

Control Number: 43119



Item Number: 1

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
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.

43119

LJA Engineering, Inc.



Application to Obtain Water and Sewer
Certificates of Convenience and Necessity

RECEIVED

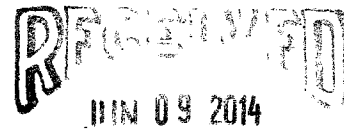
2014 SEP 19 AM 9:25

PUBLIC UTILITY COMMISSION
FILING CLERK

Brazoria County Municipal Utility District No. 22
Brazoria County, Texas
May 2014

LJA Engineering & Surveying, Inc.

2929 Briarpark Drive, Suite 600
Houston, Texas 77042-3703
www.ljaengineering.com
Phone: 713.953.5200
Fax: 713.953.5026



**UTILITIES & DISTRICTS
SECTION**

LETTER OF TRANSMITTAL

To: Water Supply Division
Utilities & Districts Section MC-153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Date: June 3, 2014

LJA Job No. 1875-2010

VIA: Certified

WE ARE SENDING YOU the following items:

- ☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of Letters ☐ Change Order ☒ Other _____

Copies	Date	Description
4		CCN Application (binder with data CD)

THESE ARE TRANSMITTED as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit 1 copy for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review & comment ☐ For signatures ☐ _____
☐ FOR BIDS DUE _____ ☐ Prints returned after loan to us

REMARKS:

Enclosed please find 4 copies of our CCN application for Brazoria County Municipal Utility
District No. 22

cc: BCMUD22

SIGNED: _____

Janice Shafer
Janice Shafer, PE

LJA Engineering, Inc.



2929 Briarpark Drive
Suite 600
Houston, Texas 77042-3703

Phone 713.953.5200
Fax 713.953.5026
www.ljaengineering.com

May 28, 2014

Texas Commission of Environmental Quality
Water Supply Division
Utilities & Districts Section
MC-153
P.O. Box 13087
Austin, Texas 78711-3087

Re: Brazoria County Municipal Utility District No. 22
Certificate of Convenience and Necessity Application
LJA Job No. 1875-2010 (6.0)

To Whom It May Concern:

Please see the enclosed Brazoria County Municipal Utility District No. 22 (the District) completed Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN).

The City of Pearland currently holds the CCN for water and sewer service for the proposed service area of the District. Additionally, Brazoria County Municipal Utility District No. 21 holds a CCN for water and sewer service within a portion of the proposed service area of the District. As shown by the enclosed letter, the City of Pearland and Brazoria County Municipal Utility District No. 21 agree to dual certifications with the District for the proposed service area. The District respectfully requests the prompt processing of the application.

Should you have any questions or require additional information, feel free to contact me at 713.953.5028.

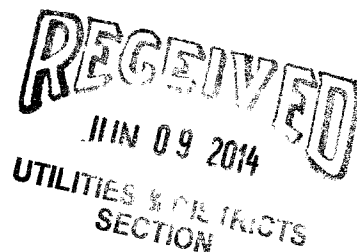
Sincerely,

William T. Ehler, PE
District Engineer



WTE/rca

Enclosure



Darrin M. Coker
City Attorney
Telephone (281) 652-1678

Jenifer K. Smith
Legal Secretary
Telephone (281) 652-1664
Telecopier (281) 652-1679



Nghiem V. Doan
Deputy City Attorney
Telephone (281) 652-1665

Lawrence G. Provins
Assistant City Attorney II
Telephone (281) 652-1666

Katie A. Leininger
Assistant City Attorney I
Telephone (281) 997-5918

July 9, 2013

Texas Commission on Environmental Quality
Registration, Review and Reporting Division
Permit Administrative Review Section
Water Quality Applications Team
MC-156
PO Box 13087
Austin, TX 78711-3087

To Whom It May Concern:

The City of Pearland does not object to the dual certification application from Brazoria County MUD #22 (Savannah). In fact, the City has consented to the creation of the MUD. At the time the CNN for this area was granted to the City, we were under the understanding that the City had the right to assign our rights to provide water and sewer service to other entities of our choosing. By consenting to the creation of the MUD, this is essentially what we have done.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrin M. Coker".

Darrin M. Coker
City Attorney

DMC/jks

cc: Greg B. Haan, PE, LJA Engineering, Inc.

BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 21

May 30, 2014

Texas Commission on Environmental Quality
Austin, Texas

Re: Request for Certificate of Convenience and Necessity for Brazoria County
Municipal Utility District No. 22

Dear Sir or Madam:

It is our understanding that Brazoria County Municipal Utility District No. 22 is applying for certificates of convenience and necessity for water and wastewater service for the land within its boundaries. As the holder of Certificate No. 13042 (Water) and 20945 (Wastewater), covering a portion of the same area, Brazoria County Municipal Utility District No. 21 hereby evidences its consent to such certification, and requests that the application be processed as expeditiously as possible. If you have any questions, please contact our attorney, Timothy Austin at (713) 860-6412. Thanks very much.

Sincerely,
Brazoria County Municipal Utility District No. 21



President, Board of Directors

OATH

State of Texas
Counties of Brazoria and Fort Bend

I, Staci Posten, being duly sworn, file this application as President (indicate relationship to Applicant, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps and financial information filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Texas Commission on Environmental Quality.

I further represent that the application form has not been changed, altered or amended from its original form available only from the Commission.

I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.


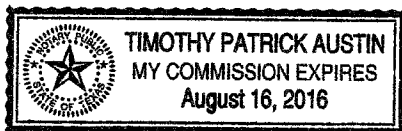


AFFIANT

(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this day 30 of May, 2014.


NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

TIMOTHY AUSTIN
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES

8/16/16



APPLICATION TO OBTAIN OR AMEND A WATER/SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

*CN# 600736250

*RN# 101395069

*If known (See Instructions)

PURPOSE OF THIS APPLICATION

☒ OBTAIN ☒ New Water CCN ☒ New Sewer CCN

☐ AMEND ☐ Water CCN# (s) _____

☐ AMEND ☐ Sewer CCN#(s) _____

1. APPLICANT INFORMATION

Utility Name Brazoria County Municipal Utility District No. 22

c/o Tim Austin

Utility Address (City/ST/ZIP/Code) Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, TX 77027

Utility Phone Number and Fax 713-860-6412, 713-860-6401

Contact Person: Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant manager, or other title related to the applicant.

Name William T. Ehler

Title District Engineer

Street Address (City/ST/ZIP/Code) 2929 Briarpark Dr, Suite 600, Houston, TX 77042

Telephone and Fax Ph: 713-953-5028, fax: 713-953-5026

E-Mail Address behler@ljaengineering.com

County (ies) in which service is proposed: Please list below:

Brazoria County and Fort Bend County

A. Check the appropriate box and provide information regarding the legal status of the applicant:

☐ Investor owned utility ☐ Individual ☐ Partnership

☐ Home or Property Owners Association ☐ For-profit corporation

☐ Non-profit, member-owned, member-controlled cooperative corporation
(Water Code Chapter 67, Water Supply or Sewer Service Corporation)

☐ Municipality ☒ District ☐ Other Please Explain:

BCMUD No. 22 is a municipal utility district created by the authorization of the TCEQ.

- B. If the applicant is a For-Profit business or corporation, please include the following information: **N/A**
- i. Provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts.
 - ii. Provide the corporation's charter number as recorded with the Office of the Texas Secretary Of State _____
 - iii. Provide a listing of all stockholders and their respective percentages of ownership.
 - iv. Provide a copy of the company's organizational chart, if available.
 - v. Provide a list of all directors and disclose the title of each individual.
 - vi. Provide a list of all affiliated organizations (if any) and explain the relationship with the applicant.
- C. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation: **N/A**
- i. Provide a copy of the Articles of Incorporation and By-Laws.
 - ii. Provide the corporation's charter number as recorded with the Office of the Texas Secretary of State.
 - iii. Identify all board members including name, address, title, and telephone number.
 - iv. Provide a copy of the corporation's Certificate of Account Status from the Texas Comptroller of Public Accounts.

2. LOCATION INFORMATION

- A. Are there people already living in the proposed area? ☐ Yes ☒ No
If YES, are any currently receiving utility service?
☐ Yes ☐ No If YES, from Whom? _____

Demonstrate the Need for Service by providing the following:

- B. Have you received any requests for service in the requested service area?
☐ Yes ☒ No If YES, provide the following:
- i. Describe the service area and circumstances driving the need for service in the requested area. Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or resident(s) that have requested service; and/or
 - ii. Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.); and/or
 - iii. Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic tanks in the requested area, fueling wells, etc.); and/or
 - iv. Provide copies of any written applications or requests for service in the requested area; and/or
 - v. Provide copies of any reports and/or market studies demonstrating existing or anticipated growth in the requested area. If no, please

- justify the need for service in the proposed area.
- vi. If none of these items exist or are available, please justify the need for service in the proposed area in writing.

Service is needed for residential development within District since service is not available from City of Pearland, the current CCN holder.

Note: Failure to demonstrate a need for additional service in the proposed service area may result in the delay and /or possible denial of the application.

- C. Is any portion of the proposed service area inside an incorporated city or district? ☐ Yes ☒ No

If YES, within the corporate limits of: _____

Provide a copy of any franchise, permit, or consent granted by the city or district. If not available please explain:

- D. Is any portion of the proposed service area inside another utility's CCN area?

☒ Yes ☐ No

If YES, has the current CCN holder agreed to decertify the proposed area?

☐ Yes ☒ No

If **NO**, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest.

We are proposing to apply for a dual certification. A portion of BCMUD No. 22 is in BCMUD No. 21's CCN and all of BCMUD No. 22 is located in the City of Pearland CCN.

3. MAP REQUIREMENTS:

Attach the following hard copy maps with each copy of the application:

- A. A general location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county.

See Attachment I

- B. A map showing only the proposed area by:

- i. metes and bounds survey certified by a licensed state or register professional land surveyor; or
- ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also, a data disk labeled with the applicant's name must be provided; or

Data Disk provided.

- iii. following verifiable natural and man-made landmarks; or
- iv. a copy of recorded plat map with metes and bounds.

See Attachment II

- C. A written description of the proposed service area.

See Attachment III

- D. Provide separate and additional maps of the proposed area(s) to show the following:
- i. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and

We are providing maps of the proposed facilities for BCMUD 22. Other areas will be designed as development occurs. (See Attachment IV).

- ii. any facilities, customers or area currently being served outside the applicant's certificated area(s).

No customers are being served at this time.

Note: Failure to provide adequate mapping information may result in the delay or possible denial of your application. Digital data submitted in a format other than ESRI ArcGIS may result in the delay or inability to review applicant's mapping information.

4. NEW SYSTEM INFORMATION OR UTILITIES REQUESTING A CCN FOR THE FIRST TIME

- A. Please provide the following information:
- i. a list of public drinking water supply system(s) or sewer system(s) within a 2 mile radius of the proposed system;

See Attachment V

- ii. copies of written requests seeking to obtain service from each of the public drinking water systems or sewer systems listed in #4.A.i above or documentation that it is not economically feasible to obtain service from each entity;

See Attachment VI

- iii. copies of written responses from each system or evidence that they did not reply; and **N/A**
- iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.

See Attachment VII

- B. Were your requests for service denied? **N/A**
- i. If yes, please provide documentation of the denial of service and go to 4.C.
 - ii. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each utility that granted your request for service.
- C. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any:

Name	Classes	License Number
Tracy Butcher	B-Wastewater	WW0024511
Alfredo Garcia	B-Groundwater	WG0013903
Alfredo Garcia	C-Wastewater	WW0023807
Al Alberson	B-Groundwater	WG0012714
Al Alberson	B-Wastewater	WW0041764

- Attach additional sheet(s) if necessary -

- C. Using the current number of customers, is any facility component in systems named in #5A above operating at 85% or greater of minimum standard capacity?

☐ Yes ☒ No

Attach an explanation listing the actions to be taken to make system improvements including proposed completion dates (See 291.93(3)(A) of TCEQ Rules).

- D. In the table below, the number of existing and/or proposed metered and non-metered connections (by size). The proposed number should reflect the information presented in the business plan or financial documentation and reflect the number of service requests identified in Question 2.b in the application.

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter	0		Residential	0	
1" meter or larger	0		Commercial	0	
Non-Metered	0		Industrial	0	
Other:	0		Other:	0	
Total Water	0	1,750	Total Sewer	0	1,750

- E. If this application is for a water CCN only, please explain how sewer service is or will be provided:

N/A

- F. If this application is for a sewer CCN only, please explain how water service is or will be provided:

N/A

- G. Effect of Granting a Certificate Amendment.
Explain in detail the effect of granting of a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on the following:

- i the applicant,
- ii any retail public utility of the same kind already serving the proximate area; and
- iii any landowner(s) in the requested area.

Granting will allow the recipient to provide service within the District and provide for future development. There should be no effect on neighboring utilities.

- H. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?

i ☒ No, (skip the rest of this question and go to #6)

BCMUD No. 22 and BCMUD No. 21 have entered into a Joint Facilities Cost Sharing Agreement (See Attachment X).

ii ☐ Yes, Water

Purchased on a ☐ Regular ☐ Seasonal ☐ Emergency basis?

Source	% of Total Treatment

iii Sewer treatment capacity,

iv ☐ Yes

Purchased on a ☐ Regular ☐ Seasonal ☐ Emergency basis?

Source	% of Total Treatment

vi Provide a signed and dated copy of the most current water or sewer treatment capacity purchase agreement or contract.

- I. Ability to Provide Adequate Service.

Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking both of the following items into consideration:

- i. the current and projected density, and
- ii. the land use of the requested area.

- J. Effect on the Land.

Explain the effect on the land to be included in the certificated area.

--

6. FINANCIAL INFORMATION

- A. For new systems and for applicants with existing CCNs who are constructing a new stand alone system:

- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system, and the source of that capital (such as a financial statement for the developing entity) for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.

During the creation of BCMUD No. 22 and subsequently during the annexation of additional land into BCMUD No. 22, a financial feasibility analysis was completed. Both analyses showed that it was

financially feasible to construct and reimburse the construction and associated costs based on the anticipated value created by the development and the anticipated tax revenues generated by the value within BCMUD No. 22. Attachment XI includes copies of the financial feasibility analysis included in the creation and annexation reports approved by the TCEQ.

- ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates should correlate to the projected growth in connections, shown on the projected profit and loss statement.

Attachment XI includes copies of the current and proposed Operations reports and past Annual Financial Reports for review.

- iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate the date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.

Attachment XII includes the BCMUD No. 22 Amended Rate Order and Regulations Governing Water and Sanitary Sewer Lines and Connections. This document describes water and sewer rates to customers within BCMUD No. 22. The rates were determined by comparison to competing neighboring systems. The applicant intends to finance its operations using system revenues in conjunction with maintenance tax revenues to ensure proper cash flow.

- B. For existing systems:
 - i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
 - ii. Attach a proposed rate schedule or tariff.

★NOTE: An existing system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application.

- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant.

Note: Failure to provide adequate financial information may result in the delay or possible denial of your application.

7. NOTICE REQUIREMENTS

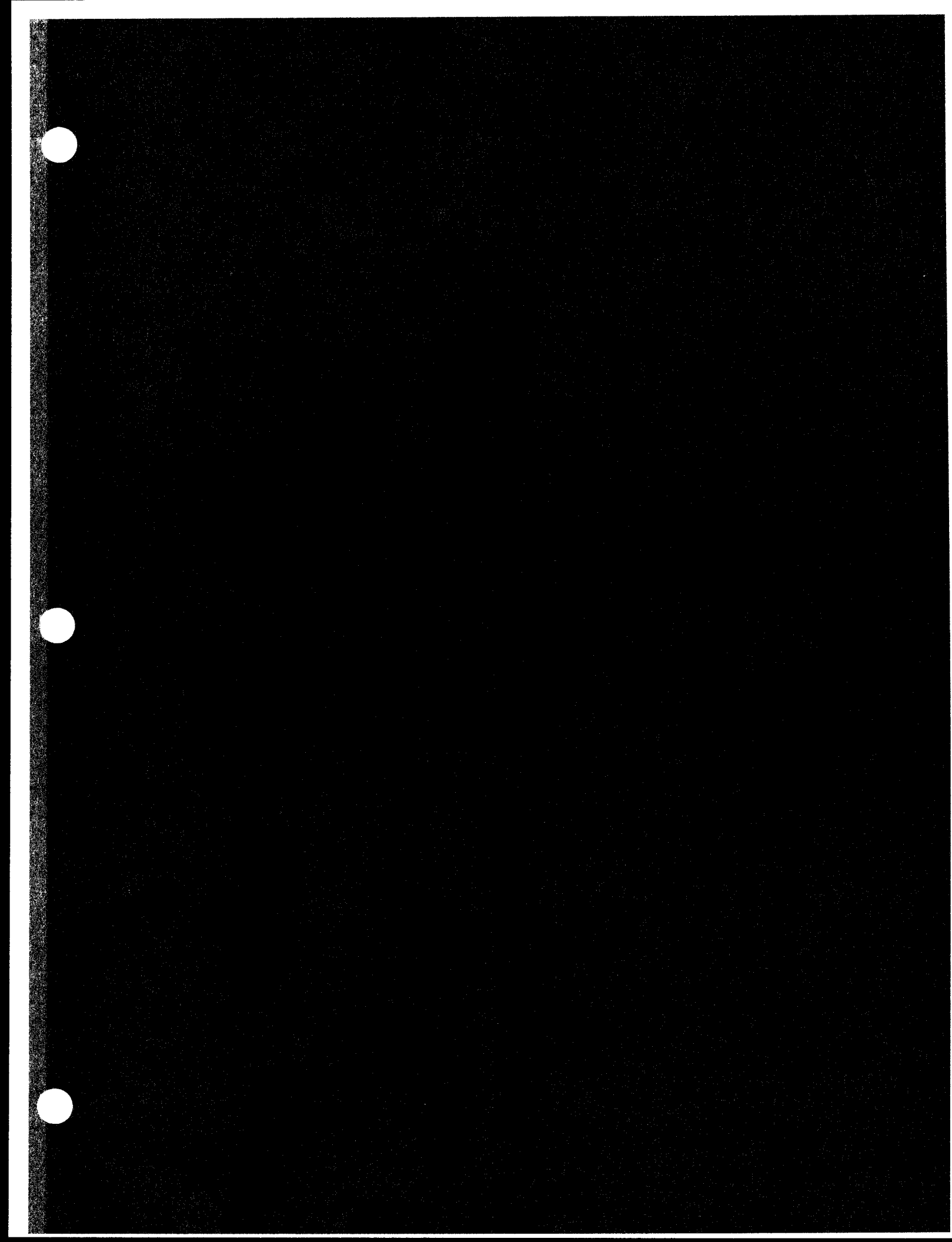
- A. All proposed notice forms must be completed and submitted with the application. However, do not mail or publish them until you receive written approval from the Commission to do so.
- B. The Commission cannot grant a CCN until proper notice of the application has been given. **Commission rules do not allow a waiver of these notice requirements for CCN applicants.**
- C. **It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.**
- D. Recommended notice forms for publication, neighboring cities and systems, landowners with 25 acres or more, and customers are included with this application to use in preparing your proposed notices. (These notice forms are also available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the Commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully and note any additional neighboring utilities which may be included in the acceptance letter.
- F. Notice For Publication:
The applicant shall publish the notice in a newspaper having general circulation in the county or counties where a CCN is being requested, once each week for two consecutive weeks beginning with the week after the notice is received from the Commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the Commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.
- G. Notice To Neighboring Utilities:
 - i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area.
 - ii. For applications for the issuance of a **NEW** CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within **five (5) miles** of the requested service area.
 - iii. For applications for the **AMENDMENT** of a CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within **two (2) miles** of the requested service area.
- H. Notice to Customers
Investor Owned Utilities (IOUs) that are currently providing service without a CCN must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted and any other information required in the application. The notice must also list all zip codes affected by the application.
- I. The Commission may require the applicant to deliver notice to other affected persons or agencies.

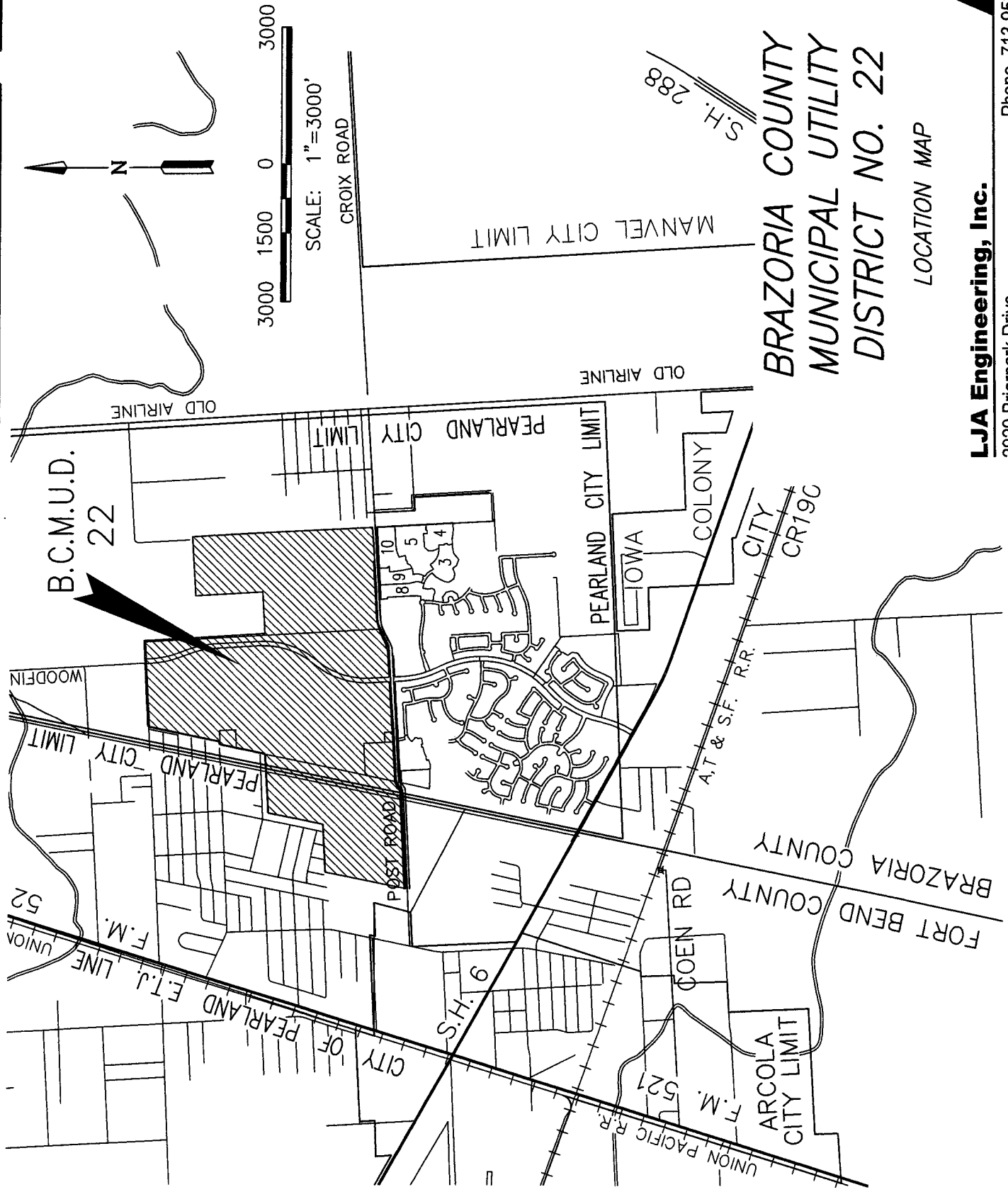
Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the Commission. Wait until you receive written authorization to do so. This will occur after the Commission has reviewed the notices for completeness, and your application has been accepted for filing. Once the application is accepted for filing, you will receive written authorization to provide notice. Please check the notices for accuracy before providing them

to the public. It is the applicant's burden to ensure that correct and accurate notice is provided.

LIST OF ATTACHMENTS

Attachment I	General Location Map
Attachment II	Boundary Map (Large Scale)
Attachment III	Written Description
Attachment IV	Facilities Map
Attachment V	List of Utilities Within 2 Miles
Attachment VI	Justification for CCN Application and Dual Certification
Attachment VII	Wastewater Discharge Permit
Attachment VIII	Excerpt From District Creation Report
Attachment IX	Plan Approval Letters
Attachment X	Joint Facilities/Cost Sharing Agreement
Attachment XI	Financial Reports
Attachment XII	Water and Sewer Rate Schedule
Attachment XIII	Notices





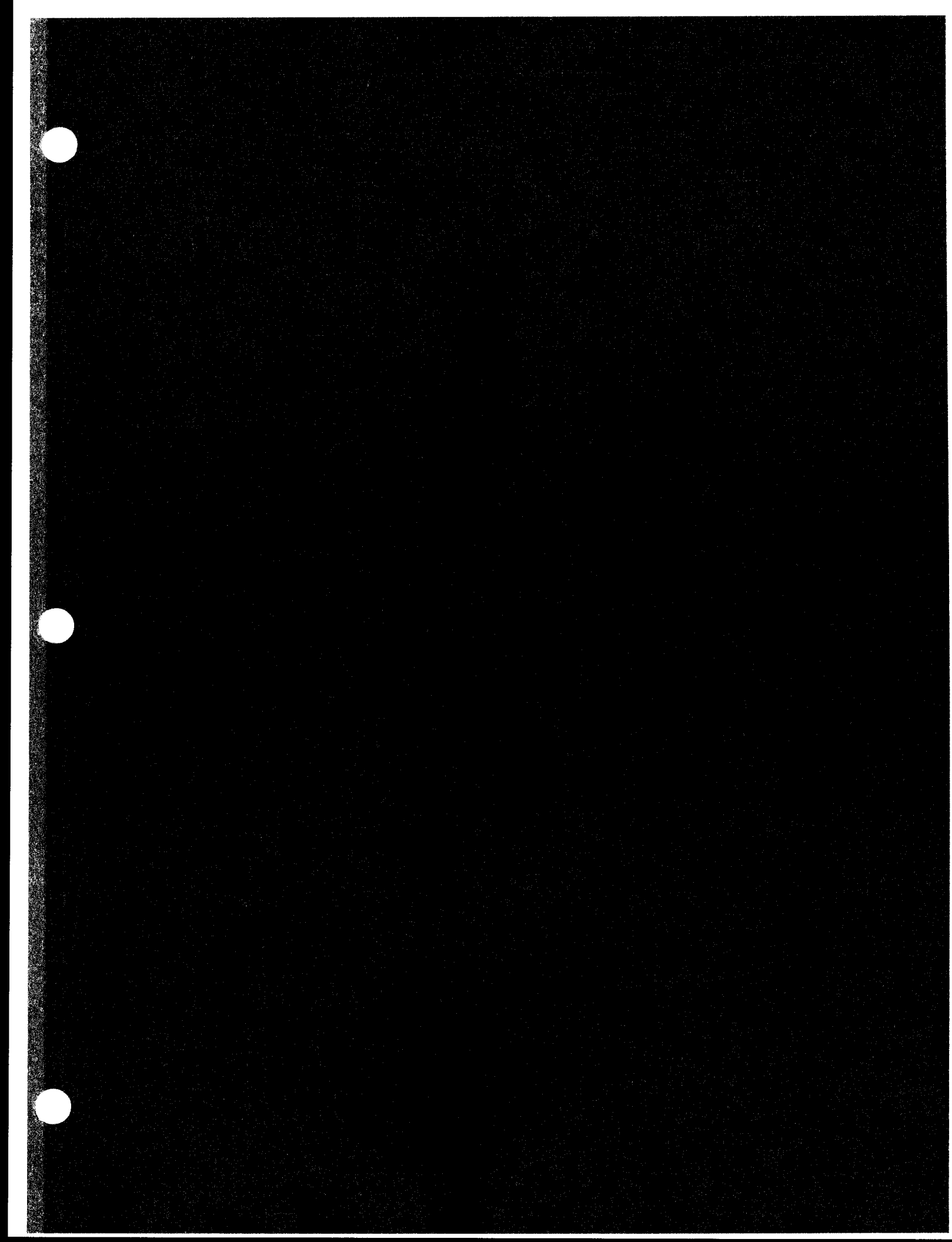
LOCATION MAP

BRAZORIA COUNTY
MUNICIPAL UTILITY
DISTRICT NO. 22

LJA Engineering, Inc.

2929 Briarpark Drive
Suite 600
Houston, Texas 77042

Phone 713.953.5200
Fax 713.953.5026
FRN - F-1386



OVERSIZED MAP(S)

TO VIEW OVERSIZED MAP(S)
PLEASE GO TO
CENTRAL RECORDS

FOR ANY QUESTIONS
PLEASE CALL *CR* MAIN LINE
(512) 936-7180

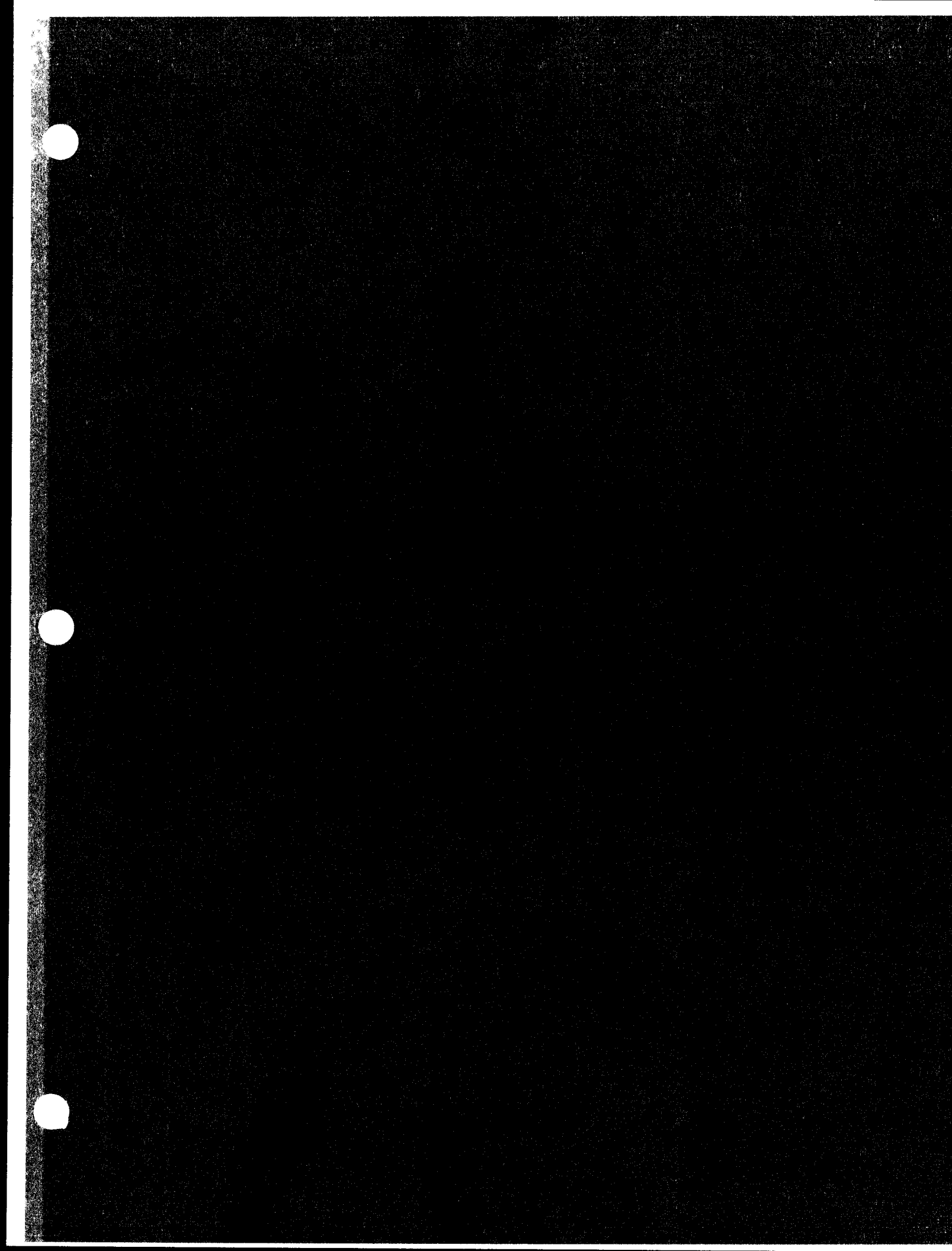


EXHIBIT A

BRAZORIA COUNTY M.U.D.22
AFTER FIRST ANNEXATION
622.31 ACRES

APRIL 15, 2010
JOB NO. 02261-60

DESCRIPTION OF A 622.31-ACRE TRACT OF LAND
SITUATED IN
THE A.C.H. & B. SURVEY, A-403
THE H. T. & B. R R SURVEY, A-302
THE J.S. TALMAGE SURVEY, A-566
THE J.S. TALMAGE SURVEY, A-562 AND
THE A.B. LANGERMANN SURVEY, A-625
BRAZORIA COUNTY, TEXAS
AND
IN THE MANUEL ESCALERO SURVEY, A-170 AND
THE A.B. LANGERMANN SURVEY, A-456
FORT BEND COUNTY, TEXAS

BEING a 622.50-acre tract of land situated in the A.C.H. & B. Survey, Abstract No. 403, the H. T. & B. R R Survey, Abstract No. 302, the J.S. Talmage Survey, Abstract No. 566, the J.S. Talmage Survey, Abstract No. 562 and the A.B. Langermann Survey, Abstract No. 625, Brazoria County, Texas, and in the Manuel Escalero Survey, Abstract No. 170 and the A.B. Langermann Survey, Abstract No. 456, Fort Bend County, Texas, being all of a 299.509-acre tract of land described as Tract 3 in a deed recorded at Brazoria County Clerk's File No. 00 037203, all of a 12.321-acre tract of land described as Tract 8 in a deed recorded at Brazoria County Clerk's File No. 00 037202, all of a 46.048-acre tract of land described in a deed recorded at Brazoria County Clerk's File No. 00 010645, all of a 39.706-acre tract of land described in a deed recorded at Brazoria County Clerk's File No. 99 046773, all of a 39.622-acre tract of land described in a deed recorded at Brazoria County Clerk's File No. 99 056875, all of a 12.1995-acre tract of land described in a deed recorded at Brazoria County Clerk's File No. 95 009009, all of a 128.956-acre tract of land described as Tract 4 in said deed recorded at Brazoria County Clerk's File No. 00 037203 and recorded at Fort Bend County Clerk's File No. 20000802225, and 44.15 acres of land out of a 75.537 acre tract of land, said 75.537-acre tract being described in a deed recorded at Brazoria County Clerk's File No. 98 019056, said 622.50-acre tract being more particularly described as follows (Bearing orientation is based on the call S 03°09'57" E, 5150.81 feet for an easterly line of a 299.509-acre tract of land described as Tract 3 in a deed recorded at Brazoria County Clerk's File No. 00-037203 and monumented on the ground with a 5/8-inch iron rod found on each end of said call):

BEGINNING at a 5/8-inch iron rod with a Brown & Gay cap found for the southeast corner of said 39.622-acre tract, being in a northerly line of Brazoria County Road No. 58 (Post Road) and being in Brazoria County;

THENCE S 86°13'52" W, 700.71 feet along a northerly line of said County Road No. 58 and along the southerly line of said 39.622-acre tract to a 5/8-inch iron rod with a Brown & Gay cap found for the southwest corner of said 39.622-acre tract, some being the southeast corner of said 39.706-acre tract;

THENCE S 86°45'43" W, 700.51 feet along a northerly line of said County Road No. 58 and along the southerly line of said 39.706-acre tract to a 5/8-inch iron rod with a Brown & Gay cap found for the southwest corner of said 39.706-acre tract same being the southeast corner of said 46.048-acre tract;



BRAZORIA COUNTY M.U.D. 22
AFTER FIRST ANNEXATION
622.31 ACRES
PAGE 2

THENCE in a westerly direction along the southerly boundary of said called 46.048-acre tract and along the northerly boundary of said County Road 58 as follows:

S 86°52'55" W, 700.62 feet to a 5/8-inch iron rod found for a corner;

S 66°57'14" W, 96.97 feet to a 5/8-inch iron rod found for a corner;

S 64°59'21" W, 12.77 feet to a 5/8-inch iron rod found for the southwest corner of said 46.048-acre tract, being the southeast corner line of said 299.509-acre tract and being the most easterly southeast corner of the original boundary of Brazoria County Municipal Utility District No. 22 (a 327.38-acre tract of land);

THENCE in a westerly direction along the northerly boundary of said County Road No. 58, along the southerly boundary of said 327.38-acre tract and along the southerly boundary of said 299.509-acre tract as follows:

S 64°59'21" W, 457.72 feet to a point for a corner;

S 85°36'37" W, 54.07 feet to a point for a corner;

S 86°53'32" W, 1294.57 feet to a point for a corner;

S 85°27'54" W, 229.47 feet to a point for a corner;

S 81°31'53" W, 78.57 feet to a point for a corner;

S 86°44'52" W, 426.96 feet to a 1 1/4-inch iron pipe found for the most southerly southwest corner of said 299.509-acre tract and said 327.38-acre tract, and for the southeast corner of said 12.1995-acre tract;

THENCE S 86°59'54" W, 884.01 feet along the southerly line of said 12.1995-acre tract and along a northerly line of said Brazoria County Road No. 58 to a 3/8-inch iron rod found for the southwest corner of said 12.1995-acre tract and for the southeast corner of said 128.956-acre tract;

THENCE S 58°24'23" W, 211.87 feet along a northerly line of said Brazoria County Road No. 58 and along a southerly line of said 128.956-acre tract to a point for a corner;

THENCE S 87°03'53" W, along a northerly line of said Brazoria County Road No. 58 and along a southerly line of said 128.956-acre tract, at a distance of 214.55 feet passing a westerly line of Brazoria County, same being an easterly line of Fort Bend County, continuing along a southerly line of said 128.956-acre tract and along a northerly line of Post-Del Bello Road (road name changed) a total distance of 2182.86 feet to the southwest corner of said 128.956-acre tract;

THENCE N 11°37'17" E, 1795.26 feet along a westerly line of said 128.956-acre tract to the lower northwest corner of said 128.956-acre tract and being in a southerly line of Ridgewood Estates, a plat of which is recorded on Slides 72A, 72B, 73A and 73 B of the Fort Bend County Plat Records;



BRAZORIA COUNTY M.U.D. 22
AFTER FIRST ANNEXATION
622.31 ACRES
PAGE 3

THENCE N 86°45'25" E, 1054.58 feet along a northerly line of said 128.956-acre tract and along a southerly line of said Ridgewood Estates to a re-entrant corner of said 128.956-acre tract and to a southeast corner of said Ridgewood Estates;

THENCE N 11°46'35" E, 1215.71 feet along a westerly line of said 128.956-acre tract and along an easterly line of said Ridgewood Estates to the most northerly northwest corner of said 128.956-acre tract and to a re-entrant corner of said Ridgewood Estates;

THENCE N 86°31'02" E, along a northerly line of said 128.956-acre tract and along a southerly line of said Ridgewood Estates, at a distance of 918.71 feet passing an easterly line of Fort Bend County, same being a westerly line of Brazoria County, continuing along a northerly line of said 128.956-acre tract and along a southerly line of said Ridgewood Estates, at a distance of 988.22 feet passing the most westerly northwest corner of said 327.38-acre tract, continuing along a northerly line of said 128.956-acre tract, along a southerly line of said Ridgewood Estates and along a southerly line of said 327.38-acre tract a total distance of 1305.29 feet to the northeast corner of said 128.956-acre tract, a southeast corner of said Ridgewood Estates, the most westerly northwest corner of said 327.38-acre tract and being in a westerly line of said 299.509-acre tract;

THENCE N 11°55'10" E, 1020.03 feet along an easterly line of said Ridgewood Estates, along a westerly line of said 299.509-acre tract and along a westerly line of said 327.38-acre tract to a 5/8-inch iron rod found for a northwest corner of said 299.509-acre tract and said 327.38-acre tract, and being the southwest corner of a road right-of-way to Brazoria County as described in an instrument recorded in Volume 311, Page 493 of the Brazoria County Deed Records;

THENCE N 87°00'53" E, 62.08 feet along the southerly line of said road right-of-way to a 5/8-inch iron rod found for its southeast corner, and for re-entrant corner of said 299.509-acre tract and said 327.38-acre tract;

THENCE N 11°54'14" E, 1585.00 feet along the easterly line of said road right-of-way, and along a westerly line of said 299.509-acre tract and said 327.38-acre tract to a 1 1/4-inch iron pipe found for the most northerly northwest corner of said 299.509-acre tract and said 327.38-acre tract, and being in the southerly right-of-way line of Brazoria County Road No. 564B (Sycamore Street);

THENCE N 87°08'49" E, along a northerly line of said 299.509-acre tract and said 327.38-acre tract, and along the southerly right-of-way line of Brazoria County Road No. 564B, at a distance of 1466.86 feet passing the southeast corner of Brazoria County Road No. 564B (where it turns northerly), continuing along a northerly line of said 299.509-acre tract and said 327.38-acre tract a total distance of 1890.12 feet to a 5/8-inch iron rod found for the northeast corner of said 299.509-acre tract and said 327.38-acre tract, and being in the easterly line of said 80-foot wide Reliant Energy HL&P easement described in an instrument recorded at Brazoria County Clerk's File No. 01 042744;

THENCE S 03°09'57" E, 2643.82 feet along the easterly line of said 299.509-acre tract, of said 32738-acre tract and said 80-foot wide easement to a 5/8-inch iron rod found for the northwest corner of said 46.048-acre tract and for the southwest corner of said 75.537-acre tract;

THENCE N 86°52'44" E, along the southerly line of said 75.537-acre tract and along the northerly line of said 46.048-acre tract, at a distance of 819.48 feet passing a 5/8-inch iron rod found for the



BRAZORIA COUNTY M.U.D. 22
AFTER FIRST ANNEXATION
622.31 ACRES
PAGE 4

common northerly corner of said 46.048-acre tract and said 39.706-acre tract, continuing along the southerly line of said 75.537-acre tract and along the northerly line of said 39.706-acre tract a total distance of 923.26 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the southwest corner of said 44.15-acre tract;

THENCE N 03°03'37" W, 1480.38 feet along the westerly line of said 44.15-acre tract to a 5/8-inch iron rod with a Brown & Gay cap found for the northwest corner of said 44.15-acre tract and being in the northerly line of said 75.537-acre tract, same being the southerly line of a 21.399-acre tract of land described in a deed recorded at Brazoria County Clerk's File No. 01-025587;

THENCE N 86°52'45" E, 1300.15 feet along the northerly line of said 75.537-acre tract and along the southerly line of said 21.399-acre tract to 5/8-inch iron rod found for the northeast corner of said 75.537-acre tract and said 44.15-acre tract, for the northwest corner of a 19.972-acre tract of land described in a deed recorded at Brazoria County Clerk's File No. 98-018166, and being in the center line of Kincade Road (40 feet wide) as shown on the plat of Allison Richey Gulf Coast Home Company Subdivision, Section 77 recorded in Volume 2, Page 98 of the Brazoria County Plat Records;

THENCE S 02°58'12" E, 1320.06 feet along the easterly line of said 75.537-acre tract and said 44.15-acre tract, along the westerly line of said 19.972-acre tract, and along the centerline of said Kincade Road to a 5/8-inch iron rod found for an angle point and for the southwest corner of said 19.972-acre tract;

THENCE S 02°47'56" E, along the easterly line of said 75.537-acre tract and said 44.15-acre tract, at a distance of 160.32 feet passing a 5/8-inch iron rod found for the southeast corner of said 75.537-acre tract and said 44.15-acre tract, and for the northeast corner of said 39.622-acre tract, continuing and along the easterly line of said 39.622-acre tract a total distance of 2620.23 feet to the POINT OF BEGINNING and containing 622.50 acres of land;

SAVE AND EXCEPT a 0.1837-acre tract of land situated in the H.T.&B.R.R. Company Survey, Section 77, Abstract No. 302, Brazoria County, Texas, being all of that land described in a deed recorded at Brazoria County Clerk's File No. 2009056217, said 0.1837-acre tract being more particularly described by metes and bounds as follows (Bearing orientation is based on the call N 03°09'57" W, 2506.99 feet for the westerly line of a 46.05-acre tract of land described in a deed recorded at Brazoria County Clerk's File No. 200500371 and monumented on the ground with a 5/8-inch iron rod found on the end of said call):

COMMENCING at a 5/8-inch iron rod found for the southwest corner of said a 46.05-acre tract of land described in a deed recorded at Brazoria County Clerk's File No. 2005000371, same being the southeast corner of a 299.509-acre tract of land described as Tract 3 in a deed recorded at Brazoria County Clerk's File No. 00 037203 and being in the easterly line of an 80-foot wide Reliant Energy HL&P easement described in an instrument recorded at Brazoria County Clerk's File No. 01 042744 and being in a northerly occupied line of Brazoria County Road No. 58 (Post Road);

THENCE N 03°09'57" W, 1709.38 feet along the westerly line of said 46.05-acre tract, along an easterly line of said 299.509-acre tract and along the easterly line of said 80-foot wide easement to the southwest corner and POINT OF BEGINNING of the tract described herein;



BRAZORIA COUNTY M.U.D. 22
AFTER FIRST ANNEXATION
622.31 ACRES
PAGE 5

THENCE N 03°09'57" W, 100.00 feet along the westerly line of said 46.05-acre tract, along an easterly line of said 299.509-acre tract and along the easterly line of said 80-foot wide easement to a corner;

THENCE N 86°50'03" E, 80.00 feet to a corner;

THENCE S 03°09'57" E, 100.00 feet to a corner;

THENCE S 86°50'03" W, 80.00 feet to the POINT OF BEGINNING and containing 0.1837 acres of land.

The herein described tract contains a net acreage of 622.31 acres of land.

This map or plat was prepared under 22 Texas Annotated Code # 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe and draw the political boundary limits of the Brazoria County Municipal Utility District No. 22, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the reaction or reconfiguration of the boundary of the political subdivision for which it was prepared.

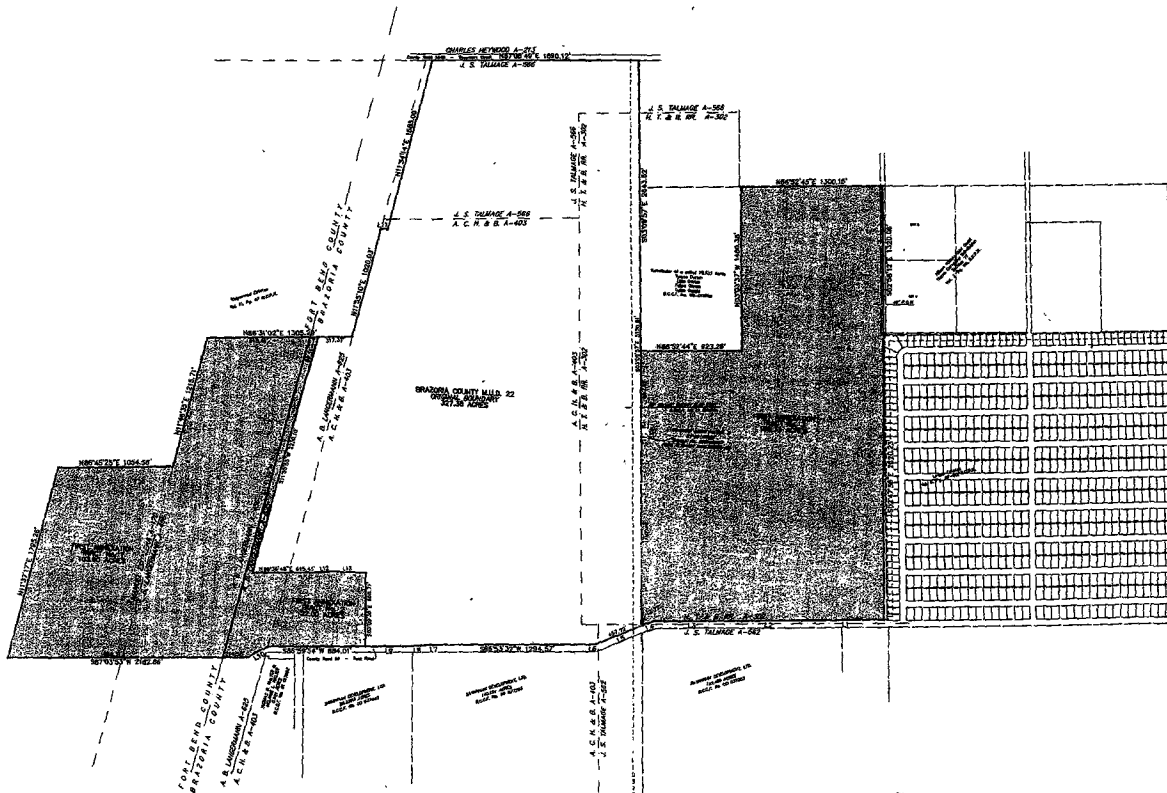


A handwritten signature in black ink, appearing to read "Glenn Fisher".

Glenn Fisher, RPLS No. 4146
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
(281) 558-8700



EXHIBIT B



By the undersigned members of the Board of Directors of Brazoria County, Texas, we hereby certify that this map is a correct and accurate map showing the boundaries of said district.

John A. ...
Ray ...
...

THE BOARD OF DIRECTORS OF BRAZORIA COUNTY, TEXAS, hereby certifies that the foregoing is a correct and accurate map showing the boundaries of said district, and that the same is a correct and accurate map showing the boundaries of said district.

WITNESSED my hand and the seal of said County this 12th day of November, 2013.

...
 CLERK OF BRAZORIA COUNTY, TEXAS

BRAZORIA COUNTY
 MUNICIPAL UTILITY DISTRICT
 NUMBER 22
 REVISED
 DISTRICT BOUNDARY MAP

CONTAINING 622.31 ACRES OF LAND
 SITUATED IN
 THE A.C. HARRIS SURVEY, A-403,
 THE J.S. TALMAGE SURVEY, A-582, & A-586,
 THE T.T. & E. R. SURVEY, A-302, AND
 THE A.B. LANGENBACH SURVEY, A-628
 BRAZORIA COUNTY, TEXAS
 AND SITUATED IN
 THE A.B. LANGENBACH SURVEY, A-456 AND
 THE MANUEL ESCOBAR SURVEY, A-170
 FORT BEND COUNTY, TEXAS

SCALE: 1"=600' APRIL 12

...
 CLERK OF BRAZORIA COUNTY, TEXAS

ORIGINAL ACRES: 327.38 ACRES
 FIRST ANNEXATION TRACT NO. 1: 102.60 ACRES
 FIRST ANNEXATION TRACT NO. 2: 22.50 ACRES
 FIRST ANNEXATION TRACT NO. 3: 169.33 ACRES
 TOTAL: 622.31 ACRES

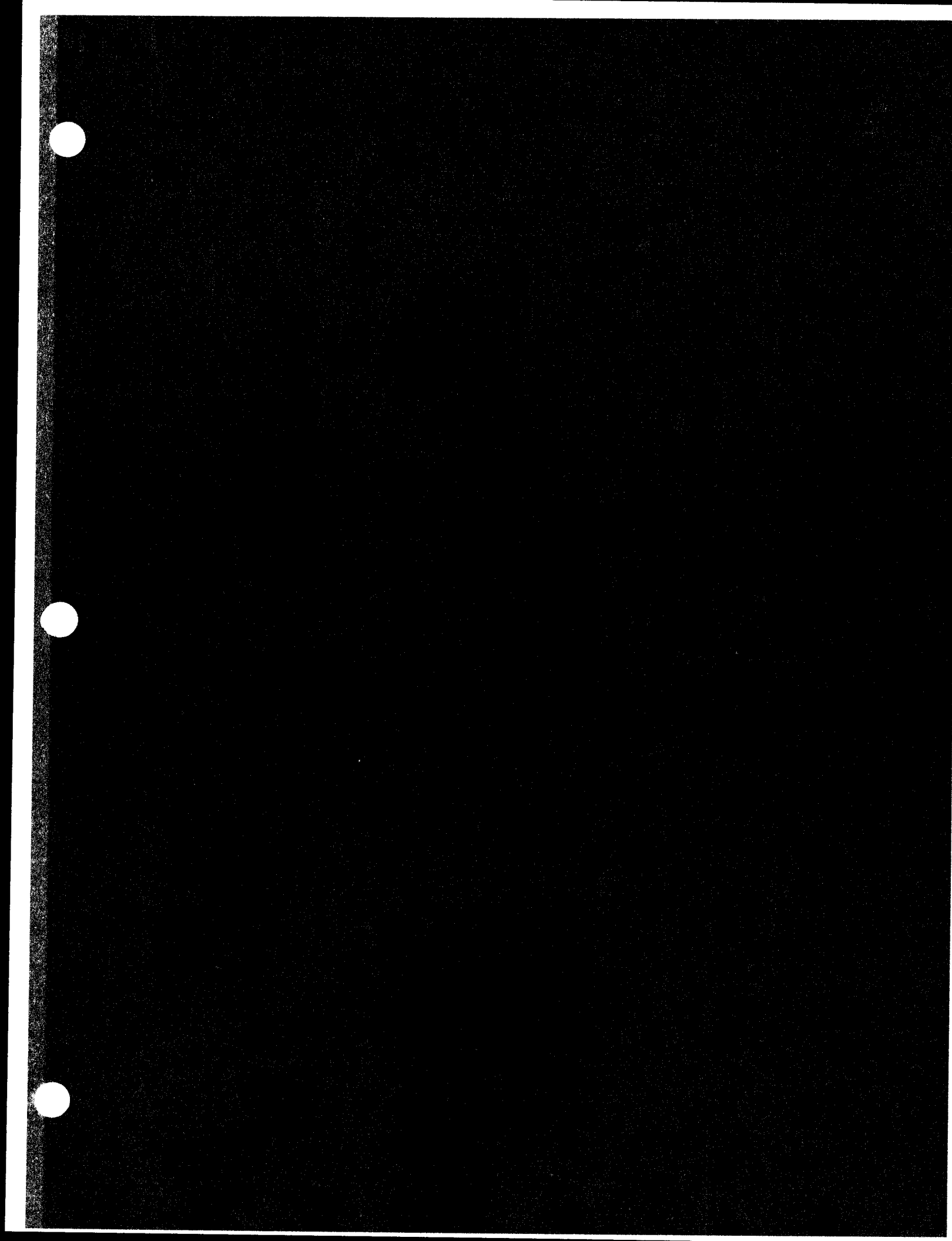
This map of 2013 was prepared under 22 Texas Involuntary Sale Act of 1982, and the undersigned members of the Board of Directors of Brazoria County, Texas, hereby certify that this map is a correct and accurate map showing the boundaries of said district, and that the same is a correct and accurate map showing the boundaries of said district.



...
 CLERK OF BRAZORIA COUNTY, TEXAS

...
 CLERK OF BRAZORIA COUNTY, TEXAS

Brown & Gay Engineers, Inc.
 10777 Independence, Suite 400, Houston, Texas 77036-4000
 Tel: 281-488-4000 Fax: 281-488-4001
 www.browngay.com

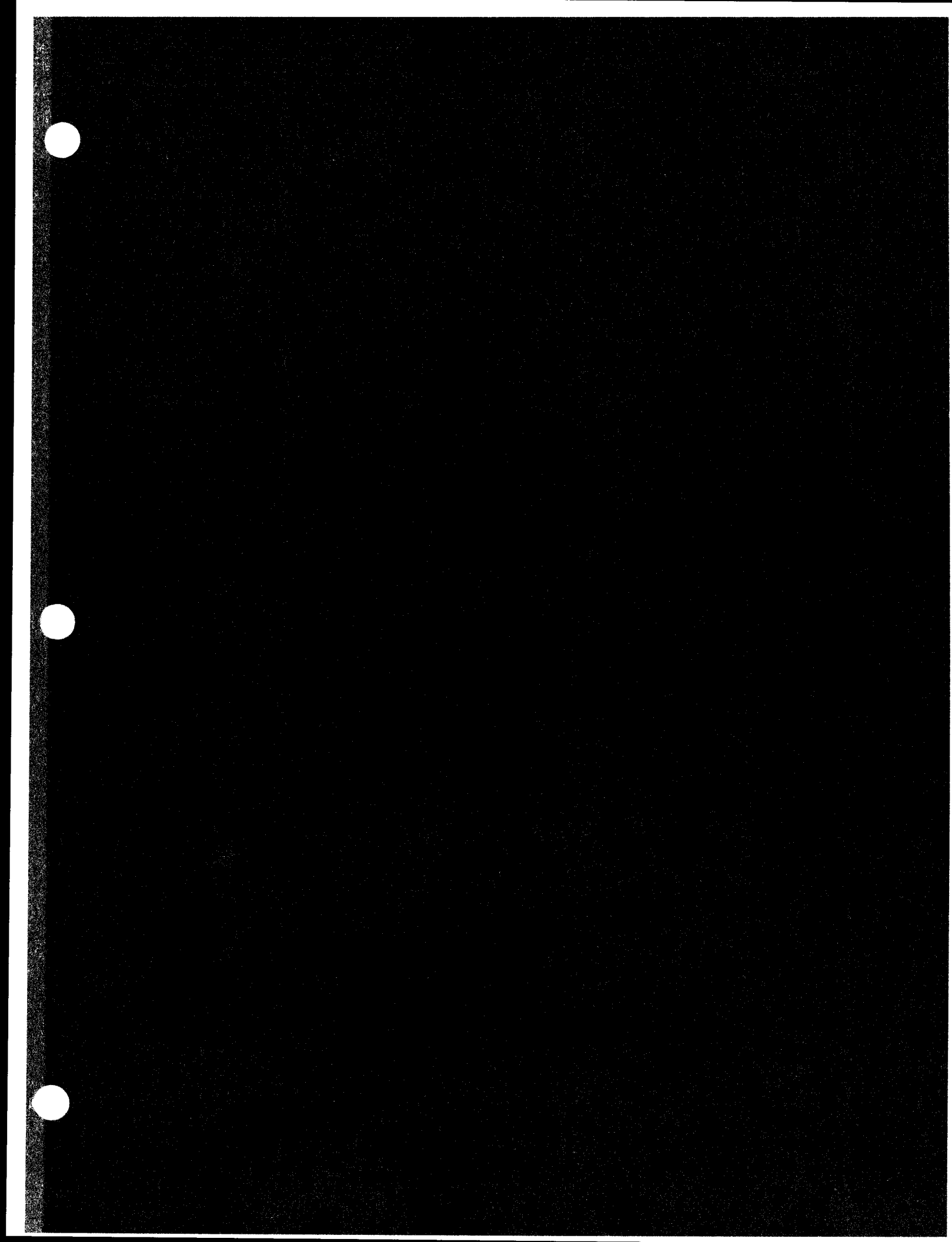


OVERSIZED MAP(S)

TO VIEW OVERSIZED MAP(S)
PLEASE GO TO
CENTRAL RECORDS

FOR ANY QUESTIONS
PLEASE CALL *CR* MAIN LINE
(512) 936-7180

Please See Docket 43120 Item # 1
For oversized maps

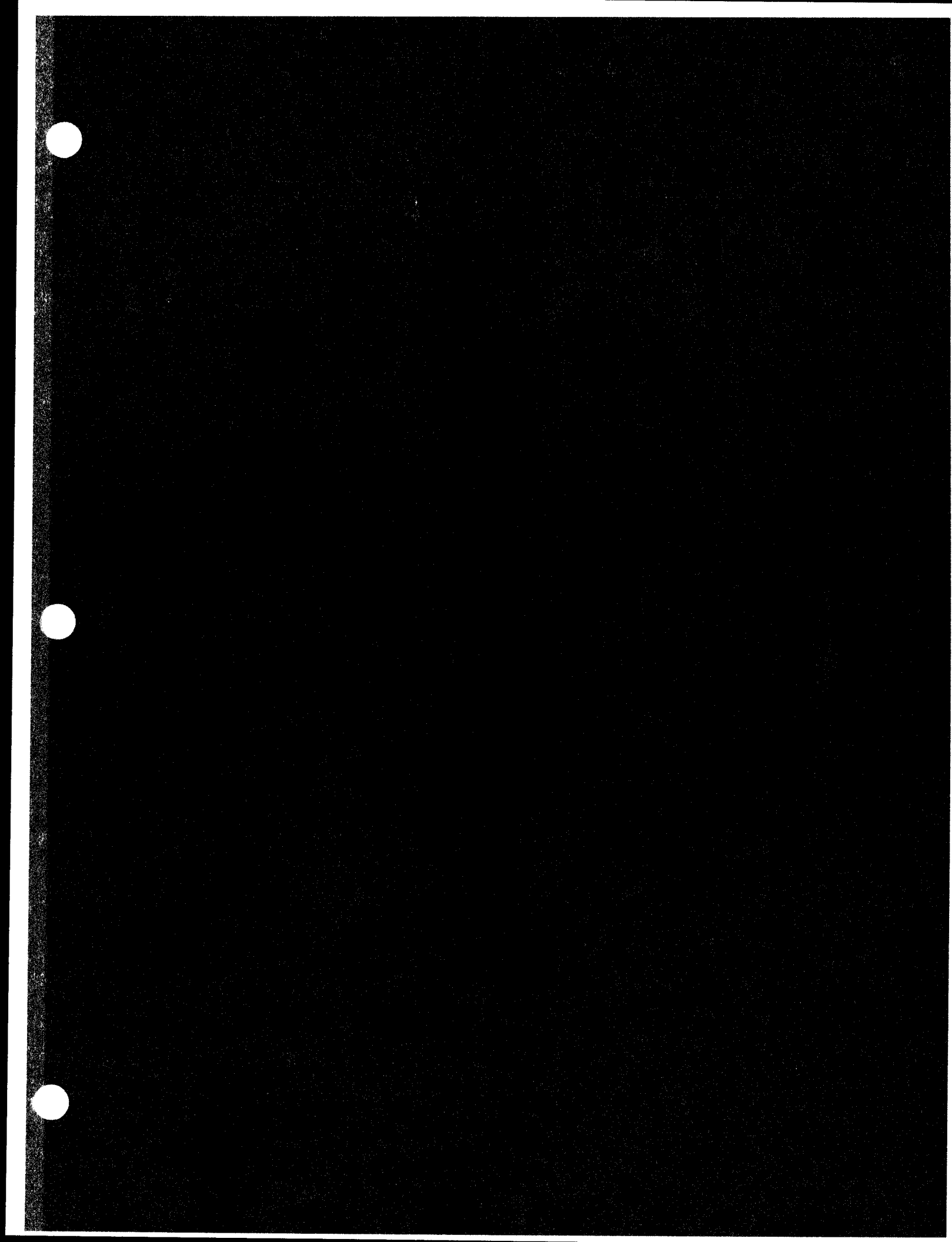


List of Utilities Within 2 Miles

<u>CCN#</u>	<u>Utility</u>
11008 & 20403	City of Pearland 3519 Liberty Drive Pearland, TX 77581
12004	Johnson's Water Service 1713 Oleander Rosharon, TX 77583
12981 & 20897	Harvard Estates Ltd. 4800 W 34 th Street, Suite C12 Houston, TX 77092
12094 & 20688	Southwood Estates, Inc. P.O. Box 757 Pearland, TX 77588
11982	Orbit Systems, Inc. 1302 Airline North Rosharon, TX 77583
12195	Turner Water Service P.O. Box 1189 Fresno, TX 77545
11157 & 20453	Aqua Source, Inc. 11100 Brittmoore Park Drive Houston, TX 77041
12903	Houston Southwest Airport 503 McKeever Road, Suite 1505 Arcola, TX 77583

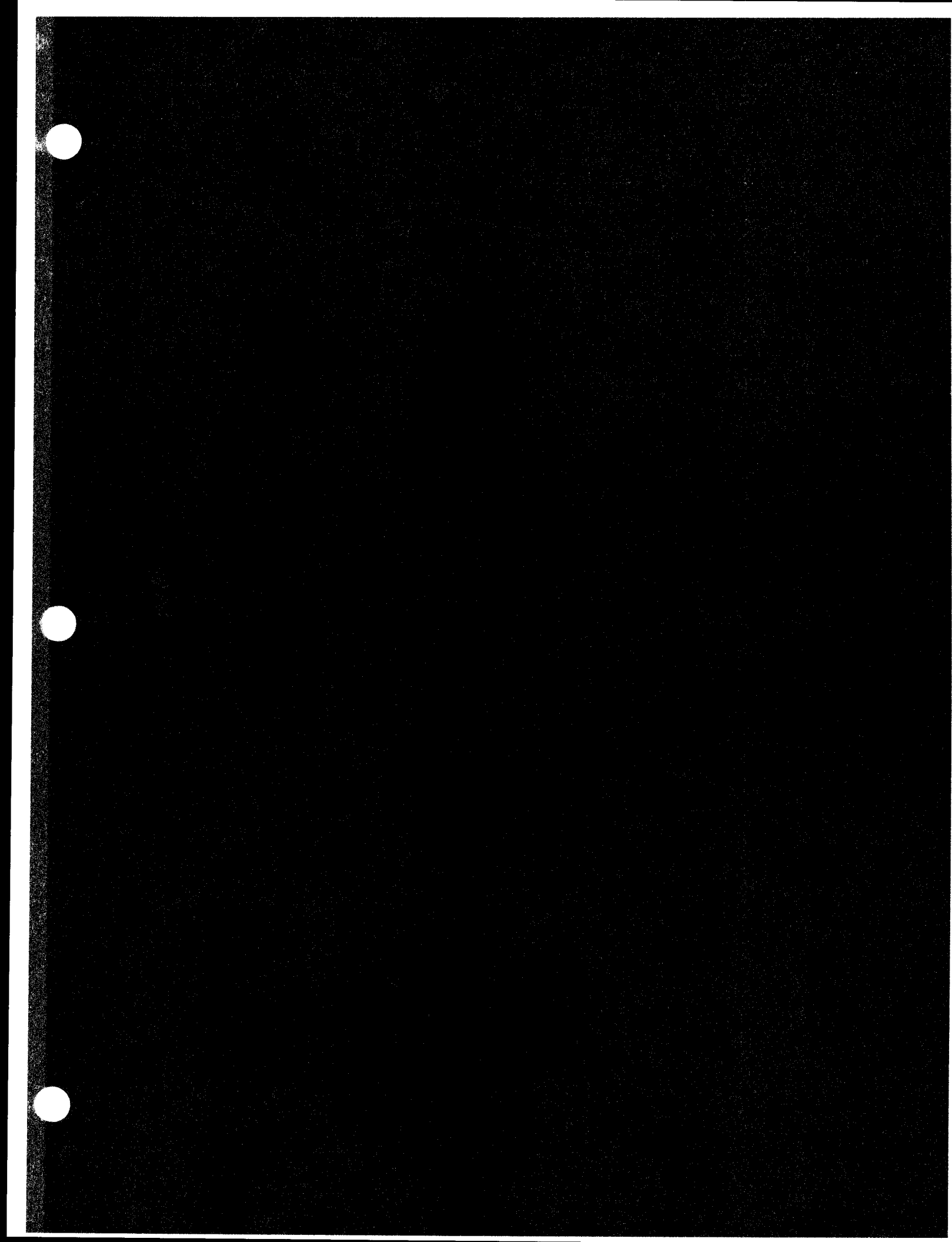
List of Utilities Within 2 Miles

Wastewater Permit WQ#	Utility
0013600001	Astro Commercial 1106 Clayton Lane, Suite 40W Austin, TX 78723
0013735001	Willow Manor Mobile Home Park 1700 Adams Ave, Suite 102 Costa Mesa, CA 92626
0014641001	2006 Mustang Creek Development WWTP 3200 Southwest Freeway, Suite 2600 Houston, TX 77027
0013367001	City of Arcola 13222 Highway 6 Arcola, TX 77583
0012780001	Southwood Estates WWTP P.O. Box 2067 Alvin, TX 77512
0014253001	Rodeo Palms WWTP 3200 Southwest Freeway, Suite 2600 Houston, TX 77027
0014992001	Fort Bend County MUD 141 WWTP 1616 S Voss Road, Suite 618 Houston, TX 77057
0014461001	Brazoria County MUD 30 WWTP 1300 Post Oak Blvd, Suite 1400 Houston, TX 77056
0014497001	Gulf Coast Utility P.O. Box 2067 Alvin, TX 77512
0014546001	Brazoria County MUD 31 WWTP 3200 Southwest Freeway, Suite 2600 Houston, TX 77027



Justification for CCN Application and Dual Certification

The City of Pearland and Brazoria County Municipal Utility District No. 21, which are the current CCN holders for all or a portion of the proposed service area of Brazoria County Municipal Utility District No. 22 (BCMUD22), agreed with the creation of BCMUD22 to provide water and sanitary sewer service for the proposed development within BCMUD 22 since the City did not currently have utility service in this area. Neither entity intends to provide water or sanitary sewer service in the proposed area. The City of Pearland has also agreed to dual certification with BCMUD22 for the proposed service area as shown in the agreement letter enclosed with this application.





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO. WQ0014222001
[For TCEQ office use only - EPA I.D.
No. TX0123633]

This is a renewal that replaces TPDES
Permit No. WQ0014222001 issued
July 11, 2008.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Brazoria County Municipal Utility District No. 21

whose mailing address is

c/o Allen Boone Humphries Robinson, LLP.
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

is authorized to treat and discharge wastes from the Brazoria County Municipal Utility District No. 21
Wastewater Treatment Facility, SIC Code 4952

located at 13717 Highway 6, approximately 2 miles southeast of the intersection of State Highway 6 and
Farm-to-Market Road 521 in Brazoria County, Texas 77583

to Unnamed Municipal Utility District (MUD) ditch; thence to West Fork Chocolate Bayou; thence to
Chocolate Bayou Above Tidal in Segment No. 1108 of the San Jacinto - Brazos Coastal Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this
permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the
State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the
permittee the right to use private or public property for conveyance of wastewater along the discharge
route described in this permit. This includes, but is not limited to, property belonging to any individual,
partnership, corporation or other entity. Neither does this permit authorize any invasion of personal
rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the
permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **September 01, 2015**.

ISSUED DATE: July 6, 2011

A handwritten signature in black ink, appearing to read "Mark Ulicki".
For the Commissioner

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 0.375 million gallons per day (MGD) facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.25 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 694 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations			Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (21)	15	25	35	One/week Grab
Total Suspended Solids	15 (31)	25	40	60	One/week Grab
Ammonia Nitrogen	3 (6.3)	6	10	15	One/week Grab
Total Dissolved Solids	Report (Report)	N/A	N/A	Report	Two/month Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	394	One/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the completion of expansion to the 0.375 million gallons per day (MGD) and lasting through the completion of expansion to the 0.50 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.375 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,041 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (31)	15	25	One/week	Grab
Total Suspended Solids	15 (47)	25	40	One/week	Grab
Ammonia Nitrogen	3 (9.4)	6	10	One/week	Grab
Total Dissolved Solids	Report (Report)	N/A	N/A	Two/month	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

7. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

- During the period beginning upon the completion of expansion to the 0.50 million gallons per day (MGD) facilities and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.50 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,389 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (42)	15	25	35	One/week Composite
Total Suspended Solids	15 (63)	25	40	60	One/week Composite
Ammonia Nitrogen	3 (13)	6	10	15	One/week Composite
Total Dissolved Solids	Report (Report)	N/A	N/A	Report	Two/month Composite
E. coli, CFU or MPN/100 ml	126	N/A	394	N/A	One/month Grab

- The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month by grab sample.
- There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
- The effluent shall contain minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits, 30 TAC § 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§ 5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in TWC § 26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

- a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.
- b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
- d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
- e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.
- f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

- ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
- d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

The daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

- e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the n th root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
 - f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as $(\text{Flow, MGD} \times \text{Concentration, mg/l} \times 8.34)$.
 - g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.
3. Sample Type
- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

- b. Grab sample - an individual sample collected in less than 15 minutes.
- 4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
- 5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.
- 6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act (CWA); TWC §§ 26, 27, and 28; and THSC § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

- a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - i. date, time and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement.
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later

than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
 - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. Unauthorized discharges as defined in Permit Condition 2(g).
 - ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.
 - iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
 - c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
 - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D,

Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- i. One hundred micrograms per liter (100 µg/L);
 - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- i. Five hundred micrograms per liter (500 µg/L);
 - ii. One milligram per liter (1 mg/L) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
- c. For the purpose of this paragraph, adequate notice shall include information on:
 - i. The quality and quantity of effluent introduced into the POTW; and
 - ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
 - h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
 - i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
 - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be