

Control Number: 42949



Item Number: 4

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014.

**Christine Mester**

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**From:** Victoria Richards Harkins, Ph.D., P.E., D.WRE. <vharkins@harkinsengineering.com>  
**Sent:** 2014 SEP 22 AM 9:51 Wednesday, November 20, 2013 3:55 PM  
**To:** Christine Mester  
**Subject:** PUBLIC UTILITY COMMISSION RE: BCWK LP Sale, Transer or Merger to BC Humble Enterprises, Application Nos. 37719-S and 37720-S  
FILING CLERK

Ms. Mester:

This e-mail is to confirm that we will add

1. Douglas Utilities, CCN Nos. 11369 and 20527
2. Texas American Water CCN No/ 13114
3. Fall Creek Management District
4. Harris County MUD No. 393 and
5. Pine Village PUD

To our neighboring notice for the above STM.

Please let me know if you need any further information. Thank you for your time. Victoria

Victoria Richards Harkins, Ph.D., P.E., D.WRE.  
President  
Harkins Engineering, Inc.  
3300 Lost Oasis Hollow  
Austin, Texas 78739  
(512) 784-8511  
F (512) 280-1462

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**From:** Christine Mester [<mailto:christine.mester@tceq.texas.gov>]  
**Sent:** Friday, November 8, 2013 7:48 AM  
**To:** Victoria Richards Harkins, Ph.D., P.E., D.WRE.  
**Subject:** RE: BCWK LP Sale, Transer or Merger to BC Humble Enterprises, Application Nos. 37719-S and 37720-S

Sorry, I was out of the office for a couple of days. The acceptance letter and notices have been prepared and are being reviewed. It should be mailed out next week.

Please let me know if you have any other questions.

Thank you,  
Christine Mester

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**From:** Victoria Richards Harkins, Ph.D., P.E., D.WRE. [<mailto:vharkins@harkinsengineering.com>]  
**Sent:** Thursday, November 07, 2013 5:00 PM  
**To:** Christine Mester  
**Subject:** RE: BCWK LP Sale, Transer or Merger to BC Humble Enterprises, Application Nos. 37719-S and 37720-S

Ms. Mester: I also left you a voice mail. Is it possible to get a status on the above applications. Please let me know if you need any further information. Thank you for your time. Victoria

Victoria Richards Harkins, Ph.D., P.E., D.WRE.  
President  
Harkins Engineering, Inc.  
3300 Lost Oasis Hollow  
Austin, Texas 78739  
(512) 784-8511  
F (512) 280-1462



# Harkins Engineering, Inc.

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October 17, 2013

Ms. Christine Mester  
TCEQ  
Utilities and Districts Section  
Water Supply Division  
P.O. Box 13087 MC 153  
Austin, Texas 78711-3087

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OCT 18 2013

**UTILITIES & DISTRICTS  
SECTION**

RE: Application from BC Humble Enterprises, L.L.C. to acquire Facilities and transfer CCN Nos. 13174 and 21037 from BCWK, L.P.

Dear Ms. Mester:

Per your letter dated October 10, 2013, please see the attached four copies of the requested transaction documentation.

If you require any additional information, please let me know. Thank you in advance for your time and attention.

Sincerely,

Victoria Richards Harkins, Ph.D., P.E.  
President

20120217259

05/17/2012 ER \$36.00

WD  
Y

2211006833

Mailing Address of Grantee

BC HUMBLE ENTERPRISES, LLC  
7115 W. Tidwell Rd., Suite K110  
Houston, TX 77092-2059

After Recording Return to:

Mr. Steve Newson, Esq.  
12,000 Westheimer Road, Suite 232  
Houston, TX 77077

**NOTICE OF CONFIDENTIALITY RIGHTS:**

**IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS

COUNTY OF HARRIS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT, BCWK L.P. (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by BC HUMBLE ENTERPRISES, LLC, a Texas limited liability company (hereinafter referred to as "Grantee"), including the execution and delivery by Grantee of a promissory note (the "Note") in favor of Grantor, secured by a Deed of Trust (herein so called) in favor of Kim L. Lawrence, Trustee, the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee, all of the following described property in Harris County, Texas, to-wit:

1EE

That real property described in Exhibit "A" attached hereto and hereby made a part hereof, together with any and all buildings, structures and improvements situated, erected or constructed thereon (the "Property"); subject, however, to those matters of record and affecting the Property.

TO HAVE AND TO HOLD the Property, together with (but without warranty) all and singular the rights and appurtenances owned by Grantor pertaining to the premises, including, without limitation, all of Grantor's right, title and interest, if any, in and to all and singular the rights and appurtenances owned by Grantor pertaining to the Property, including, without limitation, all of Grantor's right, title and interest, if any, in and to any and all mineral interests and riparian rights, adjacent roads, streets, alleys, easements, strips and gores, and rights-of-way and rights of ingress and egress to, from or adjacent to the Property (but not any adjacent property owned by Grantor), unto the said Grantee, its successors, legal representatives and assigns forever, and Grantor does hereby bind itself, and its successors to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, its successors, legal representatives and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the Grantor, but not otherwise, and subject as aforesaid, free and clear from any and all liens whatsoever.

There having been a proration of standby fees, ad valorem taxes and assessments applicable to the above-described property between Grantor and Grantee, by its acceptance hereof, Grantee hereby assumes and agrees to pay all standby fees, ad valorem taxes and assessments assessed against the above-described property for 2012 and all subsequent years and subsequent assessments for prior years due to change in land usage or ownership, and further

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OCT 18 2013

UTILITIES & DISTRICTS  
SECTION

ER 032 - 64 - 0699

agrees to save, defend, indemnify and hold Grantor harmless from all such standby fees, taxes and assessments.

But it is expressly agreed that the vendor's lien, as well as superior title in and to the above described Property, is retained against the above described Property, until the above described Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, at which time this Deed shall become absolute.

BY ITS ACCEPTANCE HEREOF, GRANTEE ACKNOWLEDGES AND AGREES THAT UPON CLOSING, GRANTOR HAS SOLD AND CONVEYED TO GRANTEE AND GRANTEE HAS ACCEPTED THE PROPERTY "AS IS, WHERE IS, WITH ALL FAULTS," EXCEPT TO THE EXTENT OF THE SPECIAL WARRANTY OF TITLE. GRANTEE HAS NOT RELIED ON, AND GRANTOR HAS NOT MADE AND IS NOT LIABLE FOR OR BOUND BY, ANY EXPRESS OR IMPLIED WARRANTIES, GUARANTEES, STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY OR RELATING THERETO, DIRECTLY OR INDIRECTLY, ORALLY OR IN WRITING. GRANTEE REPRESENTS THAT IT IS A KNOWLEDGEABLE, EXPERIENCED AND SOPHISTICATED PURCHASER OF REAL ESTATE AND THAT IT RELIED SOLELY ON ITS OWN EXPERTISE AND THAT OF GRANTEE'S CONSULTANTS IN PURCHASING THE PROPERTY AND SHALL MAKE AN INDEPENDENT VERIFICATION OF THE CONDITION OF THE PROPERTY. GRANTEE CONDUCTED SUCH INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY AS GRANTEE DEEMED NECESSARY, INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AND RELIED UPON SAME. GRANTEE ACKNOWLEDGES THAT GRANTOR AFFORDED GRANTEE A FULL OPPORTUNITY TO CONDUCT SUCH INVESTIGATIONS OF THE PROPERTY AS GRANTEE DEEMED NECESSARY TO SATISFY ITSELF AS TO THE CONDITION OF THE PROPERTY AND THE EXISTENCE OR NON-EXISTENCE OR CURATIVE ACTION TO BE TAKEN WITH RESPECT TO ANY HAZARDOUS MATERIALS ON OR DISCHARGED FROM THE PROPERTY, AND RELIED SOLELY UPON SAME AND NOT UPON ANY INFORMATION PROVIDED BY OR ON BEHALF OF GRANTOR OR ITS AGENTS OR EMPLOYEES WITH RESPECT THERETO. GRANTEE HEREBY ASSUMES THE RISK THAT ADVERSE MATTERS, INCLUDING, BUT NOT LIMITED TO, ADVERSE PHYSICAL OR CONSTRUCTION DEFECTS OR ADVERSE ENVIRONMENTAL, HEALTH OR SAFETY CONDITIONS, MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INSPECTIONS AND INVESTIGATIONS.

EXECUTED effective May 14, 2012.

**GRANTOR:**

BCWK L.P.

10R

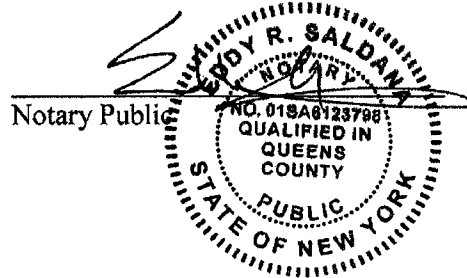
Stefan Wernick  
Name:  
Title:

STATE OF New York  
COUNTY OF Queens

BEFORE ME, the undersigned authority, a Notary Public in and for said State, on this day personally appeared Stefan Wernick of BCWK L.P., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he signed the same for the purpose and consideration therein expressed and in the capacity therein stated, as the act and deed of such limited partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 11 day of May, 2012.

TYPE, STAMP OR PRINT  
NAME OF NOTARY AND  
COMMISSION EXPIRES:



Attachments:  
Exhibit "A" – Legal Description of the Property

ER 032 - 64 - 0702

**EXHIBIT "A"**  
**DESCRIPTION OF LAND**



## Exhibit A

### TRACT 1:

DESCRIPTION of an 8745 square foot (0.2007 Acre) tract of land in the Thomas Norments survey, Abstract No. 601, Harris County, Texas and being more particularly described by metes and bounds as follows: **D**

COMMENCING at the Northerly cutback of the intersection of the West Right of Way of Old Humble Road (100' R/W) and the North Right of Way of Chateau Blvd. (80' R/W);

THENCE, Northeasterly, along the West Right of Way of Old Humble Road and a curve to the right, having a radius of 1950.00 feet, a distance of 171.26 feet to a 5/8" iron rod and the most Southerly corner or the tract herein described and the POINT OF BEGINNING;

THENCE, N 45° 29' 23" W, a distance of 92.75 feet to a 5/8" iron rod and the most Westerly corner of the tract herein described;

THENCE, N 45° 00' 15" E, a distance of 99.95 feet to a 5/8" iron rod and the most Northerly corner or the tract herein described;

THENCE, S 45° 37' 39" E, a distance of 82.10 feet to a s/s" iron rod in the West Right of Way of Old Humble Road and the most Easterly corner of the tract herein described;

THENCE, S 38° 55' 35" W, along the West Right of Way of Old Humble Road, a distance of 100.60 feet to the POINT OF BEGINNING and containing 0.2007 Acre.

Note: The Company is prohibited from insuring the area or quantity of the Land. Any statement in the legal description contained in Schedule A as to area or quantity of land is not a representation that such area or quantity is correct but is for informal identification purposes and does not override Item 2 of Schedule B hereof.

### TRACT 2:

DESCRIPTION of a 39,690 square foot (0.9111 Acre) tract of land in the Thomas Norments Survey, Abstract No. 601, Harris County, Texas and being more particularly described by metes and bounds as follows,

COMMENCING at the most Southerly cutback corner or the intersection of the West Right of Way of Old Humble Road (100' R/W) and the South Right of Way of Chateau Blvd. (80' R/W);

THENCE, S 44° 30' 35" W, along the West Right of Way of Old Humble Road, a distance of 475.53 feet to a 5/8" iron rod and a point of curve;

THENCE, southwesterly, along the West Right of Way of Old Humble Road and a curve to the right, having a radius of 1950.00 feet, a distance of 40.05 feet to a 5/8" iron rod and the Northeast corner of the tract herein described and the POINT OF BEGINNING;

THENCE, Southwesterly along the West Right of Way of Old Humble Road and a curve to the right, having a radius of 1950.00 feet, a distance of 122.98 feet to a 5/8" iron rod and a point of reverse curve;

ER 032 - 64 - 0703

ER 032 - 64 - 0704

THENCE, Southwesterly, along the West Right Of Way Of Old Humble Road and a curve to the left, having a radius of 2050.00 feet, a distance of 123.36 feet to a 5/8" iron rod and the Southeast corner of the tract herein described;

THENCE, N 89° 25' 35" W, a distance of 126.07 feet to a 5/8" iron rod in the West Right of Way of a 70' drainage easement as recorded in Vol. 3461, Page 214 of the Harris County Deed Records and the Southwest corner of the tract herein described;

THENCE, N 00° 34' 25" F, along the West Right of Way of said drainage easement, a distance of 188.00 feet to a s/a" iron rod and the Northwest corner of the tract herein described;

THENCE, S 85° 21' 30" E, a distance of 309.41 feet to the POINT OF BEGINNING and containing 0.9111 acre.

20120217259

# Pages 7

05/17/2012 10:56:59 AM

e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY

STAN STANART

COUNTY CLERK

Fees 36.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically  
and any blackouts, additions or changes were present  
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or  
use of the described real property because of color or  
race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in  
File Number Sequence on the date and at the time stamped  
hereon by me; and was duly RECORDED in the Official  
Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

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*

March 22, 2013

Ms. Shalitha Parker, Manager  
Bender Creek Apartments  
7115 W. Tidwell Rd., K110  
Houston, Texas 77092

Re: Notice of Compliance with Notice of Violation dated January 1, 2013  
Bender Creek Wastewater Treatment Plant  
~ 14075 Old Humble Road, Humble (Harris) Texas  
TPDES Permit No. WQ0014874-001, EPA ID No.: TX0067539

Dear Ms. Parker:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received adequate compliance documentation on February 13, 2013, to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on November 29, 2012. Based on the information submitted, no further action is required concerning this investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Bruce Miebs in the Houston Region Office at (713) 767-3569.

Sincerely,

A handwritten signature in cursive script, appearing to read "BSSullivan".

Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/BPM/pt

Ms. Shalitha Parker  
February 13, 2013  
Page 2

days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Bruce Miebs in the Houston Region Office at 713-767-3569.

Sincerely,



Barbara Sullivan  
Team Leader  
Water Quality Management  
Region 12 Houston

BSS/BPM/cs

Enclosures: Summary of Investigation Findings

Phone (281)359-3062

Fax (281) 359-1228

February 12, 2013

TCEQ

Bruce Miebs

5425 Polk Ave Suite H

Houston Texas 77023-1452

Re: Bender Creek

Permit # WQ0014874-001, EPA TX0067539

Dear Mr., Miebs

This letter is in response to your inspection of the above-referenced facility. At the time of the inspection there were some items of concern.

Item # 1. At the time of the inspection the facility had a high chlorine concentration. Please see the December log showing we have the chlorine under control.

Item # 2. Please see enclosed invoice from BMI showing a charge for 1.5 hours. This charge was for renting the truck to clean the ditch at Bender Creek then the truck went to Herman Oaks which is just down the street to fill up with the digester.

Should you or your staff have any questions please feel free to call at the number above.

Thank You,

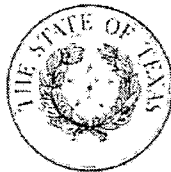
Tracy Ragsdale



# BENDER CAREER HILLTOPS

[illegible]

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



PWS/ 1010180 /CO  
RN101257525  
CN603110768

## Texas Commission on Environmental Quality

*Protecting Texas by Reducing and Preventing Pollution*

August 13, 2012

**Delivered Via Regular Mail**

DWQ DBP2/Site Loc

BCWK LP

STEVEN Z WEINREB, MANAGING MEMBER

2134 N 7 HWY

BLUE SPRINGS, MO 64014-1657

**Subject:** **Stage 2 Disinfection Byproducts Rule (DBP2), 30 TAC §290.115**  
DBP2 Site Assessment, Group Assessment and Site Confirmation  
BENDER CREEK APARTMENTS - PWSID: 1010180  
HARRIS County, TX

Attention: Public Water System Owner / Manager / Operator

The Stage 2 Disinfection Byproducts (DBP2) rule requires all community or non-transient non-community (NTNC) public water systems to monitor for disinfection byproducts (DBP), specifically total trihalomethanes (TTHM) and haloacetic acids group of 5 (HAA5). TTHM and HAA5 must be monitored at a specified number of sites and frequency based on the predominant water type, population served, and compliance history. Systems are scheduled to begin DBP2 compliance monitoring based on population and interconnections between systems.

### Sample Sites & Monitoring Frequency

According to Texas Commission on Environmental Quality (TCEQ) data, your community system serves groundwater (GW) to 330 people and is required to monitor at one sample site where historic high TTHM and HAA5 occurred at the same location. When historic high TTHM and HAA5 occur at different locations then two sites are required. Also, using water source type, population and compliance history data the TCEQ has determined that your system's reduced monitoring frequency is triennial.

Using your existing DBP data and data provided by your system, the TCEQ has identified the sites listed below for DBP2 monitoring.

TCEQ Site ID	Location	Monitoring Frequency
DBP2-01	OFFICE	triennial

### Begin Date

The TCEQ has determined your public water system is part of compliance Group 4 and must begin compliance monitoring on October 01, 2013. The TCEQ made this determination using data found in the Safe Drinking Water Information System (SDWIS) which indicates indicates your population is less than 10,000 or your system is interconnected with a system that serves less than 10,000 people.