



Control Number: 44212



Item Number: 5

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

RECEIVED

2015 JAN 12 AM 10:16

PUBLIC UTILITY COMMISSION  
FILING CLERK

January 4, 2006

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

**From:** James H. Williams  
3121 South Hampton Road  
Glenn Heights, Texas 75154  
972-617-6700  
214-395-5351

**Re:** City of Ovilla application for a sewer CCN, to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Water Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties, dated November 7, 2005.

I, James H. Williams, request a public hearing on the above referenced matter. I am the owner of a 50 acre tract of land located on the West side of Hampton Road with the Northeast corner of the property being approximately 1,800 feet South of Ovilla Road and the North boundary extends West for approximately 2,000 feet, then South along the West boundary approximately 1,350 feet, then East 2,000 feet to the Southeast corner, then North to the starting point. This property is in Ovilla's ETJ.

1. I entered into a verbal agreement with Ovilla and Glenn Heights to annex the 50 acre tract into Glenn Heights. Ovilla's Mayor Mr. Phillips and Glenn Heights Mayor N.L. Craddock agreed to give Glenn Heights the right to sue Oak Leaf over the illegal annexation by Oak Leaf into Ovilla's Extraterritorial Jurisdiction and Ovilla was to receive the CCN for the land West of my property. There was a 6 inch water line that was purchased

by Glenn Heights from Central Texas Water System that made a loop West from Hampton Road down Ovilla Road to Westmoreland to Red Oak Creek Road. It then went East along Red Oak Creek Road to return to Hampton Road and connect to the water line along Hampton Road coming South to complete the loop. This provided water to my property from both the North and South. This line was plugged and closed to East-West flow. I now have less water than before the agreement.

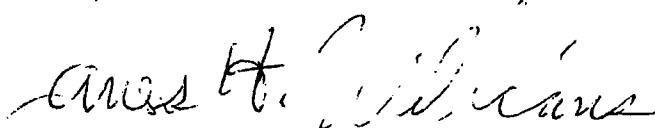
2. The agreement was never completed by either city and no action was taken by either council other than the annexation of my property and 2 approximately 95 acre tracts, south of mine, went  $\frac{1}{2}$  into Glenn Heights and  $\frac{1}{2}$  into Ovilla. The Loop water line was plugged both on Ovilla Road and Red Oak Creek Road. There was a problem with Glenn Heights annexation of the property South of mine because Oak Leaf had illegally annexed a 5 acre tract next to Hampton Road. No change was made to the CCN of Glenn Heights.
3. Oak Leaf is now demanding high dollar water line improvements to their city by Glenn Heights. Glenn Heights simply cannot afford to buy water lines and give them to Ovilla and improve costly water lines in Oak Leaf.
4. My solution is to nullify this partly completed agreement and return things the way they were prior to the partial agreement. This would allow me to be disannexed by Glenn Heights and I would then have no objections to Ovilla and Glenn Heights in working out a new agreement that did not involve my property. At the present time I am sandwiched between Ovilla on the West and Oak Leaf on the East..
5. At the time of the agreement I was willing to go into the City of Ovilla if they would provide water to my property. They did not want to do so. Mr. Phillips was only interested in getting free water lines and doing away with Oak Leaf. I have no idea what

Mr. Craddock's plans were as he never took action on the lawsuit with Oak Leaf.

6. I am concerned by Ovilla's lack of concern for the environment by allowing septic tank pollution of both Little Creek and Red Oak Creek. There are several houses built on the creeks with less than 75 feet from the septic tank beds; some built on the edge of the creek. Ovilla's lack of cost sharing has placed an undue cost burden on the sewer customers in both Glenn Heights and Red Oak. This year's cost estimate to the Red Oak Creek Regional Wastewater System for Glenn Heights is \$1,205,710 and for Ovilla \$18,500. Both cities have about the same amount of land. Glenn Heights has paid over 10 million dollars since the system went online. They are now paying 40% of the cost of the 6 city system. Even though Oak Leaf has 2 trunk lines on both Little and Red Oak creeks they are a total septic city even new construction is septic. Cedar Hill, Desoto and Lancaster are much larger and have other cheaper sewer systems that are their primary providers.

Thank you for your consideration of this matter.

Sincerely,



James H. Williams

200-503. p/c



# Ovilla

**A Great Community With a Greater Future**

July 10, 1988

City of Glen Heights  
P. O. Box 1028  
DeSoto, Texas 75115-1028

Ref: Oak Leaf Legal Fees

Attention: The Honorable Mayor Craddock

Dear Mayor Craddock:


We have been in touch with the City Attorney about the legal fees that have been spent by Ovilla protecting its interests over the illegal annexation by Oak Leaf of some of our extra-jurisdictional area. The amount that Ovilla has paid is three thousand, two hundred fifty nine dollars; (\$3,259.00).

If you plan to take this suit over, per our agreement, we hope to receive the above amount from you in the near future.

Hoping to hear from you soon on this matter.

Very truly yours,

CITY OF OVILLA



Charles B. Morton  
Mayor

CEM/hm



# Ovilla

A Great Community With a Greater Future

July 25, 1990

Congressman Joe Barton  
U. S. House of Representatives  
1225 Longworth Building  
Washington, D. C. 20515-4306

Dear Congressman Barton:

Since 1986, North Ellis County residents have worked for, and looked forward to, a waste water treatment plant for our area, that we might increase the quality of life for the citizens of our area. Septic systems are obsolete. There is no way for progress under the septic system. All of us are interested in our environment and try to be good stewards of our surroundings, and that in itself is a reason for the replacement of the septic system. As for Red Oak Creek being a fish habitat, that is nonsense. I cross Red Oak Creek (FM664) almost every day. There is drainage from horse barns, car washes, and, yes, septic lines into Red Oak Creek. Does this improve the environment? Does this type of bacteria create a habitat for the growth of fish and for children that are drawn to the creek to play in the shallow puddles?

Congressman Barton, you and Senator Gramm have done a tremendous job of bringing the SSC to Ellis County. There is no way for the anticipated growth of this part of Ellis County without a waste water treatment plant. Please use your influence and encourage the necessary permit, requested by TRA, to be granted. There may be a small vocal group that feels it should not be, but, believe me, there are a lot of silent ones that think it should be granted and feel the reason it has not been is political. I personally do not feel you would be a part of something that prevents new homes to be built for our young people, hospitals for the sick and schools for our children, or the other things necessary for a quality life. None of these things can happen on obsolete septic systems.

Stand on your convictions and see that this permit, as requested, will be granted for the health, welfare and economy of all concerned.

Thank you for your time.

Sincerely,

Cindy Jones  
Mayor Protem

CJ:vlg

P. O. Box 5047 • Ovilla, Texas 75154 • (214) 223-2944

# *The City of Oak Leaf*



Certified Mail, Return Receipt Requested  
No. 7001 1940 0000 5269 5951  
And Regular Mail

July 2, 2004

Mr. Fred Hayes  
City Manager  
City of Glenn Heights  
1938 South Hampton  
Glenn Heights, TX 75154

Re: Demand for Water System Improvements

Dear Mr. Hayes:

As you may know, for many years the City of Oak Leaf ("Oak Leaf") has attempted to work with the Certificate of Convenience ("CCN") provider, City of Glenn Heights ("Glenn Heights"), to improve the quality of water service to Oak Leaf residents. During that time, the condition of the Glenn Heights water system serving Oak Leaf (the "System") has led to many complaints by Oak Leaf residents about the inadequacy of water pressure and water flow in the System.

The concerns of Oak Leaf and its residents were first initiated in the early 1980's and subsequently confirmed in a 1997 Preliminary Engineering Report (the "Report") prepared by Richard Pierce, P.E. at the request of Glenn Heights. The Report's findings evidence the failure of the System to achieve some of the most basic standards required by the Texas Commission for Environmental Quality (the "TCEQ"). The Report also identified several System improvements necessary to provide an adequate level of service to the System in the City of Oak Leaf.

To date, Glenn Heights has failed to take action to correct the inadequacies evident in the System as documented and substantiated in the Report. Despite early plans and assurances by Glenn Heights that System improvements were imminent, physical activity to improve the System has never been taken. For years now, Glenn Heights has failed to even meet Oak Leaf's most basic requests for a progress report outlining the efforts by Glenn Heights to address System inadequacies.

Glenn Heights has been aware of the inadequacy of its System for over seven (7) years. In the meantime, Oak Leaf residents have suffered needless inconvenience and have seen their fire protection services compromised by the inaction of Glenn Heights. Oak Leaf will no longer wait upon Glenn Heights to fulfill its promises of System improvements.

301 Locust Drive • Oak Leaf, Texas 75154-3855 • (972) 617-2660  
Fax (972) 617-7108 • [www.hometown.aol.com/oakleaftx/HomePage.html](http://www.hometown.aol.com/oakleaftx/HomePage.html)  
*"A community dedicated to family values and a country living lifestyle."*

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 22, 2006

The Honorable Greg Abbott  
Attorney General of Texas  
Price Daniel Sr. Building  
209 West 14th Street  
Austin, Texas 78701

Attention: Mr. Edward Burbach, Deputy Attorney General for Litigation

Re: Constance C. Austin v. TCEQ  
Cause No. D-1-06-000507  
Related to Issuance of UIC Permits to DuPont, Beaumont Facility; Permit No. HW01-10023

Dear General Abbott:

On behalf of the Executive Director, I am forwarding this request for the Attorney General to represent the Texas Commission on Environmental Quality (TCEQ) in a civil lawsuit filed by Constance C. Austin. The Plaintiff challenges a decision by the TCEQ to issue Underground Injection Well permits for four new injection wells and renewal authorization for three existing wells. The enclosed lawsuit provides further details on this matter.

The TCEQ appreciates your attention to this matter and gladly offers its assistance. If you have any questions, please contact Ms. Susan Jere White, Staff Attorney handling the matter for TCEQ on behalf of the Environmental Law Division in the Office of Legal Services at (512) 239-0454.

Sincerely,

A handwritten signature in cursive script, reading "Stephanie Bergeron Perdue".

Stephanie Bergeron Perdue  
Acting Deputy Director  
Office of Legal Services

Enclosure(s)

cc: Derek Seal, General Counsel, TCEQ  
Dianna Tillerson, Chief Clerk's Office  
Karen Kornell, Chief, Natural Resources Division, Attorney General's Office (with enclosures)



bcc: Robert Martinez, Acting Director, Environmental Law Division, TCEQ  
Celeste Baker, Office of General Counsel, TCEQ (with enclosures)  
Ronnie Morgan, Administrative Record, General Law Division, TCEQ (with enclosures)  
Norma Kernell, Database Coordinator, General Law Division, TCEQ  
Susan Jere White, Environmental Law Staff Attorney  
Ben Knape, UIC Section Head, Waste Permits Division, OPRR  
Kathryn Herzog, UIC Project Manager, Waste Permits Division, OPRR  
Georgia Volz, Regional 10 Director, Beaumont

35087-C  
DR

BOVEY, AKERS & BOJORQUEZ, LLP  
Attorneys at Law

12325 Hymeadow Drive, Suite 3-200 ♦ Austin, Texas 78750 ♦ Phone: (512) 250-0411 Fax: 250-0749

December 1, 2005

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

Re: Application of the City of Ovilla, Texas for CCN to Provide Water and Sewer Service in Dallas and Ellis Counties

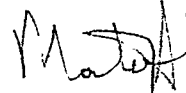
Dear sir or madam:

Our firm submitted a letter on behalf of the City of Glenn Heights dated November 2 requesting a public hearing on the referenced application. However, I learned recently that the letter was not on file with the application. Accordingly, it is submitted a second time, now in response to the notice of the application dated November 7, 2005.

The City of Ovilla's application is apparently for an amendment of CCN No. 11459 for water service and for a new CCN for sewer service. However, the areas for which Ovilla seeks certification are currently contained within the certificated areas of the City of Glenn Heights under CCN No. 11059 for water service and CCN No. 20477 for sewer service. Ovilla is apparently requesting that portions of the Glenn Heights CCNs be decertified, even though Glenn Heights is able to and is prepared to provide continuous and adequate service within those areas.

By separate filing, the City Glenn Heights has requested a commission order to prohibit the City of Ovilla from constructing, extending, or providing service within the Glenn Heights certificated areas. To the extent that it is necessary and convenient, the City of Glenn Heights requests that this matter be consolidated with its request for a commission order. Glenn Heights asks that the application of the City of Ovilla be denied and further that any request for decertification or dual certification be denied.

Yours truly,

 RECEIVED

Monte Akers

DEC 05 2005

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

Dubois

**BOVEY, AKERS & BOJORQUEZ, LLP**  
Attorneys at Law

12325 Hymeadow Drive, Suite 3-200 ♦ Austin, Texas 78750 ♦ Phone: (512) 250-0411 Fax: 250-0749

---

November 2, 2005

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

Re: Application of the City of Ovilla, Texas for CCN to Provide Water and Sewer Service in Dallas and Ellis Counties

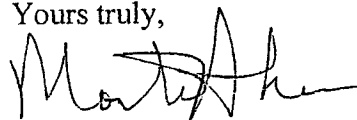
Dear sir or madam:

Our law firm represents the City of Glenn Heights. Glenn Heights requests a public hearing on the application of the City of Ovilla for a Certificate of Convenience and Necessity to provide water and sewer service in Dallas and Ellis Counties.

The City of Ovilla's application, notice of which was published on October 28, 2005, is apparently for an amendment of CCN No. 11459 for water service and for a new CCN for sewer service. However, the area for which Ovilla seeks certification is currently contained within the certificated areas of the City of Glenn Heights under CCN No. 11059 for water service and CCN No. 20477 for sewer service. Ovilla is apparently requesting that portions of the Glenn Heights CCNs be decertified, even though Glenn Heights is prepared to provide continuous and adequate service within those areas.

By separate filing, the City Glenn Heights has requested a commission order to prohibit the City of Ovilla from constructing, extending, or providing service within the Glenn Heights certificated areas. To the extent that it is necessary and convenient, the City of Glenn Heights requests that this matter be consolidated with its request for a commission order. Glenn Heights asks that the application of the City of Ovilla be denied and further that any request for decertification or dual certification be denied.

Yours truly,



Monte Akers

RECEIVED  
NOV 10 2005  
MONTA AKERS

35087-C  
DR



November 30, 2005

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

RECEIVED

DEC 06 2005

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

From: George A. Tellez  
P. O. Box 2806  
Red Oak, TX 75154  
972-617-6171

Re: City of Ovilla application for a sewer CCN, to amend CCN No. 11459, and to decertify portions of the City of Glenn Heights with the Texas Water Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties, dated November 7, 2005.

I, George A. Tellez, request a public hearing on the above-referenced matter. I am a partner in and spokesperson for a limited partnership that owns a 122-acre tract of land affected by the application filed by the City of Ovilla referenced above. It is the desire of the limited partnership that owns the 122 acres that the application of the City of Ovilla be denied and the property that is subject to the application remain in the CCN of the City of Glenn Heights, Texas. This request is being made for the following reasons:

1. Ovilla does not have the capability in place to provide water service to the subject property. The burden to run water lines from Ovilla's existing facilities to the property would be borne by the developers. This could amount to a substantial expense to the developers. In contrast, the City of Glenn Heights has an existing water line directly adjacent to the subject property that is capable of supplying water to the subject property;
2. The wastewater metering station for the City of Ovilla is inaccessible to the subject property. The developers of the property would be required to bear the burden and considerable expense of installing a separate wastewater metering station that would tie into the Trinity River Authority's current line. This would be necessary for the City of Ovilla to be able to measure wastewater flow for

DANIE W. EMERY  
601 CARDINAL DRIVE  
CIVILLA TX.

75154

972-287-4665

469-337-7495

11-17-05 DR

35087-C  
+  
35088-C

I HEREBY REQUEST A PUBLIC HEARING IN REFERENCE  
TO CCN # 11459.

I AM CONCERNED WITH BEING FORCED TO CHANGE  
TO CITY SEWER SERVICE AT MY EXPENSE.

THIS APPEARS TO BE ANOTHER ATTEMPT BY THE  
CITY OF CIVILLA TO CHANGE EXISTING ZONING LAWS  
TO BENEFIT A GROUP OF DEVELOPERS.

Danie W. Emery

2005

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 22, 2005

Mr. John McDonald, City Administrator  
City of Ovilla  
105 South Cockrell Hill Road  
Ovilla, Texas 75154

Re: Application from the City of Ovilla, Certificate of Convenience and Necessity (CCN) No. 11459, to Decertify a Portion of CCN No. 11059 from the City of Glenn Heights and to Amend CCN No. 11459 in Dallas and Ellis Counties; Application No. 35087-C

Application from the City of Ovilla to Obtain a Sewer CCN and to Decertify a Portion of CCN No. 20427 from the City of Glenn Heights in Dallas and Ellis Counties; Application No. 35088-C

CN: 600632129; RN: 102678265 (water) and pending (sewer)

Dear Mr. McDonald:

Your applications for the City of Ovilla to amend a water CCN and to obtain a sewer CCN were received on September 1, 2005, and have been accepted for filing. Thank you for providing the items we requested with your December 16, 2005, December 19, 2005 and November 22, 2005, letters and fax. Ms. Debbie Reyes has been assigned to perform the technical review.

After further technical review additional financial, technical or other information may also be requested through future correspondence.

If you have any questions, please contact Ms. Debbie Reyes at 512/239-4683, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Doug Holcomb".

Doug Holcomb, P.E., Section Manager  
Utilities & Districts Section  
Water Supply Division

DH/KLB/ac