

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

Track No: 254027

30 TAC Chapter 290.45(f)(1)

30 TAC Chapter 290.45(f)(4)

30 TAC Chapter 290.45(f)(5)

### Alleged Violation:

Investigation: 437781

Comment Date: 09/18/2006

The maximum authorized daily purchase rate specified in the contract, or a uniform purchase rate in the absence of a specified daily purchase rate, plus the actual production capacity of the system must be at least 0.6 gpm per connection. §290.45(f)(4)

For systems which purchase water under direct pressure, the maximum hourly purchase authorized by the contract plus the actual service pump capacity of the system must be at least 2.0 gpm per connection or provide at least 1,000 gpm and be able to meet peak hourly demands, whichever is less. §290.45(f)(5)

Investigation: 761017

Comment Date: 07/02/2009

The maximum authorized daily purchase rate specified in the contract, or a uniform purchase rate in the absence of a specified daily purchase rate, plus the actual production capacity of the system must be at least 0.6 gpm per connection. §290.45(f)(4)

For systems which purchase water under direct pressure, the maximum hourly purchase authorized by the contract plus the actual service pump capacity of the system must be at least 2.0 gpm per connection or provide at least 1,000 gpm and be able to meet peak hourly demands, whichever is less. §290.45(f)(5)

Investigation: 797449

Comment Date: 04/23/2010

Failure to have a valid purchase water contract with the water supplier which authorizes the purchase of enough water to meet the minimum production capacity requirements.

During the comprehensive compliance investigation on March 31, 2010, it was noted that contract between the water purchaser, Sturdivant Progress WSC, and the water wholesaler, the City of Mineral Wells (PWS ID# 1820001) had expired in 2004. No new contract between the two entities has been drafted to date. The previous contract established a maximum purchase rate of 0.484 million gallons per day (MGD). Since the water system currently serves 326 connections under direct pressure from the City of Mineral Wells and 624 connections are served by the water system's pump stations, a total production capacity of 1,026.4 gallons per minute (gpm), or 1.48 MGD, is required.

30 TAC 290.45(f)(1) states the water purchase contract must be available to the executive director in order that production, storage, service pump, or pressure maintenance capacity



may be properly evaluated. For purposes of this section, a contract may be defined as a signed written document of specific terms agreeable to the water purchaser and the water wholesaler, or in its absence, a memorandum or letter of understanding between the water purchaser and the water wholesaler.

30 TAC 290.45(f)(2) states the contract shall authorize the purchase of enough water to meet the monthly or annual needs of the purchaser

30 TAC 290.45(f)(3) states the contract shall also establish the maximum purchase rate at which water may be drafted on a daily and hourly basis. In the absence of specific maximum daily or maximum hourly rates in the contract, a uniform purchase rate for the contract period will be used.

Investigation: 857617

Comment Date: 10/07/2010

The water system submitted a draft copy of the wholesale water supply agreement that has been developed between the City of Mineral Wells (supplier) and Sturdivant Progress WSC (purchaser). This agreement, however, has not been approved and signed by either party and therefore is insufficient to resolve the alleged violation.

Investigation: 1099704

Comment Date: 07/03/2013

Failure to have a valid purchase water contract with the water supplier which authorizes the purchase of enough water to meet the minimum production capacity requirements.

During the comprehensive compliance investigation on May 9, 2013, it was noted that there is still no valid contract between the water purchaser, Sturdivant Progress WSC, and the water wholesaler, the City of Mineral Wells. A new contract has been drafted which authorizes a maximum purchase rate of 569 gallons per minute (gpm) or 0.819 million gallons per day (MGD), but the contract was not yet signed and effective. Since the water system currently serves 335 connections under direct pressure from the City of Mineral Wells and 620 connections are served by the water systems' pump stations, a total production capacity of 1,042 gpm, or 1.50 MGD, is required.

Investigation: 1402652

Comment Date: 05/02/2017

Failure to have a valid purchase water contract with the water supplier which authorizes the purchase of enough water to meet the minimum production capacity requirements.

During the investigation conducted April 3, 2017, it was noted that the contract between the water purchaser, Sturdivant Progress WSC, and the water wholesaler, City of Mineral Wells, has still not been finalized. The old contract provides for a maximum purchase rate of 336 gallons per minute (gpm) or 0.484 million gallons per day (MGD). In the direct pressure plane, the water system was required to provide a maximum hourly purchase rate of 670 GPM. In Pressure Plane #1, the water system is required to provide 375 GPM and only provided 336 GPM.

Investigation: 1439041

Comment Date: 10/23/2017

Failure have a valid purchase water contract with the water supplier, which authorizes the purchase of enough water to meet the minimum production capacity requirements.

Investigation: 1665886

Comment Date: 08/25/2020

Failure to provide a contract which authorizes a purchase capacity of at least 0.6 gallons per minute per connection.

During the investigation, it was noted that this outstanding alleged violation was classified as a Category C, but now needs to be classified as a Category B due to an increase in the number of connections.

30 TAC §290.45(f)(1) The water purchase contract must be available to the executive director in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated. For purposes of this section, a contract may be defined as a signed written document of specific terms agreeable to the water purchaser and the water wholesaler, or in its absence, a memorandum or letter of understanding between the water purchaser and the water wholesaler.

30 TAC §290.45(f)(4) The maximum authorized daily purchase rate specified in the contract,

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or a uniform purchase rate in the absence of a specified daily purchase rate, plus the actual production capacity of the system must be at least 0.6 gpm per connection.

30 TAC §290.45(f)(5) For systems which purchase water under direct pressure, the maximum hourly purchase authorized by the contract plus the actual service pump capacity of the system must be at least 2.0 gpm per connection or provide at least 1,000 gpm and be able to meet peak hourly demands, whichever is less.

**Recommended Corrective Action:** Develop a water purchase contract or memorandum of understanding

between the water purchaser, Sturdivant Progress WSC, and the water wholesaler, the City of Mineral Wells, which is signed by both entities. Submit documentation of a valid purchase water contract signed by both parties, Sturdivant Progress WSC and the City of Mineral Wells, which meets the requirements for the water system. The contract shall include the maximum rate at which water may be drafted on a daily and hourly basis, and must authorize the purchase of enough water to meet the monthly or annual needs of the purchaser.

**Resolution:** This alleged violation was administratively resolved. It was originally classified as a Category C violation during the April 3, 2017, comprehensive compliance investigation (CCI) as the water system's purchase contract was 42% deficient in total production capacity and 50% deficient in the direct pressure service area. During the most recent CCI, conducted July 22, 2020, the water system was 49% deficient in total production capacity for the entire system, and 51% deficient in total production capacity in the direct pressure service area, which is now classified as a Category B violation in the most recent version of the enforcement initiation criteria. A new alleged violation was issued to the water system as Violation Track Number 757847.