

Control Number: 43572



Item Number: 91

Addendum StartPage: 0

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

43572

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PUBLIC UTILITY COMMISSION  
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SOAH DOCKET NO. 582-06-0837  
TCEQ DOCKET NO. 2005-1880-UCR

APPLICATION FROM SAN ANTONIO §  
WATER SYSTEM, CCN NO. 10640, TO §  
OBTAIN DUAL CERTIFICATION WITH §  
BEXAR METROPOLITAN WATER §  
DISTRICT, TO OBTAIN DUAL §  
CERTIFICATION WITH A PORTION §  
OF CCN NO. 11157 FROM §  
AQUASOURCE UTILITY, INC., AND §  
TO AMEND CCN NO. 10640 IN BEXAR §  
COUNTY §  
BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 582-03-3725  
TCEQ DOCKET NO. 2003-0664-UCR

IN RE: APPLICATION OF §  
BEXAR METROPOLITAN §  
WATER DISTRICT TO AMEND §  
WATER CCN NO 10675 §  
IN BEXAR COUNTY §  
BEFORE THE  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

**SAN ANTONIO WATER SYSTEM'S RESPONSE  
TO BEXAR METROPOLITAN WATER DISTRICT'S  
MOTION TO CONSOLIDATE AND ABATE PROCEEDINGS**

San Antonio Water System ("SAWS") strongly opposes Bexar Metropolitan Water District's (BexarMet's) motion to consolidate and abate BexarMet's CCN application (SOAH Docket No. 582-03-3725) and SAWS' CCN application (SOAH Docket No. 582-06-0837). The sole purpose of this last minute motion, which represents an abrupt change in position by BexarMet, is to gain a tactical advantage that would be prejudicial to SAWS, would further delay resolution of which utility will serve the area, would increase the parties' costs, and would be detrimental to the public interest and welfare. BexarMet's application is sinking rapidly, and this motion is a desperate attempt to lash its application to SAWS' application to both keep its application afloat and to impede the progress of SAWS' application.

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## I. Consolidation is Inappropriate

Consolidation of the two dockets is inappropriate because it will not save time and expense or otherwise benefit the public interest and welfare. The proceeding addressing BexarMet's application is essentially over. Judge Church has denied the application as to a significant amount of the area sought<sup>1</sup>, and as argued by BSR, Bitterblue and SAWS – Judge Church should dismiss the remainder of the application.<sup>2</sup> Even if BexarMet's application proceeds forward, no savings will result from consolidation. BexarMet and BSR have filed testimony. Bitterblue and the ED will file testimony in the next few weeks (if necessary), and discovery appears to be largely complete. The SAWS' docket is likewise nearing completion. SAWS and BexarMet have filed testimony, and the ED will file testimony soon. Discovery, too, will be complete soon. Even consolidation for purposes of the hearing on the merits would not reduce hearing time or effort. The issues to be resolved in these two matters are not substantially similar, the burden of proof is different, and the applications address different geographic areas.<sup>3</sup> No time or expense would be saved by consolidating the dockets now.

Consolidation might have been appropriate a year ago when SAWS moved to have the two applications processed together.<sup>4</sup> Had the applications been consolidated at that time, the parties and the ALJ could have benefited by avoiding duplicative effort. Consolidation, however, did not occur at that time because BexarMet strenuously opposed consolidation and argued that consolidation would result in "redundant expenditures" and would change the standard of proof that BexarMet would have to meet.<sup>5</sup> Judge Church agreed with BexarMet and denied SAWS' motion holding that consolidation would risk repeating some discovery, would unduly prolong the hearing process and "would not result in judicial efficiency."<sup>6</sup> As recently as August 3, 2006, BexarMet continued to protest SAWS' participation in its case and

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<sup>1</sup> Order No. 22, SOAH Docket 522-03-3725 (July 7, 2006).

<sup>2</sup> Three motions are currently pending in SOAH Docket 522-03-3725 (the BexarMet Docket) that, if granted, would fully deny BexarMet's application. *SAWS' Second Motion to Intervene and Adoption of Bitterblue's Motion for Summary Disposition*, Docket 522-03-3725 (July 14, 2006); *Motion to Revise and Clarify Order No. 22 Ruling on Motion for Dismissal by Summary Disposition by Bitterblue, Inc.*, Docket 522-03-3725 (July 14, 2006); *BSR's Motion in Support of Bitterblue's Motion to Revise and Clarify Order No. 22 and for the Dismissal of BexarMet's Application*, Docket 522-03-3725 (July 19, 2006).

<sup>3</sup> BexarMet has substantially amended its application to reduce the area sought to be certificated.

<sup>4</sup> *SAWS' Motion to Intervene and to Remand/Abate*, SOAH Docket 522-03-3725 (Aug. 17, 2005); *SAWS' Reply to BexarMet's Response to SAWS' Motion to Intervene and to Remand/Abate*, SOAH Docket 522-03-3725 (Aug. 30, 2005).

<sup>5</sup> *BexarMet Response in Opposition to SAWS' Motion to Intervene and to Remand/Abate*, SOAH Docket 522-03-3725 (Aug. 25, 2005).

<sup>6</sup> Order No. 15, SOAH Docket 522-03-3725 (Sep. 27, 2005).

complimented Judge Church for her “thoughtful and well-reasoned analysis” in previously denying consolidation.<sup>7</sup> In its response to SAWS’ request to intervene, BexarMet states:

Allowing SAWS to intervene at this late date would cast aside the substantial efforts and expenditures of the existing parties, all of which have labored to meet the deadlines prescribed by the ALJ. BexarMet, in addition to disrupting the work activities of its employee-witnesses, has engaged the services of expert witnesses, court reporters, copy services, and couriers in order to meet the deadlines established by this tribunal. Obviously, there were substantial expenditures associated with this compliance. These costs cannot be recovered through this proceeding, and extension of the duration of this proceeding will certainly result in redundant expenditures and escalation attorneys’ fees and costs. Introducing SAWS as an Intervenor to this case will undoubtedly cause the instant “hearing in progress [to] be unreasonably delayed.” This fact, alone, justifies denial of the Motion to Intervene.<sup>8</sup>

The only change since August 3<sup>rd</sup> sufficient to motivate BexarMet’s change of heart about SAWS’ participation in its case is Judge Jenkins statements from the bench at the hearing on August 8<sup>th</sup> regarding his views on the outcome of SAWS’ lawsuit. BexarMet did not want SAWS in its case so long as BexarMet thought it had any chance of prevailing in its case. Only now that it is clear to BexarMet that its application is doomed is it willing to let SAWS in to pursue a “rope-a-dope” defense by abating SAWS’ application along with its own.

## **II. Abatement is Inappropriate**

Abatement of SAWS’ application<sup>9</sup> is inappropriate because the issues relating to SAWS’ application are not affected by SAWS’ lawsuit and because such abatement will adversely affect the public interest and welfare. BexarMet argues that the outcome of the SAWS lawsuit will have tremendous implications upon both the BexarMet and SAWS applications. SAWS disagrees with this statement. The lawsuit has negligible implications for SAWS application. The primary issue relating to SAWS’ application is SAWS’ ability to satisfy the CCN criteria. SAWS’ legal authority is not an issue in the lawsuit or elsewhere. BexarMet’s legal authority is relevant only to the tangential issue of the effect on granting SAWS’ application on proximate

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<sup>7</sup> *BexarMet’s Response in Opposition to SAWS’ “Second” Motion to Intervene*, Docket 522-03-3725 (Aug. 3, 2006).

<sup>8</sup> *Id.* At 4-5.

<sup>9</sup> Abatement of BexarMet’s application is irrelevant because it should be denied in total in response to Bitterblue’s motion for summary disposition.

utilities. The effect of the uncertainty created by the lawsuit on that issue is not a basis for abating SAWS' application.

Abatement of SAWS' application will adversely affect the public interest and welfare. BexarMet currently lacks the capacity to provide adequate water service to its existing service areas near the contested area, much less the additional capacity needed to provide service to the contested area. A decision is needed in SAWS' application to keep BexarMet from continuing to extend service to new areas during an abatement. Without a clear statement from the Commission, BexarMet will extend service in the contested area without seeking the Commission's prior approval and without regard to the health and safety of its existing customers and financial investments of new customers within the contested area.<sup>10</sup>

The documents provided in Attachment A<sup>11</sup> illustrate the seriousness of BexarMet's existing water supply problems in its adjacent service areas, and in particular in its Timberwood Park system, which according to BexarMet's prefiled testimony in Docket 582-06-0837 would be the source of water relied on for the contested area. BexarMet has issued boil water notices for low or no pressure in Timberwood Park at least once this summer, and on August 17, 2006, BexarMet implemented a complete landscape watering ban for its service areas in the vicinity of the contested area, including Timberwood Park and Stone Oak. As noted in the documents, BexarMet is currently operating at the limits of its production capacity but is unable to meet the demands of its customers. BexarMet's inability to provide water is putting the public at risk of no water, contaminated water and reduced firefighting capabilities. BexarMet's problems would be far worse if SAWS was not providing it with water at the "emergency" interconnect at Panther Creek. BexarMet has been taking water at the interconnect on a continuous basis since the Spring of 2005, and recently increased the amount of water it is taking from SAWS.

Additionally, abatement of SAWS' application will place public and private investment in infrastructure to serve the contested area at risk of being stranded. Significant legal uncertainty exists regarding BexarMet's legal authority to provide service in the contested area (with most of the uncertainty created by BexarMet itself). One district court has determined that

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<sup>10</sup> As set out in BexarMet's prefiled testimony in Docket 582-06-0837, BexarMet has entered into utility service agreements to serve more than 600 EDUs in the contested area.

<sup>11</sup> These documents are not offered as evidence regarding BexarMet's inability to serve the contested area. They are merely offered to illustrate the need to have SAWS' application decided soon. BexarMet's prefiled testimony in both dockets fails to explain how BexarMet will meet its existing demand as well as meet new demand in the contested area. SAWS is in the process of discovering relevant facts from BexarMet.

BexarMet cannot provide service outside of the area delineated by SB 1494, and a second district court is poised to agree. BexarMet's hope for salvation from these rulings is the chance that the Travis County District Court will determine that SB 1494 is unconstitutional and strike down the statute completely. BexarMet argues that if SB 1494 is declared unconstitutional and struck, BexarMet will most likely have its application granted. This argument is absurd and illustrates the desperate nature of BexarMet's tactics. Even if SB 1494 is unconstitutional, BexarMet's authority to provide water service in the contested area will continue to be in question (perhaps even more so).<sup>12</sup> Additionally, as explained previously, serious questions remain regarding BexarMet's physical ability to serve the contested area.

If SAWS' application is abated, BexarMet will continue to extend service in the contested area, despite the questions regarding BexarMet's physical ability and legal authority to provide this service. BexarMet's testimony in these dockets demonstrates that BexarMet continues to extend retail water utility service outside of its district boundaries, even though BexarMet cannot meet its existing service demands and has been put on notice that it may lack the statutory ability to provide service in these areas. Abating SAWS pending application will be an invitation to BexarMet to continue its historic practice of extending beyond its legal authority and, in some cases, its physical abilities.

### **III. Response to Other BexarMet Arguments**

BexarMet argues that abatement of both proceedings is needed because of certain discovery requests made by SAWS and because a decision on either CCN application would be impugned by "potentialities, probabilities and lack of finality." SAWS disputes both of these arguments.

SAWS sees no link between the referenced discovery requests (which seek information needed to determine where BexarMet's district boundaries are located, under a variety of theories proffered by BexarMet in the district court, for purposes of determining whether BexarMet has the authority to serve the contested area) and the need for abatement. BexarMet

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<sup>12</sup> For example, BexarMet and its Intervenor/Customers have argued to the Travis County District Court that SB 1494 was needed to conform Texas law to the Rios decision, and that without SB 1494, BexarMet's district boundaries are its original 1945 boundaries (mostly inside Loop 410). Under BexarMet's argument, therefore, if SB 1494 is unconstitutional, BexarMet will lack the legal authority to serve the contested area because the area is not inside BexarMet's district boundaries and is not within any other statutory provision authorizing BexarMet to provide extraterritorial service. (It bears repeating that these are BexarMet's own arguments, not SAWS'.)

may formally object to these requests if BexarMet believes them to be irrelevant, but they are not a basis to abate SAWS' application.

SAWS also does not understand how the issuance of a PFD in SAWS' docket and the issuance of a CCN to SAWS for the contested area will be impugned by the Travis County litigation. The lawsuit raises no issue or concern about SAWS' legal authority to provide service in the contested area or TCEQ's authority to issue a CCN to SAWS. These concerns, however, are present regarding BexarMet's application. Any PFD or grant of a CCN to BexarMet for the contested area will be fraught with uncertainty until the lawsuit is resolved. That uncertainty suggests that only BexarMet's application be denied, not SAWS' application should be abated.


#### **IV. Conclusion**

SAWS respectfully requests that BexarMet's motion to consolidate and abate be denied. Consolidation of the two proceedings will serve no useful purpose at this late date because most testimony has been filed, most discovery is complete and none of the issues are substantially similar. Abatement of both cases is inappropriate because abatement of SAWS' application would prejudice SAWS interest in obtaining a CCN in a timely manner and will be detrimental to the public interest and welfare by allowing BexarMet to continue to extend service beyond its boundaries when BexarMet cannot meet the demands of its existing service areas and by placing public and private investment in infrastructure in contested area at risk.

Respectfully submitted,

SAN ANTONIO WATER SYSTEM  
2800 U.S. Highway 281 North  
San Antonio, Texas 78212  
(210) 233-3872  
(210) 233-4292 (facsimile)  
Phil Steven Kosub  
State Bar No. 11692500

MATHEWS & FREELAND, L.L.P.  
P.O. Box 1568  
Austin, Texas 78768-1568  
(512) 404-7800  
Fax: (512) 703-2785

By:   
Jim Mathews  
State Bar Number 13188700

ATTORNEYS FOR SAN ANTONIO  
WATER SYSTEM



## CERTIFICATE OF SERVICE

I hereby certify that on this the 24<sup>th</sup> day of August 2006, a true and correct copy of the foregoing document was served on the following by fax or mail:

Robert L. Wilson, III  
RL Wilson, P.C.  
P.O. Box 831583  
San Antonio, Texas 78283  
Fax: (210) 223-4200  
**Via Fax and Mail**

Todd Galiga  
Staff Attorney  
Environmental Law Division  
Texas Commission on Environmental Quality  
P.O. Box 13087 MC-173  
Austin, Texas 78711-3087  
Fax: (512) 239-0606  
**Via Fax and Mail**

Ronald J. Freeman  
Freeman & Corbett, LLP  
8500 Bluffstone Cove, Suite B-104  
Austin, Texas 78759  
Fax: (512) 453-0865  
**Via Fax and Mail**

Bruce Wasinger  
Bickerstaff, Heath, Pollan & Caroom L.L.P  
816 Congress Avenue, Suite 1700  
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**Via Fax and Mail**

Janessa Glenn  
Jenkins & Gilchrist  
401 Congress Avenue, Suite 2500  
Austin, Texas 78701  
Fax: (512) 499-3810  
**Via Fax and Mail**

Ms. LaDonna Castañuela  
Texas Commission on Environmental Quality  
Office of the Chief Clerk  
P.O. Box 13087  
Austin, TX 78711-3087  
**Via Fax and Mail**

Blas Coy  
Office of the Public Interest Counsel  
Texas Commission on Environmental Quality  
MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: (512) 239-6363  
**Via Fax and Mail**

  
Jim Mathews

# **ATTACHMENT A**



## MEMORANDUM

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**To:** Phil Cook, Vice President – SAWS Production Department

**From:** Larry Bittle, Assistant Director – BexarMet Production Department

**CC:** Gil Olivares, BexarMet General Manager  
Michael Albach, Director – BexarMet Water Resources and Strategic Planning  
Jeff Haby, P.E. – SAWS Production Department

**Date:** August 17, 2006

**Subject:** Request for Additional Water to BexarMet's Hill Country Water System

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Bexar Metropolitan Water District is requesting an additional 1,000 gallons of water per minute to augment the present delivery of water that it is receiving from SAWS through the Panther Creek interconnect. BexarMet requests that this additional water be delivered beginning August 17, 2006 through August 25, 2006.

BexarMet is willing to discuss Edwards Aquifer permit issues related to this situation once it has passed.

This request is the result of declining water levels and tremendous demand in BexarMet's Hill Country System that has caused storage tanks to reach critical levels.

BexarMet has issued a press release (see attached) requiring all landscape irrigation to cease immediately until August 23, 2006. We hope that this release and the resulting media coverage will reduce the demand and provide an opportunity for storage in the system to adequately recover.

A handwritten signature in black ink, appearing to be "L B", with a long horizontal line extending to the right.

**Email from Larry Bittle, Jr. (BMWD)**

From: Becky Gonzalez  
Sent: Thursday, August 17, 2006 3:52 PM  
To: Lyn Pitman; Kelley Neumann; Phillip Cook; Steve Kosub; Calvin Finch;  
Charles Ahrens E; Karen Guz; Greg Flores III; Anne Hayden; Jeff Haby; Robert  
Bilderback  
Subject: Memo requesting Water

Steve asked that I forward you this email response from Larry Bittle:

Steve,

Let me start by saying thanks for considering our request and for the efforts of your staff in working with us through this critical period.

All of our production facilities are on line in the Hill Country system. This includes the three wells at Bitters Rd. which provide water to Stone Oak, the three wells in Hill Country Village that provide water to Hill Country Village and Hollywood Park.

The end date is based on our belief that customers in the area are going to comply with our notice prohibiting landscape irrigation. We have notified the media and have scheduled a press conference for today however, the official mail out of the notification may not be received until Tuesday. We believe by then irrigation will have been cut back enough for us to adequately recovered storage and be able to meet demand.

Larry Bittle Jr.

## Drought forcing utility to pay

Jerry Needham EXPRESS-NEWS STAFF WRITER

Publication Date : July 25, 2006

Directors of the Bexar Metropolitan Water District late Monday authorized spending more than \$500,000 to remedy problems caused by drought and heavy demand in two of its service areas. The board ratified an emergency purchase of \$264,000 for filter housings and enough filter cartridges to last through the year at five Trinity Aquifer wells that provide water to the Timberwood Park area in North Bexar County.

Before installation of the filters July 1, the wells had been providing cloudy water that resulted from drawing up limestone sediments stirred up by low well levels and heavy pumping, said Larry Bittle, BexarMet operations director.

"We're having to change those filters out every 12 to 24 hours," Bittle told the BexarMet board.

"The aquifer's never been this low, and the quality of water's never been this bad," General Manager Gil Olivares told the board in justifying the expense. "BexarMet did respond to the situation in a very prompt manner."

He said the minerals were not unhealthy but were unsightly and extremely bothersome to customers.

Another BexarMet area, south of Loop 1604 in South Bexar County, is experiencing low pressure and low tank levels due to high demand, Bittle said.

The utility's Medina River treatment plant provides water to that area east of U.S. 281 in a long pipeline from Somerset.

The board authorized spending \$120,000 to repair and upgrade two unused water treatment facilities in the Waterwood area and put them back into service.

Raw water will be fed to the treatment plants from a new 3,000-foot, 6-inch main from a Carrizo Aquifer well at another unused facility. The main will cost \$120,000 to build.

In other action, the board hired Alfaro Consulting Co. to manage construction of the proposed new South Side pay station.

The latest projections call for construction to start by November, with occupancy by June. Plans are for the current station at Southcross and Crittendon avenues to remain open while the new facility is built on the site.

jneedham@express-news.net

## BexarMet bans landscape sprinkling

Web Posted: 08/18/2006 01:39 AM CDT

**Jerry Needham**  
**Express-News Staff Writer**

The Bexar Metropolitan Water District on Thursday issued a weeklong ban on landscape watering of any kind for its roughly 15,000 customers in northern Bexar County after lawn sprinklers almost sucked its tanks dry.

"This prohibition is issued to protect health and human safety and to assure the availability of water for fire protection," said BexarMet spokesman Nathan Riggs. "The biggest priority for this water right now is domestic use, fire protection, hospitals, schools and businesses, and not for landscapes. Landscapes are a lower priority."

The ban affects all its customers, including homes, businesses, homeowners' associations and builders, in the Stone Oak neighborhoods, The Vineyards, Greystone, Hill Country Village, Hollywood Park, Timberwood Park and Lookout Canyon.

### More information

- BexarMet
- National Weather Service
- SAWS
- Texas lawn watering guide

Despite pulling all it could from its own wells and buying another 2.3 million gallons a day from the San Antonio Water System, irrigation demands early Thursday dropped levels so low in two tanks serving the Stone Oak area that automatic low-level sensors shut off distribution pumps to keep them from sucking air and burning up, he said.

The ban, effective immediately, includes watering with automatic or hose-end sprinklers, drip irrigation systems, hand-held hoses, soaker hoses and buckets, he said.

Beginning Aug. 24, watering with soaker hoses, hose-end sprinklers or automatic sprinklers will be permitted from 10 p.m. to 11:59 p.m. on one designated day each week, Riggs said.

For street addresses ending in a 0 or 1, the permitted day would be Monday; for 2 or 3, Tuesday; for 4 or 5, Wednesday; for 6 or 7, Thursday; and for 8 or 9, Friday.

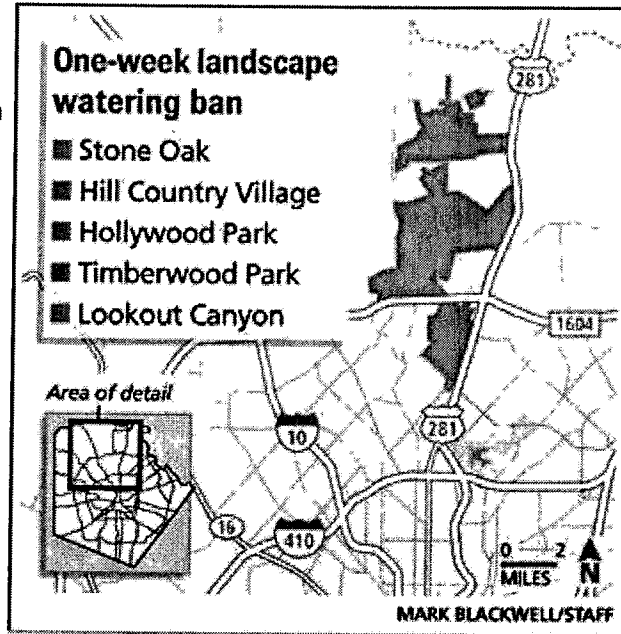
Beginning Aug. 24, Riggs said, watering with a hand-held hose, drip irrigation system or bucket will be allowed at any hour, but only on the address' designated watering day.

He said that the utility's water enforcement officers would be patrolling these areas and issuing citations to violators.

After an initial warning, violations can be punished by fines ranging from \$100 to \$1,000, he said.

"Until next Wednesday, we're going to have four SAPD officers and four sheriff's deputies going each night where before it was one," he said.

In the Timberwood Park area, the water source is the overdrawn Trinity Aquifer, where wells are slower to pull in water from the surrounding rock in times of drought. Heavy irrigation demand earlier this summer drained the storage tanks, prompting a state-mandated boil-water order that lasted for two weeks.



Cloudy water still comes from taps in Timberwood Park despite the utility spending \$250,000 to install a filtration system.

Demand is so heavy at times workers can't change out filters fast enough, Riggs said.

BexarMet also asked SAWS on Thursday to further open up its emergency connection supplying water to BexarMet's Stone Oak area, raising the potential daily take to 3.7 million gallons.

SAWS spokeswoman Anne Hayden said the connection was fully opened and contingencies were put in place to ensure that SAWS customers in that area are not affected by shortages or low pressure.

SAWS also is seeing its highest pumping figures since Stage I restrictions went into effect on July 20, said Karen Guz, SAWS conservation director. The utility's customers used 262.5 million gallons on Wednesday, the most since 268.8 million gallons on July 18.

Since Stage I restrictions were declared, San Antonio has had 14 days of 100 degrees or more plus another nine days with 98 degrees or more. Rainfall at San Antonio International Airport during that time has been 0.09 inches with almost all of that coming on the day that restrictions started.

The National Weather Service forecast office in New Braunfels issued a report stating that the San Antonio average temperature of 85.8 degrees this summer (June through August) is shaping up to be the fourth warmest since record keeping began in 1885. Only summers in 1980, 1994 and 1998 were hotter — so far.

For Immediate Release – August 17, 2006



**Contact: Nathan Riggs,**  
**Manager Water Efficiency & Community Relations**  
Direct: (210) 357-5705  
Mobile: (210) 279-9704  
Email: [nriggs@bexarmet.org](mailto:nriggs@bexarmet.org)

2047 W. Malone Ave.  
San Antonio, TX 78225  
Office (210) 357-5705  
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## **EFFECTIVE IMMEDIATELY** **BexarMet Issues Landscape Irrigation Prohibition**

BexarMet Customers in Stone Oak (includes Vineyards & Greystone), Hill Country Village, Hollywood Park, Timberwood Park and Lookout Canyon areas must cease all landscape watering.

**PRESS CONFERENCE ON THIS RELEASE SCHEDULED FOR 3:00PM  
AUGUST 17, 2006 AT 2047 W. MALONE AVE.**

(SAN ANTONIO, TX) Unprecedented drought conditions, decreasing water levels and lower well production combined with tremendous demand and critically low storage has forced BexarMet to issue a landscape watering prohibition effective immediately for all BexarMet customers (homes, businesses, HOAs & POAs and builders) in the areas identified above through Wednesday, August 23, 2006. This includes watering with automatic or hose-end sprinklers, drip irrigation systems, hand-held hoses, soaker hoses and buckets. This prohibition is issued to protect health and human safety and to assure the availability of water for fire protection.

Effective Thursday, August 24, 2006, watering with soaker hoses, hose-end sprinklers or automatic sprinklers will be permitted from 10:00 PM to 11:59 PM on the designated watering day shown below:

- Monday – addresses ending in 0 or 1
- Tuesday – addresses ending in 2 or 3
- Wednesday – addresses ending in 4 or 5
- Thursday – addresses ending in 6 or 7
  - Includes locations without addresses (medians, common areas, etc.)
- Friday – addresses ending in 8 or 9

After Wednesday, August 23, 2006, landscape watering with automatic or hose-end sprinklers is prohibited from midnight to 10:00 PM under the schedule for these areas. Watering with a hand-held hose, drip irrigation system or bucket will be allowed at any hour, **but only** on the designated watering day. Washing impervious cover such as sidewalks and driveways is prohibited. BexarMet Water Enforcement Officers will be patrolling these areas and issuing citations to violators. After an initial warning, first time violations will be assessed a \$100 fine, second time violations a \$250 fine with third and subsequent violations increasing to a \$1000 fine.

A flyer is being mailed to BexarMet customers in these areas regarding the prohibition and the new watering schedule and will be posted on the BexarMet website at [www.bexarmet.org](http://www.bexarmet.org).





# Landscape Watering Restrictions for

Stone Oak (includes Greystone and the Vineyards areas),  
Hollywood Park, Hill Country Village and Embassy Oaks,  
Timberwood Park and Lookout Canyon  
(August 24, 2006)

A total prohibition on landscape watering in the above areas, announced by the media, has been in effect from 8-17-2006 to 8-23-2006.

Effective Thursday August 24, 2006, irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed from 8:00pm to midnight on the assigned day ONLY. These restrictions are in effect until further notice. Modify your irrigation schedule for lawns, groundcover and plants accordingly.

All watering is prohibited on weekends.

As of August 24, 2006 and until further notice, all BexarMet customers (including homeowners, POAs, HOAs, builders and businesses) in the areas listed above must follow this watering schedule.

## Watering Schedule

Address Ends In:	Watering Day
0 or 1	Monday
2 or 3	Tuesday
4 or 5	Wednesday
6 or 7	Thursday
8 or 9	Friday
Medians/Common Areas/Entrances	THURSDAYS ONLY

- Automatic or hose-end sprinkler watering of any kind is permitted from 8:00pm to midnight under the new schedule.
- Watering with a hand-held hose or drip irrigation system is permitted at any time, **but only** on the scheduled watering day.
- Washing your car at home is limited to your assigned watering day.
- Washing impervious cover (concrete or asphalt) is always prohibited.
- Filling new swimming pools is prohibited unless the water comes from a source other than a BexarMet system and all pools must be covered at least 25% while not in use to reduce evaporation.
- All decorative fountains must be turned off.

**VARIANCES:** Until further notice, no variances for new landscapes will be issued. BexarMet strongly discourages the installation of new landscapes (especially turfgrasses) under this new schedule.

For more information on water restrictions for your area, call BexarMet Water Efficiency at (210) 357-5705 or go to [www.bexarmet.org](http://www.bexarmet.org). Report water waste to [waterwasters@bexarmet.org](mailto:waterwasters@bexarmet.org). **BexarMet enforcement officers are patrolling these areas and will write citations for violations.** After an initial warning, first time violators receive a \$100 fine, second violations receive a \$250 fine and third and subsequent violations carry a \$1,000 fine.

## Bexar Met in Hot Water Over Water Restrictions

LAST UPDATE: 8/24/2006 5:42:22 AM

Posted By: Lauren Jenkins

This story is available on your cell phone at [mobile.woai.com](http://mobile.woai.com).

An unprecedented week-long ban on watering ends tonight, and as some neighborhoods pick up their hoses, others are also calling for the end of the Bexar Met water district.

The ban affected several North side neighborhoods; Stone Oak, The Vineyard, Greystone, Canyon Springs, Hill Country Village, Timberwood Park, Lookout Canyon and Hollywood Park. In Hollywood Park, half the homes are Bexar Met customers, and the other half are SAWS customers.

Looking around, it's not hard to tell which house gets their water from which water provider; many SAWS customers still have green lawns, while most Bexar Met properties are bone-dry. San Antonio city council members say the water utility isn't taking care of their responsibilities.

"Their job is to provide water," says Councilman Kevin Wolff. "You know what? They're not doing it."

Wolff is one of several city leaders who say Bexar Met simply can't handle its North side customers. SAWS is already giving millions of gallons to Bexar Met through an emergency connection off of Loop 1604. Wolff says that is still not helping the problem.

"They do not have the infrastructure in place to supply their customers," he tells News 4 WOAI.

Bexar Met board member Lesley Wenger doesn't argue that point, but says they are working on the problem that was left to the current board by the former Bexar Met board and general manager.

"We are very well aware of the fact that's our only responsibility," says Wenger. "We were left with a really messed up situation."

Wenger says the former board members failed to build enough storage tanks in the Stone Oak area, and the record drought is making the problem worse. She says they're working on a solution, but because it's an infrastructure problem, that fix won't happen quickly.

Bexar Met is a state-created entity so unlike SAWS, local elected officials have little say over its operations. Councilman Wolff plans to ask the state for an audit of Bexar Met's finances, to prevent it from expanding any further.