



Control Number: 44046



Item Number: 15

Addendum StartPage: 0

May 4, 2015

RECEIVED

2015 MAY -5 AM 9:49

PUBLIC UTILITY COMMISSION
FILING CLERK

Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Re: Docket No.44046

Regarding the announcement of Laguna Vista, LTD'S notice of intent to sell facilities and transfer certificate of convenience and necessity (CCN) number 11983 (water) and 20766 (sewer) to Laguna Tres, Inc. in Hood County, Texas. To take place as approved by the Commission(V.T.C.A) Water Code Section 13.301), which includes the subdivision of Laguna Vista.

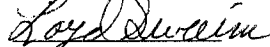
We, as residents of Laguna Vista,would like to request a public hearing. There was a water line installed from Laguna Tres subdivision to Laguna Vista subdivison. The water line was authorized to be installed by the state, but was not approved for permanent use until certain requirements were met. Attached is letter from the state, dated September 11, 2013, to Mr. Ike Thomas with a list of requirements to be met within one month of letter. We checked with the state and these requirements were never complied with.

Copy of second letter to Mr. Phillip Barnett, P. E., Barnett Engineering, Inc with copies to Ike Thomas stated they were unable to approve the project until certain requirements were met. List of the requirements were attached. They were given 100 days from the date of that letter, dated December 23, 2014. The 100 calendar days would have been up on April 2, 2015. We checked with the state and these requirements had not been met.

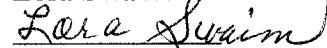
I understand from speaking with Ariel Yates, our local representative with the water Commission that all requirements and regulations must be met and inspections must be done before a sale can be made, and have a clean record. We, as residents of Laguna Vista are only interested in everything being safe and in order on a permanent basis, and to be in compliance with the laws and rules of the State.

Thank you for your consideration of this very important matter.

Loyd Swaim



Lora Swaim



607 Aqua Vista Drive
Granbury, TX 76049
817-573-7518

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



PWS_1110019_CO_20141223_PlanLtr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 23, 2014

Mr. Phillip Barnett, P.E.
Barnett Engineering Inc
P.O. Box 2230
Weatherford, TX 76086-7230

Re: Laguna Tres Subdivision - Public Water System ID No. 1110019
Three Proposed Water Wells & Three As-Built Water Wells
Engineer Contact Telephone: (817) 599-4278
Plan Review Log No. P-10242014-189
Hood County, Texas

CN: 600695985; RN: 101275451

Dear Mr. Barnett:

On October 24, 2014, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated October 17, 2014 for the three proposed water wells and three as-built water wells. Based on our review, we are **unable to approve** the proposed projects at this time.

Please provide additional information showing how the following requirements of the Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems will be met:

1. 30 TAC §290.39(d)(1): Plans, specifications, and related documents will not be considered unless they have been prepared under the direction of a licensed professional engineer. All engineering documents must have engineering seals, signatures, and dates affixed in accordance with the rules of the Texas Board of Professional Engineers. Please note that the Texas Board of Engineers Rules 137.33 and 137.77 have been changed to require that all engineering documents released, issued, or submitted by or for a registered engineering firm, including preliminary documents, must clearly indicate the engineering firm name and firm registration number. It is both the responsibility of the professional engineer that signs and seals a document and the firm that releases the document to verify that the firm name and number appear on the engineering work. No engineering firm number was provided on the engineering report, contract documents, or the as-built drawing.
2. If you are unable to show compliance with TCEQ requirements, please be advised that you may request exceptions in writing to our requirements that are marked on the enclosed checklist. Exceptions to the rules are reviewed by the Technical Review and Oversight Team (TROT). You may request exceptions in writing to TROT. Once the exceptions are approved, the planning material including a copy of the exception approval letter must be submitted to the Utilities and Technical Review Team for review and approval.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

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printed on recycled paper using vegetable-based ink

Mr. Phillip Barnett, P.E.

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For information about the exception process, please go to the URL below:

<http://www.tceq.texas.gov/drinkingwater/trot/exception>

Please note that an "Exception Request Form" (available as a link to the webpage above) must be completed for all exception submittals.

If after you have reviewed the information available at the webpage above you have a question regarding the exception process, please call (512) 239-4691 and ask to speak to a member of the Technical Review and Oversight Team.

3. Please explain why Water Well Nos. 1-B (Texas Department of Licensing & Regulations (TDLR) Tracking No. 182635), 3-B (TDLR Tracking No. 182630), and 4-B (TDLR Tracking No. 182587) were constructed without TCEQ approval.
4. Please explain why the well report for Water Well No. 3-B shows well screen installed from 155 feet to 215 feet, yet the as-built drawings do not show any well screen installed.
5. Please explain why the contract documents reference the installation of a well screen; however, the signed and sealed drawings do not have any screen shown.
6. Please explain why the State of Texas Well Reports for Well Nos. 1-B, 3-B, and 4-B show that plans were approved by TCEQ prior to construction.
7. Please have the licensed driller file amended State of Texas Well Reports for Well Nos. 1-B, 3-B, and 4-B to correct the owner well number, the latitude, and the longitude. Additionally, please have the licensed driller amend the State of Texas Well Reports to reflect that the plans had not been approved by TCEQ.
8. Your submittal did not include detailed engineering drawings for the well collection lines. Please submit a signed and sealed engineering report with plan and profile drawings of the well collection lines.
9. Specifications for construction of facilities shall accompany all plans as required in 30 TAC §290.39(e)(3). Please submit technical specifications for the proposed well collection line. A copy of the proposed distribution checklist can be downloaded at the following website.

<https://www.tceq.texas.gov/assets/public/permitting/watersupply/ud/forms/distchk.pdf>
10. Please reorganize the submittal by well location. Submit a separate signed and sealed engineering report which includes all the information listed below for the proposed Water Well Nos. 2-B, 1-L, and 2-L.
 1. A statement signed and sealed by a PE confirming the presence and location, or absence, of the following hazards (if present, the location must be included on the required map in Item No. 4 - an exception is required if any of these hazards are present):

- a. Any of the following within 50 feet of the well (**absolutely nothing allowed within 10 feet of well**):
 1. Sanitary or storm sewer:
 - I. Tile and concrete not allowed, must be pressure rated at 150 psi;
 - II. If pipe type is unknown than an exception is required.
 2. Septic tank;
 3. Cemetery; and,
 4. Livestock and feedlots.
- b. Any of the following within 150 feet of the well:
 1. Septic tank disposal area;
 2. Improperly constructed,* abandoned, or inoperable water well;
 3. Underground or aboveground petroleum or chemical storage tank or fuel pumps;
 4. Transmission pipeline;
 5. Landfill and dump sites;
 6. Military and industrial facilities;
 7. Sewage treatment plant or sewage wet well;
 8. Drainage ditch containing industrial or municipal waste discharges;
 9. Solid waste disposal sites;
 10. Area where sewage plant or septic tank sludge or effluent is applied; and,
 11. Any other potential hazards or contamination sources.
- c. Any of the following within 300 feet of the well:
 1. Sewage wet well;
 2. Sewage pumping station;
 3. Drainage ditch which contains industrial waste discharges; and,
 4. Wastes from sewage treatment systems.

- d. Any of the following within 500 feet of the well:
 1. Sewage treatment plant;
 2. Animal feed lots;
 3. Solid waste disposal sites;
 4. Lands on which sewage plant or septic tank sludge is applied; and,
 5. Lands irrigated by sewage plant effluent.
- e. 1/4 mile radius of a non-cemented water well (any of these present would require an exception).

**Improperly constructed wells include all wells not constructed to public water well standards (e.g. residential wells).*

2. Copies of sanitary control easements for the applicable wells that have been recorded in the county deed of records or copies of the granted exceptions to the sanitary control easement requirements for these wells.
3. Specifications for construction of facilities shall accompany all plans as required in 30 TAC §290.39(e)(3). Please submit technical specifications for the proposed water well. A copy of the proposed water well checklist can be downloaded at the following website.

<http://www.tceq.texas.gov/assets/public/permitting/watersupply/ud/forms/10205.pdf>

11. Please reorganize the submittal by well location. Submit a separate signed and sealed engineering report which includes all the information listed below for the existing Water Well Nos. 1-B, 3-B, 4-B, and any distribution system which has already been installed.

Plan Submittal Reviews:

The as-built information and plans must include the following in order to be evaluated:

1. An **engineering report** signed and sealed by a PE that includes:
 - a. Description of system including history including violation letters, capacities, service area, location of facilities, and all water sources.
 - b. Narrative of all water plant infrastructures that address all applicable rule citations.
 - c. Photographs of all equipment (clarifiers, filters, tanks, pumps, chemical systems, etc.), equipment apparatus (i.e., air compressors, meters, gauges, piping, valves, name plates, secondary containment, etc.), and installation conditions (buildings, slopes, fences and surroundings, etc.).

- d. Any and all equipment documentation available (including purchase receipts, a copy of the Operations and Maintenance manual, pump charts, hydropneumatic tanks certifications, receipts, equipment manuals, etc.).
- e. Related Public Water System (PWS)/Ownership information such as property deeds, easements, existing chemical analysis, operator records, etc.).
- f. Hazard Pollution Survey (see Item No. 8).

Note: Property deeds must be in systems ownership name- i.e.:

- a) If John Doe owns the property and the PWS owner is John Doe, LLC, they would still need a sanitary control easement from John Doe to John Doe, LLC.
- b) If the property has a dedicate ROW easement, they need a sanitary control easement from the ROW owner (county, city, etc.).
- c) Property is in PWS owner name but has a utility easement. It does not need a sanitary control easement because the PWS still owns the control of land.

Specifics for each type of facilities:

Wells:

1. State of Texas Well Report (well driller's log). If the well report or driller's log is unavailable or does not contain all required information, then **an exception request must be submitted and granted** for:
 - a. Pressure cementation; and,
 - b. Well casing material.
2. Cementation report.
3. As-built engineering site plan (including appropriate scale and north direction arrow) of the PWS that shows the well(s), wellhead, pump(s), treatment systems, storage and pressure tank(s), etc. *Photographs included in the engineering report may substitute in place of detailed plans of individual items but **a general layout of plant will be needed.***
4. Detailed map or plat (including appropriate scale and north direction arrow) identifying:
 - a. Property boundaries of property owned by the PWS. Must match property deed submitted in the engineering report;
 - b. Location of the PWS and well(s);
 - c. The area within a 500-foot, 300-foot, 150-foot and 50-foot radius around the well(s) must be marked and labeled. Only include the 500- and 300-foot if hazards are present. Map scale should be as large and readable as possible;

- d. All possible sources of contaminations (See Item No. 8) of the well;
 - e. Intruder resistant fences and access roads;
 - f. Dedicated road easements; and,
 - g. All properties with property owner's names not owned by the PWS within a 150-foot radius surrounding the well(s).
5. 36-hour pump test.
 6. Three consecutive days of bacteriological raw water sampling collected within the last three months. These samples must be taken prior to any addition of disinfectant.
 7. A chemical analysis (see Checklist Form 10234 Item No. 6) may be required if no raw chemical analysis has been conducted. The plan reviewer will make a determination based upon available records and Drinking water watch information. The reviewer may also do a search of the TWDB or TDLR databases.
 8. Copies of sanitary control easements for the applicable wells that have been recorded in the county deed of records or copies of the granted exceptions to the sanitary control easement requirements for these wells.

Distribution (includes yard piping):

1. Any distribution maps available.
2. Hydrant pressure and flushing records
3. Repair records, purchase orders and photographs for pipes, valves, and appurtenances.
4. Any subsurface utility engineering (SUE) records (maybe some potholing to determine pipe type).
5. Operator interviews on type and condition of pipes.

The submittal consisted of seven sheets of engineering drawings, technical specifications and an engineering summary. The proposed project consists of:

- Well No. 1-B: One (1) existing water well drilled to 190 feet, with 150 linear feet (lf) of 6-inch polyvinyl chloride pipe (PVC) casing, no screen shown on well report or as-built drawing, pressure cemented to a depth of 145 feet with a gravel pack;
- Well No. 2-B: One (1) proposed water well drilled to 215 feet, with unknown amount of 6-inch PVC casing, unknown amount of screen, pressure cemented to a depth of 150 feet with a gravel pack;
- Well No. 3-B, One (1) existing water well drilled to 215 feet, with 155 lf of 6-inch PVC casing, 60 lf of screen, pressure cemented to a depth of 153 feet with a gravel pack;

Mr. Phillip Barnett, P.E.

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- Well No. 4-B: One (1) existing water well drilled to 180 feet, with 140 lf of 6-inch PVC casing, 40 lf of screen, pressure cemented to a depth of 134 feet with a gravel pack;
- Well No. 1-L: One (1) proposed water well drilled to 215 feet, with unknown amount of 6-inch PVC casing, unknown amount of screen, pressure cemented to a depth of 150 feet with a gravel pack;
- Well No. 2-L: One (1) proposed water well drilled to 215 feet, with unknown amount of 6-inch PVC casing, unknown amount of screen, pressure cemented to a depth of 150 feet with a gravel pack; and,
- Unknown type and unknown length of 2-inch and 4-inch PVC pipe.

Proposed water treatment will be provided by the Laguna Tres Subdivision public water supply system.

We will retain these documents for **100 calendar days** from the date of this letter. Revisions or additional information must be submitted to the TCEQ (Utilities Technical Review Team, MC-159) within that time or the entire package must be resubmitted for review.

Please refer to the Utilities Technical Review Team's Log No. P-10242014-189 in all correspondence for this project. This will help complete our review and prevent it from being considered a new project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittal to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on our website at the address shown below.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Utilities Technical Review Team's database to see if we have received your project. This is available on the TCEQ's homepage on the Internet at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

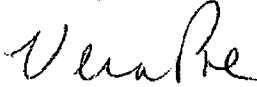
You can download most of the well construction checklists and the latest revision of 30 TAC Chapter 290 – Rules and Regulations for Public Water Systems from this site.

Mr. Phillip Barnett, P.E.
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If you have any questions concerning this letter or need further assistance, please contact Mr. Brian D. Dickey at (512) 239-0963 or by email at brian.dickey@tceq.texas.gov or by correspondence at the following address:

Utilities Technical Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



Vera Poe, P.E., Team Leader
Utilities Technical Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Utilities Technical Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

BD/AN

cc: Laguna Tres Subdivision, Attn: Mr. Harvey Ike Thomas, P.O. Box 2337, Granbury, TX
76048-7337
Blue Sky Water Well Drilling and Services, Attn: Mr. Mike Tharp, 5330 Peveler Road,
Granbury, TX 76049-1919

Bryan W. Shaw, Ph.D, *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



PWS/1110095/CO/09-11-2013/Plan Ltr
PWS/1110019/CO/09-11-2013/Plan Ltr

Texas Commission on Environmental Quality
Protecting Texas by Reducing and Preventing Pollution

September 11, 2013

Mr. Ike Thomas, Manager
Laguna Tres, Inc.
911 East Highway 377, Suite 11
Granbury, Texas 76048

COPY

Re: Laguna Vista Subdivision - Public Water System ID No. 1110095
Proposed Waterline and Interconnection - Laguna Tres Subdivision (PWS ID No.
1110019)
Contact Telephone: (817) 243-8130
Plan Review Log No. P-09062013-025
Hood County, Texas

CN600695985; RN101276806

RECEIVED

SEP 12 2013

DFW REGION-4

Dear Mr. Thomas:

On September 6, 2013, the Texas Commission of Environmental Quality (TCEQ) received your request to construct a waterline and to construct an interconnection between Laguna Vista Subdivision and Laguna Tres Subdivision on an emergency basis. We have received confirmation of your emergency from Mr. Jeff Tate with the Region 4 Office and the request is **authorized**. Final approval of this project for permanent use requires review of additional information to confirm that the project meets the applicable minimum standards in Chapter 290 of the TCEQ's "Rules and Regulations for Public Water Systems."

We have enclosed the "Water Distribution Construction Checklist".

This will assist you in finding the rules that apply to public water supply distribution system. ***The required information shown on this checklist shall be submitted within one month of the date of this letter by a qualified, registered professional engineer licensed to practice in Texas in the form of sealed construction drawings and specifications.***

Also submit a report indicating the existing capacities of the two public water systems and a contract between two entities to demonstrate that the interconnection meets the requirements in Title 30 Texas Administrative Code (TAC) Section 290.44(g).

Please make sure that the project must meet the requirements in 30 TAC Section 290.44 for the distribution system.

Please refer to the Utilities Technical Review Team's Log No. P-09062013-025 in all correspondence for this project. This will help complete our review and prevent it from being considered a new project.

Water Distribution Construction Checklist

Texas Commission on Environmental Quality Public Water System I.D. No.: _____
 Water Supply Division TCEQ Log. No.: _____
 Util. Technical Review Team MC-159 Owner's Well Id No. or Name.: _____
 P.O. Box 13087, Austin, Texas 78711-3087

The following list is a synopsis of the "Rules for Public Water Systems", 30 TAC Chapter 290 regarding proposed water distribution system improvements. Plans and specifications meeting, but not limited, to the minimum requirements cited here shall be prepared under the supervision of a registered professional engineer and submitted to TCEQ for approval. This list is not a substitute for the rules. Failure to submit the following items may delay project approval. Copies of the rules may be obtained from Texas Register, 1019 Brazos St, Austin, TX, 78701-2413, Phone: 512/463-5561 or downloaded from the website of the Public Water System Plan Review.

1. Conforms to American Water Works Association (AWWA) standards. [§290.44(a)]

2. Conforms to ANSI/NSF Standard 61 and certified. [§290.44(a)(1)]
3. Plastic pipe bears NSF-pw seal; ASTM class 150 psi or SDR-26. [§290.44(a)(2)]
4. Not used for purpose other drinking water. [§290.44(a)(3)]
5. Installed by manufacturer's instructions; depth of cover 24 inches. [§290.44(a)(4)]
6. Hydrostatic leakage rate conforms to AWWA formulas. [§290.44(a)(5)]
7. Correct leakage rate formula. [§290.44(a)(5)]
8. Pipes and fittings contain no more than 8.0% lead. [§290.44(b)(1)]
9. Minimum water line sizes. [§290.44(c)]

| | | |
|------|-------------|--------------|
| 10 | Connections | 2 inches |
| 25 | | 2.5 |
| 50 | | 3 |
| 100 | | 4 |
| 150 | | 5 |
| 250 | | 6 |
| >250 | | 8 and larger |
10. Minimum design pressure of 35 psi at flow of 1.5 g.p.m. per connection. [§290.44(d)]
11. Air release where air locks may occur in the lines. 16-mesh or finer screen on vent. [§290.44(d)(1)]
12. Booster pumps take suction from storage tanks. [§290.43(f)]
13. Metering devices at each service connection. [§290.44(d)(4)]
14. Sufficient valves and blowoffs. [§290.44(d)(5)]
15. Looped lines, dead-ends have flush valves and discharge piping. [§290.44(d)(6)]
16. Separation distances. (wastewater lines, manholes and fire hydrants) [§290.44(e)]
17. Disinfected in accordance with Chapter 290 and AWWA Standard C651. [§290.44(f)(3)]