

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 2007
MO/DAY/YRPublic Water System Name City of BanderaCounty BanderaSend
Sample
Results
To:Name
Street Address
City, State, Zip
PhoneCity of Bandera511 Main StBanderaTX 78003830.796.3765☒ Owner/PWS☐ Operator☐ Other

SAMPLE SITE / COLLECTION DATE and TIME

DATE/ TIME COLLECTED: 2-7-07
Month Day Year2:05
Time Of Day☐ am ☒ pmSample Site: Industrial 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)

Sample should not be collected if no residual is present

Number of samples collected on this date 1

mg/L

☒ Free Chlorine☐ Chloramine (Total Chlorine)

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: 2Received By: [Signature] Date: 2-8-07 Time: 1

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 Sam

Sampler /Person Contacted: _____

Date / Time Notified: _____

Replacements / Re-test Samples with in 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

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 cursive script, 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



U. S. A.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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 AUG 05 2009

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

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 City of Bandera, SOAH Docket No. 582-09-5331, TCEQ Docket No. 2009-1007-UCR, was mailed on July 31, 2009.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this
the 4th day of August, 2009.

LaDonna Castañuela

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

(SEAL)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING CITY OF BANDERA SOAH Docket No. 582-09-5331 TCEQ Docket No. 2009-1007-UCR

APPLICATION. City of Bandera, P.O. Box 896, Bandera, Texas 78003, has applied with the Texas Commission on Environmental Quality (TCEQ) to decertify a portion of Certificate of Convenience and Necessity (CCN) No. 12865 from SWWC Utilities, Inc. dba Diamond Water Co. and to obtain a water and sewer CCN in Bandera County, Texas (Application Nos. 36334-C and 36335-C).

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

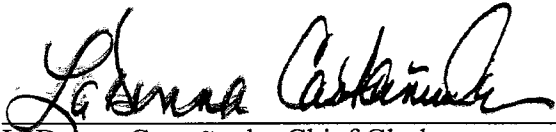
**10:00 a.m. – September 2, 2009
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be 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 evidentiary hearing as a party, you must attend the preliminary 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, telephone 512-239-6363. 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: July 31, 2009



LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST
City of Bandera
SOAH Docket No. 582-09-5331
TCEQ Docket No. 2009-1007-UCR

Gene R. Foerster, City Administrator
City of Bandera
P.O. Box 896
Bandera, Texas 78003
Applicant

Thomas Laxson
P.O. Box 120
Bandera, Texas 78003
Protestant

Nita Jenkins
P.O. Box 388
Bandera, Texas 78003
Protestant

Lee Kneupper
377 Johns
Bandera, Texas 78003
Protestant

Linda Stein
P.O. Box 1762
Bandera, Texas 78003
Protestant

Max Walden
P.O. Box 3363
Bandera, Texas 78003
Protestant

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

Via electronic mail:

Douglas Brown, Staff Attorney, Environmental Law Division (MC 173)
Lisa Fuentes, Technical Staff, Water Supply Division, Utilities & Districts Section
(MC 153)
John Lock, Technical Staff, Water Supply Division, Utilities & Districts Section
(MC 153)
Blas Coy, Office of Public Interest Counsel (MC 103)



...



SOAH DOCKET NO. 582-09-5331
TCEQ DOCKET NO. 2009-1007-UCR

2009 SEP - 3 PM 1:54
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

APPLICATION OF CITY OF BANDERA
TO DECERTIFY A PORTION OF
CERTIFICATE OF CONVENIENCE AND
NECESSARY NO. 12865 AND TO
OBTAIN A WATER CCN IN BANDERA
COUNTY

§
§
§
§
§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

ORDER NO. 1
DOCUMENTING PRELIMINARY HEARING AND ABATING CASE

On September 2, 2009, a preliminary hearing was held in this case. Exhibits ED-A through D were admitted for jurisdictional purposes and jurisdiction was proven. The following are admitted as parties:

PARTY	REPRESENTATIVE
City of Bandera	Jason King, Attorney
Executive Director of the Texas Commission on Environmental Quality	Douglas Brown, Attorney
Office of Public Interest Counsel	

At the preliminary hearing, the parties moved to abate this matter for 60 days. This motion will be granted.

It is therefore ordered that this case is abated until November 2, 2009. On that date, the parties are to file a status report.

Signed September 3, 2009.



REBECCA S. SMITH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS**AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994****SERVICE LIST****AGENCY:** Environmental Quality, Texas Commission on (TCEQ)**STYLE/CASE:** CITY OF BANDERA**SOAH DOCKET NUMBER:** 582-09-5331**REFERRING AGENCY CASE:** 2009-1007-UCR**STATE OFFICE OF ADMINISTRATIVE
HEARINGS****ADMINISTRATIVE LAW JUDGE****ALJ REBECCA SMITH****REPRESENTATIVE / ADDRESS****PARTIES**

BLAS J. COY, JR.
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
P.O. BOX 13087, MC-103
AUSTIN, TX 78711-3087
(512) 239-6363 (PH)
(512) 239-6377 (FAX)
bcoy@tceq.state.tx.us

TCEQ PUBLIC INTEREST COUNSEL

DOUGLAS BROWN
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TX 78711
(512) 239-2253 (PH)
(512) 239-3434 (FAX)
dobrown@tceq.state.tx.us

TCEQ EXECUTIVE DIRECTOR

JASON D. KING
6618 SITIO DEL RIO BLVD., BLDG. 3., STE. 102
AUSTIN, TX 78730
(512) 852-2283 (PH)

CITY OF BANDERA**xc: Docket Clerk, State Office of Administrative Hearings**

STATE OFFICE OF ADMINISTRATIVE HEARINGS**AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994****09/03/2009**

DATE:

3

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

REGARDING:

ORDER NO. 1 - DOCUMENTING PRELIMINARY HEARING & ABATING CASE

DOCKET NUMBER:

582-09-5331**JUDGE REBECCA SMITH****FAX TO:****FAX TO:**

JASON D. KING

VIA REGULAR MAIL

DOUGLAS BROWN (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-3434

BLAS J. COY, JR. (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-6377

TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT ELIZABETH SLICK(lal) (512) 475-4993

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