

The total area being requested includes approximately 5,678 acres and 272 current customers.

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 your 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.

Notice to Neighboring Systems and Cities

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

To: City of Tyler
(Neighboring System or City)

Date Notice Mailed: , 2003

P.O. Box 239
(Address)

Tyler TX 75710-2039
(City) State Zip)

The City of Lindale has filed an application for a CCN/ to amend CCN
No. 12795 / with the Texas Commission on Environmental Quality to provide water
utility service in Smith County.

The proposed utility service area is located approximately 2.6 miles east of downtown
Lindale, Texas and is generally bounded on the north by the existing Duck Creek
CCN boundary; on the east by the existing City of Lindale CCN boundary; on the south
by the existing Lindale Rural Water Supply Corporation service area and the existing
Crystal Water System CCN boundary (FM 16), and on the west by Hubbard Branch
Creek.

The proposed utility service area is located approximately 1.3 miles north of
downtown Lindale, Texas and is generally bounded on the north by the existing Duck
Creek CCN boundary; on the east by the existing Lindale Rural Water Supply
Corporation CCN boundary; on the south by the existing City of Lindale CCN boundary,
and on the west by the existing City of Lindale CCN boundary.

The proposed utility service area is located approximately 2.5 miles southeast of
downtown Lindale, Texas and is generally bounded on the north by the existing City
of Lindale CCN boundary; on the east by the existing Lindale Rural Water Supply
Corporation CCN boundary (Jim Hogg Road); on the south by the existing Lindale Rural
Water Supply Corporation CCN boundary (CR 474), and on the west by the existing City
of Lindale CCN boundary.

The proposed utility service area is located approximately 1.9 miles southwest of
downtown Lindale, Texas and is generally bounded on the north by the existing City
of Lindale CCN boundary; on the east by the existing City of Lindale CCN boundary; on
the south by the existing Lindale Rural Water Supply Corporation CCN boundary (CR
475), and on the west by the existing Lindale Rural Water Supply Corporation CCN
boundary (CR 433).

Notice to Neighboring Systems and Cities

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

To: Lindale Rural Water Supply Corp. Date Notice Mailed: , 2003
(Neighboring System or City)

P.O. Box 756
(Address)

Lindale TX 75771
(City) State Zip)

The City of Lindale has filed an application for a CCN/ to amend CCN
No. 12795 / with the Texas Commission on Environmental Quality to provide water
utility service in Smith County.

The proposed utility service area is located approximately 2.6 miles east of downtown
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475), and on the west by the existing Lindale Rural Water Supply Corporation CCN
boundary (CR 433).

Notice to Neighboring Systems and Cities

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

To: Crystal Systems of Texas Inc.
(Neighboring System or City)

Date Notice Mailed: , 2003

P.O. Box 1084
(Address)

Tyler TX 75710
(City) State Zip)

The City of Lindale has filed an application for a CCN/ to amend CCN
No. 12795 / with the Texas Commission on Environmental Quality to provide water
utility service in Smith County.

The proposed utility service area is located approximately 2.6 miles east of downtown
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CCN boundary; on the east by the existing City of Lindale CCN boundary; on the south
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Creek.

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Creek CCN boundary; on the east by the existing Lindale Rural Water Supply
Corporation CCN boundary; on the south by the existing City of Lindale CCN boundary,
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of Lindale CCN boundary; on the east by the existing Lindale Rural Water Supply
Corporation CCN boundary (Jim Hogg Road); on the south by the existing Lindale Rural
Water Supply Corporation CCN boundary (CR 474), and on the west by the existing City
of Lindale CCN boundary.

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downtown Lindale, Texas and is generally bounded on the north by the existing City
of Lindale CCN boundary; on the east by the existing City of Lindale CCN boundary; on
the south by the existing Lindale Rural Water Supply Corporation CCN boundary (CR
475), and on the west by the existing Lindale Rural Water Supply Corporation CCN
boundary (CR 433).

Notice to Customers of IOUs in Proposed Area

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

Dear Customer:

Date Notice Mailed _____, 20____

_____ has filed an application for a CCN to/

Name of Applicant

amend CCN No. _____ and to decertify a portion(s) of _____ Name of Decertificated Utility _____ with the Texas Commission on Environmental Quality to provide _____ (specify 1) water or 2) sewer or 3) water & sewer) utility service in _____ County(ies).

The proposed utility service area is located approximately _____ miles _____ [direction] of downtown _____, [City or Town] Texas

A copy of the proposed service area map is available at _____ (Utility Address and Phone Number)

The current utility rates which were first effective on _____, 20____ are:

• Monthly Flat Rate of \$_____ per connection

-OR-

• Monthly Base Rate including _____ gallons per connection for:

5/8" meter	\$_____
1" meter	\$_____
1½" meter	\$_____
2" meter	\$_____
Other _____	\$_____

Gallage charge of \$_____ per 1,000 gallons above minimum (same for all meter sizes)

Miscellaneous Fees

-Regulatory Assessment	1%
-Tap Fee (Average Actual Cost)	\$_____
-Reconnection fee:	
-Non Payment (\$25.00 max)	\$_____
-Transfer	\$_____
-Customer's request	\$_____
-Late fee	\$5.00 or 10%
-Returned Check charge	\$_____
-Customer Deposit (\$50.00 max)	\$_____
-Meter test fee (Actual Cost not exceed \$25.00)	\$_____
-Other Fees	\$_____

Your utility service rates and fees cannot be changed by this application. If you are currently paying rates, those rates must remain in effect unchanged. Rates may only be increased if the utility files and gives notice of a separate rate change application.

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

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

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IF A HEARING IS HELD, it is important that you or your representative attend to present your concerns. Your request serves only to cause a hearing to be held and is not used during the hearing.

Historical Profit & Loss Statement					
	Current Year (a)	(a) - 1 year	(a) - 2 years	(a) - 3 years	(a) - 4 years
Number of connections					
Income:					
Gross Revenue					
Fees					
Other					
Gross Income					
Expenses: General & Administrative:					
Salary Expense					
Office Expense					
Computer Expense					
Auto Expense					
Insurance Expense					
Telephone Expense					
Utilities Expense					
Property Tax Expense					
Professional Fees					
Other					
Total General & Administrative					
Expenses: Operational					
Salary Expense					
Auto Expense					
Utilities Expense					
Supply Expense					
Maintenance & Repair Expense					
Other Expense					
Total Operational					
Total Expenses					
Net Income					

Historical Balance Sheets - ASSETS					
	Current Year (a)	(a) - 1 year	(a) - 2 years	(a) - 3 years	(a) - 4 years
CURRENT ASSETS					
Cash					
Cost Accounts Receivable					
Inventories					
Income Tax Receivables					
Other					
TOTAL CURRENT ASSETS					
FIXED ASSETS					
Land					
Collection/Distribution System					
Buildings					
Equipment					
Other					
TOTAL FIXED ASSETS					
Less:					
Accum Depreciation/Reserve					
NET FIXED ASSETS					
TOTAL ASSETS					

N.A. See Attachment "F"

Historical Balance Sheets - LIABILITIES					
	Current Year (a)	(a) - 1 year	(a) - 2 years	(a) - 3 years	(a) - 4 years
CURRENT LIABILITIES					
Accounts Payable					
Notes Payable, Due < 1 Year					
Accrued Expenses					
Customer Deposits					
Other					
TOTAL CURRENT LIABILITIES					
LONG TERM LIABILITIES					
Notes Payable, Due > 1 Year					
Other					
TOTAL LONG TERM LIABILITIES					
OWNER'S EQUITY					
Paid-in Capital					
Retained Equity					
Other					
Current Period Profit or Loss					
TOTAL OWNER'S EQUITY					
TOTAL LIABILITIES &					

Projected Profit & Loss Statement					
	Year 1	Year 2	Year 3	Year 4	Year 5
Number of connections					
Income:					
Gross Revenue					
Fees					
Other					
Gross Income					
Expenses: General & Administrative:					
Salary Expense					
Office Expense					
Computer Expense					
Auto Expense					
Insurance Expense					
Telephone Expense					
Utilities Expense					
Property Tax Expense					
Professional Fees					
Other					
Total General & Administrative					
Expenses: Operational					
Salary Expense					
Auto Expense					
Utilities Expense					
Supply Expense					
Maintenance & Repair Expense					
Other Expense					
Total Operational					
Total Expenses					
Net Income					

N.A. See Attachment "F"

Projected Balance Sheets - ASSETS					
	Year 1	Year 2	Year 3	Year 4	Year 5
CURRENT ASSETS					
Cash					
Cost Accounts Receivable					
Inventories					
Income Tax Receivables					
Other					
TOTAL CURRENT ASSETS					
FIXED ASSETS					
Land					
Collection/Distribution System					
Buildings					
Equipment					
Other					
TOTAL FIXED ASSETS					
Less:					
Accum Depreciation/Reserve					
NET FIXED ASSETS					
TOTAL ASSETS					

Projected Balance Sheets - LIABILITIES					
	Year 1	Year 2	Year 3	Year 4	Year 5
CURRENT LIABILITIES					
Accounts Payable					
Notes Payable, Due < 1 Year					
Accrued Expenses					
Customer Deposits					
Other					
TOTAL CURRENT LIABILITIES					
LONG TERM LIABILITIES					
Notes Payable, Due > 1 Year					
Other					
TOTAL LONG TERM LIABILITIES					
OWNER'S EQUITY					
Paid-in Capital					
Retained Equity					
Other					
Current Period Profit or Loss					
TOTAL OWNER'S EQUITY					
TOTAL LIABILITIES &					

Projected Statements of Sources & Uses of Cash					
	Year 1	Year 2	Year 3	Year 4	Year 5
SOURCES OF CASH					
Net Profit					
Depreciation (if funded)					
Loan Proceeds					
Other					
TOTAL SOURCES					
USES OF CASH					
Net Loss					
Principal portion of payments					
Fixed Asset Purchases					
Reserve					
Other					
TOTAL USES					
NET CASH FLOW					
AVAILABLE DEBT SERVICE COVERAGE (ADSC)					
Cash Available for Debt Service					
Net Profit/Loss					
Depreciation or Reserve					
Interest					
TOTAL ADSC					
REQUIRED DEBT SERVICE COVERAGE (RDSC)					
Principal + Interest					
DEBT SERVICE COVERAGE RATIO (ADSC/RDSC)					

Attachment "A"

City of Lindale Application to amend a water/sewer CCN

Question 1.A pg. #5

List of utilities certified operators:

Name	Classes	License Number
Henry Rinlee	C Ground Water	456279644
	C Sewer	
Dian Phinny	C Surface Water	457256620
	A Sewer	
Sammy Morgan	C Sewer	455431385

Attachment "B"

City of Lindale Application to amend a water/sewer CCN

Section 2- Location Information Item B pg. #6

Reasons for water service:

Water service is requested in these areas because the houses in the developments will be residential homes on lots less than 1 acre. The subdivisions will have a total of 100 and 97 lots respectively. In addition, the City of Lindale currently serves the surrounding area. The requests for service are located on the large scale map.

Attachment "B"

City of Lindale Application to amend a water/sewer CCN

Section 2- Location Information Item B pg. #6

Name lists:

Elam Swann of Westwood Properties
P.O. Box 132006
Tyler, TX 75713
Phone No. (903) 592-6526

Scott Brown of Corrigan Trails
15625 CR 463
Lindale, TX 75771
Phone No. (903) 882-4308

Attachment "B" pg. 3
City of Lindale Application to
Amend water/sewer CCN
Service Inquiry Letter
Page 6, Item 2. B.

REQUEST FOR SERVICE

December 18, 2002


City of Lindale
201 N. Main
Lindale, Texas 75771
Atte: Mr. Charles Gilmore

Westwood Properties
P. O. Box 132006
Tyler, Texas 75713

Dear Charles,

I would like to request water service to the remainder of the lot at Westwood Estates Subdivision.

Thankyou,


Elam Swann

Attachment "B" pg. 4
City of Lindale Application to
Amend water/sewer CCN
Service Inquiry Letter
Page 6, Item 2. B.



January 7, 2003

Mr. Owen Scott
City Manager
City of Lindale, Texas

Dear Owen:

Please provide all city utilities to the Corrigan Trails subdivision located within the city limits on Woodsprings Rd.

Thank you for your assistance in this matter.

Sincerely,

Scott Brown
President

Attachment "C"

City of Lindale Application to amend a water/sewer CCN

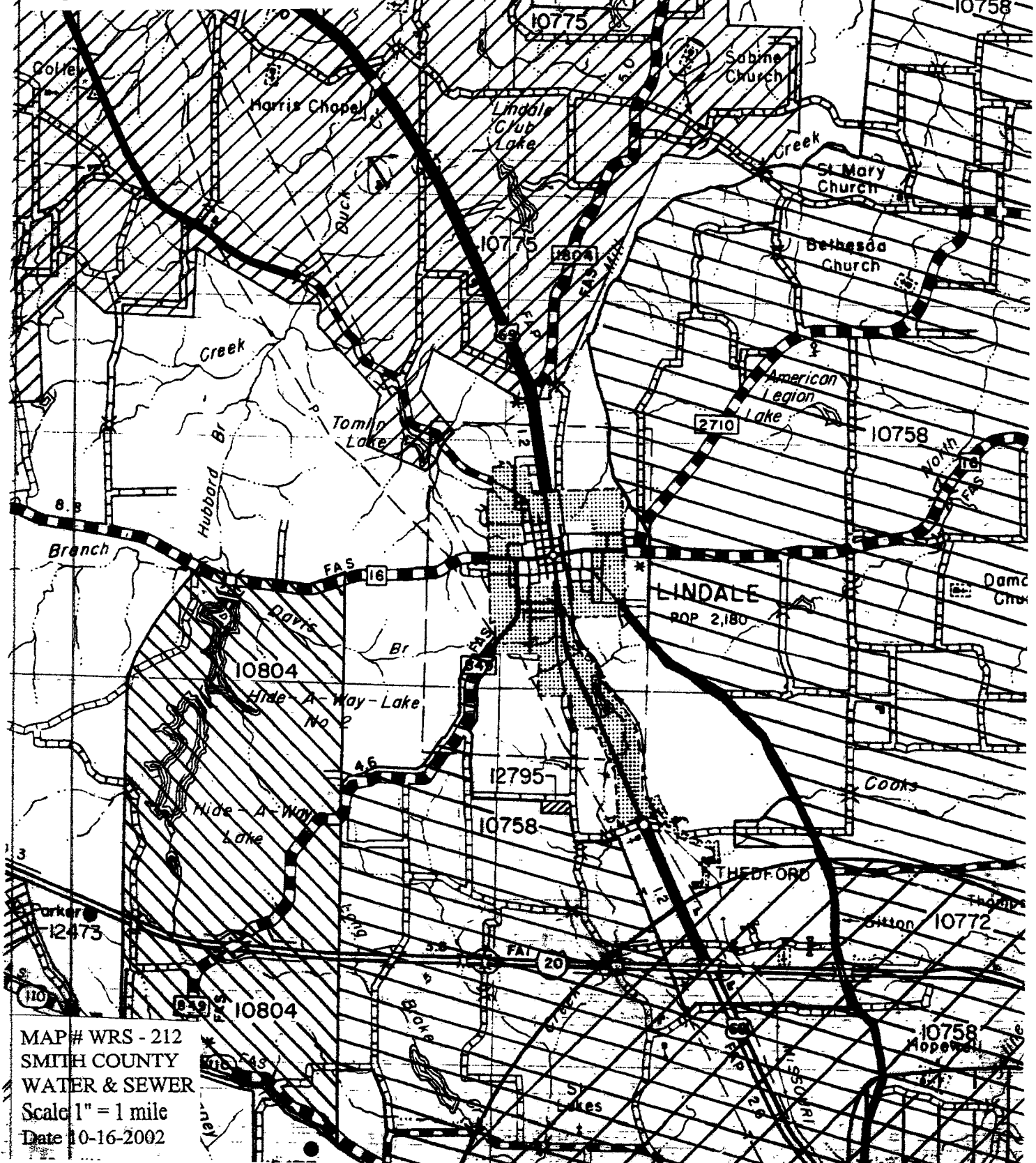
Section 2- Location Information Item E. iii. C. pg. #7

Written description of the proposed service area:

The area shall extend north along US Hwy 69 until it abuts the existing Duck Creek Water Supply Corporation CCN boundary. The proposed City of Lindale CCN will extend approximately 3280 feet northeast along the existing Duck Creek CCN boundary on a tributary of Mill Creek at which point it will go east approximately 340 feet and abut the existing Lindale Rural Water System CCN boundary at the confluence of Mill Creek. The proposed CCN boundary will then extend southeast and border the existing Lindale Rural Water CCN boundary to Hwy 16. South of the City of Lindale, the proposed CCN will extend southeast along the border of the existing Lindale Rural Water CCN, which is also CR 431 (Jim Hogg Road). The proposed CCN boundary will border Lindale Rural's CCN boundary west around Cooks Creek and CR 474 and then continue to follow and abut the existing boundary along Jim Hogg Road. This area shall extend southeast all the way to CR 461 at which point the proposed City of Lindale CCN boundary will travel west along CR 461. The area will abut the existing Lindale Rural Water's CCN west along CR 461 until it joins the existing City of Lindale's current CCN boundary.

On the west side of town, the proposed City of Lindale's CCN boundary will follow and abut Lindale Rural's CCN boundary west along CR 475 until CR 433. The proposed area will then extend north along CR 433 and FM 849 and abut Lindale Rural's boundary. The proposed CCN area will then extend approximately 500 feet north of Simmons Lane where it will extend 2940 feet to the west. At which point the proposed area will continue southwest until FM 849. The proposed area will then abut Lindale Rural's CCN boundary along FM 849 to the west until the CCN boundary of Crystal Water System is reached. Thence it will head north and abut Crystal's CCN boundary all the way to FM 16. The proposed City of Lindale's CCN boundary will extend west along FM 16 and abut Crystal's CCN limit to CR 476. The proposed limit will extend around the residential houses on CR 476 and rejoin the Crystal's CCN boundary on FM 16. Thence the proposed CCN boundary will extend west and abut Crystal's CCN limit along FM 16 until the Davis Branch creek. Thence the proposed City of Lindale's boundary shall extend northwest along the creek to the confluence of Hubbard Creek. The proposed CCN boundary shall extend north along Hubbard Creek until the creek meets the existing Duck Creek Water Supply's CCN boundary. The proposed City of Lindale's CCN shall then abut and follow Duck Creeks limit around Tomlin Lake and back to US Hwy 69.

Attachment "D"
City of Lindale Application to
Amend water/sewer CCN
Small Scale Location Map
Page 7, Item 2. E. ii.



Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



Attachment E
City of Lindale Application to
Amend water/sewer CCN
Inspection Report
Page 9, Item 5. A. iv.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

July 31, 2002

Honorable Bobby McClenny, Mayor
City of Lindale
PO Box 130
Lindale, TX 75771

Re: Comprehensive Compliance Investigation at:
City of Lindale, (Smith County), Texas
PWS ID No.: 2120002

Dear Mayor McClenny:

On July 17, 2002, Mr. Steven Crank of the Texas Natural Resource Conservation Commission (TNRCC) Tyler Region Office conducted an investigation of the above-referenced system to evaluate compliance with applicable requirements for public water supply. No violations were documented during the investigation.

At this time, your public water supply continues to merit recognition as a "Superior" system.

The TNRCC appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Steven Crank in the Tyler Region Office at (903) 535-5166.

Sincerely,

A handwritten signature in cursive script, reading "William D. Gibson".

William D. Gibson, Team Leader
Tyler Region Office

WDG/shc

(Rev. 2/25/01)

REPLY TO: REGION 5 • 2916 TEAGUE DRIVE • TYLER, TEXAS 75701-3756 • 903/535-5100 • FAX 903/595-1562

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tnrcc.state.tx.us

10/05/2001
10:54:02AM

was Natural Resource Conservation (mission
Water System Data Sheet

WSDSR

PWS ID:	2120002	add physical description - city hall is located north of IEM in Lindale
PWS Name:	CITY OF LINDALE	

Organization/Mailing Name			
CITY OF LINDALE			
Address	City	St	Zip
PO BOX 130	LINDALE	TX	75771

Responsible Official	Job Title	Phone / E-Mail / Pager
RANDALL THORTON Bobby McClelleny	MAYOR	(903) 882-3422 BUSPHONE

Owner Type	Options: COUNTY, DISTRICT/AUTHORITY, EXEMPT, FEDERAL, INVESTOR, MUNICIPALITY, NATIVE AMERICAN, PRIVATE, STATE, WATER SUPPLY CORPORATION, MISC/UNKNOWN
MUNICIPALITY	

Plant Type	Options: COMMUNITY, TRANSIENT/NON-COMMUNITY, NON-PUBLIC, NON-TRANSIENT/NON-COMMUNITY
COMMUNITY	

Customer Class	Customer Category	Population Served	# of Connect	# of Meters	# I/C w/other PWS
RESIDENTIAL	RESIDENTIAL AREA	4,883 3579	1,624 1813	1,624 1813	2

Total Product(MGD)	Average Daily Consump.	Total Storage (MG)	Elev. Storage (MG)	Booster Pump Cap. (MGD)	Aux.Prod.Cap. Max.Pur.Cap.(MGD)	Pressure Tank Cap.(MG)
3.550 3.42	0.836 0.682	1.400 1.65	0.150 0.40	7.776	0.000	0.00000

Deactivation Date	Reason	Activity Indicator	Options: ACTIVE, CCN CANCELLED, DELETED/DISSOLVED, INACTIVE, MERGED/ANNEXED, PROPOSED, TRACKING, UNKNOWN, UTILITY WATER SYS XFER
		ACTIVE	

Operator Grade	Number
WATER GRADE B GROUND	4

Last Survey Date	Surveyor	Survey Type	Code	Region	County	Def.Score
02/20/2004 07/17/02	WILLIAM STOWE Steven Crank	SURVEY		5	SMITH	7 0

(Entry Point)					
Entry Point Codes: (G) GROUND WATER, (S) SURFACE WATER, (U) GROUND WATER UNDER THE INFLUENCE					
Entry Point	EP Name	Plant Name	Code	Wells	Seller
001	WELL4 HWY 69 SO	CHLORINATOR	G	1	

Attachment "E"
City of Lindale Application to
Amend water/sewer CCN
Inspection Report
Page 9, Item 5. A. iv.

Investigation Report

CITY OF LINDALE

CITY OF LINDALE

RN101219251

Attachment "E"

City of Lindale Application to
Amend water/sewer CCN
Inspection Report
Page 9, Item 5. A. iv.

Investigation # 5919

Investigator: STEVEN CRANK

Conducted: 07/17/2002

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Incident #

No Industry Code Assigned

Site Classification: GW >1K-10K
CONNECTION

Investigation Type : Compliance Investigation

Location : City Hall is located on US 69, just
north of FM 16 in Lindale.

Additional ID(s) : 2120002

Address: PO BOX 130; LINDALE, TX 75771

Activity Type : PWS GW CCI/CCMI- Complia

Principal(s) :

Role

Name

RESPONDENT

CITY OF LINDALE

INFORMATION COPY

Contact(s) :

Role

Name

Participated in Investigation

MR CHARLES GILMORE

Notified

MR CHARLES GILMORE

Other Staff Member(s) :

Role

Name

SUPERVISOR

WILLIAM GIBSON

QA REVIEWER

WILLIAM GIBSON

Associated Check ListChecklist NamePWS SYSTEM CAPACITIES
PWS SYSTEM FACILITIES-STORAGE RESERVOIRS
PWS SYSTEM FACILITIES-STORAGE RESERVOIRS
PWS GROUND WATER SOURCE-CONSTRUCTION
PWS MICRO AND CHEMICAL INFORMATION
PWS STORAGE TANKS
PWS SYSTEM FACILITIES-WELLS
PWS STORAGE FACILITIES-SERVICE PUMPS
PWS STORAGE FACILITIES-SERVICE PUMPS
PWS STORAGE FACILITIES-SERVICE PUMPS
PWS SYSTEM FACILITIES-STORAGE RESERVOIRS
PWS SYSTEM FACILITIES-STORAGE RESERVOIRS
PWS SYSTEM FACILITIES-WELLS
PWS SYSTEM FACILITIES-WELLS
PWS DISTRIBUTIONUnit NameCity of Lindale
City of Lindale - GS - 4
City of Lindale - GS - 5
City of Lindale
City of Lindale
City of Lindale
City of Lindale - # 7
City of Lindale/#4/pump2
City of Lindale/#5/pump3
City of Lindale/#7/pump7
City of Lindale - ES - 1
City of Lindale - ES - 2
City of Lindale - # 5
City of Lindale - # 4
City of Lindale

PWS GENERAL INFORMATION
PWS GROUND WATER SOURCE- SANITARY
PWS OPERATION AND MAINTENANCE
PWS SYSTEM FACILITIES-STORAGE RESERVOIRS
PWS STORAGE FACILITIES-SERVICE PUMPS
PWS STORAGE FACILITIES-SERVICE PUMPS
PWS INVESTIGATION TYPES
PWS SYSTEM FACILITIES-WELLS
PWS DISINFECTION
PWS SYSTEM FACILITIES-STORAGE RESERVOIRS
PWS STORAGE FACILITIES-SERVICE PUMPS
PWS STORAGE FACILITIES-SERVICE PUMPS
PWS STORAGE FACILITIES-SERVICE PUMPS
QUALITY REVIEW - PWS
PWS SYSTEM FACILITIES-STORAGE RESERVOIRS

City of Lindale
City of Lindale
City of Lindale
City of Lindale - GS - 7
City of Lindale/#4/pump1
City of Lindale/#7/pump8
Bean
City of Lindale - # 6
City of Lindale
City of Lindale - GS - 6
City of Lindale/#5/pump4
City of Lindale/#6/pump5
City of Lindale/#6/pump6
City of Lindale QA
City of Lindale - ES - 3

Investigation Comments :

INTRODUCTION

Investigation of City of Lindale water system.

Participants: Steven Crank - Investigator and Charles Gilmore - Utilities Director

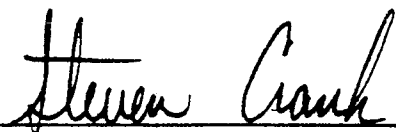
Announced investigation was conducted on July 17, 2002. Exit interview with Mr. Gilmore completed the investigation.

Location of the Investigation - City of Lindale
PO Box 130, Hwy 69, Lindale, TX 75771

GENERAL FACILITY AND PROCESS INFORMATION

The system consists of four plants. Each plant includes a well, vertical turbine pump, meter, gas chlorinator, ground storage tank, service pumps, housing, fencing and distribution. There are three elevated storage tanks that float on the system.

Signed



Environmental Investigator

Date

7-31-02

Train: (Unname)

(Treatments)				
Disinfection Zone	Treatment Sequence	Objective	Process	Treatment
	1	D	403	GASEOUS CHLORINATION(PRE)
	2	Z	380	FLUORIDATION

(Active Sources)					
Status Codes: (A) ABANDONED , (C) CAPPED , (D) DEMAND , (E) EMERGENCY , (F) FORMER PWS WELL , (N) NON-DRINKING WATER , (O) OPERATING , (P) PLUGGED , (T) TEST					
Source Number	Name	Status	Depth	Tested GPM	Rated GPM
G2120002A	4 W SIDE OF US 69	O	1195	8550	595 U
GPS Latitude (decimal)	GPS Longitude (decimal)	GPS Elevation	GPS Date	GPS Cert. No.	
32.49306	95.40166	482			

(Entry Point)					
Entry Point Codes: (G) GROUND WATER , (S) SURFACE WATER , (U) GROUND WATER UNDER THE INFLUENCE					
Entry Point	EP Name	Plant Name	Code	Wells	Seller
002	WELL5 HWY 69 NE	CHLORINATOR	G	1	

Train: (Unnamed)

(Treatments)				
Disinfection Zone	Treatment Sequence	Objective	Process	Treatment
	1	F	680	SEQUESTRATION
	2	D	403	GASEOUS CHLORINATION(PRE)
	3	Z	380	FLUORIDATION

(Active Sources)					
Status Codes: (A) ABANDONED , (C) CAPPED , (D) DEMAND , (E) EMERGENCY , (F) FORMER PWS WELL , (N) NON-DRINKING WATER , (O) OPERATING , (P) PLUGGED , (T) TEST					
Source Number	Name	Status	Depth	Tested GPM	Rated GPM
G2120002B	5 E SIDE OF US 69	O	990	8450	450 U
GPS Latitude (decimal)	GPS Longitude (decimal)	GPS Elevation	GPS Date	GPS Cert. No.	
32.47333	95.38889	490			

Signed

William Gibson

Supervisor

Date

7-31-02

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : Gen Comp

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☒ Maps, Plans, Sketches

☐ Photographs

☐ Correspondence from the facility

☒ Other (specify) :

Data Sheet

Attachment "E"

City of Lindale Application to

Amend water/sewer CCN

Inspection Report

Page 9, Item 5. A. iv.

**CITY OF LINDALE, TEXAS
 COMBINED BALANCE SHEET
 ALL FUND TYPES AND ACCOUNT GROUPS
 SEPTEMBER 30, 2001
 (WITH COMPARATIVE TOTALS FOR SEPTEMBER 30, 2000)**

	GOVERNMENTAL FUND TYPES			PROPRIETARY FUND TYPES
	GENERAL FUND	SPECIAL REVENUE FUND	DEBT SERVICE FUND	ENTERPRISE FUND
LIABILITIES				
Current Liabilities				
Accounts Payable	-	\$99,552	-	\$44,960
Accrued Liabilities	562	-	-	-
Customer Deposits	-	-	-	52,089
Due to Other Governments	8,317	-	-	-
Due to Other Funds	17,279	-	-	30,669
Current Portion of Bonded Debt	-	-	-	-
Current Portion of Note Payable	-	-	-	-
Deferred Revenues	13,319	-	22,348	-
Total Current Liabilities	39,477	99,552	22,348	127,718
Long-Term Liabilities				
Compensated Absences after One Year	-	-	-	21,073
Bonded Debt Payable after One Year	-	-	-	-
Notes Payable after One Year	-	-	-	-
Total Long-Term Liabilities	-	-	-	21,073
Total Liabilities	39,477	99,552	22,348	148,791
FUND EQUITY				
Investment in General Fixed Assets	-	-	-	-
Contributed Capital	-	-	-	5,949,756
Retained Earnings				
Unreserved	-	-	-	5,973,382
Fund Balance				
Reserved				
Reserved for Debt Retirement	-	-	554,628	-
Reserved for Authorized Construction	200,000	58,398	-	-
Reserved for TIF	150,000	-	-	-
Reserved for Cemetery	-	136,169	-	-
Reserved for Hotel Tax Fund	-	415,363	-	-
Reserved for I.B. Rice Building	-	-	-	-
Reserved for Police Education	-	-	-	-
Reserved for Court Technology	4,830	-	-	-
Unreserved	1,515,088	-	-	-
Total Fund Equity	1,869,918	609,930	554,628	11,923,138
Total Liabilities and Fund Equity	\$1,909,395	\$709,482	\$576,976	\$12,071,929

The accompanying notes are an integral part of this statement.

TEL :

Attachment "F"
City of Lindale Applicati to
Amend water/sewer CCN
Financial Information
Page 11, Item 6. B.

0:17 No.001 P.05

EXHIBIT A-1
(Continued)

FIDUCIARY FUND TYPES	ACCOUNT GROUPS		TOTALS	
	(MEMORANDUM ONLY)			
TRUST AND AGENCY FUNDS	GENERAL			
	GENERAL	LONG-TERM	SEPTEMBER 30, 2001	SEPTEMBER 30, 2000
	FIXED ASSETS	DEBT		
-	-	-	\$144,512	\$23,550
-	-	-	562	-
-	-	-	52,089	50,964
-	-	-	8,317	1,180
-	-	-	47,948	47,137
-	-	235,000	235,000	220,000
-	-	15,402	15,402	14,531
-	-	-	35,667	37,872
-	-	250,402	539,497	395,234
-	-	37,194	58,267	43,208
-	-	8,930,000	8,930,000	9,165,000
-	-	26,490	26,490	41,855
-	-	8,993,684	9,014,757	9,250,063
-	-	9,244,086	9,554,254	9,645,297
-	3,437,701	-	3,437,701	2,712,028
-	-	-	5,949,756	5,949,756
-	-	-	5,973,382	5,150,143
-	-	-	554,628	572,745
-	-	-	258,398	1,447,975
1,043	-	-	151,043	-
-	-	-	136,169	122,487
-	-	-	415,363	323,918
23,755	-	-	23,755	24,852
3,906	-	-	3,906	4,790
-	-	-	4,830	-
-	-	-	1,515,088	1,379,578
28,704	3,437,701	-	18,424,019	17,688,272
\$28,704	\$3,437,701	\$9,244,086	\$27,978,273	\$27,333,569

CITY OF LINDALE, TEXAS
COMBINING BALANCE SHEET
ALL PROPRIETARY FUND TYPES
SEPTEMBER 30, 2001

EXHIBIT B-3

	WATER AND SEWER FUND	ALL FUNDS	TOTALS SEPTEMBER 30, 2001
ASSETS			
Current Assets			
Cash	\$146,922	\$11,234	\$158,156
Temporary Investments	937,571	40,000	977,571
Receivables:			
Accounts	90,680	3,623	94,303
Due from Other Governments	27,384	-	27,384
Due from Other Funds	38,995	-	38,995
Other Current Assets	1,710	-	1,710
Total Current Assets	1,243,262	54,857	1,298,119
Property, Plant and Equipment			
Land	147,926	25,000	172,926
Plant and Equipment	12,644,495	40,091	12,684,586
Bond Issuance Expense	15,186	-	15,186
Construction - in - Progress	470,552	-	470,552
Total	13,278,159	65,091	13,343,250
Less: Accumulated Depreciation	(2,557,252)	(12,188)	(2,569,440)
Net Property, Plant and Equipment	10,720,907	52,903	10,773,810
Total Assets	\$11,964,169	\$107,760	\$12,071,929
LIABILITIES			
Current Liabilities			
Accounts Payable	\$44,960	-	\$44,960
Customer Deposits	52,089	-	52,089
Due to Other Funds	28,828	1,841	30,669
Total Current Liabilities	125,877	1,841	127,718
Long-Term Liabilities			
Compensated Absences after One Year	21,073	-	21,073
Total Long-Term Liabilities	21,073	-	21,073
Total Liabilities	146,950	1,841	148,791
FUND EQUITY			
Contributed Capital	5,949,756	-	5,949,756
Retained Earnings			
Unreserved	5,867,463	105,919	5,973,382
Total Fund Equity	11,817,219	105,919	11,923,138
Total Liabilities and Fund Equity	\$11,964,169	\$107,760	\$12,071,929

**CITY OF LINDALE, TEXAS
COMBINING BALANCE SHEET
GENERAL FUND**

EXHIBIT B-1

**SEPTEMBER 30, 2001
(WITH COMPARATIVE TOTALS FOR SEPTEMBER 30, 2000)**

Attachment "F"
City of Lindale Application to
Amend water/sewer CCN
Financial Information
Page 11, Item 6. B.

	LINDALE GENERAL FUND		TOTALS SEPTEMBER 30	
	2001	2000	2001	2000
ASSETS				
Current Assets				
Cash	\$74,210	\$94,219	\$168,429	\$244,856
Temporary Investments	1,010,000	550,000	1,560,000	1,434,403
Receivables:				
Property Taxes	13,319	-	13,319	15,511
Accounts Receivable	17,092	-	17,092	15,631
Due from Other Governments	-	-	-	27,143
Other Current Assets	-	555	555	555
Total Current Assets	1,114,621	644,774	1,759,395	1,738,099
Restricted Assets				
Cash, including temporary investments				
Reserve Funds	-	150,000	150,000	150,000
Total Restricted Assets	-	150,000	150,000	150,000
Total Assets	\$1,114,621	\$794,774	\$1,909,395	\$1,888,099
LIABILITIES AND FUND EQUITY				
Current Liabilities				
Accrued Liabilities	562	-	562	-
Due to Other Governments	8,317	-	8,317	1,180
Due to Other Funds	17,279	-	17,279	17,279
Deferred Revenues	13,319	-	13,319	15,511
Total Current Liabilities	39,477	-	39,477	33,970
Total Liabilities	39,477	-	39,477	33,970
Fund Balance				
Reserved	4,830	350,000	354,830	474,551
Unreserved	1,070,314	444,774	1,515,088	1,379,578
Total Fund Equity	1,075,144	794,774	1,869,918	1,854,129
Total Liabilities and Fund Equity	\$1,114,621	\$794,774	\$1,909,395	\$1,888,099

ORDINANCE NO. 96-06

**AN ORDINANCE AMENDING THE WATER AND SEWER RATE
ORDINANCE OF THE CITY OF LINDALE, AND
REPEALING ALL ORDINANCES CONFLICTING**

WHEREAS, it has become necessary and desirable to revise the rates for water and sewer service supplied by the City of Lindale to customers in order to both provide reasonable compensation to the City of Lindale therefore and to provide water and sewer service at reasonable rates to customers of the City of Lindale; and

WHEREAS, the rates hereinafter set out have, after investigations by the City Council of the City of Lindale, been found to be fair and reasonable,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDALE, LINDALE, TEXAS:

I.

That the Water and Sewer Ordinance of the City of Lindale as amended December 18, 1995, be amended to read as follows:

WATER RATES

a. Within City Limits

The following rates per month shall be the rates charged for water services furnished to customers within the corporate limits of the City of Lindale, until revised by the City Council of the City of Lindale by subsequent ordinance, to-wit:

Residential

First	2,000 Gallons (Minimum)	\$10.00
All Over	2,000 Gallons (per 1,000 gallons)	2.20

Commercial and Industrial

First	2,000 Gallons (Minimum)	\$10.00
All Over	2,000 Gallons (per 1,000 gallons)	3.50

ORDINANCE

b. Outside City Limits

The following rates per month shall be the rates charged for water furnished to customers outside the corporate limits of the City of Lindale, until revised by the City Council of the City of Lindale by subsequent ordinance, to-wit:

Residential

First	2,000 Gallons (Minimum)	\$15.00
All Over	2,000 Gallons (per 1,000 gallons)	3.30

Commercial and Industrial

First	2,000 Gallons (Minimum)	\$15.00
All Over	2,000 Gallons (per 1,000 gallons)	5.25

SEWER RATESa. Within City Limits

The following rates per month shall be the rates charged for sewer services furnished to customers within the corporate limits of the City of Lindale until revised by the City Council of the City of Lindale by subsequent ordinance, all such charges for sewer services to be based upon water usage, as follows:

Residential

First	10,000 Gallons (Minimum)	\$15.00
	10,001 to 20,000 Gallons	20.00
All Over	20,000 Gallons	25.00

Commercial and Industrial

First	2,000 Gallons (Minimum)	\$15.00
All Over	2,000 Gallons (per 1,000 gallons)	2.50

b. Outside City Limits

The following rates per month shall be the rates charged for sewer services furnished to customers outside the corporate limits of the City of Lindale until revised by the City Council of the City of Lindale by subsequent ordinance, all such charges for sewer services to be based upon water usage, as follows:

AGREEMENT BETWEEN CITY OF LINDALE AND LINDALE
RURAL WATER SUPPLY CORPORATION REGARDING
RETAIL WATER SERVICE

WHEREAS, the City of Lindale, Texas ("City") has either annexed the property more fully described in Exhibit "A" or the property is within the City's extraterritorial jurisdiction;

WHEREAS, Lindale Rural Water Supply Corporation ("Rural Water") is a nonprofit water supply corporation;

WHEREAS, the property more fully described in Exhibit "A" is within the area that Rural Water has the right to render retail water service pursuant to its certificate of convenience and necessity;

WHEREAS, Rural Water owns personal property within the area more fully described as Exhibit "A";

WHEREAS, the City and Rural Water desire single certification of the area more fully described in Exhibit "A" for the City pursuant to Section 13.255 of the Texas Water Code;

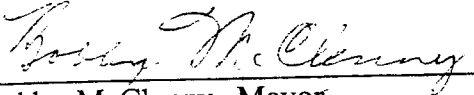
THEREFORE, in consideration of the mutual covenants and promises set forth herein, the City and Rural Water agree as follows:


1. Rural Water's certificate of convenience and necessity shall be modified to remove the property more fully described in Exhibit "A".
2. The property more fully described on Exhibit "A" shall be added to the City's certificate of convenience and necessity;
3. City shall provide retail water service to the property more fully described in Exhibit "A" pursuant to single certification of the area as authorized by Section 13.255 of the Texas Water Code.

4. Rural Water hereby grants, sells and conveys to City all of its interest in the personal property located within the area more fully described in Exhibit "A".
5. City shall pay the sum of \$29,500.00 to Rural Water as consideration for the personal property transferred to City and the other covenants contained herein. Rural Water acknowledges that the compensation paid by City is just and adequate for the personal property, including the Rural Water's business in the area acquired by City.
6. The recitals to this Agreement are incorporated herein and shall be deemed representations and warranties by the parties.
7. This Agreement shall bind and benefit each of the parties and their legal successors and assigns. This agreement is solely for the benefit of the parties and their successors and assigns and is not intended to and shall not be construed to create any rights in favor of third parties.
8. This Agreement shall be construed in accordance with the laws of the State of Texas.
9. No alteration or amendment of this Agreement shall be effective unless given in writing and executed by all parties after approval by their respective governing body.
10. The parties hereby acknowledge that this Agreement was approved by their respective governing bodies at a joint meeting on Thursday, April 24, 1997 and the execution of this Agreement has been authorized by the governing bodies of the City and Rural Water.

In witness whereof this Agreement is executed this ____ day of August, 1997.

The City of Lindale, Texas


Bobby McClenny, Mayor


Owen Scott, City Administrator

Attachment "H"
City of Lindale Application to
Amend water/sewer CCN
Existing Water Agreement

Lindale Rural Water Supply Corporation

Kevin L. Luce
President

Notice to Neighboring Systems and Cities

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

To: Duck Creek Water Supply Corporation Date Notice Mailed: _____, 2003
(Neighboring System or City)

P.O. Box 115
(Address)

Lindale TX 75771
(City) State Zip)

The City of Lindale has filed an application for a CCN/ to amend CCN
No. 12795 / with the Texas Commission on Environmental Quality to provide water
utility service in Smith County.

The proposed utility service area is located approximately 2.6 miles east of downtown
Lindale, Texas and is generally bounded on the north by the existing Duck Creek
CCN boundary; on the east by the existing City of Lindale CCN boundary; on the south
by the existing Lindale Rural Water Supply Corporation service area and the existing
Crystal Water System CCN boundary (FM 16), and on the west by Hubbard Branch
Creek.

The proposed utility service area is located approximately 1.3 miles north of
downtown Lindale, Texas and is generally bounded on the north by the existing Duck
Creek CCN boundary; on the east by the existing Lindale Rural Water Supply
Corporation CCN boundary; on the south by the existing City of Lindale CCN boundary,
and on the west by the existing City of Lindale CCN boundary.

The proposed utility service area is located approximately 2.5 miles southeast of
downtown Lindale, Texas and is generally bounded on the north by the existing City
of Lindale CCN boundary; on the east by the existing Lindale Rural Water Supply
Corporation CCN boundary (Jim Hogg Road); on the south by the existing Lindale Rural
Water Supply Corporation CCN boundary (CR 474), and on the west by the existing City
of Lindale CCN boundary.

The proposed utility service area is located approximately 1.9 miles southwest of
downtown Lindale, Texas and is generally bounded on the north by the existing City
of Lindale CCN boundary; on the east by the existing City of Lindale CCN boundary; on
the south by the existing Lindale Rural Water Supply Corporation CCN boundary (CR
475), and on the west by the existing Lindale Rural Water Supply Corporation CCN
boundary (CR 433).

The total area being requested includes approximately 5,678 acres and 272 current customers.

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 your 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.

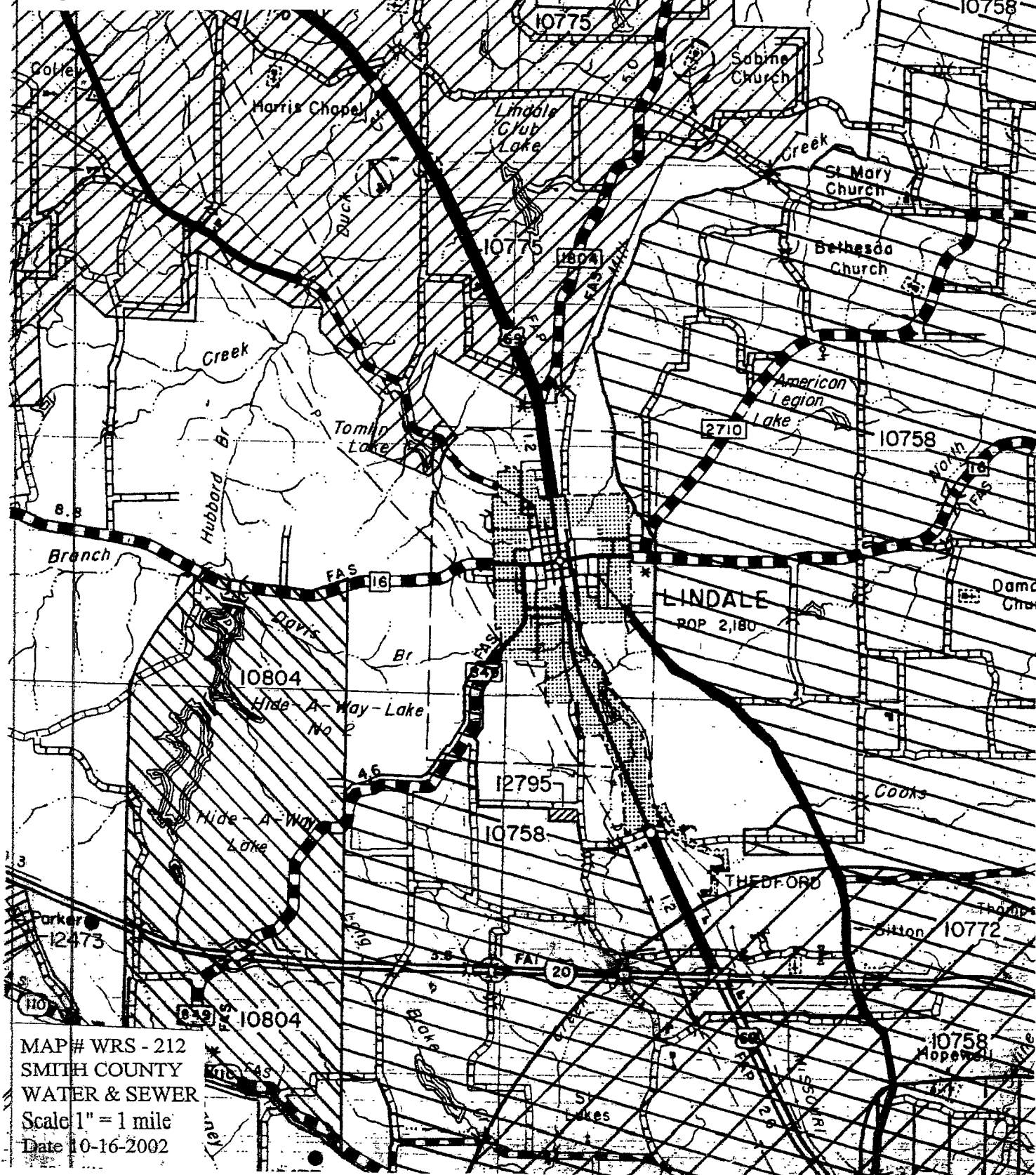
Persons who wish to intervene or comment should write the:

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.

Attachment "D"
City of Lindale Application to
Amend water/sewer CCN
Small Scale Location Map
Page 7, Item 2. E. ii.



Attachment "G"

City of Lindale Application to amend a water/sewer CCN

Section 7 Item G. i. pg. 12 –Notice to Neighboring Utilities

List of all neighboring retail public utilities and cities providing the same utility service within two (2) miles of proposed service area:

1. Duck Creek Water Supply
P. O. Box 115
Lindale, Texas 75771
Phone # (903) 882-8504
2. Crystal Systems Texas Inc.
P. O. Box 1084
Tyler, Texas 75710
Phone # (903) 592-3811
3. Lindale Rural Water Supply Corporation
P. O. Box 756
Lindale, Texas 75771
Phone # (903) 882-3335

Section 7 Item G. ii. pg. 12 – List of any city whose extra-territorial jurisdiction (ETJ) overlaps the proposed service area.

1. City of Tyler
P.O. Box 2039
Tyler, TX 75710-2039
Phone # (903) 531-157

ATTACHMENT "G"

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS

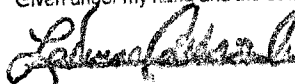
§

COUNTY OF TRAVIS

§

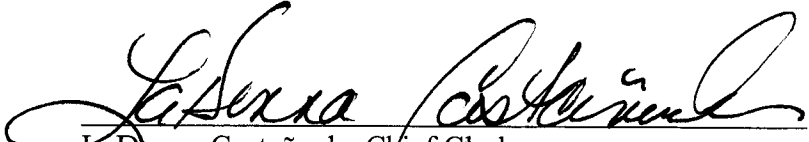
THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

 **MAR 04 2005**
LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

I, LaDonna Castañuela, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for the City of Lindale, SOAH Docket No. 582-05-3744, TCEQ Docket No. 2004-1722-UCR, was mailed on February 28, 2005.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this
the 1 day of March, 2005.


LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

(SEAL)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
CITY OF LINDALE
SOAH Docket No. 582-05-3744
TCEQ Docket No. 2004-1722-UCR**

THE STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on
LaDonna Castañuela **MAR 04 2005**
LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

APPLICATION. The City of Lindale, 201 N. Main, Lindale, Texas 75771-0130, has applied with the Texas Commission on Environmental Quality (TCEQ) to obtain dual certification with a portion of Certificate of Convenience and Necessity (CCN) No. 10772 from the City of Tyler and to amend CCN No. 12795 in Smith County, Texas (Application No. 34160-C).

CONTESTED CASE HEARING. The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing on this application at:

**10:00 a.m. – April 26, 2005
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the hearing and show you would be affected by the petition in a way not common to members of the general public.

INFORMATION. For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087. For additional information, contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: February 28, 2005

A handwritten signature in black ink, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST
CITY OF LINDALE
SOAH Docket No. 582-05-3744
TCEQ Docket No. 2004-1722-UCR

Phillip Huseman
Wisembaker, Fix & Associates
821 ESE Loop 323, Suite 460
Tyler, Texas 75701
Representing: the applicant (City of Lindale)

Sam Beeler
P.O. Box 756
Lindale, Texas 75771
Representing: the Lindale Rural Water Supply Corporation

Gregory M. Morgan, P.E.
Operations Manager
City of Tyler
P.O. Box 2039
Tyler, Texas 75710
Representing: the City of Tyler

Natural Resources Docket Clerk
State Office of Administrative Hearings
P. O. Box 13025
Austin, Texas 78711-3025

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

James Parker, Staff Attorney, Environmental Law Division (MC 173)
David Klein, Staff Attorney, Environmental Law Division (MC 173)
Prabin Basnet, Technical Staff, Water Supply Division, Utilities & Districts Section (MC 153)
Blas Coy, Office of Public Interest Counsel (MC 103)
Andy Saenz, Agency Communications Division, Media Relations (MC 118)
Dell Sites, Support Services Division, Telecommunications Section (MC 217)

43537

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2014 OCT 15 PM 3:34
PUBLIC UTILITY COMMISSION
FILING CLERK

**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**
TRANSMITTAL OF ADMINISTRATIVE RECORD

DATE: March 8, 2005

TO: SOAH Natural Resources Docket Clerk

THRU: ~~DA~~ Deanna Avalos, TCEQ Final Documents Team Leader

FROM: ~~M.M.~~ Melanie Mohair, TCEQ SOAH Docket Coordinator

RE: City of Lindale
SOAH Docket No. 582-05-3744; TCEQ Docket No. 2004-1722-UCR

Pursuant to 30 TAC § 80.6(b)(4) regarding referrals to SOAH, a copy of the Chief Clerk's case file is attached. Please find **certified** copies of the following documents:

- ☒ 1. the application;
- ☒ 2. public hearing notice and Chief Clerk's affidavit

If any of these documents are not included as enclosures with this memo, please notify Melanie Mohair, SOAH Coordinator at (512) 239-2578 or Deanna Avalos, Final Documents Team Leader at (512) 239-3327.

2

The seal of the State of Texas, featuring a five-pointed star in the center, surrounded by a wreath of olive and oak branches. The words "THE STATE OF TEXAS" are inscribed around the perimeter of the seal.

COUNTY OF TRAVIS §

Given under my hand and the seal of the Texas Commission on Environmental Quality, this
the 1 day of March, 2005.

(SEAL)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
CITY OF LINDALE
SOAH Docket No. 582-05-3744
TCEQ Docket No. 2004-1722-UCR**

APPLICATION. The City of Lindale, 201 N. Main, Lindale, Texas 75771-0130, has applied with the Texas Commission on Environmental Quality (TCEQ) to obtain dual certification with a portion of Certificate of Convenience and Necessity (CCN) No. 10772 from the City of Tyler and to amend CCN No. 12795 in Smith County, Texas (Application No. 34160-C).

CONTESTED CASE HEARING. The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing on this application at:

**10:00 a.m. – April 26, 2005
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the hearing and show you would be affected by the petition in a way not common to members of the general public.

INFORMATION. For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087. For additional information, contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: February 28, 2005

A handwritten signature in black ink, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

**MAILING LIST
CITY OF LINDALE
SOAH Docket No. 582-05-3744
TCEQ Docket No. 2004-1722-UCR**

Phillip Huseman
Wisembaker, Fix & Associates
821 ESE Loop 323, Suite 460
Tyler, Texas 75701
Representing: the applicant (City of Lindale)

Sam Beeler
P.O. Box 756
Lindale, Texas 75771
Representing: the Lindale Rural Water Supply Corporation

Gregory M. Morgan, P.E.
Operations Manager
City of Tyler
P.O. Box 2039
Tyler, Texas 75710
Representing: the City of Tyler

Natural Resources Docket Clerk
State Office of Administrative Hearings
P. O. Box 13025
Austin, Texas 78711-3025

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

James Parker, Staff Attorney, Environmental Law Division (MC 173)
David Klein, Staff Attorney, Environmental Law Division (MC 173)
Prabin Basnet, Technical Staff, Water Supply Division, Utilities & Districts Section (MC 153)
Blas Coy, Office of Public Interest Counsel (MC 103)
Andy Saenz, Agency Communications Division, Media Relations (MC 118)
Dell Sites, Support Services Division, Telecommunications Section (MC 217)



Texas Commission on Environmental Quality

APPLICATION NO. 34160-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF Smith

City of Lindale has provided individual notice to the following entities:

City of Tyler
Crystal Systems, Inc.
Duck Creek Water Supply Corporation
Lindale Rural Water Supply Corporation
Southern Utilities Water Company
Texas Water Systems, Inc.

DATE

May 15, 2003

May 15, 2003

May 15, 2003

May 15, 2003

May 15, 2003

May 15, 2003

May 15, 2003

RECEIVED

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

OATH

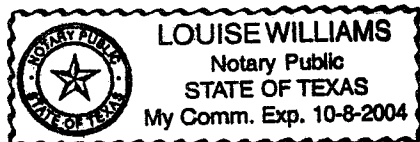
I, Owen Scott, being duly sworn, file this form as City Adm./Sec. (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Owen Scott

Applicant's Authorized Representative

If the applicant 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 this 19 day of May, 2003, to certify which witness my hand and seal of office.



Louise Williams

Notary Public in and for the
State of Texas

Louise Williams

Print or Type Name of Notary Public
Commission Expires 10-8-04



Texas Commission on Environmental Quality

APPLICATION NO. 34160-C

PUBLISHER'S AFFIDAVIT

RECEIVED

MAY 27 2003

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

STATE OF TEXAS

COUNTY OF Smith

Before me, the undersigned authority, on this day personally appeared
Lauren Ballard

who being by me duly sworn, deposes and says that (s)he is the
Classified Ad Manager of the
TITLE

Tyler Morning Telegraph; that said
NAME OF NEWSPAPER

newspaper is regularly published in Smith

County(ies) and generally circulated in Smith

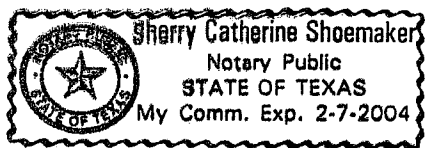
County (Counties), Texas; and that the attached notice was published in said newspaper on the
following date(s), to wit:

May 16 & 23, 2003.

Lauren Ballard

Newspaper Representative's Signature

Subscribed and sworn to before me this 23rd day of May, 2003, to certify which
witness my hand and seal of office.



Sherry Catherine Shoemaker
Notary Public in and for the State of Texas

Sherry Catherine Shoemaker
Print or Type Name of Notary Public

Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER UTILITY SERVICE IN SMITH COUNTY

To: City of Tyler
(Neighboring System or City)
PO Box 2039
(Address)
Tyler TX 75710
(City State Zip)

Date Notice Mailed: May 15, 2003

The City of Lindale has filed an application to amend CCN No. 12795 and to dual certify portions of the City of Tyler with the Texas Commission on Environmental Quality to provide water utility service in Smith County.

The proposed utility service area is located approximately 16 miles northwest of downtown Tyler, Texas and is generally bounded on the north by the Stevenson Branch Creek; on the east by the intersection of CR 461 and CR 431; on the south by a line approximately 3,000 feet south of I-20; and on the west by Hubbard Branch Creek.

The total area being requested includes approximately 7,464 acres and 1822 current customers.

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 your 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.

RECEIVED

Persons who wish to intervene or comment should write the:

MAY 27 2003

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

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

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.