

The applicant shall publish the notice in a newspaper having general circulation in the county or counties where a certificate of convenience and necessity is being requested, once each week for two consecutive weeks beginning with the week after the notice is received from the Commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the Commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.

G. Notice To Neighboring Utilities:

- i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area.
- ii. For applications for the issuance of a **NEW** certificate of public convenience and necessity, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within **five (5) miles** of the requested service area **EXHIBIT F**
- iii. For applications for the **AMENDMENT** of certificate of public convenience and necessity, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within **two (2) miles** of the requested service area

H. Notice to Customers

Investor Owned Utilities (IOUs) that are currently providing service without a certificate must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted and any other information required in the application.

I. The Commission may require the applicant to deliver notice to other affected persons or agencies.

**Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the Commission. Wait until you receive written authorization to do so. This will occur after the Commission has reviewed the notices for completeness, and your application has been accepted for filing.**

OATH

State of TEXAS

I, Gene R. Foerster, being duly sworn, file this application City Administrator of the City of Bandera; that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Texas Commission on Environmental Quality.

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

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

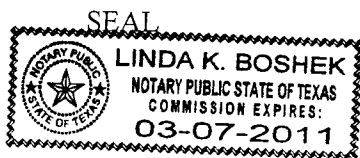
Gene R. Foerster

AFFIANT

(Applicant's Authorized Representative)

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

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this 19<sup>th</sup> day of February, 2009.



Linda K. Boshek

NOTARY PUBLIC

*Notice for Publication*

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

The City of Bandera has filed an application for a CCN with the Texas Commission on Environmental Quality to provide water & sewer utility service in Bandera County.

The proposed utility service area is the incorporated City Limits of the City of Bandera and areas currently being served by the City. The total area being requested includes approximately 1229 acres and 800 current customers.

A copy of the proposed service area map is available at Bandera City Hall, 511 Main Street, Bandera Texas 78003. Phone number (930) 796-4247.

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

Persons who wish to intervene or comment should write the:

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

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

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

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

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

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

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

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

*Notice to Neighboring Systems, Landowners and Cities*

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

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_  
(Neighboring System, Landowner or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

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*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 BANDERA COUNTY

Not Applicable to City of Bandera

# HISTORICAL BALANCE SHEETS

	CURRENT YEAR (A)	A-1 YEAR	A-2 YEAR	A-3 YEAR	A-4 YEAR	A-5 YEAR
<b>CURRENT ASSETS</b>						
Cash	17475	71786	80484	82196	235762	82052
Accounts Receivable	79983	89050	86056	83428	72638	77984
Inventories	3000	6500	11852	19752	19752	19752
Income Tax Receivable	0	0	0	0	0	0
Other	3436	3436	27578	32779	48916	125809
<b>Total</b>	<b>103894</b>	<b>170772</b>	<b>205970</b>	<b>218155</b>	<b>328152</b>	<b>305597</b>
<b>FIXED ASSETS</b>						
Land	0	10934	10934	10934	0	161930
Collection/Distribution System	3490063	4562570	4536570	4489047	0	3881732
Buildings	0	36012	36012	36012	0	0
Equipment	0	171309	171309	171309	0	0
Other	36263	4780825	4754825	4707302	49693	0
Less: Accum. Depreciation or Reserves	0	1513782	1422415	1331807	0	1167315
<b>Total</b>	<b>3526325</b>	<b>3267043</b>	<b>3332410</b>	<b>3375495</b>	<b>3150682</b>	<b>2876347</b>
<b>TOTAL ASSETS</b>	<b>3696956</b>	<b>3437815</b>	<b>3538380</b>	<b>3593650</b>	<b>3528527</b>	<b>3181944</b>
<b>CURRENT LIABILITIES</b>						
Accounts Payable	52073	22068	32759	23014	28055	31326
Notes Payable, Current	0	0	0	0	0	0
Accrued Expenses	24375	26150	30878	36109	54783	48476
Other	37779	0	0	0	0	0
<b>Total</b>	<b>114227</b>	<b>48218</b>	<b>63637</b>	<b>54123</b>	<b>82838</b>	<b>79802</b>
<b>LONGTERM LIABILITIES</b>						
Notes Payable, Long-term	133323	129573	110000	102000	0	5512
Other	2107806	2241129	2125000	2235000	2356105	2356105
<b>TOTAL LIABILITIES</b>	<b>2241129</b>	<b>2370702</b>	<b>2235000</b>	<b>2337000</b>	<b>2356105</b>	<b>2361617</b>
<b>OWNER'S EQUITY</b>						
Paid in Capital	0	0	0	0	0	0
Retained Equity	1062606	1067113	1097410	1038495	1089584	740525
Other	0	0	0	0	0	0
Current Period Profit or Loss	218516	239792	243986	246998	349059	51730
<b>TOTAL OWNER'S EQUITY</b>	<b>1281122</b>	<b>1306905</b>	<b>1341396</b>	<b>1285493</b>	<b>1521481</b>	<b>792255</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>3522251</b>	<b>3677607</b>	<b>3576396</b>	<b>3622493</b>	<b>3877586</b>	<b>3153872</b>
<b>WORKING CAPITAL</b>	<b>1096000</b>	<b>1050000</b>	<b>100000</b>	<b>100000</b>	<b>900000</b>	<b>800000</b>
<b>CURRENT RATIO</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DEBT TO EQUITY RATIO</b>	<b>1.74</b>	<b>1.81</b>	<b>1.66</b>	<b>1.81</b>	<b>1.54</b>	<b>1.33</b>
<b>EQUITY TO TOTAL ASSETS</b>	<b>288</b>	<b>263</b>	<b>263</b>	<b>279</b>	<b>232</b>	<b>401</b>



# HISTORICAL INCOME STATEMENT

	CURRENT YEAR (A)	A-1 YEAR	A-2 YEAR	A-3 YEAR	A-4 YEAR	A-5 YEAR
<b>METER NUMBER</b>						
Existing Number of Taps	912	874	809	800	784	781
New Taps per Year	10	38	65	9	16	3
<b>Total Meters at Year End</b>	922	912	874	809	800	784
<b>METER REVENUE</b>						
Fees Per Meter	447	471	459	473	471	363
Cost Per Meter	317	306	273	291	296	286
<b>Operating Revenue Per Meter</b>	130	165	166	182	175	77
<b>GROSS WATER REVENUE</b>						
Fees	165960	164160	125856	116496	96000	70560
Other	246040	264980	275055	265793	280942	213768
<b>Gross Income</b>	412000	429140	400911	382289	376942	284328
<b>OPERATING EXPENSES</b>						
General & Administrative	212000	198756	156759	153661	153098	140000
Interest	80000	80000	82000	82000	84000	84000
Other	0	0	0	0	0	0
<b>NET INCOME</b>	120000	150384	162152	146628	139844	60328

### HISTORICAL EXPENSES STATEMENT

	CURRENT YEAR (A)	A-1 YEAR	A-2 YEAR	A-3 YEAR	A-4 YEAR	A-5 YEAR
<b>GENERAL/ADMINISTRATIVE EXPENSES</b>						
Salaries	74754	67043	68653	60296	54026	66972
Office Expense	0	0	0	0	0	0
Computer Expense	0	0	0	0	0	0
Auto Expense	0	0	0	0	0	0
Insurance Expense	0	0	0	0	0	0
Telephone Expense	0	0	0	0	0	0
Utilities Expense	0	0	0	0	0	0
Depreciation Expense	0	0	0	0	0	0
Property Taxes	0	0	0	0	0	0
Professional Fees	0	0	0	0	0	0
Other	9412	5983	8323	7494	10099	9286
<b>Total</b>	<b>84166</b>	<b>73026</b>	<b>76973</b>	<b>67790</b>	<b>64125</b>	<b>76258</b>
<b>% Increase Per Year</b>	<b>15.3</b>	<b>-5.2</b>	<b>13.6</b>	<b>5.7</b>	<b>-15.9</b>	
<b>OPERATIONAL EXPENSES</b>						
Salaries	109411	111213	87439	92455	95931	99510
Auto Expense	0	0	0	0	0	0
Utilities Expense	0	0	0	0	0	0
Depreciation Expense	0	0	0	0	0	0
Repair & Maintenance	0	0	0	0	0	0
Supplies	25295	16423	20572	6991	14894	17690
Other	83984	71120	48748	54215	42273	63767
<b>Total</b>	<b>218690</b>	<b>198756</b>	<b>156759</b>	<b>153661</b>	<b>153098</b>	<b>180967</b>
<b>% Increase Per Year</b>	<b>10.0</b>	<b>26.8</b>	<b>2.0</b>	<b>.4</b>	<b>-15.4</b>	
<b>ASSUMPTIONS</b>						
Interest Rate/Terms	See	Attached	Debt	Schedule		
Utility Cost/gal.	See	Attached	Debt	Schedule		
Depreciation Schedule	See	Attached	Debt	Schedule		
Other	See	Attached	Debt	Schedule		

**PROJECTED BALANCE SHEETS**

	START UP	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR
<b>CURRENT ASSETS</b>						
Cash	20,000	30,000	43,000	50,000	60,000	70,000
Accounts Receivable	60,000	60,000	60,000	60,000	60,000	60,000
Inventories	6,000	6,000	6,000	6,000	6,000	6,000
Income Tax Receivable	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Total</b>	<b>86,000</b>	<b>96,000</b>	<b>106,000</b>	<b>116,000</b>	<b>126,000</b>	<b>136,000</b>
<b>FIXED ASSETS</b>						
Land	10,000	10,000	10,000	10,000	10,000	10,000
Collection/Distribution System	4,000,000	4,100,000	4,200,000	4,300,000	4,400,000	4,500,000
Buildings	36,000	36,000	36,000	36,000	36,000	36,000
Equipment	500,000	500,000	500,000	500,000	500,000	500,000
Other	0	0	0	0	0	0
Less: Accum. Depreciation or Reserves	1,500,000	1,700,000	1,900,000	2,100,000	2,300,000	2,500,000
<b>Total</b>	<b>3,046,000</b>	<b>2,946,000</b>	<b>2,946,000</b>	<b>2,746,000</b>	<b>2,646,000</b>	<b>2,546,000</b>
<b>TOTAL ASSETS</b>	<b>3,132,000</b>	<b>3,042,000</b>	<b>3,052,000</b>	<b>2,862,000</b>	<b>2,772,000</b>	<b>2,682,000</b>
<b>CURRENT LIABILITIES</b>						
Accounts Payable	20,000	20,000	20,000	20,000	20,000	20,000
Notes Payable, Current	0	0	0	0	0	0
Accrued Expenses	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Total</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>
<b>LONGTERM LIABILITIES</b>						
Notes Payable, Long-term	2,200,000	2,075,000	1,950,000	1,825,000	1,700,000	1,575,000
Other	0	0	0	0	0	0
<b>TOTAL LIABILITIES</b>	<b>2,200,000</b>	<b>2,075,000</b>	<b>1,950,000</b>	<b>1,825,000</b>	<b>1,700,000</b>	<b>1,575,000</b>
<b>OWNER'S EQUITY</b>						
Paid in Capital	0	0	0	0	0	0
Retained Equity	912,000	871,000	996,000	1,121,000	1,246,000	1,371,000
Other	0	0	0	0	0	0
Current Period Profit or Loss	200,000	200,000	200,000	200,000	200,000	200,000
<b>TOTAL OWNER'S EQUITY</b>	<b>1,112,000</b>	<b>1,071,000</b>	<b>1,196,000</b>	<b>1,321,000</b>	<b>1,446,000</b>	<b>1,571,000</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>3,332,000</b>	<b>3,146,000</b>	<b>3,146,000</b>	<b>3,146,000</b>	<b>3,146,000</b>	<b>3,146,000</b>
<b>WORKING CAPITAL</b>	<b>1100000</b>	<b>1200000</b>	<b>1300000</b>	<b>1400000</b>	<b>1500000</b>	<b>1600000</b>
<b>CURRENT RATIO</b>						
<b>DEBT TO EQUITY RATIO</b>	<b>1.98</b>	<b>1.94</b>	<b>1.63</b>	<b>1.38</b>	<b>1.18</b>	<b>1.00</b>
<b>EQUITY TO TOTAL ASSETS</b>	<b>2.82</b>	<b>2.75</b>	<b>2.46</b>	<b>2.23</b>	<b>2.04</b>	<b>1.88</b>

**PROJECTED INCOME STATEMENT**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTALS
<b>METER NUMBER</b>						
Existing Number of Taps	922	922	927	942	970	4683
New Taps per Year	0	5	15	28	30	78
<b>Total Meters at Year End</b>	922	927	942	970	1000	4761
<b>METER REVENUE</b>						
Fees Per Meter	469	485	494	495	500	2443
Cost Per Meter	284	290	295	295	294	1458
<b>Operating Revenue Per Meter</b>	185	195	199	200	206	985
<b>GROSS WATER REVENUE</b>						
Fees	165960	166860	169560	174600	180000	856980
Other	266040	283140	295440	305400	320000	1470020
<b>Gross Income</b>	432000	450000	465000	480000	500000	2327000
<b>OPERATING EXPENSES</b>						
General & Administrative	183600	192400	203900	213700	223600	1017200
Interest	78000	76000	74000	72000	70000	370000
Other	0	0	0	0	0	0
<b>NET INCOME</b>	170400	181600	187100	194300	206400	939800

**PROJECTED EXPENSES STATEMENT**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTALS
<b>GENERAL/ADMINISTRATIVE EXPENSES</b>						
Salaries	40000	41000	42000	43000	44000	210000
Office Expense	5000	5000	5000	5000	5000	25000
Computer Expense	1000	1000	1000	1000	1000	5000
Auto Expense	2400	2500	2600	2700	2800	13000
Insurance Expense	1200	1300	1400	1500	1600	7000
Telephone Expense	2400	2500	2600	2700	2800	13000
Utilities Expense	3600	3700	3800	3900	4000	19000
Depreciation Expense	0	0	0	0	0	0
Property Taxes	0	0	0	0	0	0
Professional Fees	1200	1200	1500	1500	1800	7200
Other	2000	2100	2400	2500	3000	12000
<b>Total</b>	<b>58800</b>	<b>60300</b>	<b>62300</b>	<b>63800</b>	<b>65000</b>	<b>310200</b>
<b>% Increase Per Year</b>						
		2.55	3.3	2.4	1.88	
<b>OPERATIONAL EXPENSES</b>						
Salaries	70000	72000	75000	78000	80000	375000
Auto Expense	4800	5000	5200	5400	5600	26000
Utilities Expense	30000	32000	35000	37000	40000	174000
Depreciation Expense	0	0	0	0	0	0
Repair & Maintenance	12000	14000	16000	18000	20000	80000
Supplies	6000	7000	8000	9000	10000	40000
Other	2000	2100	2400	2500	3000	12000
<b>Total</b>	<b>124800</b>	<b>132100</b>	<b>141600</b>	<b>149900</b>	<b>158600</b>	<b>707000</b>
<b>% Increase Per Year</b>						
		5.8	7.2	5.9	5.8	
<b>ASSUMPTIONS</b>						
Interest Rate/Terms	2.5	3	3	3.5	4	
Utility Cost/gal.	4.00	4.15	4.50	4.75	5.00	
Depreciation Schedule	0	0	0	0	0	0
Other	0	0	0	0	0	0

**PROJECTED SOURCES AND USES OF CASH STATEMENTS**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTALS
<b>SOURCES OF CASH</b>						
Net Income	170400	181600	187100	194300	206400	939800
Depreciation (If Funded)	0	0	0	0	0	0
Loan Proceeds	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Total Sources</b>	<b>170400</b>	<b>181600</b>	<b>187100</b>	<b>194300</b>	<b>206400</b>	<b>939800</b>
<b>USES OF CASH</b>						
Net Loss	0	0	0	0	0	0
Principle Portion of Pmts.	141250	157500	166250	171250	180000	816250
Fixed Asset Purchase	0	0	0	0	0	0
Reserve	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Total Uses</b>	<b>141250</b>	<b>157500</b>	<b>166250</b>	<b>171250</b>	<b>180000</b>	<b>816250</b>
<b>NET CASH FLOW</b>	<b>29150</b>	<b>24100</b>	<b>20850</b>	<b>23050</b>	<b>26400</b>	<b>123550</b>
<b>DEBT SERVICE COVERAGE</b>						
Cash Available for Debt	248400	257600	26100	266300	276400	1309800
<b>Service (CADS)</b>						
Net Income (Loss)	170400	181600	187100	194300	200400	939800
Depreciation, or Reserve Interest	0	0	0	0	0	0
<b>Total</b>	<b>170400</b>	<b>181600</b>	<b>187100</b>	<b>194300</b>	<b>206400</b>	<b>939800</b>
<b>REQUIRED DEBT SERVICE (RDS)</b>						
Principle Plus Interest	245312	249015	248774	249147	250189	1242437
<b>DEBT SERVICE COVERAGE RATIO</b>						
CADS Divided by RDS	1.01	1.03	1.05	1.07	1.10	1.05

# EXHIBIT A

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
Martin A. Hubert, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 17, 2006

**CERTIFIED MAIL Nº 91 7108 2133 3932 5562 9571**  
**RETURN RECEIPT REQUESTED**

**RECEIVED**  
**NOV 21 2006**

The Honorable Denise Griffin  
City of Bandera  
P.O. Box 896  
Bandera, Texas 78003

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
City of Bandera, Bandera County, Texas  
TCEQ ID No.: 0100012

Dear Mayor Griffin:

On October 24, 2006, Mr. Don White of the Texas Commission On Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced operation to evaluate compliance with applicable requirements for public water supply systems. Enclosed is a summary which lists the investigation findings. During the investigation three outstanding alleged violations and one "Additional Issue" were identified for which compliance documentation is required. Please submit to this office by March 24, 2007 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of alleged violations, we have cited applicable requirements, including TCEQ rules. If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

The Texas Commission On Environmental Quality appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment and the Public's health. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Region Office within 10 days from the date of this letter. At that time, Mr. Bobby Caldwell, Water Program Manager will schedule a violation review meeting to be conducted within 21 days of the date of this



## Summary of Investigation Findings

CITY OF BANDERA

Investigation # 518340

, BANDERA COUNTY,

Investigation Date: 10/24/2006

Additional ID(s): 0100012

### OUTSTANDING ALLEGED VIOLATIONS

Track No: 257550 Compliance Due Date: 03/24/2007

30 TAC Chapter 290.46(m)

**Alleged Violation:**

Investigation: 518340

Comment Date: 11/15/2006

Failure to have maintenance and house keeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, there were significant water leaks documented at each of the two high service pumps at the Dallas Street Facility and there was a similar water leak on the discharge of the Mulberry well just downstream of the meter. Not only do these represent a serious loss of water from the system but the pooling of this water downgradient could result in the harboring of disease causing insects.

**Recommended Corrective Action:** Repair the water leaks from the high service pumps at the Dallas Street pumping station and the water leak from the discharge of the Mulberry Street well.

Please submit to this office by the Compliance Due Date, photographs documenting that these leaks have been repaired.

Track No: 257828 Compliance Due Date: 03/24/2007

30 TAC Chapter 290.43(e)

**Alleged Violation:**

Investigation: 518340

Comment Date: 11/9/2006

Failure to maintain intruder resistant fences in an uncompromised state around your well fields and ground storage tank facilities so as to prevent the entry of unauthorized individuals. Specifically, the intruder resistant fence at the elevated storage tank is overgrown with vegetation and is missing parts of the three strands of barbed wire. The intruder resistant fences at the Mulberry Street and Indian Waters facilities are compromised by tree limbs and excess vegetation growing on top of the three strands of barbed wire. The intruder resistant fence at the Dallas Street facility is missing part of the three strands of barbed wire and is also overgrown with excess vegetation.

**Recommended Corrective Action:** Repair or replace the missing three strands of barbed wire on the intruder resistant fences at the elevated storage tank and the Dallas Street facility. Remove the tree limbs and excess vegetation growing on top of the intruder resistant fences at all of the water production and storage facilities.

Track No: 257855 Compliance Due Date: 03/24/2007

30 TAC Chapter 290.46(b)

**Alleged Violation:**

Investigation: 518340

Comment Date: 11/8/2006

Failure to collect one raw water bacteriological sample from the Indian Waters well once a month as required by the Sanitary Control Easement Exception Letter dated 06/13/2000. A copy of this letter is attached for your review.

**Recommended Corrective Action:** Begin taking a raw water bacteriological sample directly from the Indian Waters well each month. This sample must be collected before chlorination.

7005 0390 0005 2428 0227

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.87	0003
Certified Fee	\$2.40	02
Return Receipt Fee (Endorsement Required)	\$1.85	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.12	03/16/2007

Sent To Mr. Thomas Haberle  
 Street, Apt. No.,  
 or PO Box No. 14250 Judson Road  
 City, State, ZIP+4 San Antonio, TX 78233-4480  
 PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the frontal space permits.

1. Article Addressed to:  
Mr. Thomas G Haberle  
14250 Judson Road  
San Antonio, TX  
78233-4480

2. Article Number  
 (Transfer from serv)

7005 0390 0005 2428 0227

PS Form 3811, August 2001

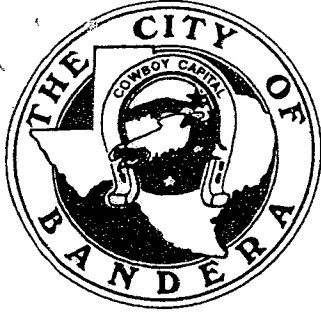
Domestic Return Receipt

2ACPRI-03-P-4081

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature Evelyn Lopez ☒ Agent ☐ Addressee  
 B. Received by (Printed Name) Evelyn Lopez C. Date of Delivery 3/19/07  
 D. Is delivery address different from item 1? ☐ Yes ☒ No  
 If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.  
 4. Restricted Delivery? (Extra Fee) ☐ Yes



## THE CITY OF BANDERA

*File Copy*

511 MAIN ST. ■ P.O. BOX 896 ■ BANDERA, TEXAS 78003-0896

March 13, 2007

**CERTIFIED MAIL No. 7005 0390 0005 2428 0227**  
**RETURN RECEIPT REQUESTED**

Mr. Thomas G. Haberle  
Water Section Team Leader  
San Antonio Region Office  
Texas Commission of Environmental Quality  
Region 13  
14250 Judson Road  
San Antonio, Texas 78233-4480

Re: City of Bandera, Bandera County, Texas  
TECQ ID No. 0100012  
Track Nos. 257550, 257828, and 257855

Dear Mr. Haberle:

This letter is in response to your letter of November 17, 2006. We would like to reply to your findings by Tract Number.

Tract No. 257550

Dallas Street – high service pump, impeller repaired – invoice for repair of impeller shaft enclosed. The second impeller shaft is in process of being repaired. Anticipated date of completion: Completion date: March 31, 2007. After repair, photograph and invoice of repair will be provided.

Mulberry Street well discharge leak has been repaired. Photograph attached.

Track No. 257828

Three strand intruder barbed wire fence repaired at Dallas Street facility and at the elevated storage tank. The tree limbs and excess vegetation have also been removed at the site. Photographs attached.

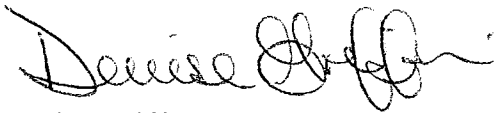
Page 2  
Mr. Thomas G. Haberle  
March 13, 2007

Tract No. 257855

Raw water bacteriological samples have been taken from the Indian Waters well once each month since the violation was alleged, samples will continue on a monthly basis to be in compliance. Sample analysis statements from Pollution Control Services for each month attached.

Please advise if there is any further information that should to be provided for compliance with your findings.

Yours very truly,

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

Denise Griffin  
Mayor  
Bandera, Texas

DG/lkb

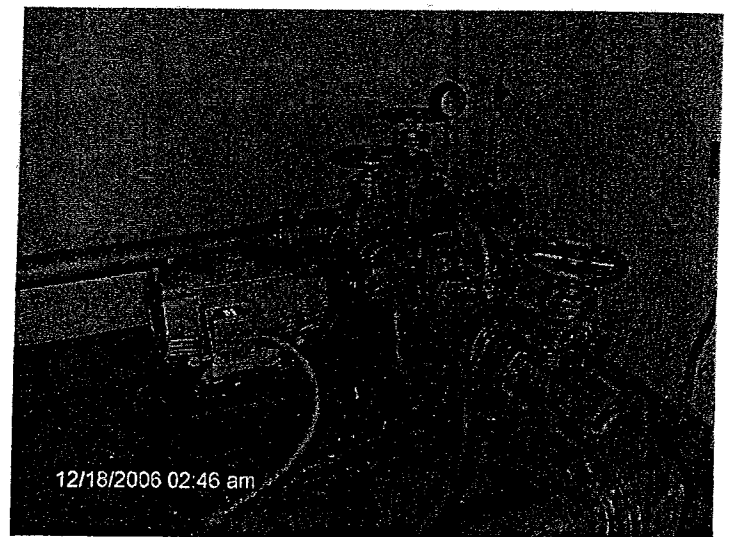
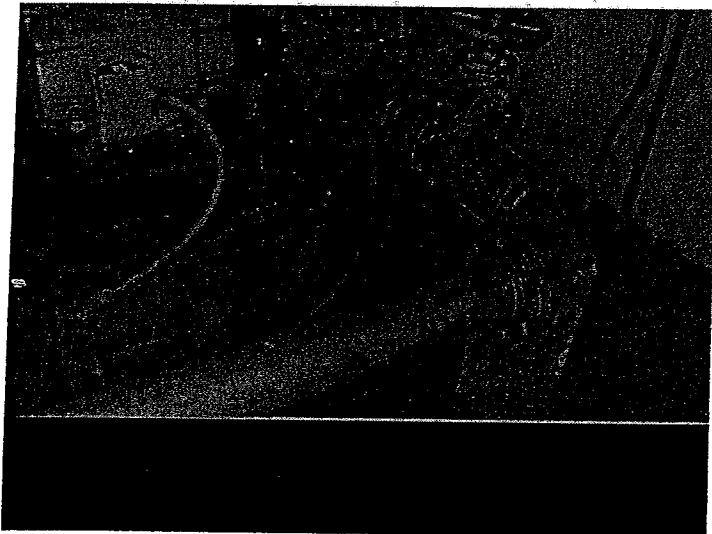
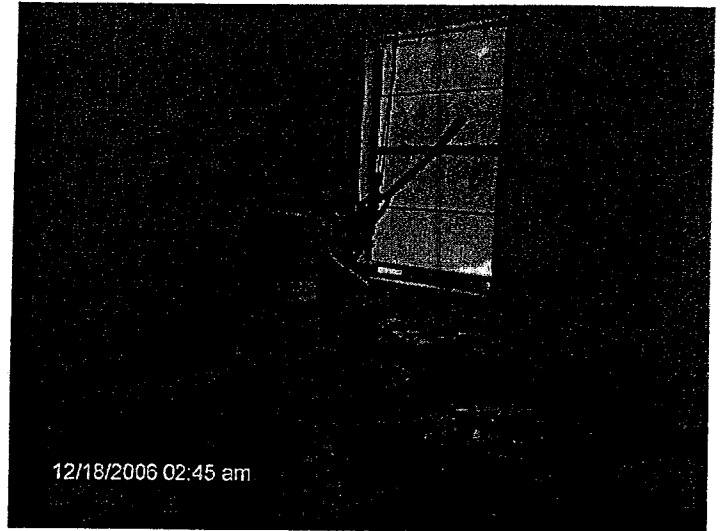
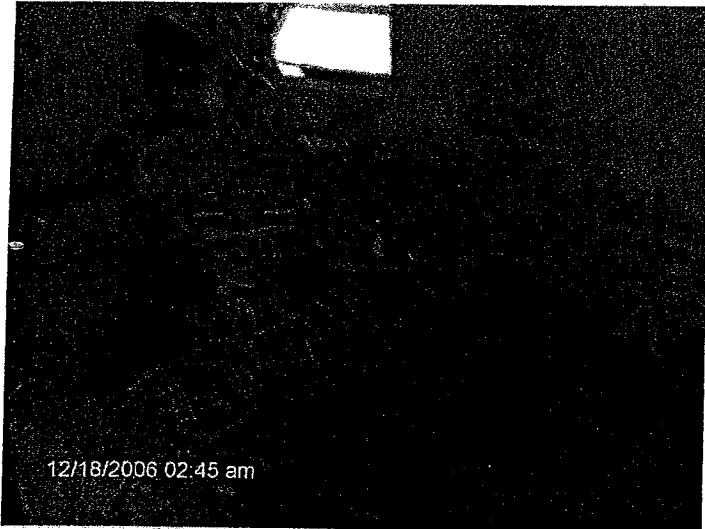
Cc: Mr. Gene Foerster  
Mr. Mike Cardenas

Enclosures

Track NO 257550

Dallas ST

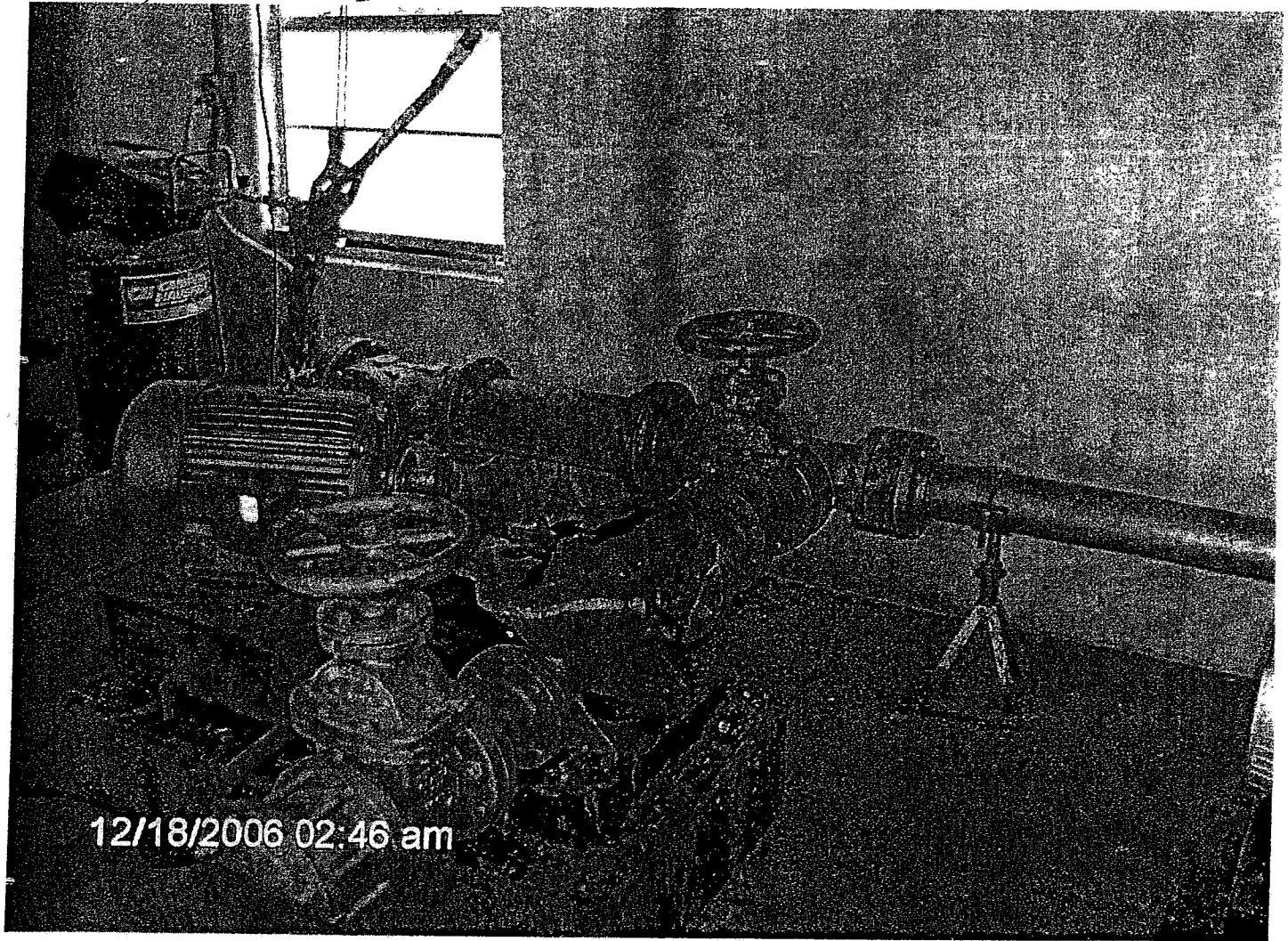
High Service Pump



Dallas ST

Track #125 1550

High Service Pump  
Fixed on the Inseller Shaft. In the Process of Fixing Other.



Track No 257550



Steel Co. Inc.  
P.O. Box 1478  
Bardonia, TX 78003  
800-510-4660  
Fax 800-535-4668

Date

12-08-06

Job #

2525

Terms: Net 10th

P.O. # 158522

Miller St. Hill

City of Bardonia  
P.O. Box 896  
Bardonia, NY 78003

QUANTITY	DESCRIPTION	PRICE
	Machine repair	
1 ea	Pump impeller shaft UP WATER Dept PLANT Repairs I will pay Please Pay from this invoice	35.00
	Tax Exempt	



Track No 257550

11/01/2004 ST

Discharge fire  
Fixed

11/01/2004

03/05/2007 08:52 am



Track No. 257822



Track No 257828

Mulberry ST Well Fence

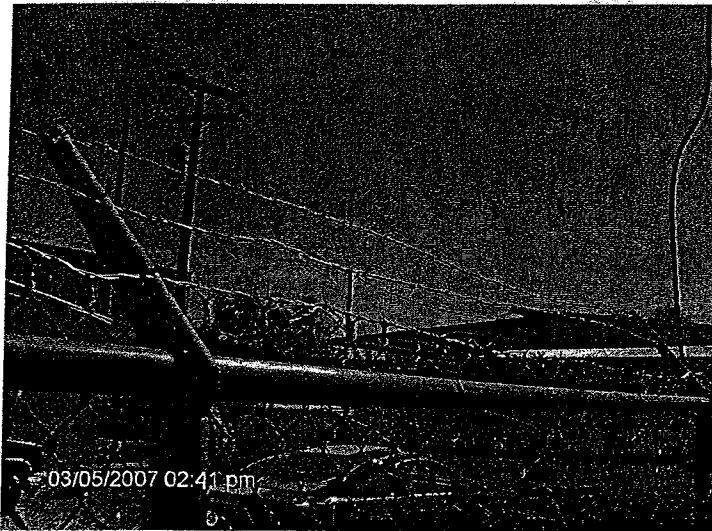


03/05/2007 02:11 pm

Mulberry ST Well Fence



03/05/2007 02:12 pm



03/05/2007 02:41 pm

Cedar ST Storage Fence



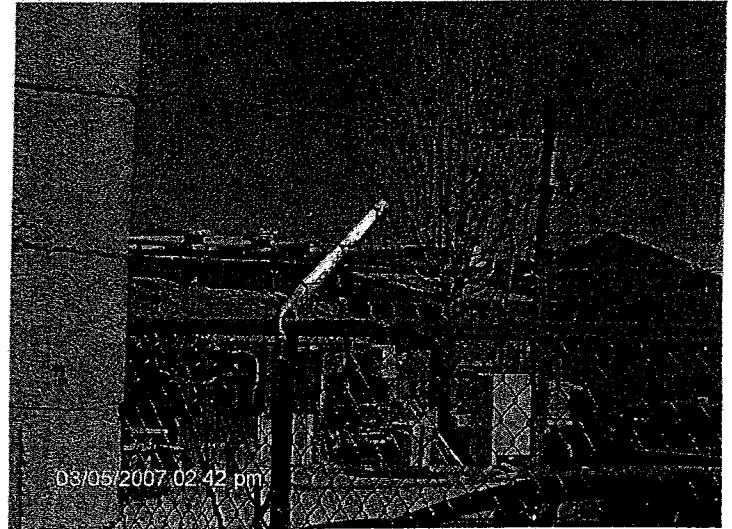
03/05/2007 02:42 pm

Cedar ST Storage Fence



Track NO 257828

Mulberry St well Fence



Cedar St Storage Fence

3 Strands OF Barb Installed



# POLLUTION CONTROL SERVICES

## SAMPLE IDENTIFICATION

Track No 257855

Lab ID TX 256 - 2005A

PCS Number

167150

Date Received

DEC 07 2006

MO/DAY/YR

Public Water System ID 0 / 1 / 0 / 0 / 0 / 1 / 2

Seven digits (REQUIRED)

Report Date

DEC 08 2006

MO/DAY/YR

Public Water System Name City of Bandera

County Bandera

Send  
Sample  
Results  
To:

Name  
Street Address  
City, State, Zip  
Phone

City of Bandera

511 Main St

Bandera

TX 78003

830.796.3765

☒ Owner/PWS ☐ Operator ☐ Other

## SAMPLE SITE / COLLECTION DATE and TIME

DATE/ TIME COLLECTED: 12-6-06

Month Day Year

2:20

Time Of Day

☐ am ☒ pm

Sample Site: Indane Water's

(Address or other description not sample site number)

Sampler Name: Joe De La Fuente

Sampler Phone: 830-296-3765

### SYSTEM TYPE

- ☒ Public  
☐ Private / Individual  
☐ Other

### SAMPLE TYPE (Public Systems Only)

- ☐ Distribution ☒ Raw: Well # 3  
☐ Construction ☐ Special  
☐ Repeat for sample #  
☐ Other :

### WATER SOURCE

- ☒ Groundwater (well)  
☐ Surface water (Lake, River)

### DISINFECTANT RESIDUAL (Mandatory)

mg/L

☒ Free Chlorine

☐ Chloramine (Total Chlorine)

Sample should not be collected if no residual is present

Number of samples collected on this date 1

## LABORATORY REPORT (Do Not Write Below)

Please Indicate Test Method Used: SM 9223 B

### COLIFORM ORGANISMS:

Total Coliform

☐ Found ☒ NOT Found

Fecal Coliform/Escherichia coli (circle type of organism found)

☐ Found ☐ NOT Found

☐ REPEATS (required for distribution samples only)

☐ Unsuitable for analysis (see below) Analyst Initials:

### SAMPLE UNSUITABLE FOR ANALYSIS

- ☐ Sample too old. Not received within 30 hours of collection.  
☐ Quantity insufficient for analysis (100 mL. Required)  
☐ Form incomplete / date discrepancy (Circle Errors)  
☐ Chlorine residual  
☐ Sample leaked in transit.  
☐ Other DESCRIBE

## CHAIN OF CUSTODY

Relinquished By: Joe De La Fuente Date: 12-6-06 Time: 2

Received By: [Signature] Date: 12-7-06 Time: 11

Relinquished By: [Signature] Date: Time:

Received By: Date: Time:

Relinquished By: Date: Time:

Received By: Date: Time:

Approved By: [Signature]

PCS Use Only- Client Notification Unsuitable or Failed Sam

Sampler /Person Contacted:

Date / Time Notified:

Replacements / Re-test Samples with in 24 hours / Yes or

Comments:

Submit to TCEQ/Public Drinking Water MC-155, P.O. BOX 13087 Austin, TX 78711 Fax Positive to 512-239-3666

TCEQ-10525 (05-14-02)

COPIES: CUSTOMER, LABORATORY, TCEQ

1-800-880-4616

1532 Universal City Blvd,  
Universal City, TX 78148-3318

(210) 340-0343

# POLLUTION CONTROL SERVICES

## SAMPLE IDENTIFICATION

Lab ID TX 256 - 2005A

PCS Number

168428

Date Received

JAN 04 2007

Public Water System ID 0 / 1 / 0 / 0 / 0 / 1 / 2  
Seven digits (REQUIRED)

Report Date

JAN 05 2007  
MO/DAY/YR

Public Water System Name City of Bandera

County Bandera

Send  
Sample  
Results  
To:

Name  
Street Address  
City, State, Zip  
Phone

City of Bandera

511 Main St

Bandera

TX 78003

830.796.3765

☒ Owner/PWS ☐ Operator ☐ Other

## SAMPLE SITE / COLLECTION DATE and TIME

DATE / TIME COLLECTED: 1-3-07

2:22

☐ am ☒ pm

Sample Site: Indian Waters  
(Address or other description not sample site number)

Sampler Name: Joe DeLuna

Sampler Phone: 830-796-3765

### SYSTEM TYPE

- ☒ Public  
☐ Private / Individual  
☐ Other

### SAMPLE TYPE

(Public Systems Only)

- ☐ Distribution  
☐ Construction  
☐ Repeat for sample #  
☐ Other :  
☒ Raw: Well # 3  
☐ Special

### WATER SOURCE

- ☒ Groundwater (well)  
☐ Surface water (Lake, River)

### DISINFECTANT RESIDUAL (Mandatory)

mg/L

☒ Free Chlorine

☐ Chloramine (Total Chlorine)

Sample should not be collected if no residual is present  
Number of samples collected on this date 1

## LABORATORY REPORT (Do Not Write Below)

Please Indicate Test Method Used: SM 9223 B

### COLIFORM ORGANISMS:

Total Coliform

☐ Found ☒ NOT Found

Fecal Coliform/Escherichia coli (circle type of organism found)

☐ Found ☐ NOT Found

☐ REPEATS (required for distribution samples only)

☐ Unsuitable for analysis (see below) Analyst Initials: \_\_\_\_\_

### SAMPLE UNSUITABLE FOR ANALYSIS

- ☐ Sample too old. Not received within 30 hours of collection.  
☐ Quantity insufficient for analysis (100 mL. Required)  
☐ Form incomplete / date discrepancy (Circle Errors)  
☐ Chlorine residual  
☐ Sample leaked in transit.  
☐ Other DESCRIBE

## CHAIN OF CUSTODY

Relinquished By: Joe DeLuna Date: 1-3-07 Time: 2:22

Received By: [Signature] Date: 1-4-07 Time: 10:00

Relinquished By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Relinquished By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Approved By: [Signature]

PCS Use Only- Client Notification Unsuitable or Failed Sample

Sampler / Person Contacted: \_\_\_\_\_

Date / Time Notified: \_\_\_\_\_

Replacements / Re-test Samples within 24 hours / Yes or No

Comments: \_\_\_\_\_

Submit to TCEQ/Public Drinking Water MC-155, P.O. BOX 13087 Austin, TX 78711 Fax Positive to 512-239-3666

TCEQ-10525 (05-14-02)

COPIES: CUSTOMER, LABORATORY, TCEQ

1-800-880-4616

1532 Universal City Blvd,  
Universal City, TX 78148-3318

(210) 340-0343

# POLLUTION CONTROL SERVICES

## SAMPLE IDENTIFICATION

Lab ID TX 256 - 2005A

PCS Number

170131

Date Received

FEB 08 2007Public Water System ID 0 / 1 / 0 / 0 / 0 / 1 / 2  
Seven digits (REQUIRED)

Report Date

FEB 09 2007Public Water System Name City of BanderaCounty BanderaSend  
Sample  
Results  
To:

Name

City of Bandera

Street Address

511 Main St

City, State, Zip

BanderaTX 78003

Phone

830.796.3765☒ Owner/PWS☐ Operator☐ Other

## SAMPLE SITE / COLLECTION DATE and TIME

DATE/ TIME COLLECTED: 2-7-07Month Day Year2:05Time Of Day☐☒ampmSample Site: Indian Waters  
(Address or other description not sample site number)Sampler Name: Joe De La FuenteSampler Phone: 830-796-3765

### SYSTEM TYPE

- ☒ Public  
☐ Private / Individual  
☐ Other

### SAMPLE TYPE

(Public Systems Only)

- ☐ Distribution  
☐ Construction  
☐ Repeat for sample #  
☐ Other : \_\_\_\_\_
- ☒ Raw: Well # 3  
☐ Special \_\_\_\_\_

### WATER SOURCE

- ☒ Groundwater (well)  
☐ Surface water (Lake, River)

### DISINFECTANT RESIDUAL (Mandatory)

mg/L

☒ Free Chlorine☐ Chloramine (Total Chlorine)

Sample should not be collected if no residual is present

Number of samples collected on this date 1

### LABORATORY REPORT (Do Not Write Below)

Please Indicate Test Method Used: SM 9223 B

#### COLIFORM ORGANISMS:

Total Coliform

☐ Found ☒ NOT FoundFecal Coliform/*Escherichia coli* (circle type of organism found)☐ Found ☐ NOT Found☐ REPEATS (required for distribution samples only)☐ Unsuitable for analysis (see below) Analyst Initials: \_\_\_\_\_

### SAMPLE UNSUITABLE FOR ANALYSIS

- ☐ Sample too old. Not received within 30 hours of collection.  
☐ Quantity insufficient for analysis (100 mL Required)  
☐ Form incomplete / date discrepancy (Circle Errors)  
☐ Chlorine residual  
☐ Sample leaked in transit.  
☐ Other DESCRIBE \_\_\_\_\_

### CHAIN OF CUSTODY

Relinquished By: Joe De La Fuente Date: 2-7-07 Time: 2:05Received By: [Signature] Date: 2-8-07 Time: 1:00

Relinquished By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Relinquished By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Approved By: Cheryl WallerPCS Use Only- Client Notification Unsuitable or Failed Sam

Sampler /Person Contacted: \_\_\_\_\_

Date / Time Notified: \_\_\_\_\_

Replacements / Re-test Samples with in 24 hours / Yes or

Comments: \_\_\_\_\_

Submit to TCEQ/Public Drinking Water MC-155, P.O. BOX 13087 Austin, TX 78711 Fax Positive to 512-239-3666

TCEQ - 10525 (05-14-02)

COPIES: CUSTOMER, LABORATORY, TCEQ

1-800-880-4616

1532 Universal City Blvd,  
Universal City, TX 78148-3318

(210) 340-0343

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 27, 2007

The Honorable Denise Griffin  
City of Bandera  
P.O. Box 896  
Bandera, Texas 78003

Re: Notice of Violation for the Comprehensive Compliance Investigation at:  
City of Bandera, Bandera County, Texas  
TCEQ ID No.: 0100012

Dear Mayor Griffin:

The Texas Commission On Environmental Quality (TCEQ) San Antonio Region Office has received compliance documentation that you submitted on March 13, 2007 for the alleged violations noted during the investigation of the above-referenced operation conducted on October 24, 2006. The compliance documentation contained in your response appears to indicate that corrective action has been taken for the alleged violations. No further submittal from you is required concerning this investigation.

The Texas Commission On Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment and the Public's health. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Don White in the San Antonio Region Office at (210) 403-4054.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas G. Haberle".

Thomas G. Haberle  
Water Section Manager  
San Antonio Region Office

TGH/DCW/eg

RECEIVED  
JUL - 2 2007

RECEIVED  
JUL - 2 2007



# **EXHIBIT B**

## **EXHIBIT B**

### **5G. Effect of Granting a Certificate Amendment.**

Explain in detail the effect of granting of a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on the following:

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

The effect of the TCEQ granting the requested CCN to the City of Bandera will be to allow the City to protect its investment of infrastructure related to its water and wastewater systems. Because the requested CCN area encompasses only the incorporated city limits, and those areas outside the City Limits that are currently being served by the City of Bandera's water and wastewater systems, impact on any landowners or other retail public utilities will be negligible. The sole economic effect of granting the proposed CCN will be to protect the City's current investment in quality water and wastewater service.

# EXHIBIT C

## EXHIBIT C

### 5I. Ability to Provide Adequate Service

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

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

The Applicant has the ability to provide adequate service to the proposed area, as demonstrated by the fact that the applicant is already providing such service to the proposed area. The proposed area is already nearly fully developed. However, the applicant has spare capacity in both its water and wastewater systems which will allow the applicant to provide adequate service into the future. The City of Bandera is already meeting and exceeding the standards of the Commission.

# **EXHIBIT D**

## **EXHIBIT D**

### **5J. Effect on the Land.**

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

There will be minimal effect upon the land to be included in the certificated area. The proposed area is either within the city limits of the Applicant, or already being served by the Applicant. The Applicant will continue to serve the area regardless of whether the requested CCN application is granted.

# **EXHIBIT E**

