



Control Number: 43177



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.

RECEIVED
MAY 30 2014

#43177

Mr Embrey's Direct Line (512) 322-5829
Email tembrey@lglawfirm.com

May 30, 2014

Ms. Tammy Holguin-Benter, Manager
Utilities and Districts Section
Water Supply Division
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F, 3rd floor, MC-153
Austin, Texas 78753

VIA HAND DELIVERY

RE: Application of Ni America Texas, LLC to Amend Water Certificate of
Convenience and Necessity Number 11922 under Texas Water Code § 13.244.

Dear Ms. Holguin-Benter:

On behalf of my client, Ni America Texas, LLC, enclosed please find one original and four copies of an application under Texas Water Code § 13.244 to amend water certificate of convenience and necessity number 11922. Each application copy includes the application, attachments A through N, a map data disc, and the Core Data Form.

Please file-stamp one of the application packets and return it to my courier for my records. We look forward to working with you and your staff regarding this important matter. Should you have any questions regarding this filing, do not hesitate to contact me at the above-listed number.

Sincerely,

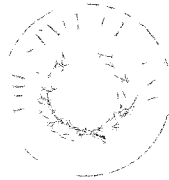


Ty H. Embrey

THE/heg

Enclosures

Bryan W. Shaw, Ph.D., P.E., *Chairman*
 Toby Baker, *Commissioner*
 Zak Covar, *Commissioner*
 Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 22, 2014

**BY EMAIL to tembrey@lglawfirm.com and
 BY CERTIFIED MAIL**

Mr. Ty Embrey, Attorney
 Lloyd Gosselink Rochelle & Townsend, PC
 816 Congress Avenue, Suite 1900
 Austin, TX 78701

NOTICE OF DEFICIENCY

Re: Application from Ni America Texas, LLC, to Amend Certificate of Convenience and Necessity (CCN) No. 11922 in Wise County; Application No. 37937-C

CN: 603329970; RN: 102677051

Dear Mr. Winston:

Your application for Ni America Texas, LLC received on May 30, 2014, has been assigned Application No. 37937-C, but has not been accepted for filing. Please refer to the application number in future correspondence.

Additional information is necessary for your application to be accepted for filing.

Please four (4) copies of the following:

- A. A map showing **only** the proposed area by:
- i. Metes and bounds survey certified by a licensed state or registered 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
 - iii. Following verifiable natural and man-made landmarks; or
 - iv. A copy of recorded plat map with metes and bounds; and

Processing of the above referenced application cannot proceed and notices cannot be published or mailed until we receive the requested items. These items must be completed and returned to our office by **August 22, 2014**. If we do not receive the requested information by this date your application will be returned for failure to prosecute.

Checklist for Obtaining or Amending a CCN

Name of Application N. America Texas LLC

Administrative Review #A - 067-14

Application Number (s) 37937-C

Date TCEQ Received Application 5-30-14

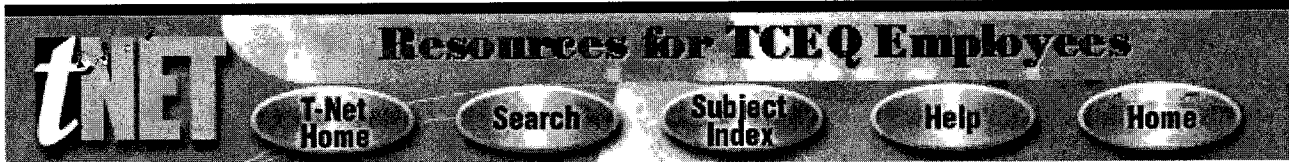
Date Assigned to program area 6-3-14

County(s) W:So

Purpose of Application:

- | | |
|---|---|
| <input type="checkbox"/> Obtain New Water CCN
Temporary CCN# A _____ | <input type="checkbox"/> Obtain New Sewer CCN
Temporary CCN# A _____ |
| <input checked="" type="checkbox"/> Amend Water CCN # <u>11922</u> | <input type="checkbox"/> Amend Sewer CCN # _____ |
| <input checked="" type="checkbox"/> Account Fees due | <input checked="" type="checkbox"/> Regulatory Assessment Fees due |
| <input checked="" type="checkbox"/> Attach a copy of CN and RN from WUD | |
| <input checked="" type="checkbox"/> Not on file with Central Registry. Core Data Form Needed. | |
| <input checked="" type="checkbox"/> Original and three copies of application received | |

J:\UDS\Utilities Forms and Checklists Admin Review\CCN.doc



[iWUD Main](#) [Districts](#) [Utilities](#) [PWS](#) [Reports](#) [Documents](#) [Maps](#)

? Utility details for (DBA) NI AMERICA TEXAS (11922)

Affiliations Documents Site Visits Schedules

Responsible Party

Organization: NI AMERICA TEXAS LLC
 Address: 10913 METRONOME DR
 HOUSTON , TX 77043-2201

Customers

Reference Number	Name	Role
CN603347162	NI AMERICA TEXAS LLC	RESPONSIBLE PARTY
CN603329970	NI AMERICA TEXAS DEVELOPMENT LLC	RESPONSIBLE PARTY

Official Address / Phone

Address: 10913 METRONOME DR
 HOUSTON , TEXAS 77043-2201
 Telephone: (713) 574-7757

Properties

CR Regulated Entity Number: RN102677051
 CCEDS Status: NO ACTIVE NOE EXISTS
 Utility Type: WATER UTILITY
 Ownership Type: INVESTOR
 Primary County: HARRIS
 County Code: 101

Comments

Comment Date	Text	Staff Name
07/31/2012	Researching systems that show as serving into an affected county for EPP. iWUD states system serves into Harris county, however Water Utilities Map Viewer shows system solely serves Wise County. System is not required to submit an EPP for review at this time.	PATRICIA GARCIA
10/06/2008	Appl 36197-S Ni America Texas LLC to Acquire All of Water CCN 12753 from Brighton Water Systems Inc in Wise County	

To: Administrative Reviewer

Date Complete: June 22, 2014

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Admin. Review & Appl. No. **A-067-14/ 37937-S**
Ni America Texas, LLC (11922) to amend in Wise County

1. No new overlap of service areas exists.
2. An overlap:
3. Dual certification:
4. An overlap exists with the city limits of:
5. If this is a Sale, Transfer, or Merger, is additional area being requested?
9. Utility notice was sufficient.
10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:

TWO MILES:

X

11. Notice: DO NOT NOTICE

12. Other comments: Please submit the following:

- A. A general location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county.
- 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**
 - iii. following verifiable natural and man-made landmarks; or
 - iv. a copy of recorded plat map with metes and bounds.
- C. A written description of the proposed service area.
- D. Provide separate and additional maps of the proposed area(s) to show the following:
 1. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
 2. any facilities, customers or area currently being served outside the applicant's certificated area(s).

Please provide CCN spatial data in a shapefile format for proposed CCN service area. The GIS project provided with a layer file for this boundary does not work unless all supporting data layers are included.

Tracy Harbour



TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided)			
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application)			
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input checked="" type="checkbox"/> Other	Application to add new property to Customer's existing CCN	
2. Attachments Describe Any Attachments: (ex. Title V Application, Waste Transporter Application, etc.)			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Application to amend CCN No. 11922		
3. Customer Reference Number (if issued)		4. Regulated Entity Reference Number (if issued)	
CN 603347162		RN	

SECTION II: Customer Information

5. Effective Date for Customer Information Updates (mm/dd/yyyy)			
6. Customer Role (Proposed or Actual) – as it relates to the <u>Regulated Entity</u> listed on this form. Please check only <u>one</u> of the following:			
<input type="checkbox"/> Owner	<input type="checkbox"/> Operator	<input type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee	<input checked="" type="checkbox"/> Responsible Party	<input type="checkbox"/> Voluntary Cleanup Applicant	<input type="checkbox"/> Other: _____
7. General Customer Information			
<input type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	<input type="checkbox"/> Change in Regulated Entity Ownership
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State)		<input checked="" type="checkbox"/> No Change**	
**If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.			
8. Type of Customer:		<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> City Government	<input type="checkbox"/> County Government	<input type="checkbox"/> Federal Government	<input type="checkbox"/> Sole Proprietorship- D.B.A
<input type="checkbox"/> Other Government	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other: _____
9. Customer Legal Name (If an individual, print last name first: ex: Doe, John)		If new Customer, enter previous Customer below	
		End Date:	
10. Mailing Address:			
City		State	ZIP
			ZIP + 4
11. Country Mailing Information (if outside USA)		12. E-Mail Address (if applicable)	
13. Telephone Number		14. Extension or Code	15. Fax Number (if applicable)
() -			() -
16. Federal Tax ID (9 digits)	17. TX State Franchise Tax ID (11 digits)	18. DUNS Number (if applicable)	19. TX SOS Filing Number (if applicable)
20. Number of Employees			21. Independently Owned and Operated?
<input type="checkbox"/> 0-20	<input type="checkbox"/> 21-100	<input type="checkbox"/> 101-250	<input type="checkbox"/> Yes
<input type="checkbox"/> 251-500	<input type="checkbox"/> 501 and higher		<input type="checkbox"/> No

SECTION III: Regulated Entity Information

22. General Regulated Entity Information (If "New Regulated Entity" is selected below this form should be accompanied by a permit application)			
<input checked="" type="checkbox"/> New Regulated Entity	<input type="checkbox"/> Update to Regulated Entity Name	<input type="checkbox"/> Update to Regulated Entity Information	<input type="checkbox"/> No Change** (See below)
**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.			
23. Regulated Entity Name (name of the site where the regulated action is taking place)			
Doud Land Company, LLC			

24. Street Address of the Regulated Entity: (No P.O. Boxes)	223 Illinois Lane						
	City	New Fairview	State	TX	ZIP	76078	ZIP + 4
25. Mailing Address:	223 Illinois Lane						
	City	New Fairview	State	TX	ZIP	76078	ZIP + 4
26. E-Mail Address:							
27. Telephone Number	28. Extension or Code			29. Fax Number (if applicable)			
() -				() -			
30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)	32. Primary NAICS Code (5 or 6 digits)		33. Secondary NAICS Code (5 or 6 digits)			
6531		53119					
34. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)							
General real estate							

Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.

35. Description to Physical Location:							
36. Nearest City	County			State		Nearest ZIP Code	
New Fairview	Wise			TX		76078	
37. Latitude (N) In Decimal:		38. Longitude (W) In Decimal:					
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the updates may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Industrial Hazardous Waste	<input type="checkbox"/> Municipal Solid Waste
<input type="checkbox"/> New Source Review – Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS	<input type="checkbox"/> Sludge
<input type="checkbox"/> Stormwater	<input type="checkbox"/> Title V – Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil	<input type="checkbox"/> Utilities
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input checked="" type="checkbox"/> Other: Water CCN
				11922

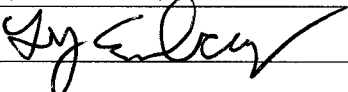
SECTION IV: Preparer Information

40. Name:	Ty H. Embrey		41. Title:	Attorney
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address	
(512) 322-5829		(512) 874-3929	tembrey@lglawfirm.com	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

(See the Core Data Form instructions for more information on who should sign this form.)

Company:	Lloyd Gosselink Rochelle & Townsend, P.C.	Job Title:	Attorney for Ni America Texas, LLC
Name (In Print):	Ty H. Embrey	Phone:	(512) 322-5829
Signature:		Date:	5-29-2014



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

*CN# CN603347162 *RN#
*If known (See Instructions)

RECEIVED MAY 30 2014

PURPOSE OF THIS APPLICATION

[] OBTAIN [] New Water CCN [] New Sewer CCN

[X] AMEND [] Water CCN# (s) 11922

[] AMEND [] Sewer CCN#(s)

1. APPLICANT INFORMATION

Utility Name Ni America Texas, LLC

Utility Address (City/ST/ZIP/Code) 10913 Metronome, Houston, Texas 77043

Utility Phone Number and Fax (713) 574-5952 / (713) 647-0277

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 Ty Embrey

Title Attorney

Street Address (City/ST/ZIP/Code) 816 Congress Avenue, Austin, Texas 78701

Telephone and Fax (512) 322-5829

E-Mail Address tembrey@lglawfirm.com

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

Wise County

[Empty rectangular box]

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:

[Large empty rectangular box for providing additional information]

B. If the applicant is a For-Profit business or corporation, please include the following information:

i. Provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts.

SEE EXHIBIT A

ii. Provide the corporation's charter number as recorded with the Office of the Texas Secretary Of State **800902877**
(Taxpayer #32034207814)

iii. Provide a listing of all stockholders and their respective percentages of ownership.

Ni America Texas, LLC is a single member entity owned by Ni America Capital Management LLC.

iv. Provide a copy of the company's organizational chart, if available.

SEE EXHIBIT B

v. Provide a list of all directors and disclose the title of each individual.

SEE EXHIBIT C

- vi. Provide a list of all affiliated organizations (if any) and explain the relationship with the applicant.

SEE EXHIBIT D

- C. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation:
 - 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.

SEE EXHIBIT E

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

EXHIBIT F

- 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.

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 EXHIBIT G

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

SEE ATTACHED DATA DISK

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

SEE EXHIBIT H

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

NOT APPLICABLE

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;
 - 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;
 - iii. copies of written responses from each system or evidence that they did not reply; and
 - iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.
- B. Were your requests for service denied?
- 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:

D. Date of plat approval, if required: _____
Approved by: _____

E. Date Plans & Specifications submitted for approval: _____
Log # _____ Attach copy of approval letter if available.

F. Date construction is scheduled to commence: _____

G. Date service is scheduled to commence: _____

5. EXISTING SYSTEM INFORMATION

A. Please provide the following information for **each** water and/or sewer system, attach additional sheets if necessary.

i. Water system's TCEQ Public Water System identification number(s):

2	4	9	0	0	4	4
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;

2	4	9	0	0	5	3
---	---	---	---	---	---	---

;

2	4	9	0	0	4	6
---	---	---	---	---	---	---

2	4	9	0	0	5	8
---	---	---	---	---	---	---

;

2	4	9	0	0	6	1
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;

2	4	9	0	0	5	0
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ii. Sewer system's TCEQ Discharge Permit number(s)

- 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	760	1	Residential		
1" meter or larger			Commercial		
Non-Metered			Industrial		
Other:			Other:		
Total Water			Total Sewer		

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

The property that is subject to this CCN amendment application (the Multi-Chem Group site) is currently served by an onsite sanitary sewer facility (OSSF) consisting of two (2) septic tanks and associated spray fields.

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

- 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.

SEE EXHIBIT K

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)

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.

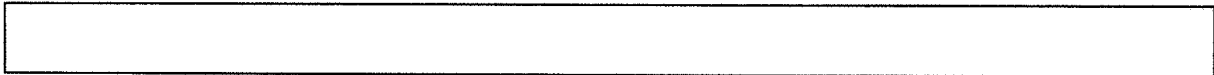
I. Ability to Provide Adequate Service.

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.
 - 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.
 - 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.
- 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).

SEE EXHIBIT L

- ii. Attach a proposed rate schedule or tariff.

SEE EXHIBIT M

★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.

Not Applicable.

- 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.

EXHIBIT N

- 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.

OATH

STATE OF TEXAS
COUNTY OF HARRIS

I, Ed Wallace, 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.

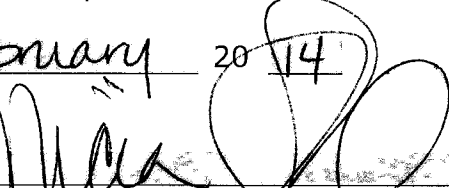
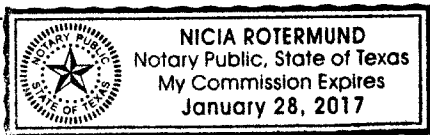


AFFIANT
(Utility's Authorized Representative)

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 20 of February 2014

SEAL


NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

Nicia Rotermund
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES 1-28-2017

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN
WISE COUNTY(IES), TEXAS

Name of Applicant Ni America Texas, LLC has filed an application for a CCN to obtain or amend CCN No. (s) 11922 and to decertify a portion(s) of _____ with the
(Name of Decertificated Utility)

Texas Commission on Environmental Quality to provide water
(specify 1) water or 2) sewer or 3) water & sewer)
utility service in Wise County(ies).

The proposed utility service area is located approximately 1.5 miles west
[direction] of downtown New Fairview, [City or Town] Texas, and is generally bounded on the north by _____; on the east by
Graham Road; on the south by Illinois Street; and on the west by the railroad tracks and State Highway 287

See enclosed map of the proposed service area.

The total area being requested includes approximately 10.01 acres and zero (0) current customers.

The proposed amendment affects customers and/or areas located in the following zip code(s):

76078

(List All Affected Zip Codes)

A copy of the proposed service area map is available at (Utility Address and Phone Number): Ni America Texas, 2401 Callender Rd., Suite 105, Mansfield, TX 76063

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

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

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

*Edward Wallace – Utility Representative
Ni America Texas, LLC – Utility Name*

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO
PROVIDE WATER/SEWER UTILITY SERVICE IN
WISE COUNTY(IES), TEXAS

To: Aqua Texas Inc. Date Notice Mailed February 20 14
(Neighboring System, Landowner or City)

1106 Clayton Lane, Suite 400W
(Address)

Austin TX 78723
City State Zip

Name of Applicant Ni America Texas, LLC has filed an application for a
CCN to obtain or amend CCN No. (s) 11922 and to
decertify a portion(s) of _____ with the
(Name of Decertificated Utility)

Texas Commission on Environmental Quality to provide water
(specify 1) water or 2) sewer or 3) water & sewer)
utility service in Wise County(ies).

The proposed utility service area is located approximately 1.5 miles west
[direction] of downtown New Fairview, [City or Town] Texas, and is
generally bounded on the north by _____ ; on the east by
Graham Road ; on the south by Illinois ; and on the west by the railroad
Street tracks and
State Highway
287

See enclosed map of the proposed service area.

The total area being requested includes approximately 10.01 acres and zero (0)
current customers.

The proposed amendment affects customers and/or areas located in the following zip
code(s):
76078

(List All Affected Zip Codes)

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

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Texas Commission on Environmental Quality
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P. O. Box 13087
Austin, TX 78711-3087

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Edward Wallace – Utility Representative
Ni America Texas, LLC – Utility Name

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO
PROVIDE WATER/SEWER UTILITY SERVICE IN
WISE COUNTY(IES), TEXAS

To: City of New Fairview Date Notice Mailed February 20 14
(Neighboring System, Landowner or City)

999 Illinois Street
(Address)
New Fairview TX 76078
City State Zip

Name of Applicant Ni America Texas, LLC has filed an application for a
CCN to obtain or amend CCN No. (s) 11922 and to
decertify a portion(s) of _____ with the
(Name of Decertificated Utility)

Texas Commission on Environmental Quality to provide water
(specify 1) water or 2) sewer or 3) water & sewer
utility service in Wise County(ies).

The proposed utility service area is located approximately 1.5 miles west
[direction] of downtown New Fairview, [City or Town] Texas, and is
generally bounded on the north by _____ ;on the east by
Graham Road ;on the south by Illinois ;and on the west by the railroad
Street tracks and
State Highway
287

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The total area being requested includes approximately 10.01 acres and zero (0)
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76078

(List All Affected Zip Codes)

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Edward Wallace – Utility Representative
Ni America Texas, LLC – Utility Name

LIST OF EXHIBITS

Exhibit A	Certification of Account Status
Exhibit B	Organizational Chart for Ni America Texas, LLC
Exhibit C	List of Directors for Ni America Texas, LLC
Exhibit D	List of Affiliated Organizations and Explanation
Exhibit E	Demonstration of Need for Service
Exhibit F	Information – City of New Fairview
Exhibit G	General Location Maps
Exhibit H	Written Description of Proposed Service Area
Exhibit I	Most Recent Inspection Report Letter
Exhibit J	Explanation of Ni America Texas, LLC Actions
Exhibit K	Effect of Granting of CCN Amendment
Exhibit L	Profit and Loss Statement / Current Balance Sheet
Exhibit M	Tariff
Exhibit N	List of Neighboring Utilities and Cities

EXHIBIT A

CERTIFICATION OF ACCOUNT STATUS



Franchise Tax Account Status

As of: 02/16/2014 04:40:20 PM

This Page is Not Sufficient for Filings with the Secretary of State

NI AMERICA TEXAS, LLC	
Texas Taxpayer Number	32034207814
Mailing Address	10913 METRONOME DR HOUSTON, TX 77043-2201
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	11/27/2007
Texas SOS File Number	0800902877
Registered Agent Name	CORPORATION SERVICE COMPANY DBA CSC - LAWYERS INCO
Registered Office Street Address	211 E. 7TH STREET SUITE 620 AUSTIN, TX 78701

EXHIBIT B

ORGANIZATIONAL CHART FOR NI AMERICA TEXAS, LLC

Ni America Texas LLC Information

Ni America Capital Management, LLC, a Delaware limited liability company (the "Company"), was founded by Ed Wallace and funded by members of management, including Mr. Wallace, and Metalmark, a private equity firm. The Company was formed to acquire and operate water and wastewater assets throughout the United States. Ni America Texas LLC is a subsidiary of the Company and is responsible for the Company's water systems in Texas.

Mr. Wallace oversees day-to-day activities of the Company, including Ni America Texas, LLC. The Company prepares monthly management reports for its Board of Directors addressing financial, operational, and development efforts.

Andy Thomas is in charge of operations and capital projects for Ni America Texas LLC. Ni America Texas LLC has an Operations and Maintenance Contract with Texas Rain, owned and managed by Butch Hardie, for the Wise County portion of Ni America Texas LLC's system. Besides complying with applicable TCEQ requirements, Mr. Hardie reports to Andy Thomas on a regular basis as to on-goings of the Wise County portion of Ni America Texas LLC's system.

Contact info for Ni America Texas LLC:

Ed Wallace (President) office 713-574-7755

Andy Thomas (VP Operations) office 713-574-7771

Ed Wallace: Mr. Wallace started AquaSource in 1996 and served as its initial CFO. After his time at AquaSource, he formed API Investments, an M&A firm that focused primarily on transactions in the water utility industry. Over a period of four years, he oversaw in excess of 100 purchase/sale transactions. Since Ni America Capital Management was formed in 2007, eight utilities have been acquired (two in Texas).

Andy Thomas: Mr. Thomas has over 20 years of experience including a period of time serving as managing a rail car cleaning and water treatment facility. Mr. Thomas currently oversees the management of utility operations and scheduled and unscheduled capital projects. Mr. Thomas is also instrumental in carrying out operational due diligence as part of the Company's continued acquisition efforts.

EXHIBIT C

LIST OF DIRECTORS FOR NI AMERICA TEXAS, LLC



Susan Combs Texas Comptroller of Public Accounts



Taxable Entity Search Results
Taxable Entity Search

Officers and Directors

NI AMERICA TEXAS, LLC
Report Year: 2013

[Return to: Taxable Entity Search Results](#)

Officer and director information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from open.records@cpa.state.tx.us or Comptroller of Public Accounts, Open Government Division, PO Box 13528, Austin, Texas 78711.

Title	Name and Address
<i>ASSISTANT</i>	CAREY A THOMAS 10913 METRONOME DR HOUSTON , TX 77043
<i>PRESIDENT</i>	EDWARD R WALLACE SR 10913 METRONOME DR HOUSTON , TX 77043
<i>CHIEF FINA</i>	EDWARD R WALLACE SR 10913 METRONOME DR HOUSTON , TX 77043
<i>VICE PRESI</i>	WILLIAM A THOMAS 10913 METRONOME DR HOUSTON , TX 77043
<i>SECRETARY</i>	WILLIAM A THOMAS 10913 METRONOME DR HOUSTON , TX 77043

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[Privacy and Security Policy](#) | [Accessibility Policy](#) | [Link Policy](#) | [Public Information Act](#) | [Compact with Texans](#)

EXHIBIT D

LIST OF AFFILIATED ORGANIZATIONS AND EXPLANATION

Exhibit D

Ni America Texas LLC, a Delaware limited liability company (the "Company"), was created under Ni America Capital Management, LLC ("Ni Management") as the entity to be used to acquire water utility assets in Texas. Ni Management was founded by Pete Moerbeek and Ed Wallace and funded primarily by a private equity firm and members of management.

While the private equity firm has majority ownership of Ni Management, Mr. Wallace oversees the day-to-day activities of the Company. Ni Management prepares monthly management reports for its Board of Directors addressing financial, operational and development matters.

The Company is sufficiently funded to operate the assets of the Company and maintain those assets in accordance with applicable regulatory standards.

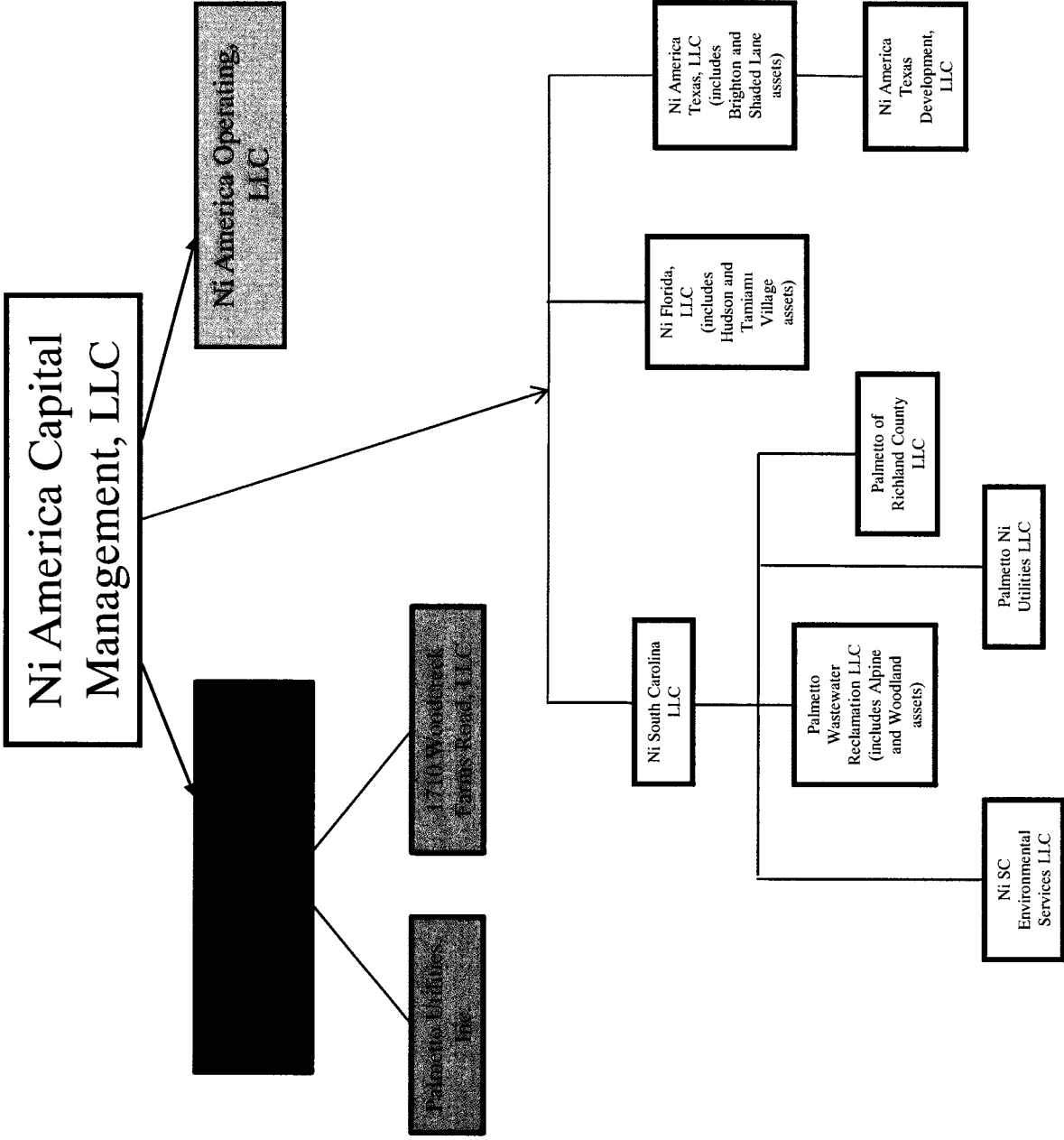


EXHIBIT E

DEMONSTRATION OF NEED FOR SERVICE

February 24, 2014

Mike Ashfield
Senior Vice President – Operations
Ni America Texas
10913 Metronome Drive
Houston, Texas 77043

Re: Request for Water Service in Wise County, Texas

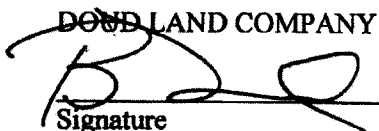
Dear Mr. Ashfield:

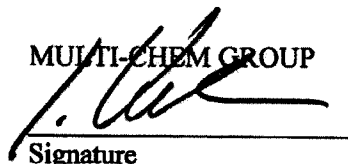
This letter serves as Doud Land Company, LLC's request for water service from Ni America Texas LLC for 10.01 acres located in Wise County, Texas with a mailing address of 223 Illinois Lane, New Fairview, Texas 76078 and leased to Multi-Chem Group ("Lessee"), a subsidiary of Halliburton. The property is specifically described in the attached via a metes and bounds description.

Lessee is an oil and gas services company and has a facility located on the 10.01 acre tract in need of water service. Currently, Lessee operates a water well on the 10.01 acre tract that provides water for its facility. However, Lessee desires to reduce its need for water from a groundwater source and transition to a water source from a more centralized water system, such as Ni America Texas, that can provide a greater amount of water.

Please let us know if you have any questions. Thank you for your attention to this request.

Sincerely,

~~DOUD~~ LAND COMPANY

Signature

MULTI-CHEM GROUP

Signature

Ben R. Doud Mgr
Printed Name / Title

JORGE VELARDE
Printed Name / Title
ATTORNEY-IN-LAW

Attachment

EXHIBIT F

Information - City of New Fairview

May 14, 2014

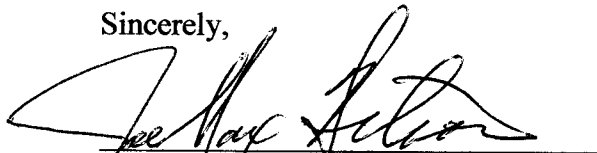
Michael J. Ashfield
Senior Vice President
Ni America Texas, LLC
10913 Metronome Drive
Houston, Texas 77043

Re: Consent to Addition of 10.01 Acre Tract to Ni America Texas, LLC's Retail Water Service Area (CCN No. 11922)

Dear Mr. Ashfield:

The City of New Fairview consents to the addition of the 10.01 acre tract, as shown per the attached map, located within the City's corporate limits and with a mailing address of 223 Illinois Lane, New Fairview, Texas 76078 to Ni America Texas, LLC's retail water service area identified as Certificate of Convenience and Necessity (CCN) No. 11922.

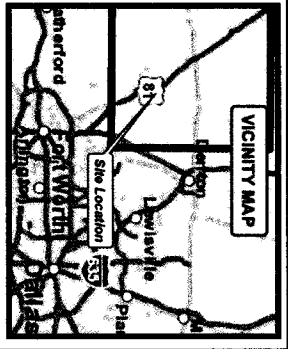
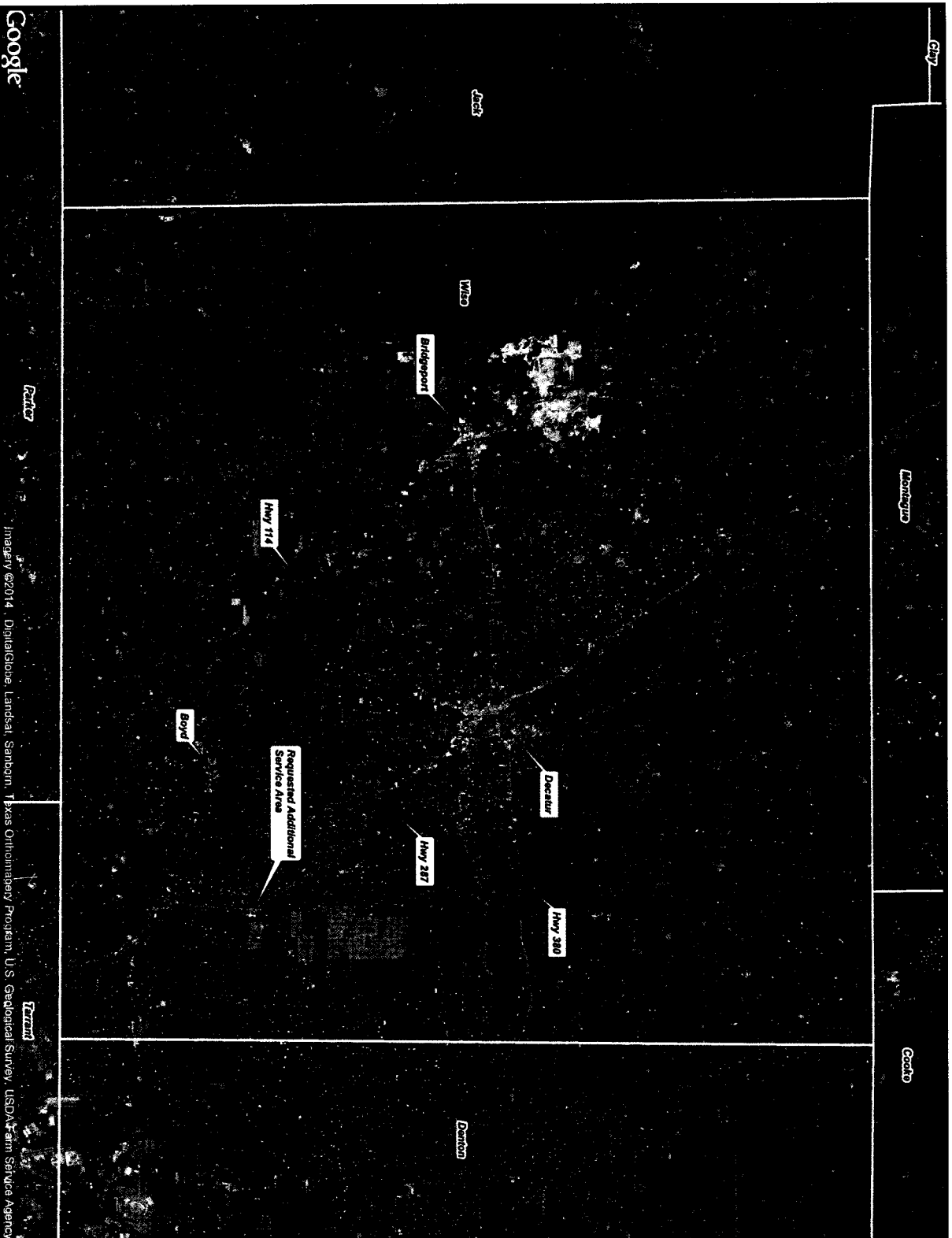
Sincerely,



Mr. Joe/Max Wilson
Mayor
City of New Fairview

EXHIBIT G

GENERAL LOCATION MAP



Legend

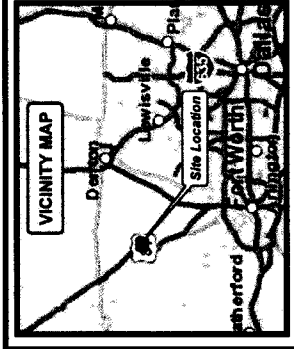
- Wise County Boundary
- NI AMERICA TEXAS LLC-CCN 11922



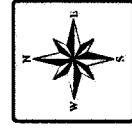
Apex TITAN, Inc.
 2811 Network Boulevard, Suite 200
 Frisco, Texas 75034
 Phone: (469) 355-1100
 30777 Apex@atn.com
 A Subsidiary of Apex Computers, LLC

FIGURE A
GENERAL LOCATION MAP
 NI America CCN#11922
 Wise County, Texas
 Apex-TITAN Project No. 84800334-08
 November 2013

Ground Condition Depicted April 2013
 Digital Data Courtesy of Google Earth



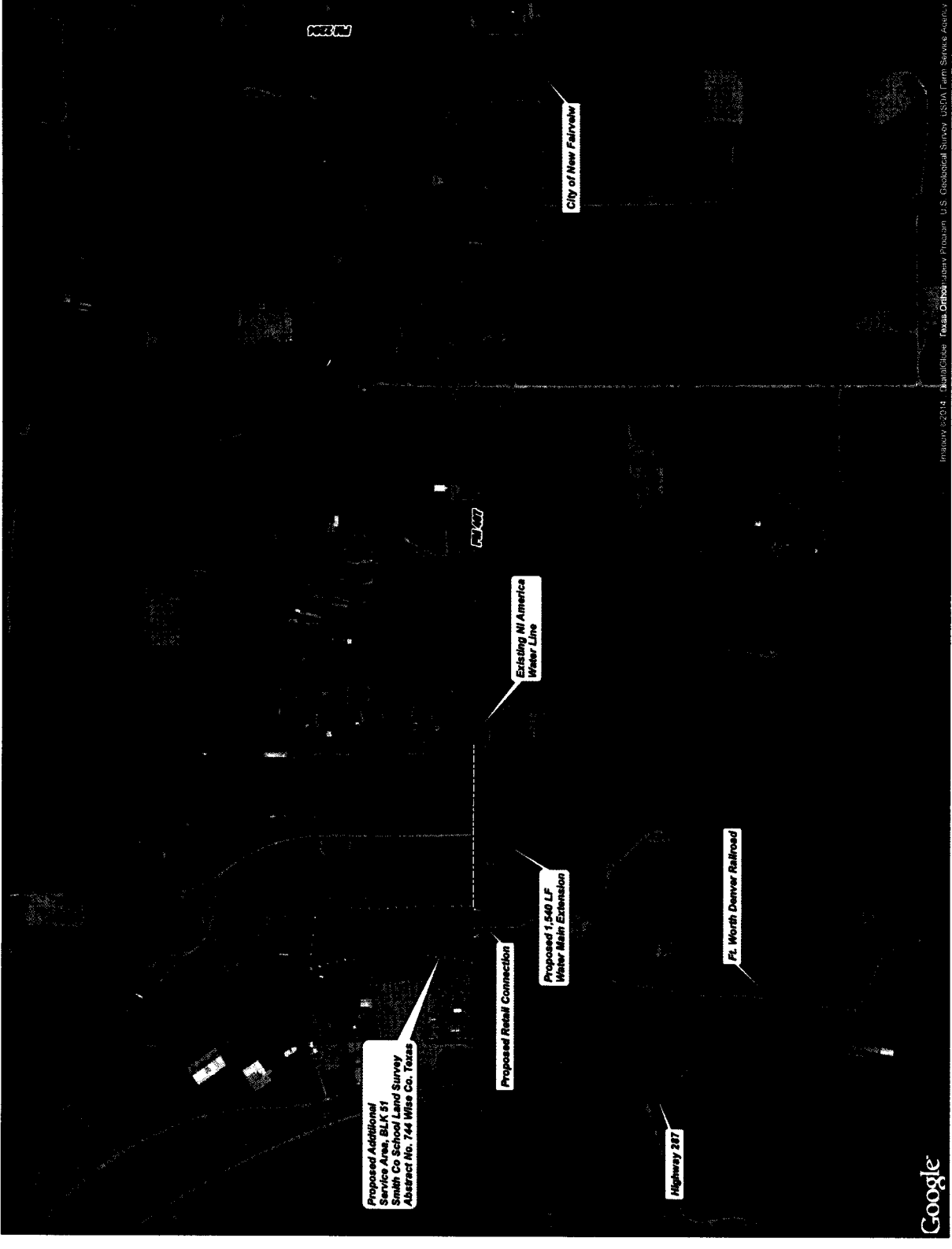
Note: This maps digital data file format is ESRI ArcGIS shapefiles (.shp). The digital data projection is NAD 1983 State Plane Texas North Central FIPS 4202 (US Feet). Map units are in feet and the base map used is Arc2Earth, Google Maps



APEX
Apex TITAN, Inc.
 2801 Network Boulevard, Suite 200
 Frisco, Texas 75034
 Phone: (469) 388-8888
 www.apexcc.com
 A Subsidiary of Apex Companies, LLC

FIGURE B2
PROPOSED ADDITIONAL SERVICE AREA
 Application to Amend
 NI America CCN #11922
 Wise County, Texas
 Apex-TITAN Project No. 84800334-08
 December 2013

from USGS Quadrangle Rhome, Texas
 Ground Condition Depicted April 2013
 Digital Data Courtesy of Google Earth



Imagery ©2014 DigitalGlobe, Texas Orthoimagery Program, U.S. Geological Survey, USDA Farm Service Agency

EXHIBIT H

WRITTEN DESCRIPTION OF PROPOSED SERVICE AREA

EXHIBIT "A"

Block 51, of the SMITH COUNTY SCHOOL LAND SURVEY, Abstract No. 744, Wise County, Texas, and being more particularly described by metes and bounds, as follows:

Beginning at a 1/2" iron rod at the intersection of the north right-of-way line of F.M. Road 407 and the east right-of-way line of the Ft. Worth & Denver R.R. Co. (50' right-of-way from the center of the track as described in deed as recorded in Volume 11, Page 104 of the Real Records of Wise County, Texas;

THENCE along said east right-of-way of the Ft. Worth & Denver R.R. Co. right-of-way the following calls:

N 11° 37' 23" E a distance of 99.85 feet to a 1/2" iron rod set with a "TQ Marks 63308" cap;

N 10° 18' 29" E a distance of 113.12 feet to a 1/2" iron rod set with a "TQ Marks 63309" cap;

N 08° 15' 44" E a distance of 101.07 feet to a 1/2" iron rod set with a "TQ Marks 63305" cap;

N 05° 35' 34" E a distance of 104.40 feet to a 1/2" iron rod set with a "TQ Marks 63302" cap;

N 02° 27' 09" E a distance of 118.10 feet to a 1/2" iron rod set with a "TQ Marks 63303" cap;

N 00° 48' 41" E a distance of 101.15 feet to a 1/2" iron rod set with a "TQ Marks 63304" cap;

N 03° 33' 11" W a distance of 104.40 feet to a 1/2" iron rod set with a "TQ Marks 63306" cap;

N 06° 37' 11" W a distance of 101.21 feet to a 1/2" iron rod set with a "TQ Marks 63307" cap;

N 10° 05' 31" W a distance of 107.15 feet to a 1/2" iron rod set with a "TQ Marks 63301" cap;

N 13° 13' 51" W a distance of 101.09 feet to a 1/2" iron rod set with a "TQ Marks 63300" cap;

N 16° 18' 31" W a distance of 100.70 feet to a 1/2" iron rod set with a "TQ Marks 63300" cap;

N 21° 19' 12" E a distance of 103.09 feet to a metal fence post for a corner, said point also being at the southwest corner of a tract of land described in deed to Martin Hedgins as recorded in Volume 664, Page 20 of the Real Records of Wise County, Texas;

THENCE S 02° 08' 27" E along the south line of said Hedgins tract a distance of 104.04 feet to a metal fence post for a corner, said point also being the southeast corner of said Hedgins tract and being a point in the west line of a tract of land described in deed to Guadalupe Flores as recorded in Volume 777, Page 194 O.R.W.C.T.;

THENCE S 90° 23' 06" W and passing at 423.22 feet a 1/2" iron rod found and said point being by deed call the southeast corner of said Flores tract and the southwest corner of a tract of land as described in deed to Messers-Kirk & Gibbs, Trustees as recorded in Volume 1198, Page 156 O.R.W.C.T. and passing at 384.61 feet a 1/2" iron rod found and being by deed call the southeast corner of said Messers-Kirk & Gibbs tract and also being by deed call the southwest corner of a tract of land as described in deed to Verena Richardson as recorded in Volume 747, Page 180 O.R.W.C.T. and continuing in all a distance of 1174.21 feet to a metal fence post for a corner and said point being in the north right-of-way line of said F.M. Road 407 and also being the southwest corner of said Richardson tract;

THENCE W 04° 04' 23" E along said north right-of-way line a distance of 406.27 feet to the point of beginning and containing in all 436049 square feet or 10.010 acres of land and designated herein as the Same Quarter Addition subdivision in Wise County, Texas, and whose name is subscribed hereto, hereby to the use of the public forever all streets, alleys, paths, water courses, ditches, easements, rights-of-way and public places therein shown for the purpose and consideration therein expressed.

EXHIBIT I

MOST RECENT INSPECTION REPORT LETTER

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 4, 2011

e-Signature Confirmation - 91 3408 2133 3932 0108 9311

Edward R. Wallace, President
10913 Metronome Drive
Houston, TX 77043-2201

Re: Notice of Violation for the Compliance Evaluation Investigation at:
Chisholm Hills Estates WS, Decatur, Wise County, Texas
RN 101280840, TCEQ ID No.: 2490044, Investigation No.: 956891

Dear Mr. Wallace:

On September 14, 2011, Mr. Steven Mindt of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by January 2, 2012, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Region Office at 817-588-5800 or the Central Office Publications Ordering Team at 512-239-0028.

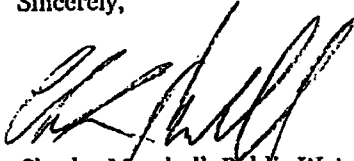
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the D/FW Region Office within 10 days from the date of this letter. At that time, Mr. Charles Marshall will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the

Mr. Wallace
October 4, 2011
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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. Steven Mindt in the D/FW Region Office at (817) 588-5843.

Sincerely,



Charles Marshall, Public Water Supply Section, Team Leader
Dallas/Fort Worth Region Office

CM/sm

Enclosures: Summary of Investigation Findings

CC: David Bowman; 801 S. Files St., Itasca, TX 76055

Summary of Investigation Findings

CHISHOLM HILLS ESTATES

Investigation # 956891

Investigation Date: 09/14/2011

, WISE COUNTY,

Additional ID(s): 2490044

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 447086 Compliance Due Date: 01/02/2012
30 TAC Chapter 290.46(n)(3)

Alleged Violation:

Investigation: 956891

Comment Date: 9/27/2011

At the time of inspection the water system was unable to provide a copies of the well logs.

290.46(n)(3) Copies of well completion data such as well material setting data, geological log, sealing information disinfection,, microbiological sample results, and chemical analysis report of a representative sample of water from the well shall be kept on file for as long as the well remains in service.

Recommended Corrective Action: Provide copies of the well logs to TCEQ.

Track No: 447088 Compliance Due Date: 01/02/2012
30 TAC Chapter 290.46(u)

Alleged Violation:

Investigation: 956891

Comment Date: 9/20/2011

Failure to maintain or properly plug an abandoned well.

At the time of the inspection, a third well at Plant #1, with the casing extending approximately 18 inches above the well pedestal, was observed to have an unsecured cap. When the cap was removed, standing water could be observed 5 to 10 feet below the surface of the ground. (pictures taken)

290.46(u) Abandoned public water supply wells owned by the system must be plugged with cement according to 16 Texas Administrative Code (TAC) Chapter 76. Wells that are not in use and are non-deteriorated as defined in those rules must be tested every five years or as required by the executive director to prove that they are in a non-deteriorated condition. The test results shall be sent to the executive director for review and approval. Deteriorated wells must be either plugged with cement or repaired to a non-deteriorated condition.

Recommended Corrective Action: Comply. Properly plug and provide a plugging report or maintain the well in accordance with the Texas Administrative Code.

Track No: 447089 Compliance Due Date: 01/02/2012
30 TAC Chapter 290.46(m)(1)(A)

Alleged Violation:

Investigation: 956891

Comment Date: 9/20/2011

Failure to maintain the exterior coating of the storage tank at Plant # 1.