certificate of Convenience and Necessity No. 12568.

4. The TCEQ alleges that the Utility discontinued the provision of service and necessary repairs are required to ensure continuous and adequate water

service.

5. Commission records show that the mailing address for Willowbrook is 15628 Ginger Lane, Jersey Village, Texas 77040-1300.

6. No other source of water is available to the more than 25 people whose water is supplied by the Utility.

7. On October 26, 2005, the Commission issued Default Order Docket No. 2005-0150-MLM-E against Mostafa A. Soliman d/b/a Willowbrook Subdivision d/b/a Willowbrook Water Supply. ("Exhibit A")

8. On October 31, 2011, the Commission issued an order based on a proposal for decision, Docket No. 2010-0222-PWS-E against Mostafa A. Soliman d/b/a Willowbrook Subdivision. ("Exhibit B")

9. On August 8, 2012, the TCEQ issued Default Order Docket No. 2012-0267-PWS-E against Mostafa A. Soliman d/b/a Willowbrook Subdivision. ("Exhibit C")

10. On October 1, 2013, TCEQ Docket Nos. 2005-0150-MLM-E, 2010-0222-PWS-E, and 2012-0267-PWS-E were referred to the Office of the Attorney General due to Willowbrook's failure to comply with Final Commission Orders and continuous violations of Commission rules.

11. From July 11, 2011, to December 4, 2013, the TCEQ received no less than six complaints that the Utility was out of water. The complaints were received on July 11, 2011; September 22, 2011; January 17, 2013; May 14, 2013; October 10, 2013; and November 29, 2013. Each complaint was investigated and confirmed by a Houston Region investigator.

12. On November 29, 2013, a complainant contacted the Houston Region Office indicating that the water was out since November 28, 2013. On December 2, 2013, two Houston Region investigators documented that the water was still out at the Utility and electrical wiring to the well was cut.

13. A potential health hazard exists as a result of the Utility's failure to provide continuous and adequate service. Immediate repairs on the Utility are necessary to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules. Therefore, a temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health and Safety Code, and is safe for public use and consumption.

14. Ray Young ("Mr. Young") has agreed to serve as temporary manager of the Utility, and his mailing address is 17230 Huffmeister Road, Suite A, Cypress, Texas 77429-1643. His telephone number is 281.373.0500.

15. This Order is necessary to ensure that continuous and adequate water service is provided to the customers of the Utility to effectuate the purposes of the Texas Water Code and the Texas Health and Safety Code.

II.
CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1, 2, and 3, Willowbrook owns the retail public utility as defined in TEX. WATER CODE § 13.002(19).

2. Findings of Fact Nos. 4, 6, 7, 8, 9, 10, 11, and 12, show that the Utility has abandoned operations and that the appointment of a temporary manager is justified as defined in TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c).

3. TEX. WATER CODE § 13.4132 authorizes the Commission to appoint a willing person to temporarily manage and operate a utility if the utility has discontinued service or abandoned operations or the provision of services or has been or is being referred to the Attorney General for the appointment of a receiver under TEX. WATER CODE § 13.412.

4. TEX. WATER CODE § 5.507 provides that the Commission may issue an emergency order appointing a willing person to temporarily manage and operate a utility under TEX. WATER CODE § 13.4132.

5. This Emergency Order may be issued without notice or hearing pursuant to TEX. WATER CODE § 5.501(b) and 30 TEX. ADMIN. CODE § 35.25.

6. TEX. WATER CODE § 5.501(c) and 30 TEX. ADMIN CODE §§ 35.12 and 291.143(a) authorize the TCEQ Executive Director to issue this Emergency Order.

7. TEX. WATER CODE §§ 5.501 and 5.507 and 30 TEX. ADMIN. CODE § 291.143(a) authorize the Executive Director to appoint a person to temporarily manage and operate a utility that has discontinued or abandoned operations or which is being referred to the office of the Attorney General for the appointment of the receiver.

8. TEX. WATER CODE § 13.4132 provides to the temporary manager the powers and duties necessary to ensure continued operation of the utility and the

provision of continuous and adequate services to customers including the power and duty to read meters, bill for services, collect revenues, disburse funds, access all system components, and request rate increases.

9. Notice of the emergency order, once it has been issued, is adequate if the notice is mailed or hand delivered to the last known address of the Utility's headquarters, in accordance with TEX. WATER CODE § 5.507. The last known address of Willowbrook is set forth in Finding of Fact No. 5.

III.
ORDER

1. This Order shall be effective on the date it is executed by the TCEQ Executive Director, i.e. December 5, 2013.

2. Immediately upon the effective date of this Emergency Order, Mr. Young is hereby appointed to temporarily manage and operate the Utility.

3. Mr. Young shall serve as temporary manager until such time as a receiver is appointed to operate the Utility by a court of proper jurisdiction, or 180 days after the effective date of this Order i.e. June 3, 2014, whichever occurs first.

4. Mr. Young is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.

5. Mr. Young shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Order.

6. Mr. Young's requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).

7. Mr. Young's compensation will come from Utility revenues in the amount of fifteen dollars ($15.00) per month per connection.

8. Mr. Young shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

9. Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify or set aside this Order at its regular Agenda meeting on January 15, 2014 at 9:30 a.m., at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the January 15, 2014 Agenda meeting, Willowbrook may request an evidentiary hearing pursuant to**

30 TEX. ADMIN. CODE § 35.25(c) for the purpose of presenting evidence and cross-examining witnesses regarding whether to affirm, modify, or set aside this Emergency Order. An Administrative Law Judge will be present at the Agenda to immediately hear the matter should a hearing be requested.

10. The Chief Clerk shall provide a copy of this Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For Zak Covar
Executive Director

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
MOSTAFA A. SOLIMAN DBA	§	
WILLOWBROOK SUBDIVISION DBA	§	TEXAS COMMISSION ON
WILLOWBROOK WATER SUPPLY	§	
PUBLIC WATER SUPPLY NO.	§	
2370049	§	
CCN 12568; RN101256121	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-0150-MLM-E

I. JURISDICTION AND STIPULATIONS

At its OCT 26 2005 agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mostafa A. Soliman dba Willowbrook Subdivision dba Willowbrook Water Supply ("Dr. Soliman") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 13. The Executive Director of the TCEQ, through the Enforcement Division, and Dr. Soliman appear before the Commission and together stipulate that:

1. Dr. Soliman owns and operates a public water supply at 31902 Willowbrook Street in Waller, Waller County, Texas (the "Facility") that has approximately 22 service connections and serves at least 25 people per day for at least 60 days per year.

2. Dr. Soliman owns and operates, in Texas and for compensation, equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public or for the resale of potable water to the public for any use. Dr. Soliman is not exempt from regulation under TEX. WATER CODE ch. 13 or the rules of the commission.

3. The Commission and Dr. Soliman agree that the Commission has jurisdiction to enter this Agreed Order, and that Dr. Soliman is subject to the Commission's jurisdiction.

4. Dr. Soliman received notice of the violations alleged in Section II ("Allegations") on or about January 18, 2005.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Dr. Soliman of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

EXHIBIT
tabbies
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6. An administrative penalty in the amount of One Thousand Two Hundred Sixty-One Dollars ($1,261) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Dr. Soliman has paid One Hundred Seven Dollars ($107) of the administrative penalty and Two Hundred Fifty-Three Dollars ($253) is deferred contingent upon Dr. Soliman's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Dr. Soliman fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Dr. Soliman to pay all or part of the deferred penalty.

   The remaining amount of Nine Hundred One Dollars ($901) of the administrative penalty shall be payable in eight (8) monthly payments of One Hundred Dollars ($100) each and one final payment of One Hundred One Dollars ($101). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Dr. Soliman fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Dr. Soliman to meet the payment schedule of this Agreed Order constitutes the failure by Dr. Soliman to timely and satisfactorily comply with all the terms of this Agreed Order.

7. 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.

8. The Executive Director of the TCEQ and Dr. Soliman have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. 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 Dr. Soliman has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Dr. Soliman is alleged to have:

1. Failed to employ trained and licensed personnel, in violation of 30 TEX. ADMIN. CODE § 290.46(e) and (e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on November 8, 2004;

2. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i), as documented during an investigation conducted on November 8, 2004;

3. Failed to provide a sanitary control easement covering land within 150 feet of the well or executive approval for a authorized substitute, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on November 8, 2004;

4. Failed to provide a well capacity of 1.5 gallon per minute (gpm) per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i), as documented during an investigation conducted on November 8, 2004;

5. Failed to provide a pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii), as documented during an investigation conducted on November 8, 2004;

6. Failed to provide a written planning report for a utility possessing a Certificate of Convenience and Necessity that has reached or exceeded 85% of all or part of its capacity, in violation of 30 TEX. ADMIN. CODE § 291.93(3), as documented during an investigation conducted on November 8, 2004;

7. Failed to maintain a residual disinfectant concentration of at least 0.2 milligrams per Liter (mg/L) free chlorine throughout the distribution system, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), as documented during investigations conducted on November 8, and November 12, 2004;

8. Failed to install a flow meter on the well pump discharge line to provide measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on November 8, 2004;

9. Failed to provide maintenance practices for a public water system so as to ensure the good working condition of the facilities equipment and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on November 8, 2004; and

10. Failure of a system that serves fewer than 250 connections, serves fewer than 750 people, and uses only groundwater or purchased treated water to maintain a record of the amount of water treated each week, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(ii)(III), as documented during an investigation conducted on November 8, 2004.

III. DENIALS

Dr. Soliman generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Dr. Soliman pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Dr. Soliman's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Mostafa A. Soliman dba Willowbrook Subdivision dba Willowbrook Water Supply, Docket No. 2005-0150-MLM-E" to:

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

2. It is further ordered that Dr. Soliman shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Employ a trained operator who holds a current class D or higher license, as required by 30 TEX. ADMIN. CODE § 290.46(e) and (e)(4)(A);

      ii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions to insure that neither cross-connections nor other unacceptable practices are permitted, as required by 30 TEX. ADMIN. CODE § 290.46(i);

      iii. Begin maintaining a residual disinfectant concentration of at least 0.2 mg/L free chlorine throughout the distribution system, as required by 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and .110(b)(4);

      iv. Install a flow meter on the well pump discharge line to provide measure production yields and provide for the accumulation of water production data, as required by 30 TEX. ADMIN. CODE § 290.41(c)(3)(N);

      v. Initiate maintenance and housekeeping practices to ensure the reliability and general appearance of the Public Water Supply System's facilities and equipment which shall include but not be limited to repair or replacement of the chlorination equipment and the concrete slab at the well, remove debris, and cut shrubs from

around the fence of the well site, as required by 30 TEX. ADMIN. CODE § 290.46(m); and

vi. Begin maintaining the weekly records of the amount of water treated each week, as required by 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(ii)(III).

b. Within 90 days after the effective date of this Agreed Order:

i. Secure a sanitary easement covering all property within 150 feet of the well locations from adjacent landowners and record the deeds at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41(c)(1); or

ii. Obtain an exception to 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as required by 30 TEX. ADMIN. CODE § 290.39(1); and

iii. Submit a planning report for a utility possessing a Certificate of Convenience and Necessity that has reached or exceeded 85% of all or part of its capacities, as required by 30 TEX. ADMIN. CODE 291.93(3).

c. Within 180 days after the effective date of this Agreed Order:

i. Provide a well capacity of 1.5 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i); and

ii. Provide a pressure tank capacity of 50 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii).

d. Within 195 days after the effective date of this Agreed Order, submit certification of compliance, including correspondence, reports, or other documentation, with Ordering Provisions Nos. 2.a. through 2.c.

e. Submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Work Leader
Team 5, Section III
Enforcement Division, MC-149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Mr. Steve Smith, Manager
Water Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H, Houston, Texas
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Dr. Soliman. Dr. Soliman is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Dr. Soliman shall be made in writing to the Executive Director. Extensions are not effective until Dr. Soliman receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Dr. Soliman in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Dr. Soliman, or three days after the date on which the Commission mails notice of the Order to Dr. Soliman, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Kathleen Hibbs White
For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Mostafa A. Soliman
Signature

6/3/05
Date

Mostafa A. Soliman
Name (Printed or typed)
Authorized Representative of
Mostafa A. Soliman dba Willowbrook Subdivision dba Willowbrook Water Supply

Owner
Title

for LGG
For the Executive Director

10/9/05
Date

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 3, 2005

CERTIFIED MAIL

Mostafa Soliman, Owner
Willowbrook Subdivision
15628 Ginger Lane
Houston, Texas 77040-1300

RE: Mostafa A. Soliman dba Willowbrook Water Subdivision dba Willowbrook Water Supply
TCEQ Docket No. 2005-0150-MLM-E; TCEQ ID No. 2370049 and CCN No. 12568
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 Enforcement Coordinator or the Staff Attorney. If there are questions pertaining to the mailing of the order, then please contact Cynthia Zapata of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-4517.

Sincerely,

LaDonna Castañuela
Chief Clerk

LDC/cz

Enclosure

cc: J. Craig Fleming, Enforcement Coordinator, TCEQ Enforcement Division (MC 219)
Deshaune Blake, Field Investigator, TCEQ Region 12

TWS/2510047/CO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN ORDER Assessing Administrative Penalties and Requiring Corrective Action Against Mostafa Solimon dba Willowbrook Subdivision; TCEQ Docket No. 2010-0222-PWS-E and SOAH Docket No. 582-10-5983

On October 18, 2011, the Texas Commission on Environmental Quality (TCEQ or the Commission) considered the Executive Director's Preliminary Report and Petition (EDPRP) recommending that the Commission enter an order assessing administrative penalties against and requiring corrective action by Mostafa Solimon dba Willowbrook Subdivision (Respondent). A Proposal for Decision (PFD) was presented by Henry D. Card, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), who conducted a hearing concerning the EDPRP on June 30, 2011, in Austin, Texas.

FINDINGS OF FACT

1. Respondent owns and operates a public water system (the Facility) located at 31902 Willowbrook Street, Waller, Texas, serving the Willowbrook Subdivision.
2. The Facility has approximately 19-22 active service connections and serves at least 25 people per day for at least 60 days per year.
3. On December 14, 2009, TCEQ Investigators Stacy Marhofer and Barry Price conducted an inspection of the Facility.

EXHIBIT
B

4. Ms. Marhofer called Respondent's home number three times and his work number once before the inspection and left messages each time.

5. Respondent was not present at the inspection.

6. The investigation was to determine if the Facility was in compliance with Agreed Order No. 2005-0150-MLM-E, issued on November 6, 2006.

7. At the inspection, Ms. Marhofer and Mr. Price found 18 alleged violations of the Commission's rules, the Texas Health and Safety Code, and/or the previous Agreed Order. The EDPRP recommended a total administrative penalty of $8,059 against Respondent for those violations. Ultimately, the Executive Director dropped some violations and consolidated others, reducing the number of alleged violations to 12 and the proposed administrative penalty to $4,095.

8. The Executive Director sent Respondent his Preliminary Report and Petition (EDPRP) on April 19, 2010. The Commission received Respondent's one-page reply to the EDPRP, denying any violations, on July 16, 2010, followed by a more detailed response on September 11, 2010.

9. Notice of the State Office of Administrative Hearings (SOAH) hearing was sent August 25, 2010, which was more than ten days before the hearing.

10. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.

11. After some continuances, the hearing on the merits was convened June 30, 2011, before ALJ Henry D. Card. The Executive Director and Respondent participated in the hearing

and offered testimony, documentary evidence, and arguments. The hearing was adjourned and the record closed the same day, June 30, 2011.

12. Respondent's class D operator's license was expired at the time of the investigation and remains expired.

13. The Facility was not operated under the direct supervision of a water works operator who held a valid class "D" or higher license (Alleged Violation No. 1).

14. At the time of the investigation, a field test conducted at a system service connection across the street from the Facility revealed a chlorine residual of 0.0 mg/L.

15. The Facility failed to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 milligrams per liter ("mg/L") free chlorine (Alleged Violation No. 2).

16. At the time of the investigation, there was excessive vegetation growing within the Facility and there was a large pile of debris in a corner as well as scattered throughout the well site.

17. Respondent failed to initiate maintenance and housekeeping practices to ensure a good general appearance of the Facility (Alleged Violation No. 3).

18. Respondent failed to secure a sanitary control easement covering all property within 150 feet of the well or an exemption from that requirement (Alleged Violation No. 4).

19. The well at the Facility has a capacity of 25 gallons per minute (gpm).

20. The well at the Facility failed to have a capacity greater than 1.5 gpm per connection (Alleged Violation No. 5).

21. At the time of the investigation, the Facility had 20 active connections.

22. At the time of the investigation, the Facility was providing 1,050 gallons of pressure tank capacity.

23. At the time of the investigation, the Facility provided a pressure tank capacity of at least 50 gallons per connection (Alleged Violation No. 6).

24. At the time of the investigation, the following records were not available for review: an up-to-date chemical and microbiological monitoring plan; a map of the distribution system; the amount of chemicals used each week; the amount of water treated each week; the date, location, and nature of water quality; pressure or outage complaints received by the system and the results of any subsequent complaint investigation; the dates that dead-end mains were flushed; and maintenance records for the Facility and its equipment (Alleged Violation No. 7).

25. At the time of the investigation, Respondent had failed to post a legible sign at the Facility that contained the name of the water supply and the emergency telephone numbers where a responsible official could be contacted (Alleged Violation No. 8).

26. The Facility failed to compile and maintain a thorough plant operations manual for operator review and reference (Alleged Violation No. 9).

27. Respondent did not fail to conduct annual inspections of the Facility's two pressure tanks (Alleged Violation No. 10).

28. At the time of the investigation, the Facility's hypochlorination system solution and pump were in plain sight behind a chain link fence that did not provide adequate security.

29. The Facility failed to house the hypochlorination solution container and pump in a secure enclosure to protect them from adverse weather conditions and vandalism (Alleged Violation No. 11).

30. Respondent failed to provide an all-weather access road to the Facility well site (Alleged Violation No. 12).

31. Respondent is able to pay the assessed administrative penalty.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter under TEX. HEALTH & SAFETY CODE ch. 341.

2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. Chapter 2003.

3. Adequate and timely notice of the proceeding was provided in accordance with TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052.

4. The Facility violated 30 TAC § 290.46(e)(3)(A) and TEX. HEALTH & SAFETY CODE § 341.033 (Alleged Violation No. 1).

5. The Facility violated 30 TAC § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c) (Alleged Violation No. 2).

6. The Facility violated 30 TAC § 290.46(m) (Alleged Violation No. 3).

7. The Facility violated 30 TAC § 290.41(c)(1)(F)and TCEQ Agreed Order Docket No. 2005-0150-MLM-E, Ordering Provision No. 2.b.i (Alleged Violation No. 4).

8. The Facility violated 30 TAC § 290.45(b)(1)(A)(i) and TCEQ Agreed Order Docket No. 2005-0150-MLM-E, Ordering Provision No. 2.c.i (Alleged Violation No. 5).

9. The Facility did not violate 30 TAC § 290.45(b)(1)(A)(ii) or TCEQ Agreed Order Docket No. 2005-0150-MLM-E, Ordering Provision No. 2.c.ii (Alleged Violation No. 6).

10. The Facility violated 30 TAC §§ 290.46(f)(3)(A)(i)(III), (ii)(III), (iii), (iv), (vi), (n)(2), 290.121(a) and (b), and TCEQ Agreed Order Docket No. 2005-0150-MLM-E, Ordering Provision No. 2.a.vi (Alleged Violation No. 7).

11. The Facility violated 30 TAC § 290.46(t) (Alleged Violation No. 8).

12. The Facility violated 30 TAC § 290.42(l) (Alleged Violation No. 9).

13. The Facility did not violate 30 TAC § 290.46(m)(1)(B) (Alleged Violation No. 10).

14. The Facility violated 30 TAC § 290.42(e)(5) (Alleged Violation No. 11).

15. The Facility violated 30 TAC § 290.41(c)(3)(P) (Alleged Violation No. 12).

16. Respondent should be assessed an administrative penalty of $3,748 for the violations committed.

17. Respondent should be ordered to take the requisite actions to correct the violations committed, as recommended by the Executive Director.

EXPLANATION OF CHANGES

Pursuant to the Commission's Resolution in Docket No. 2009-0059-RES, the Office of the General Counsel amended Ordering Provision 1.l of the ALJ's proposed order attached to its reply dated October 3, 2011 to remove the following duplicative language: "[t]he certification shall be notarized by a State of Texas Notary Public and include the following certification language:."

ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:

1. Respondent shall implement the following corrective measures:

   a. Immediately upon the effective date of the Commission Order:

      i. Employ a water works operator that holds a valid class "D" or higher license, in accordance with 30 Tex. Admin. Code § 290.46;

ii. Begin operating the disinfection equipment to maintain a disinfectant residual concentration of at least 0.2 mg/L free chlorine throughout the distribution system at all times, in accordance with 30 Tex. Admin. Code § 290.110;

iii. Begin recording the amount of water treated each week, in accordance with 30 Tex. Admin. Code § 290.46; [and]

iv. [Not required]

b. Within 15 days after the effective date of the Commission Order, submit written certification, as described in Ordering Provision No. 1.l below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.a.

c. Within 30 days after the effective date of the Commission Order:

i. Initiate maintenance and housekeeping practices to ensure a good general appearance of the Facility, including but not limited to, removing all excessive vegetation and debris from within the Facility, in accordance with 30 Tex. Admin. Code § 290.46;

ii. Submit and begin maintaining on file copies of the Facility's operating records, including but not limited to, the amount of chemicals used each week, the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation, the dates that dead-end mains were flushed and maintenance records for the

Facility and its equipment, in accordance with 30 Tex. Admin. Code § 290.46; and

iii. Post a legible sign at the Facility that provides the name of the water supply and an emergency telephone number where a responsible official can be contacted, in accordance with 30 Tex. Admin. Code § 290.46.

d. Within 45 days after the effective date of the Commission Order, submit written certification, as described in Ordering Provision No. 1.l below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.c.

e. Within 60 days after the effective date of the Commission Order:

i. [Not required];

ii. Provide an up-to-date map of the distribution system showing the location of all valves and mains, as required by 30 Tex. Admin. Code §290.46;

iii. Compile and maintain an up-to-date chemical and microbiological monitoring plan, in accordance with 30 Tex. Admin. Code § 290.121;

iv. Compile and keep on file for operator review and reference a thorough plant operations manual, in accordance with 30 Tex. Admin. Code § 290.42; and

v. Provide a secure enclosure for the hypochlorination solution container and pump to protect them from adverse weather

conditions and vandalism, in accordance with 30 Tex. Admin. Code § 290.42.

f. Within 75 days after the effective date of the Commission Order, submit written certification, as described in Ordering Provision No. 1.l below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.e.

g. Within 90 days after the effective date of the Commission Order:

i. Secure a sanitary control easement that covers all property within 150 feet of the well, in accordance with 30 Tex. Admin. Code § 290.41; [and]

ii. [Not required]

h. Within 105 days after the effective date of the Commission Order, submit written certification, as described in Ordering Provision No. 1.l below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.g.

i. Within 120 days after the effective date of the Commission Order:

i. [Not Required]; [and]

ii. Provide an all-weather access road to the well site, in accordance with 30 Tex. Admin. Code § 290.41.

j. Within 135 days after the effective date of the Commission Order, submit written certification, as described in Ordering Provision No. 1.l below, and include detailed supporting documentation including photographs,

receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.i.

k. Within 180 days after the effective date of the Commission Order, provide a total well production capacity of 1.5 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.

l. Within 195 days after the effective date of the Commission Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.k. The certifications required in Ordering Provisions 1.b, 1.d, 1.f, 1.h, 1.j, and 1.l shall be notarized by a State of Texas Notary Public and 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:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Ave., Ste. H
Houston, Texas 77023-1452

2. Within 60 days after the effective date of this Order, Respondent shall pay an administrative penalty in the amount of $3,748 for the violations set forth above. The check rendered to pay the penalty imposed by this Order shall be made out to "TCEQ" and shall be sent with the notation "Re: Mostafa Solimon TCEQ Docket No. 2010-0222-PWS-E" to:

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

3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Commission Order.

4. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

5. The effective date of this Order is the date the Order is final, as provided by 30 TAC § 80.273 and Texas Government Code § 2001.144.

6. As required by Texas Water Code § 7.059, the Commission's Chief Clerk shall forward a copy of this Order to Respondent.

7. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED: OCT 3 1 2011

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw

Bryan W. Shaw, Ph D., Chairman

PWS/23/0044/CO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING MOSTAFA A. SOLIMAN D/B/A WILLOWBROOK SUBDIVISION; RN101256121	§ § § § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2012-0267-PWS-E

At its AUG 0 8 2012 agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Mostafa A. Soliman d/b/a Willowbrook Subdivision ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 31902 Willowbrook Street in Waller, Waller County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 22 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(66).

2. During an investigation conducted on September 23 and 26, 2011, a TCEQ Houston Regional Office investigator documented that Respondent failed to issue a boil water notice to the customers of the Facility within 24 hours of low distribution pressure using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(e). Specifically, the Willowbrook Subdivision lost pressure from September 22, 2011 through September 23, 2011 due to a non-functioning well control box and Respondent did not adhere to the special precautions set forth in 30 TEX. ADMIN. CODE § 290.47(h) and did not issue a boil water notice to the affected customers within 24 hours of the low distribution pressure.

3. Respondent received notice of the violation on or about December 24, 2011.

4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Mostafa A. Soliman" (the "EDPRP") in the TCEQ Chief Clerk's office on March 15, 2012.

EXHIBIT

C

5. By letter dated March 15, 2012, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.

6. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2, Respondent failed to issue a boil water notice to the customers of the Facility within 24 hours of low distribution pressure using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(e), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1) and(2).

3. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).

4. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of two hundred ninety-three dollars ($293.00) 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.

7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of two hundred ninety-three dollars ($293.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve 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 other violations which are not raised here.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Mostafa A. Soliman; Docket No. 2012-0267-PWS-E" to:

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

3. Respondent shall undertake the following technical requirements:

   a. Within 60 days after the effective date of this Order, Respondent shall incorporate the flowchart identified in 30 TEX. ADMIN. CODE § 290.47(h) into the Facility's plant operations manual and implement the procedures outlined in the flowchart to ensure that all required boil water notices are provided to the customers of the Facility within 24 hours of a low distribution pressure event, water outage, positive *Escherichia coli* or fecal coliform sample, low chlorine residual, elevated finished water turbidity level, or other condition which indicates that the potability of the drinking water has been compromised, in accordance with 30 TEX. ADMIN. CODE § 290.46.

   b. Within 75 days after the effective date of this Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, 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 fine and imprisonment for knowing violations."

      Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

      and:

Stephen Smith, Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk St., Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.

5. The provisions of this Order shall apply to and be binding upon Respondent. 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.

6. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

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.

9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 14, 2012

MAILED VIA CERTIFIED MAIL
AND VIA FIRST CLASS MAIL

Mostafa A. Soliman
Willowbrook Subdivision
15628 Ginger Lane
Jersey Village, Texas 77040-1300

RE: Mostafa A. Soliman dba Willowbrook Subdivision
TCEQ Docket No. 2012-0267-PWS-E; Registration No. 2370049
Default Order Assessing Administrative Penalties and Requiring Certain Action

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

Questions regarding the order should be directed to the Enforcement Coordinator or the Staff Attorney. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3319.

Sincerely,

Bridget C. Bohac

Bridget C. Bohac
Chief Clerk

BCB/lg

Enclosure

cc: Jeffrey Huhn, Staff Attorney, TCEQ Litigation Division
Michaelle Sherlock, Enforcement Coordinator, TCEQ Enforcement Division
Stephen Smith, Regional Contact, TCEQ Regional Office

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

TCEQ DOCKET NO. 2013-2150-UCR-E

IN THE MATTER OF AN ENFORCEMENT ACTION AGAINST MOSTAFA A. SOLIMAN AND NAWAL SOLIMAN D/B/A WILLOWBROOK SUBDIVISION; RN101256121; CCN12568	**§ § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EMERGENCY ORDER
APPOINTING A TEMPORARY MANAGER
OF A WATER UTILITY

On December 5, 2013, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued this Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The party made subject to this order is Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision ("Willowbrook").

I.
FINDINGS OF FACT

1. Mostafa A. Soliman and Nawal Soliman own and Mostafa A. Soliman operates the public water system located near 31902 Willowbrook Street in Waller, Waller County, Texas (the "Utility").

2. The Utility provides potable water service for compensation to approximately 22 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. As such, the Utility is a public water system as defined in 30 Tex. Admin. Code § 290.38(66).

3. The Utility operates pursuant to Certificate of Convenience and Necessity No. 12568.

4. The TCEQ alleges that the Utility discontinued the provision of service and necessary repairs are required to ensure continuous and adequate water

service.

5. Commission records show that the mailing address for Willowbrook is 15628 Ginger Lane, Jersey Village, Texas 77040-1300.

6. No other source of water is available to the more than 25 people whose water is supplied by the Utility.

7. On October 26, 2005, the Commission issued Default Order Docket No. 2005-0150-MLM-E against Mostafa A. Soliman d/b/a Willowbrook Subdivision d/b/a Willowbrook Water Supply. ("Exhibit A")

8. On October 31, 2011, the Commission issued an order based on a proposal for decision, Docket No. 2010-0222-PWS-E against Mostafa A. Soliman d/b/a Willowbrook Subdivision. ("Exhibit B")

9. On August 8, 2012, the TCEQ issued Agreed Order Docket No. 2012-0267-PWS-E against Mostafa A. Soliman d/b/a Willowbrook Subdivision. ("Exhibit C")

10. On October 1, 2013, TCEQ Docket Nos. 2005-0150-MLM-E, 2010-0222-PWS-E, and 2012-0267-PWS-E were referred to the Office of the Attorney General due to Willowbrook's failure to comply with Final Commission Orders and continuous violations of Commission rules.

11. From July 11, 2011, to December 4, 2013, the TCEQ received no less than six complaints that the Utility was out of water. The complaints were received on July 11, 2011; September 22, 2011; January 14, 2013; May 14, 2013; October 10, 2013; and November 29, 2013. Each complaint was investigated and confirmed by a Houston Region investigator.

12. On November 29, 2013, a complainant contacted the Houston Region Office indicating that the water was out since November 28, 2013. On December 2, 2013, two Houston Region investigators documented that the water was still out at the Utility and electrical wiring to the well was cut.

13. On December 3, 2013, Brian Cantrell, Captain of Patrol, Waller County Sheriff's Office, and Waller County Emergeny Manager, spoke to Mostafa A. Soliman. During that conversation, Mr. Soliman stated that he was unable to make necessary repairs to restore water service at the Willowbrook Subdivision utility due to a lack of funds.

14. On December 5, 2013, Amy Davis, Assistant Attorney General, spoke to Nawal Soliman on the telephone. During that conversation, Ms. Soliman stated that she and her husband, Mostafa A. Soliman, would be unable to make necessary repairs to the Willowbrook Subdivision water utility due to a

lack of funds.

15. A potential health hazard exists as a result of the Utility's failure to provide continuous and adequate service. Immediate repairs on the Utility are necessary to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules. Therefore, a temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health and Safety Code, and is safe for public use and consumption.

16. Ray Young ("Mr. Young") has agreed to serve as temporary manager of the Utility, and his mailing address is 17230 Huffmeister Road, Suite A, Cypress, Texas 77429-1643. His telephone number is 281.373.0500.

17. This Order is necessary to ensure that continuous and adequate water service is provided to the customers of the Utility to effectuate the purposes of the Texas Water Code and the Texas Health and Safety Code.

II.
CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1, 2, and 3, Willowbrook owns the retail public utility as defined in TEX. WATER CODE § 13.002(19).

2. Findings of Fact Nos. 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14 show that the Utility has abandoned operations and that the appointment of a temporary manager is justified as defined in TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c).

3. TEX. WATER CODE § 13.4132 authorizes the Commission to appoint a willing person to temporarily manage and operate a utility if the utility has discontinued service or abandoned operations or the provision of services or has been or is being referred to the Attorney General for the appointment of a receiver under TEX. WATER CODE § 13.412.

4. TEX. WATER CODE § 5.507 provides that the Commission may issue an emergency order appointing a willing person to temporarily manage and operate a utility under TEX. WATER CODE § 13.4132.

5. This Emergency Order may be issued without notice or hearing pursuant to TEX. WATER CODE § 5.501(b) and 30 TEX. ADMIN. CODE § 35.25.

6. TEX. WATER CODE § 5.501(c) and 30 TEX. ADMIN CODE §§ 35.12 and 291.143(a)

authorize the TCEQ Executive Director to issue this Emergency Order.

7. TEX. WATER CODE §§ 5.501 and 5.507 and 30 TEX. ADMIN. CODE § 291.143(a) authorize the Executive Director to appoint a person to temporarily manage and operate a utility that has discontinued or abandoned operations or which is being referred to the office of the Attorney General for the appointment of the receiver.

8. TEX. WATER CODE § 13.4132 provides to the temporary manager the powers and duties necessary to ensure continued operation of the utility and the provision of continuous and adequate services to customers including the power and duty to read meters, bill for services, collect revenues, disburse funds, access all system components, and request rate increases.

9. Notice of the emergency order, once it has been issued, is adequate if the notice is mailed or hand delivered to the last known address of the Utility's headquarters, in accordance with TEX. WATER CODE § 5.507. The last known address of Willowbrook is set forth in Finding of Fact No. 5.

III.
ORDER

1. This Order shall be effective on the date it is executed by the TCEQ Executive Director, i.e. December 5, 2013.

2. Immediately upon the effective date of this Emergency Order, Mr. Young is hereby appointed to temporarily manage and operate the Utility.

3. Mr. Young shall serve as temporary manager until such time as a receiver is appointed to operate the Utility by a court of proper jurisdiction, or 180 days after the effective date of this Order i.e. June 3, 2014, whichever occurs first.

4. Mr. Young is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.

5. Mr. Young shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Order.

6. Mr. Young's requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).

7. Mr. Young's compensation will come from Utility revenues in the amount of

fifteen dollars ($15.00) per month per connection.

8. Mr. Young shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

9. Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify or set aside this Order at its regular Agenda meeting on January 15, 2014 at 9:30 a.m., at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the January 15, 2014 Agenda meeting, Willowbrook may request an evidentiary hearing pursuant to 30 TEX. ADMIN. CODE § 35.25(c) for the purpose of presenting evidence and cross-examining witnesses regarding whether to affirm, modify, or set aside this Emergency Order. An Administrative Law Judge will be present at the Agenda to immediately hear the matter should a hearing be requested.**

10. The Chief Clerk shall provide a copy of this Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____

Zak Covar
Executive Director

AFFIDAVIT OF MELODY KIRKSEY

STATE OF TEXAS §
§
COUNTY OF HARRIS §

My name is Melody Kirksey, and I am an environmental investigator for the Houston Regional office of the Texas Commission on Environmental Quality. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On December 2, 2013, I responded to a water outage complaint at the Willowbrook Subdivision, located near 31902 Willowbrook Street in Waller, Waller County, Texas (the "Utility"). The Utility is owned by Mostafa A. Soliman and Nawal Soliman. The Utility operates pursuant to TCEQ Certificate of Convenience and Necessity No. 12568. The Utility has had numerous, frequent water outages caused primarily by failure to maintain the water system in good working condition.

On December 2, 2013, I arrived at the Utility and observed that water service was unavailable for all areas of the Utility and the electrical wiring to the well was cut. Water service was not restored to the Utility until December 9, 2013, when repairs were made by Ray Young, the temporary manager of the system.

Melody Kirksey
Melody Kirksey
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Melody Kirksey, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 20 day of December, A.D., 2013.

Notary Stamp

Notary Signature

KATHERINE S. TAYLOR
Notary Public
STATE OF TEXAS
Commission Exp. FEB. 05, 2017
Notary without Bond

AFFIDAVIT OF DARLA BRANCH

STATE OF TEXAS §
§
COUNTY OF HARRIS §

My name is Darla Branch, and I am a Public Water Supply Work Leader for the Houston Regional Office of the Texas Commission on Environmental Quality. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On November 29, 2013, the Houston Regional Office received a complaint that there was no water service in the Willowbrook Subdivision, located near 31902 Willowbrook Street in Waller, Waller County, Texas (the "Utility"). The Utility is owned by Mostafa A. Soliman and Nawal Soliman.

On December 2, 2013 at 9:00 a.m., I called the Soliman's home, a cell phone, and Mr. Soliman's place of work. I left messages on the home phone and cell phone stating that the TCEQ received a complaint that the Utility had been without water since Thursday, November 28, 2013. In the messages I provided my contact information and requested that Mr. Soliman return my call as soon as possible. I was unable to leave a message at Mr. Soliman's place of work. I received no return phone call from Mr. or Mrs. Soliman.

Darla Branch

Darla Branch
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Darla Branch, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 20 day of December, A.D., 2013.

Notary Stamp

Notary Signature

KATHERINE S. TAYLOR
Notary Public
STATE OF TEXAS
Commission Exp. FEB. 05, 2017
Notary without Bond

Sheriff, R. Glenn Smith
Waller County Sheriff's Office
Captain Brian Cantrell
701 CALVIT STREET
HEMPSTEAD, TEXAS 77445
Phone: (281) 391-8755
Phone: (979) 826-8282
Fax: (979) 826-4925

FACIMILE

To:	Elston Johnson	**From:**	Brian Cantrell
Fax:	512.239.3434	**Date:**	12/09/2013
Phone:		**Pages:**	
Re:	Return of Service		

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND EXEMPT FROM DISCLOSURE UNDER LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

OFFICERS RETURN

Came to hand on the 5TH day of December, 2013,
at 6:00 AM / PM and executed the foregoing TCEO
Emergency Order
by serving a copy to Nawal Sollman on
the 5TH day orf December 2013 at 7:10 AM / PM
at 15628 Ginger Lane Jersey Village, TX location.

RETURNED THIS 5TH DAY OF December 2013

R.GLENN SMITH, SHERIFF
WALLER COUNTY, TEXAS
By Deputy

Sworn to and subscribed before me on the 9th day of December 2013

NOTARY PUBLIC in and for
The State of Texas

JUSTIN BRADLEY LANE
Notary Public, State of Texas
My Commission Expires
September 27, 2017

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 5, 2013

Via Hand Delivery
Via Certified Mail Return Receipt Requested
Article No. 7012 3050 0002 0159 4100
Via First Class Mail, Postage Pre-Paid

Mostafa A. Soliman and Nawal Soliman
Willowbrook Subdivision
15628 Ginger Lane
Jersey Village, Texas 77040-1300

Re: Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision
Docket No. 2013-2150-UCR-E;
Notice of Emergency Order and of Hearing to Modify, Affirm, or Set Aside

Dear Mr. and Ms. Soliman:

On December 5, 2013, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The party made the subject to this order is Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision. The Emergency Order appoints Ray Young ("Mr. Young") as temporary manager of the public water system located at 31902 Willowbrook Street in Waller, Waller County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on December 5, 2013. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **January 15, 2014**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. A copy of the record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Texas Commission on Environmental Quality Agenda process will be provided to you at a later time.

AFFIDAVIT OF AMANDA STORY

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

My name is Amanda Story. I am a Legal Secretary in the Office of Legal Services at the Texas Commission on Environmental Quality. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On December 5, 2013, I prepared the mailing for Docket No. 2013-2150-UCR-E, Emergency Order in the matter of Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision. The Emergency Order and cover letter were mailed on December 5, 2013.

Amanda Story

Amanda Story
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Amanda Story, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 16th day of December, A.D., 2013.

Margaret Wilson

Notary Stamp

Notary Signature

MARGARET A WILSON
NOTARY PUBLIC
State of Texas
Comm. Exp. 05-21-2014
NOTARY WITHOUT BOND