

Notice to Neighboring Systems and Cities

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

To: Aqua Texas
(Neighboring System or City)

Date Notice Mailed: _____, 20

(Address)

(City State Zip)

City Of Orange has filed an application for a CCN / to
Name of Applicant

amend CCN No. 600643530 / and to decertify a portion(s) of North Orange Water & Sewer, Aqua Texas, and Kelly Brewer with the Texas Commission on Environmental Quality to provide water & sewer (specify 1) water or 2) sewer or 3) water & sewer) utility service in Orange County(ies).

The proposed utility service area is located approximately 4.2 miles North [direction] of downtown Orange, [City or Town] Texas, and is generally bounded on the north by an existing Entergy highline right-of-way; on the east by Union-Pacific Spur (Railroad); on the south by FM 3247; and on the west by Sabine River Authority canal. See enclosed map of the proposed service area.

The total area being requested includes approximately 951 acres and 1,611 current customers.

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.

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

Notice to Neighboring Systems and Cities

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

To: City of Pinehurst
(Neighboring System or City)

Date Notice Mailed: _____, 20

(Address)

(City State Zip)

City Of Orange has filed an application for a CCN / to
Name of Applicant

amend CCN No. 600643530 / and to decertify a portion(s) of North Orange Water & Sewer, Aqua Texas, and Kelly Brewer with the Texas Commission on Environmental Quality to provide water & sewer (specify 1) water or 2) sewer or 3)water & sewer) utility service in Orange County(ies).

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ADDENDUM VI:B

(Notice to Landowner w/ Map of Area to be Annexed)

Notice to Landowner

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

To: _____
(Landowner)

Date Notice Mailed: _____, 20

(Address)

(City State Zip)

City Of Orange

Name of Applicant

_____ has filed an application for a CCN / to
amend CCN No. 600643530 / and to decertify a portion(s) of North Orange Water & Sewer,
Aqua Texas, and Kelly Brewer with the Texas Commission on Environmental Quality to provide
water & sewer (specify 1) water or 2) sewer or 3) water & sewer) utility service in
Orange County(ies).

The proposed utility service area is located approximately 4.2 miles North [direction]
of downtown Orange, [City or Town] Texas, and is generally bounded on the
north by an existing Entergy highline right-of-way; on the east by Union-Pacific Spur (Railroad);
on the south by FM 3247; and on the west by Sabine River Authority canal.
. See enclosed map of the proposed service area.

The total area being requested includes approximately 951 acres and 1,611 current customers.

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

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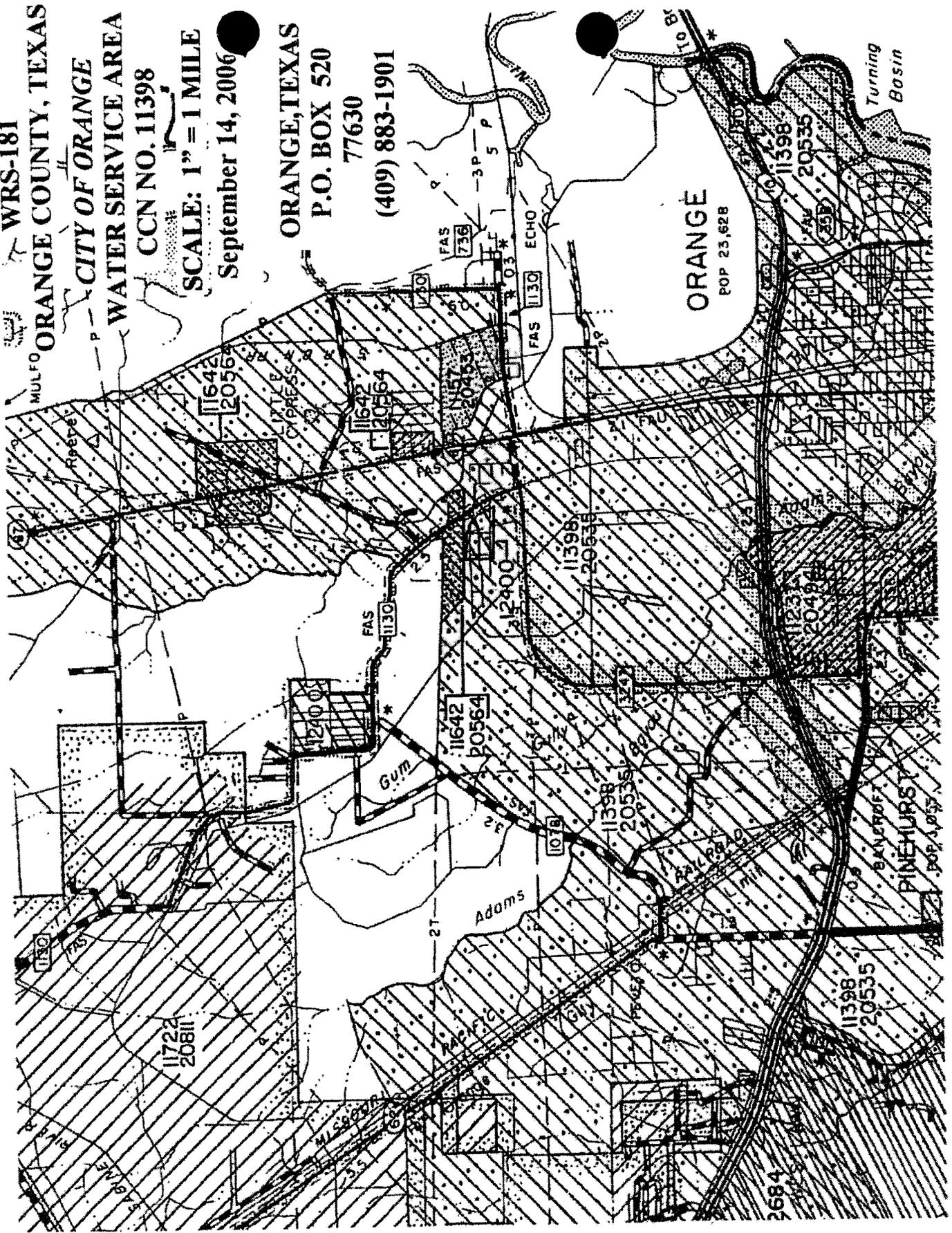
If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission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

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

WRS-181
ORANGE COUNTY, TEXAS
CITY OF ORANGE
WATER SERVICE AREA

CCN NO. 11398
SCALE: 1" = 1 MILE
September 14, 2006

ORANGE, TEXAS
P.O. BOX 520
77630
(409) 883-1901



**APPLICATION TO OBTAIN OR AMEND A WATER OR SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)**





GENERAL INFORMATION

★★★ THIS APPLICATION IS NOT A RATE CHANGE APPLICATION. THE APPROPRIATE FORMS NEEDED TO FILE A RATE CHANGE APPLICATION MAY BE OBTAINED BY CONTACTING THE UTILITIES AND DISTRICTS SECTION, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). ★★★

☞ Pursuant to V.T.C.A., Water Code, Chapter 13, Subchapter G:

- CCNs *may be obtained* by any retail public water and sewer utility.
- CCNs *are required* for
 - a) Investor Owned Utilities (IOU);
 - b) Non-profit, member-owned, member-controlled water supply or sewer service corporations (WSC) incorporated under Water Code Chapter 67; and
 - c) affected counties.
- CCNs *may be required* for political subdivisions, except affected counties, before utility service can be provided to an area already lawfully being served.

☞ A CCN gives the holder:

- the legal right to provide water and/or sewer utility service;
- for compensation, either directly through a monthly rate or indirectly through maintenance fees, property owners fees, etc.;
- a delineated service area; **AND**
- obligates the certificate holder to provide service to every customer and qualified applicant who requests service within that area.

☞ A CCN is *not required* when service is either submetered pursuant to Water Code, Chapter 13, Subchapter M or included in the rental of the property.

☞ IOUs and WSCs with 15 or less potential connections may register as "exempt" and then are not required to possess a CCN for their service area if they meet the exemption criteria.

☞ **If this application was downloaded from the TCEQ web site or sent via E-mail, it shall not be changed, altered or amended from its original form only available from the Commission.**

PROCESSING YOUR CCN APPLICATION

☞ FLOW CHART

Enclosed in this packet is a flow chart of the review process. Your application will go through an Administrative Review and, when accepted for filing, through a Technical Review. For uncontested applications, processing time depends on the response time of the applicant. Contested applications generally take longer because of the need for scheduling a public hearing, and processing time depends on whether a settlement agreement between the applicant and the protestor(s) is reached. The dates provided in the flow chart are generally the time it takes to process an uncontested application.

☞ ADMINISTRATIVE REVIEW OF YOUR CCN APPLICATION

- Your application will be reviewed for completeness by the Commission staff within ten (10) working days after it is received in our offices.
- If necessary, you may be requested to provide additional information within **thirty (30)** days to complete the application.
- Proposed notice forms are included with the application.
- If the application is ***administratively incomplete***, you will be sent a letter that outlines the application's deficiencies and describing what you need to do to correct the deficiencies
 - a) After receiving that letter, you will have ***thirty (30)*** days to make the necessary corrections
 - b) **If you fail to make the corrections in full**
 - (a) **the application will be returned,**
 - (b) **the application fee will be forfeited, and**
 - (c) **if you are already operating a system, you will be referred for enforcement action which may include administrative penalties of up to \$500 per day.**

NOTICE

The Commission cannot grant a CCN until proper notice of the application has been given. It is the applicant's responsibility to ensure that proper notice is given. Notice forms for publication, neighboring cities and systems, and customers are included with this application to use in preparing your proposed notices. These notice forms are also available in Spanish upon request. If the applicant is an operating IOU currently providing service without a CCN, then proposed notices must be provided for publication, to neighboring cities and systems and current customers in the proposed service area. All three forms must be completed and submitted with the application. However, if the applicant has no customers in the proposed area at the time of filing and is only proposing to provide service at some future date, or if the applicant is a WSC or political subdivision, then only the notices for publication and neighboring cities and systems must be submitted. **Do not publish the notice or send copies of the proposed notices or maps to anyone at the time you submit this application to the Commission.** Your proposed notices and maps will be reviewed for completeness. When your application is accepted for filing, you will be directed to provide the appropriate notices for publication, to the neighboring cities and systems and, if necessary, to current customers.

TECHNICAL REVIEW OF YOUR CCN APPLICATION

When the application is complete, you will be notified by mail and be required

- to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in your local area and county. If the proposed area is in more than one county, publication in each county is required;
- to provide a copy of the individual notice with copy of location map (CCN map) to neighboring cities and systems within
 - a) two (2) miles of your proposed service area, if you are an existing retail public utility amending the existing service area or
 - b) five (5) miles if you are obtaining a new CCN to serve a new service area; and
 - c) to provide individual mailed notice with copy of location map (CCN map) to all affected current customers if you are required to have a CCN but are currently providing service without a CCN;

If the application is ***technically incomplete***, you will be sent a letter that outlines the application's deficiencies and describing what you need to do to correct the deficiencies

- After receiving that letter, you will have ***thirty (30)*** days to make the necessary corrections
- If you fail to make the corrections in full,**
 - a) **the application will be returned**
 - b) **the application fee will be forfeited and**

- c) if you are already operating a system, you will be referred for enforcement action which may include administrative penalties of up to \$500 per day.

V.T.C.A. Water Code Section 13.246(c) requires the Commission to consider the following factors before it can issue a CCN:

- the adequacy of service currently provided to the requested area,
- the need for additional service in the requested area,
- the effect of the granting of a certificate on a recipient of the certificate and on any retail public utility of the same kind already serving the proximate area,
- the ability of the applicant to provide adequate service,
- the feasibility of obtaining service from an adjacent retail public utility,
- the financial stability of the applicant, including, the adequacy of the applicant's debt-equity ratio,
- environmental integrity, **AND**
- the probable improvement of service or lowering of cost to consumers in that area resulting from the granting of the certificate.

In addition to these factors,

- the Commission must ensure that the applicant possesses the financial, managerial, and technical capability to provide continuous and adequate service **AND**
- the applicant must also demonstrate that regionalization or consolidation with another retail public utility is not economically feasible.

If there are no protests, you will be provided a copy of the technical staff recommendation and proposed CCN. If you have any questions or concerns, you should contact the technical staff person assigned to your application immediately. If you disagree with the staff recommendation and/or proposed CCN, the application will be considered contested, and a hearing may be requested.

If the application is contested and a hearing is requested, the application may be referred to the State Office of Administrative Hearings (SOAH). During the preliminary hearing, the presiding Administrative Law Judge (ALJ) may give the parties time to negotiate a settlement. Alternative Dispute Resolution (ADR) is available upon request of all of the parties. If a settlement is reached, the application will be remanded to staff for administrative processing. If a settlement is not reached, a discovery schedule and a date for an evidentiary hearing will be set. The ALJ will take testimony from each party and present a report to the Commission to consider in making a final decision on the application.

The completed application and copies should be sent to:

Texas Commission on Environmental Quality
Registration, Review & Reporting Division
Permits Administrative Review Section
Water Quality Applications Team
MC-156
P. O. Box 13087
Austin, TX 78711-3087

☆☆☆THIS APPLICATION IS NOT A RATE CHANGE APPLICATION.
THE APPROPRIATE FORMS NEEDED TO FILE A RATE CHANGE
APPLICATION MAY BE OBTAINED BY CONTACTING THE UTILITIES
AND DISTRICTS SECTION, TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY.☆☆☆



*RN #101385854

*CN # 600643530#

RECEIVED
OCT - 2 2006
A-136-6
UTILITIES & DISTRICTS
SECTION

*If known (See instructions)

PURPOSE OF THIS APPLICATION

- OBTAIN New Water CCN New Sewer CCN
- AMEND Water CCN # 11398 Sewer CCN # 20535

600643530
101195-107-214

1. APPLICANT INFORMATION

Utility Name: City Of Orange
Utility Address (city/state/zip): Orange, Texas 77630

Utility Phone and Fax Number (409) 883-1901 Phone (409) 883-1952 Fax _____

Contact Person: Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant, or other title related to the applicant.

Name: Jim Wolf Title: Director of Public Works
Address: P.O. Box 520 Telephone (409) 883-1082
City Orange St Texas Zip 77630 Fax (409) 883-1914
County(ies) in which service is proposed Orange

A. Provide the following information about the utility's certified operators

Name	Classes	License Number
David L. Trahan	"B" WW, "B" WG	WW0007894-WG0004193
David Martindale	"B" WW, "B" WG	WW0013962-WG0000145

- Attach additional sheet(s) if necessary -

B. Check the appropriate box and provide information regarding the legal status of the applicant:

<input type="checkbox"/>	Investor owned utility
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Home or Property Owners Association
<input type="checkbox"/>	For-profit corporation
<input type="checkbox"/>	Non-profit, member-owned, member-controlled cooperative corporation (Water Code Chapter 67, Water Supply or Sewer Service Corporation)
<input checked="" type="checkbox"/>	Municipality
<input type="checkbox"/>	District
<input type="checkbox"/>	Other Please explain:

C. If the applicant is a For-Profit Corporation:

- i. Please provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. (See Note below).
- ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State. N.A.

- D. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation or other non-profit corporation:
- i. Please provide a copy of the Articles of Incorporation and By-Laws.
 - ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State

2. **LOCATION INFORMATION**

- B. Are there people already living in the proposed area?

YES NO

If YES, are any currently receiving utility service?

YES NO _____, if YES, from Whom North Orange Water and Sewer, Aqua Texas, and Kelly Brewer.

- C. Have you received any requests for service in the requested service area?

YES _____ NO

If yes, please indicate the number of verbal and number of written requests and provide a clear explanation of the need for service in the requested area.

WRITTEN _____ VERBAL _____

On a separate page, list the name, address, and phone number of persons requesting service. Include any letters of intent, service inquiries, and/or any other documentation demonstrating a need for service in the proposed area. Requests for service must be identified on the large scale map. See 2.E.i.a below.

If no, please justify the need for service in the proposed area.

- D. Is any portion of the proposed service area inside an incorporated city?

YES NO

If YES, within the city limits of:

Provide a copy of any franchise, permit, or consent granted by the city. If not available, please explain:

- E. Is any portion of the proposed service area inside another utility's CCN area?

YES NO _____

If YES, has the current CCN holder agreed to decertify the proposed area.

YES _____ NO

If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest. (See Attachment 2:E)

- F. Attach the following maps with each copy of the application: *(All maps should include applicant's name, address, telephone number, and date of drawing or revision. All maps should be folded to 8½ x 11 inches).*

- i. Subdivision plat or engineering plans or other large scale map showing the following:

- A. The exact proposed service area boundary showing locations of requests for service and locations of existing connections (if applicable).

★ NOTE: Applicant may send their facility line map showing current connections (if available), OR estimate the number of connections along each side of the street on the large scale map. Number of connections = 8,097 (See Attachment 2:F:I:A)

- B. The existing service area (if applicable).

- C. Metes and bounds (if available).

- D. Proposed and existing service area boundaries should be plotted on the map in relation to verifiable natural and man-made landmarks such as roads, creeks,

rivers, railroads, etc. (See Attachment 2:F:I:D)

E. Service area boundaries should be shown with such exactness that they can be located on the ground.

★ NOTE: Applicant may use a USGS 7.5"-minute series map if no other large scale map is available.

- ii. Small scale location map delineating the proposed service area. The proposed service area boundary should be delineated on a copy of the TCEQ official CCN map. This map will assist TCEQ staff in locating the proposed service area in relation to neighboring utility service areas. A copy of the TCEQ official CCN map may be obtained by contacting the Utilities & Districts Section at 512/239-4691 or by mailing a written request to the following address: (See Attachment 2:F:II)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Water Supply Division
Utilities & Districts Section
MC-153
P.O. Box 13087
Austin, TX 78711-3087

★ NOTE: If the proposed service areas shown on the large scale map and small scale map do not delineate the same area, the more detailed large scale map will be used to delineate the official CCN service area.

- iii. **Hard copy maps should include the following items:**
- A. Map scale should be prominently displayed.
 - B. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
 - C. Attach a written description of the proposed service area.(See Attachment 2:F:III:C)
 - D. Proposed service area should be the same on all maps.
 - E. Include map information in digital format (if available), see Section 3, GIS Information.
- iv. Each utility shall make available to the public at each of its business offices and designated sales offices within Texas the map of the proposed service area currently on file with the Commission. The applicant employees shall lend assistance to persons requesting to see a map of the proposed area upon request.

3. GIS INFORMATION

We are currently developing a state wide Geographic Information Systems (GIS) coverage of all CCN service areas. The mylar maps are being retired. In order to assist us in this move, we are requesting that a digital file of the proposed CCN service area boundary be submitted with the 3 hard copy maps. **This is not a requirement.** It is understood that not all utilities employ the services of an engineering company or use mapping software to produce a map of the proposed CCN service area boundary. However, by submitting the information digitally, the evaluation of your CCN will be faster and more accurate. Also, by receiving the information in digital form it is easier for us to update and maintain the CCN GIS coverage.

A. **Digital Map Requirements** In order that your digital data can be properly used, the following information is necessary:

- i. Submit digital data of the proposed CCN service area on a 3.25" diskette or CD. Only one diskette or CD is necessary. Most files of CCNs (minus the base map) should be

small enough to zip up and put on a diskette or CD.

- ii. The digital data should include all items represented in the hard copy maps (see Section 2, items E.i and E.ii).
- iii. Please identify data file format, projection information, map units and base map used.

Acceptable Data File Formats:

ArcView shape file (preferred)

- 1. AutoCAD dwg file
- 2. Arc/Info E00 file
- 3. DXF file
- 4. Microstation dgn files

★ NOTE: If you use a format that is not listed, contact the Cartographer at the number listed below to see if we can use the data.

- a. **Projection, Datum, and Units Information** The data should be submitted in the Texas State Mapping System (TSMS) Projection. However, if it cannot be submitted in TSMS, list the Projection (e.g. State Plane Central Zone, NAD27) or coordinate system being used and Units (e.g. meters, feet, etc.)
- b. **Base Map Information**
List the base map used (e.g. TxDOT county digital road maps, USGS maps, etc.)
Base map information should be included only if it has been produced in-house and is not easily available at most data repositories.
★ NOTE: TCEQ uses TxDOT county (urban) digital road maps as the official CCN base map. Copies of these files can be obtained from Texas Natural Resources Information Systems (TNRIS) at (512) 463-8337 or downloaded from the <http://www.tnr.is.state.tx.us/DigitalData/TxDOT/txdot.htm> website at
- c. **Read-me text file**
Data file format, base map used, projection and units information, and other necessary information can be specified in a read-me text file.

B. Important Information For those applicants that submit digital data:

- i. Please make sure the proposed service area boundary shown on the hard copy map is identical to the digital data. If the proposed service area shown on the digital data does not delineate the same area shown on the hard copy map, the hard copy map will be used to delineate the official CCN service area.
- ii. Modifications may be made to submitted digital data in order to match the proposed service area boundary to features represented on the TxDOT base map, as opposed to the same features used in the applicants base map.
- iii. If an applicant proposes to amend a portion of their existing CCN service area, the existing service area shown on the digital data must match the official CCN service area that was previously certificated to the utility. If it does not, then only the proposed portion of the digital data will be used.

If you have any questions about sending the data or our GIS CCN coverage, please contact the Cartographer of the Utilities & Districts Section, Water Supply Division at (512) 239-4691.

4. NEW SYSTEM INFORMATION OR UTILITIES REQUESTING A CCN FOR THE FIRST TIME

A. Please provide the following information:

- i. A list of all public drinking water supply systems or sewer systems within a 2 mile radius of the proposed system.
- ii. Copies of written requests seeking to obtain service from each of the public drinking water supply systems or sewer systems listed in #4.a.i above or documentation that it is not economically feasible to obtain service from them.
- iii. Copies of written responses from each system or evidence that they did not reply.

- C. List in the table below, the number of existing and/or proposed metered and non-metered connections (by size). The proposed number should reflect the information presented in the business plan and reflect the number of service requests identified in Question 2.b above.

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter	5,811		Residential	5,572	
1" meter or larger	593		Commercial	609	
Non-Metered	0		Industrial	0	
Other:	0		Other:	0	
Total Water	6,404		Total Sewer	6,181	

- D. If this application is for a water CCN only, please explain how sewer service is provided: N.A.

- E. If this application is for a sewer CCN only, please explain how water service is provided: N.A.

- F. What is the effect of the granting or amending a certificate on a recipient of the certificate and on any retail public utility of the same kind already serving the proximate area:
(See Attachment 5:F)

- G. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?

- i. No (skip the rest of this question and go to #6)

- ii. Water
Yes

Purchased on a () regular - () seasonal - () emergency basis?

Source	% of total supply

- iii. Sewer treatment capacity

Yes

Purchased on a () regular - () seasonal - () emergency basis

Source	% of total treatment

- iv. Provide a **certified** copy of the most current water or sewer treatment capacity purchase agreement or contract.

6. **FINANCIAL INFORMATION**

- A. For new systems and for applicants with existing CCNs who are constructing a new stand alone system:
- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
 - ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates should correlate to the growth projections in #6.A above.
 - iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.
- B. For existing systems: **(See Attachment 6:B, 6:C, and 6:D)**
- i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
 - ii. Attach a proposed rate schedule or tariff. **(See Attachment 6:B:II)**
- ★ NOTE: An existing system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application.
- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers. **(See Attachment 6:B, 6:C, and 6:D)**
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant. **(See Attachment 6:B, 6:C, and 6:D)**

7. **NOTICE REQUIREMENTS (See Attachment 7)**

- A. All proposed notice forms must be completed and submitted with the application. However, do not mail or publish them until you receive written approval from the Commission to do so.
- B. The Commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of these notice requirements.
- C. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.
- D. Recommended notice forms for publication, neighboring cities and systems, and customers are included with this application to use in preparing your proposed notices. (These notice forms are also available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the Commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully and note any additional neighboring utilities which may be included in the acceptance letter.

- F. **Notice For Publication:**
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; and
 - ii any city whose extra-territorial jurisdiction (ETJ) overlaps the proposed service area.
 - iii. 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 location map (CCN map) to all cities and neighboring retail public utilities providing the same utility service within **five (5) miles** of the requested service area, and any city with an ETJ which overlaps the proposed service area.
 - iv. For applications for the **AMENDMENT** of certificate of public convenience and necessity, the applicant must mail the notice with a copy of the location map (CCN map) to all cities and neighboring retail public utilities providing the same utility service within **two (2) miles** of the requested service area, and any city with an extra-territorial jurisdiction which overlaps the proposed 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.

ATTACHMENT 2:E

Single certification of the areas at issue is sought by Applicant, resulting from the decertification of the current CCN holders and the amended certification of Applicant as sought hereunder.

Decertification of the current providers (coupled with amended certification of the Applicant) is not only in the public interest, but it is mandated by Section 43.056(g) of the Municipal Annexation Act of the Texas Local Government Code as a result of Applicant's annexation of the area at issue. Specifically, the Applicant, as the annexing entity of the area at issue, is obligated to provide a level of services in the annexed area that is comparable to the level of services provided in other parts of the municipality serviced by Applicant. See Tex. Loc. Gov't Code 43.056(g).

In this regard, the services provided by the current providers in the areas at issue are not comparable to the level of services provided by the Applicant in other areas of the municipality. Namely, the line sizes of the current providers are far smaller than those available to customers in the other parts of Applicant's service area, and there is a lack of fire hydrants. Further, the quality of water of the current providers is inferior, while the current providers' respective rate structures are higher, both of which highlight the lack of comparability between services in the areas at issue and the greater area serviced by Applicant. Finally, the services of the providers are not comparable with that of the Applicant with regard to reliability and stability.

Not only is service by Applicant to the area at issue mandated by the Texas Local Government Code (and, thus, amended certification of Applicant necessary to satisfy such mandate), but decertification of the current providers coupled with amended certification of Applicant is in the public interest because of the improvement of services that will result to consumers in the area from such outcome. As noted above, the services provided by the current providers are inadequate with regard to water quality, line size, fire plugs/protection. Additionally, decertification of the current providers (again coupled with amended certification of the Applicant resulting in a single certification) is in the public interest because the rates charged by the current providers, respectively, are not competitive. Single certification of Applicant such outcome would result in lower costs to the consumers in the areas.

Insert to 2:E
City Of Orange
Page 2

Applicant has a history of providing a better product at a lower price, both of which would inure to the benefit of the consumers in the areas at issue and, thus, be in the public interest. As a current provider with a CCN in an adjacent area, Applicant has the ability to provide superior service and, as an annexing municipality of the service area in question, Applicant is mandated under the Texas Municipal Annexation Act (Ch. 143 Texas Local Gov't Code) to provide a comparable level of services throughout the entire municipal area.

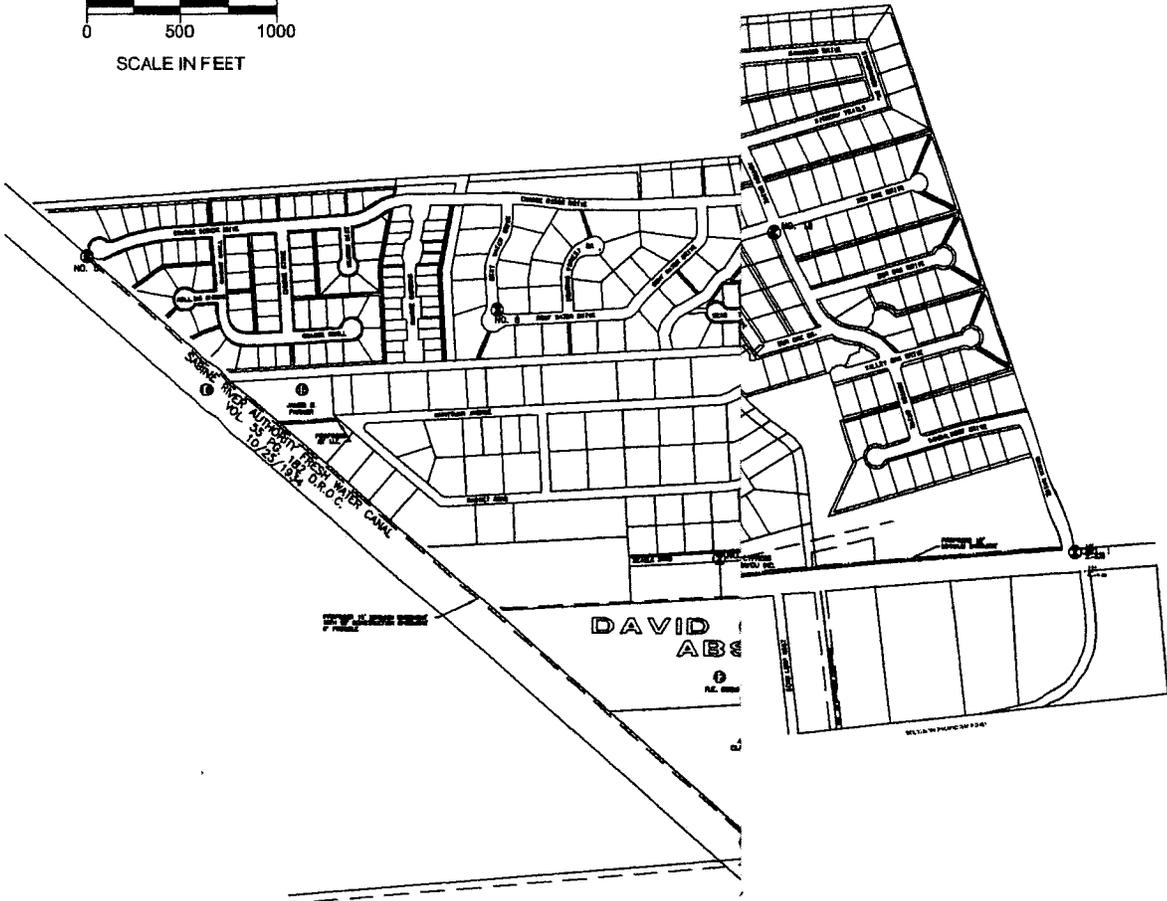
Just as it is clear that an annexing municipality is charged under the Texas Local Government Code with the duty to ensure provision of a comparable level of services throughout a municipality, it is clear that that the spirit of the Texas Water Code is to permit an annexing municipality to achieve single certification in an annexed area and, for that reason, single certification is sought by the amendment of Applicant's CCN together with the decertification of the current providers.

ATTACHMENT 2:F:I:A
(Facility Map)

CITY OF ORANGE
 ORANGE, TX-77630
 P.O. Box 520
 RIC (409) 883-1901
 JULY 2006



0 500 1000
 SCALE IN FEET



NOTE:
 THE INFORMATION DEPICTED HEREON IS PRELIMINARY AND IS DERIVED FROM ORANGE COUNTY APPRAISAL DISTRICT RECORDS AND OTHER RECORD DOCUMENTATION. NO ON GROUND SURVEY HAS BEEN PERFORMED AT THIS TIME.
 THESE PRELIMINARY PLATS ARE NOT INTENDED TO BE USED FOR REAL PROPERTY TRANSFER, UTILITY DESIGN OR ANY FINAL CONSTRUCTION PURPOSES.

TEKSA STATE HWY 81

- ① CYPRIAN BACLI, INC. (CALLED 8.85 ACRES)
CYPRIAN BACLI ESTATE LOT 183
- ② HUBERT R. HANCOCK (CALLED 8.815 ACRES)
VOL. 1135 PAGE 861 O.P.R.O.C.
- ③ WALTER B. BROWN, JR. AND WIFE, MARY S. BROWN (CALLED 3.84 ACRES)
VOL. 264 PAGE 4 O.P.R.O.C.
- ④ TONNY F. MARTIN AND WIFE, PATI L. MARTIN (CALLED 0.853 ACRES)
VOL. 1058 PAGE 303 O.P.R.O.C.
- ⑤ BRADLEY BOYD PROP. INC. (CALLED 2.8 ACRES)
VOL. 1183 PAGE 228 O.P.R.O.C.
- ⑥ A.C. LONDON (CALLED 1.724 ACRES)
VOL. 1284 PAGE 759 O.P.R.O.C.
- ⑦ SPURR WHEELS (CALLED 3.48 ACRES)
VOL. 818 PAGE 848 O.P.R.O.C.
- ⑧ THOMAS MATTHEWS WIFE (CALLED 5.78 ACRES)
VOL. 1184 PAGE 789 O.P.R.O.C.
- ⑨ MONTE B. OYER AND WIFE, MARTHA S. OYER (CALLED 3.00 ACRES)
VOL. 1280 PAGE 689 O.P.R.O.C.
- ⑩ JERRY WIMBERLEY AND WIFE, RUBY J. WIMBERLEY (CALLED 5.78 ACRES)
VOL. 481 PAGE 874 O.P.R.O.C.
- ⑪ ROBERT J. BRADON AND WIFE, BARBARA J. BRADON (CALLED 0.8 ACRES)
VOL. 1221 PAGE 378 O.P.R.O.C.
- ⑫ RICHARD L. DANFORTH, JR. AND WIFE, D'JANNA F. DANFORTH (CALLED 0.800 ACRES)
OFF 278644 O.P.R.O.C.
- ⑬ AMBROSE CLAYTON, JR. (CALLED 16.263 ACRES)
OFF 288441 O.P.R.O.C.
- ⑭ DENNIS R. FERRELL AND WIFE, LINDA S. FERRELL (CALLED 3.30 ACRES)
VOL. 1447 PAGE 228 O.P.R.O.C.

SHEET		1	
DATE	JULY 2006	DESIGNED	DD-DPC-DMG
JOB NO.		REVISION	
DRAWN		CHECKED	
APPROVED			

CITY OF ORANGE ANNEXATION PROJECT
 BASE MAP

ORANGE COUNTY, TEXAS

ARCENEUX & GATES
 Consulting Engineers, Inc.
 Engineers Surveyors Planners

ARCENEUX & GATES
 CONSULTING ENGINEERS, INC.
 1001 WEST 10TH STREET, TEXAS

ATTACHMENT 2:F:I:D

(Proposed and Existing Service-Area Boundaries-Map)

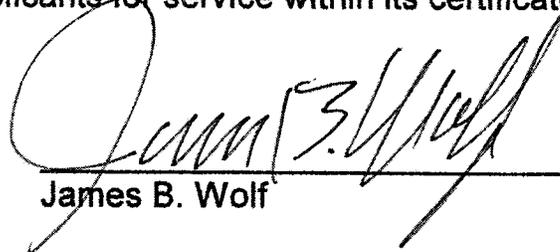
OATH

STATE OF TEXAS

I, JAMES B. WOLF, being duly sworn, file this application as Director of Public Works for the City of Orange, Texas; 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.

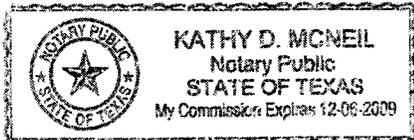
I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.



James B. Wolf

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 26 day of September, 2006.



NOTARY PUBLIC

(Seal)

ATTACHMENT 2:F:II
(Small Scale Location Map)
(Delineating the Proposed Service Area)

ATTACHMENT 2:F:III:C
(Written Description of Proposed Service Area)

Insert to Attachment 2:F:III:C
City Of Orange
Page 1

ANNEXATION STUDY - WRITTEN DESCRIPTION

PROPOSED AREAS:

Three areas are proposed for annexation. Areas II and III are bounded by Sabine River Authority canal on the West, an existing Entergy Highline R.O.W. on the North, SH 87 on the East, and FM 3247 on the South. Area IV is bounded by SH 87 on the West, a projection of Bear Path Road, on the North between SH 87 and the Union Pacific Spur, the Union Pacific Spur on the East, and the Union Pacific railroad on the South.

ATTACHMENT 5:A:IV
(Recent Inspection Report Letter)

100

Kathleen Hartnett White, *Chair*
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

November 7, 2005

**CERTIFIED MAIL {Certified # 7004 0750 0001 4232 1929}
RETURN RECEIPT REQUESTED**

Mr. James Wolfe, Public Works Director
City of Orange
P.O. Box 520
Orange, Texas, 77631

Re: Notice of Violation for the Public Water Supply Comprehensive Compliance Investigation at:
City of Orange, PO Box 520, Orange (Orange County), Texas
TCEQ ID No.: 1810004 Investigation No.: 419023

Dear Mr. Wolfe:

On September 13, 2005, Mr. Dave Letourneau of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted which were alleged noncompliances that have been resolved and noted as an Area of Concern. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by **May 8, 2006**, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations. A compliance date of September 1, 2008 for the Cove Addition elevated storage tank has been approved. Please provide biannual updates with the progress of these elevated storage tank improvements.

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 TCEQ 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. If you have additional information that we are unaware of, you have the opportunity to contest the violation(s) documented in this notice. Should you choose to do so, you must notify Beaumont Region Office within 10 days from the date of this letter. At that time, a violation review meeting will be scheduled. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

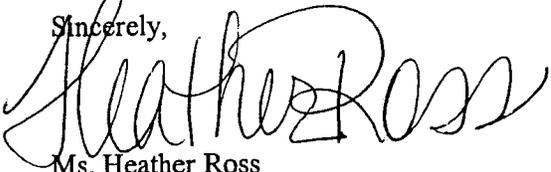
REPLY TO: REGION 10 • 3870 EASTEX FWY. • BEAUMONT, TEXAS 77703-1892 • 409/898-3838 • FAX 409/892-2119

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

Mr. James Wolfe, Public Works Director
TCEQ ID No.: 1810004 Investigation No.: 419023
Page 2
November 7, 2005

If you or members of your staff have any questions, please feel free to contact If you or members of your staff have any questions, please feel free to contact Mr. Dave Letourneau in the Beaumont Region Office at (409) 898-3838.

Sincerely,

A handwritten signature in black ink that reads "Heather Ross". The signature is written in a cursive style with a large, looping initial "H".

Ms. Heather Ross
Water Section Manager
Beaumont Region Office

HR/DL/ct

Enclosures: Summary of Investigation Findings
"Obtaining TCEQ Rules"
Exception Procedure - Reviewing Requests for Exceptions and Alternative Capacity

Summary of Investigation Findings

CITY OF ORANGE
PO BOX 520
ORANGE, ORANGE COUNTY, TX 77630
Additional ID(s): 1810004

Investigation # 419023
Investigation Date: 09/13/2005

OUTSTANDING ALLEGED VIOLATIONS

Track No: 220443 Compliance Due Date: 05/08/2006
30 TAC Chapter 290.41(c)(3)(M)

Alleged Violation:
Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate sample tap on the Meeks Drive well.

During the investigation, it was noted that the sample tap on the Meeks Drive well was after the polyphosphate injection point.

A suitable sampling cock shall be provided on the discharge pipe of each well pump prior to any treatment.

Recommended Corrective Action: Install an appropriate sample tap.

Please submit a letter and a photograph documenting the alleged violation has been resolved.

Track No: 220444 Compliance Due Date: 05/08/2006
30 TAC Chapter 290.46(m)(4)

Alleged Violation:
Investigation: 419023

Comment Date: 10/24/2005

Failure to repair a leak in a gate valve at the Strickland Drive elevated storage tank.

During the investigation, it was noted that there was a small leak in a gate valve at the Strickland Drive elevated storage tank.

All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids.

Recommended Corrective Action: Repair or replace this gate valve.

Please submit a letter and a photograph documenting the alleged violation has been resolved.

Track No: 220446 Compliance Due Date: 05/08/2006
30 TAC Chapter 290.46(m)(4)

Alleged Violation:
Investigation: 419023

Comment Date: 11/4/2005

Failure to repair a leak in an altitude valve at the Strickland Drive elevated storage tank.

During the investigation, it was noted that there was a substantial leak in an altitude valve at the Strickland Drive elevated storage tank.

All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids.

Recommended Corrective Action: Repair or replace this altitude valve.

Please submit a letter and a photograph documenting the alleged violation has been resolved.

Track No: 220451 **Compliance Due Date:** 05/08/2006

30 TAC Chapter 290.38(25)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate fence at the Meeks Drive water plant.

During the investigation, it was noted that the Meeks Drive water plant had broken barbed wire on the top of the fence.

A fence six feet or greater in height, constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle with the smooth side of the fence on the outside wall. In lieu of barbed wire, the fence must be eight feet in height. The fence must be in good repair and close enough to the surface grade to prevent intruder passage.

Recommended Corrective Action: Repair the intruder-resistant fence around this water plant.

Please submit a letter and photographs documenting the alleged violation has been resolved.

Track No: 220456 **Compliance Due Date:** 05/08/2006

30 TAC Chapter 290.38(25)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate fence at the Strickland Drive elevated storage tank.

During the investigation, it was noted that the Strickland Drive elevated storage tank had some areas with broken barbed wire.

A fence six feet or greater in height, constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle with the smooth side of the fence on the outside wall. In lieu of barbed wire, the fence must be eight feet in height. The fence must be in good repair and close enough to the surface grade to prevent intruder passage.

Recommended Corrective Action: Repair the intruder-resistant fence around this water plant.

Please submit a letter and photographs documenting the alleged violation has been resolved.

Track No: 220469 **Compliance Due Date:** 05/08/2006

30 TAC Chapter 290.46(m)[G]

Alleged Violation:

Investigation: 419023

Comment Date: 10/25/2005

Failure to maintain a service pump seal at the Meeks Drive water plant.

During the investigation, it was noted that a service pump seal at the Meeks Drive water plant was leaking.

All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids.

Recommended Corrective Action: Repair or replace this service pump seal.

Please submit a letter and a photograph documenting the alleged violation has been resolved.

Track No: 220471 Compliance Due Date: 09/01/2008

30 TAC Chapter 290.43(c)(G)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate roof on the Cove Addition elevated storage tank.

During the investigation, it was noted that the annual tank inspection states the Cove Addition elevated storage tank has water ponded on the roof.

The roof of all tanks shall be designed and erected so that no water ponds at any point on the roof and, in addition, no area of the roof shall have a slope of less than 0.75 inch per foot.

Recommended Corrective Action: Repair or replace the roof on this elevated storage tank.

Please submit a letter documenting the actions of the water system and a photograph documenting the alleged violation has been resolved.

Track No: 220496 Compliance Due Date: 11/07/2008

30 TAC Chapter 290.45(b)(1)(D)(i)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide a well capacity of 0.6 gallons per minute per connection.

During the investigation, it was noted that the water system had 8097 community connections and two wells that produced a combined total of 4550 gpm.

For more than 250 connections, the system must meet the following requirements: two or more wells having a total capacity of 0.6 gpm per connection. Therefore, this water system must have a well capacity greater than 4858 gpm.

Recommended Corrective Action: Increase well capacity to greater than 4858 gpm.

OR

The water system may request an exception to these requirements by writing to TCEQ, Water Supply Division, Technical Review and Oversight Team, MC 155, P.O. Box 13087, Austin, TX 78711-3087; (phone: (512) 239-6020), and submit a copy of a granted exception.

Please submit a compliance plan and schedule. When the work is completed, please submit compliance documentation showing this alleged violation has been resolved OR a photocopy of the granted exception request from the Water Supply Division, Technical Review and Oversight Team.

AREA OF CONCERN

Track No: 220430

30 TAC Chapter 290.41(c)(3)(M)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate sample tap on the Link Street well.

During the investigation, it was noted that there was no sample tap on the Link Street well.

A suitable sampling cock shall be provided on the discharge pipe of each well pump prior to any treatment.

Recommended Corrective Action: Install an appropriate sample tap.

Resolution: On September 16, 2005, the water system submitted a letter and photographs documenting the alleged violation has been resolved.

Track No: 220449

30 TAC Chapter 290.46(m)(4)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to repair a small leak in a chlorinator feed line at the Link Street water plant.

During the investigation, it was noted that there was a small leak in a chlorinator feed line at the Link Street water plant.

All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids.

Recommended Corrective Action: Repair or replace this chlorinator feed line.

Resolution: During the investigation on September 13, 2005, the water system repaired this leak.

Track No: 220450

30 TAC Chapter 290.38(25)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate fence at the Link Street water plant.

During the investigation, it was noted that the Link Street plant had numerous holes under the fence.

A fence six feet or greater in height, constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle with the smooth side of the fence on the outside wall. In lieu of barbed wire, the fence must be eight feet in height. The fence must be in good repair and close enough to the surface grade to prevent intruder passage.

Recommended Corrective Action: Repair the intruder-resistant fence around this water plant.

Resolution: On September 16, 2005, the water system submitted a letter and photographs documenting the alleged violation has been resolved.

Track No: 220455

30 TAC Chapter 290.38(25)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate fence at the 15th Street elevated storage tank.

During the investigation, it was noted that the 15th Street elevated storage tank had numerous holes under the fence and some areas with broken barbed wire.

A fence six feet or greater in height, constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45

degree angle with the smooth side of the fence on the outside wall. In lieu of barbed wire, the fence must be eight feet in height. The fence must be in good repair and close enough to the surface grade to prevent intruder passage.

Recommended Corrective Action: Repair the intruder-resistant fence around this water plant.

Resolution: On September 19, 2005, the water system submitted a letter and a photograph documenting the alleged violation has been resolved.

Track No: 220457

30 TAC Chapter 290.46(v)

Alleged Violation:

Investigation: 419023

Comment Date: 11/4/2005

Failure to place the Scada wires on the Meeks Drive ground storage tank in an appropriate conduit.

During the investigation, it was noted that the Scada wires on the Meeks Drive ground storage tank were not in conduit.

All water system electrical wiring must be securely installed in compliance with a local or national electric code.

Recommended Corrective Action: Install these wires in conduit, or remove them from the water plant.

Resolution: On September 16, 2005, the water system submitted a letter and photographs documenting the alleged violation has been resolved.

Track No: 220459

30 TAC Chapter 290.46(v)

Alleged Violation:

Investigation: 419023

Comment Date: 11/4/2005

Failure to place the Scada wires on the Link Street ground storage tank in an appropriate conduit.

During the investigation, it was noted that the Scada wires on the Link Street ground storage tank were in broken conduit.

All water system electrical wiring must be securely installed in compliance with a local or national electric code.

Recommended Corrective Action: Install these wires in conduit, or remove them from the water plant.

Resolution: On September 16, 2005, the water system submitted a letter and photographs documenting the alleged violation has been resolved.

Track No: 220461

30 TAC Chapter 290.46(v)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to install a cover on an electrical box in the Turret Avenue elevated storage tank.

During the investigation, it was noted that an electrical box in the Turret Avenue elevated storage tank was missing its cover.

All water system electrical wiring must be securely installed in compliance with a local

or national electric code.

Recommended Corrective Action: Replace this box cover.

Resolution: On September 16, 2005, the water system submitted a letter and photographs documenting the alleged violation has been resolved.

Track No: 220464

30 TAC Chapter 290.43(c)(3)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate overflow on the 15th Street elevated storage tank.

During the investigation, it was noted that the overflow on the 15th Street elevated storage tank had an excessive gap.

Overflows shall be designed in strict accordance with current AWWA standards and shall terminate with a gravity-hinged and weighted cover.

Recommended Corrective Action: Repair this overflow so the gap is less than 1/16th of an inch.

Resolution: On September 19, 2005, the water system submitted a letter and a photograph documenting the alleged violation has been resolved.

Track No: 220467

30 TAC Chapter 290.43(c)(3)

Alleged Violation:

Investigation: 419023

Comment Date: 10/24/2005

Failure to provide an appropriate overflow on the Strickland Drive elevated storage tank.

During the investigation, it was noted that the overflow on the Strickland Drive elevated storage tank had an excessive gap.

Overflows shall be designed in strict accordance with current AWWA standards and shall terminate with a gravity-hinged and weighted cover.

Recommended Corrective Action: Repair this overflow so the gap is less than 1/16th of an inch.

Resolution: On September 16, 2005, the water system submitted a letter and photographs documenting the alleged violation has been resolved.

CITY OF ORANGE
P.O. Box 520
Orange, Texas 77631-0520
(409) 886-3611

May 5, 2006

Texas Commission on Environmental Quality
Region 10 Office
3870 Eastex Fwy.
Beaumont, Texas 77703-1892

Re: Notice of Violation for the Public Water Supply Comprehensive Compliance
Investigation for TCEQ ID No. 1810004

Mr. Dave Letourneau,

The following is an update report on the progress for the inspection conducted at the City of Orange on September 13, 2005.

Track No. 220443

The polymer feed on Meeks Drive well has been moved past the raw water sample tap. Completed on December 12, 2005. A picture is included on the enclosed CD disc (Meek sample tap).

Track No. 220444

The leak at the gate valve for Strickland Drive elevated storage tank has been corrected. Completed on December 5, 2005. Pictures are included on the enclosed CD disc (S.D. pipe 1&2).

Track No. 220446

The altitude valve at Strickland Drive elevated storage tank has been replaced. Completed on November 5, 2005. A picture is included on the enclosed CD disc (S.D. altitude).

Track No. 220451

The fence at the Meeks Drive water plant was repaired on September 19, 2005. No pictures were taken. Hurricane Rita demolished parts of the fence. The City is currently waiting on insurance to make repairs. Pictures will be sent when completed.

Track No. 220456

The fence at the Strickland Drive elevated storage tank has been repaired. Completed on September 19, 2005. Pictures are included on the enclosed CD disc (S.D. fence 1,2,3 & 4).

Track No. 220469

The seal leak on the service pump at the Meeks Drive water plant has been repaired. Completed on January 18, 2006. A picture is included on the enclosed CD disc (Meek check valve).

Track No. 220471

A request has been made for the October 2006 – 2007 budget to appropriate funds for the repairs of the Cove elevated storage tank roof. When funds are available a contractor will be hired and repairs made. A copy of the Capital Outlay Request is enclosed.

Track No. 220469

A request has been made for the October 2006 – 2007 budget to appropriate funds for the replacement of the Meeks Drive water well pump. When funds are available a contractor will be hired and repairs made. A copy of the Capital Outlay Request is enclosed.

Should you have any questions or need further information, please call (409) 988-7336 or fax to (409) 883-1952.

Thank you,

David L. Martindale, Chief Operator

cc: Jim Wolf, Director of Public Works

David L. Trahan, Manager of Water Utilities

REQUEST FOR CAPITAL BUDGET

Fiscal Year - 2007

Date	04/24/06
Request No.	1
Fund/Division	40-655-309

Replacement	XXX
Additional	

Description of Equipment

To repair roof on Cove Elevated Storage Tank. It was noted during TCEQ Inspection in 2005 that the roof on Cove EST had a recess in it which hold water.

Justification for Request

TCEQ Rule 30 TAC Chapter 290.43(c)[G] - Failure to provide appropriate roof on storage tanks.

List of Equipment to be Replaced

Asset Number	
Type of Equipment	E.S. Tank Roof
Equipment Make	
Purchase Date	

Estimated Cost

	Unit Cost	Total
Purchase Price	\$100,000.00	\$100,000.00
Installation		
Freight		
Less Trade In:		
Total Net Cost		\$100,000.00

City Manager Approval

Date

REQUEST FOR CAPITAL BUDGETING
Fiscal Year - 2007

Date	04/24/06
Request No.	1
Fund/Division	40-655-309
Replacement	XXX
Additional	

Description of Equipment

To replace well at Meeks Plant per 2004 TCEQ Inspection. The City GPM requirement is below the required .6GPM per connection enforcement (fines) if not resolved.

Justification for Request

TCEQ Rule 30 TAC Chapter 290.45(b)(1)(D)(i) - Failure to provide appropriate GPM per connection requirement.

List of Equipment to be Replaced

Asset Number	
Type of Equipment	New Well
Equipment Make	
Purchase Date	

Estimated Cost

	Unit Cost	Total
Purchase Price	\$125,000.00	\$125,000.00
Installation		
Freight		
Less Trade In:		
Total Net Cost		\$125,000.00

City Manager Approval

Date

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Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 8, 2004

CERTIFIED MAIL {No. 7001 0360 0003 7065 4503}
RETURN RECEIPT REQUESTED

Brown Claybar, Mayor
City of Orange
PO Box 520
Orange, Texas 77631

Re: Notice of Enforcement for Wastewater Comprehensive Compliance Investigation at:
Jackson Street Wastewater Treatment Plant, Orange (Orange County), Texas
TPDES Permit No. WQ0010626-000

Dear Mayor Claybar:

On October 19 and 20, 2004 Field Investigator Ronald Hebert of the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office conducted an investigation of the above-referenced operation to evaluate compliance with applicable requirements for wastewater regulations. During the investigation, certain outstanding alleged violations were identified. Enclosed is a summary which lists the investigation findings.

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 Legislature has granted the TCEQ enforcement powers to ensure compliance with environmental regulatory requirements. Because of the apparent seriousness of the alleged violations, enforcement action has been initiated. Additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

City of Orange
WQ/0010626-000
Page 2
December 8, 2004

If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Hebert in the Beaumont Region Office at 409-898-3838.

Sincerely,



Heather Ross
Water Section Manager
Beaumont Region Office

HR/RH/pj

Enclosures: Summary of Investigation Findings
Obtaining TCEQ Rules

cc: David Trahan, PO Box 520, Orange, Texas 77631

Summary of Investigation Findings

JACKSON STREET PLANT
402 S 10TH ST
ORANGE, ORANGE COUNTY, TX 77630
Additional ID(s): WQ0010626001

Investigation # 339042
Investigation Date: 10/19/2004

OUTSTANDING ALLEGED VIOLATIONS

Track No: 183084 Compliance Due Date: No Date Entered

30 TAC Chapter 305.125(5)
30 TAC Chapter 317.6(c)(2)(G)

PERMIT OpR 1
Operational Requirements No. 1, Pg. 9

Alleged Violation:

Investigation: 339042

Comment Date: 12/02/2004

Failure by the City of Orange to ensure that all system of collection, treatment, and disposal are properly operated and maintained.

At the time of the investigation, and evaluation of the UV system was conducted. Mr. Martindale stated that the UV system is maintained by a contract company which cleans and checks the unit approximately once every 3 months. At the time of the investigation one of the operators was asked about routine maintenance on the UV system. The operator stated that routine maintenance involves cleaning the bulbs with a brush and water. The operator could not tell the investigator the frequency at which this was being done. The operator did state that the maintenance was based on the error messages the system displayed.

A review of operations logs from 2/23 and 2/24/04, found that Bank 1a had an intensity reading of 0 mw/cm². According to operator logs, this has been occurring for at least 8 months.

Based on a review of the errors reported by the UV 3000 system, 19% or 27 modules, are offline. The system also was reporting 2 UV lamps in Bank 2a, and 2 UV lamps in Bank 2b were offline. A review of the operators logs 2/23 and 2/24/04, show that 18 of the 27 modules have been off line for at least 8 months.

Recommended Corrective Action: Repair/replace out of service lamps, modules, and banks. Perform an engineering assessment of the treatment capabilities of the existing disinfection unit. The assessment shall be prepared by a Texas registered professional engineer and shall include, at a minimum, the following:

- a. hydraulic and organic design capacity, and current and projected loading of the unit;
- b. the ability of the unit to achieve disinfection of the effluent to the levels identified in the permit;
- c. routine cleaning and maintenance of current UV system;
- d. available alternative disinfection methods ; and
- e. recommendations resulting from the above assessment.

Submit a copy of the assessment, photographic documentation, and receipt of repairs made to the system to the Region 10 office.

Track No: 183098 Compliance Due Date: No Date Entered
30 TAC Chapter 305.125(1)

PERMIT FEL&MR 1

Final Effluent Limitations and Monitoring Requirements No. 1, Pg. 2

Alleged Violation:

Investigation: 339042

Comment Date: 11/30/2004

Failure by the City of Orange to meet single grab limit of 800 colonies/100 ml for fecal coliform bacteria.

Effluent samples collected at the time of the investigation found that the fecal coliform sample exceeded the single grab limitation of 800 colonies/100 ml with results of 19,090 colonies/100 ml in the west basin, and 13,640 colonies/100 ml in the east basin.

Recommended Corrective Action: Perform an engineering assessment of the treatment capabilities of the existing disinfection unit. The assessment shall be prepared by a Texas registered professional engineer and shall include, at a minimum, the following:

- a. hydraulic and organic design capacity, and current and projected loading of the unit;
- b. the ability of the unit to achieve disinfection of the effluent to the levels identified in the permit;
- c. routine cleaning and maintenance of current UV system;
- d. available alternative disinfection methods ; and
- e. recommendations resulting from the above assessment.

Submit a copy of the engineering assessment to the Region 10 office.

Track No: 183162 Compliance Due Date: No Date Entered

30 TAC Chapter 305.125(5)

PERMIT OpR 1

Operational Requirements No. 1, Pg. 9

Alleged Violation:

Investigation: 339042

Comment Date: 11/18/2004

Failure by the City of Orange to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

At the time of the investigation, it was noted that the Allie Payne lift station did not have a functional high level alarm. This is a repeat violation from the last CCI.

The TCEQ acknowledges the receipt of photographic documentation of the repaired high level alarm. Due to the fact that this violation is a repeat violation noted from the last CCI conducted on 3/28/2003, the violation can not be resolved as a verbal violation.

Recommended Corrective Action: Repair or replace audio/visual alarm on Allie Payne lift station.

Submit photographic documentation and any work orders to the Region 10 office.

Track No: 183165 Compliance Due Date: No Date Entered

30 TAC Chapter 305.125(5)

PERMIT OpR 1

Operational Requirements No. 1, Pg. 9

Alleged Violation:

Investigation: 339042

Comment Date: 11/18/2004

Failure by the City of Orange to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

At the time of the investigation, the 16th Street lift station had heavy oil/grease accumulations, which is a repeat from the last CCI.

The TCEQ acknowledges the receipt of photographic documentation showing that the 16th Street lift station has been cleaned of oil/grease. Due to the fact that this violation was noted during the last CCI conducted on 3/28/2003, the violation can not be resolved as a verbal violation.

Recommended Corrective Action: Enforce grease ordinance, develop and implement a lift station cleaning protocol/schedule. Clean excessive oil/grease from 16th St. lift station.

Submit cleaning protocol/schedule and photographic documentation of cleaned lift station to the Region 10 office.

Track No: 183213 Compliance Due Date: No Date Entered

30 TAC Chapter 305.125(1)

PERMIT EL&MR 1

Effluent Limitations and Monitoring Requirements No. 1, Pg. 2

Alleged Violation:

Investigation: 339042

Comment Date: 11/12/2004

Failure by the City of Orange to meet effluent limitations for fecal coliform grab limitation of 800 colonies/100 ml.

Since the last CCI on 3/28/2003, the City of Orange has reported 77 excursions of fecal coliform single grab limitation. This is a repeat violation from the previous two investigations conducted on 2/8/2001, and 3/28/2003.

Recommended Corrective Action: Repair/replace out of service lamps, modules, and banks. Perform an engineering assessment of the treatment capabilities of the existing disinfection unit. The assessment shall be prepared by a Texas registered professional engineer and shall include, at a minimum, the following:

- a. hydraulic and organic design capacity, and current and projected loading of the unit;
- b. the ability of the unit to achieve disinfection of the effluent to the levels identified in the permit;
- c. routine cleaning and maintenance of current UV system;
- d. available alternative disinfection methods ; and
- e. recommendations resulting from the above assessment.

Submit a copy of the assessment, photographic documentation, and receipt of repairs made to the system to the Region 10 office.

Track No: 183219 Compliance Due Date: No Date Entered

30 TAC Chapter 317.6(c)(2)(E)

Alleged Violation:
Investigation: 339042

Comment Date: 12/02/2004

Failure by the City of Orange to have each individual ultraviolet lamp provided with a remote operation indicator.

On 10/19/2004, it was noted, that the UV system does not have remote operation indicators for each UV lamp. The system can monitor the UV lamps but will only give up to 20 error messages at any time, and does not specify which specific lamp is non functional. This is a repeat violation from the last CCI.

Recommended Corrective Action: Install remote operation indicator for each lamp in the ultraviolet system.

Submit photographic documentation, and a copy of any work orders/receipt to the Region 10 office.

Track No: 183456 Compliance Due Date: No Date Entered

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.6(c)(2)(H)[G]

Alleged Violation:
Investigation: 339042

Comment Date: 12/06/2004

Failure by the City of Orange to maintain a minimum number of UV replacement parts in the form of ballasts, and/or modules.

An evaluation of the amounts of replacement parts, kept on site, for the UV system was evaluated at the time of the investigation. It was noted that the City had 10% of replacement lamps, and 5% of the replacement enclosure tubes on site. The City did not have any replacement ballasts or replacement modules in stock.

The Region 10 Office acknowledges the receipt of a copy of a purchase order for part of the required parts purchase.

Recommended Corrective Action: Develop and implement an operating procedure that ensures that all required spare parts for the UV system are maintained on site. Purchase the required spare parts for the UV system.

Submit a copy of the operating procedure and a receipt for the purchase of the spare parts to the Region 10 office.

Track No: 184371 Compliance Due Date: No Date Entered

30 TAC Chapter 305.125(5)

PERMIT OpR 1

Operational Requirements No. 1, Pg. 9

Alleged Violation:
Investigation: 339042

Comment Date: 11/30/2004

Failure by the City of Orange to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

The Bankroft and Sikes lift station #2 pump was nonfunctional.

Recommended Corrective Action: 1. Repair or replace mechanical ventilation system at Allie Payne lift station. 2. Repair or replace nonfunctional pump in the Bankroft and Sikes lift station.

Submit a copy of a work order and photographic documentation to the Region 10 office.

ALLEGED VIOLATIONS NOTED AND RESOLVED

Track No: 183077

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.2[G]

PERMIT OpR 1

Operational Requirements No. 1, Pg. 9

Alleged Violation:

Investigation: 339042

Comment Date: 12/06/2004

Failure by the City of Orange to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

At the time of the investigation the following lift stations were noted to not be properly operated and maintained.

1. The Jackson Street lift station had check valves that would not hold, and pump #1 was leaking.
2. The Cove lift station had a leak on the #1 pump check valve.
3. The Roselawn lift station had leaking couplings on pumps #1 and #3.
4. The Bankroft and Sikes potable water hose bib did not have an atmospheric vacuum breaker, nor was a high level audio-visual alarm in place.
5. The Strickland lift station had only one functional pump, and the wet well was not locked.
6. The Star Stop lift station did not have a functional high level alarm.
7. The Flying J lift station had a heavy accumulation of grease present and the wet well was not locked.
8. The Allie Payne lift station was not secured, and the lift station did not have a functional mechanical ventilation system.
9. The Blue Bird Fish Camp lift station did not have a lock on the control panel.

Recommended Corrective Action: 1. Repair check valves and the leak on pump #1 at the Jackson Street Lift station, 2. repair pump #1 check valve at the Cove lift station, 3. repair the leaking couplings on pumps #1 and #3 at the Roselawn lift station, 4. place a vacuum breaker on the potable water line hose bib, install an audio/visual high level alarm at the Bankroft and Sikes lift station, 5. repair the pump, and secure the wet well at the Strickland lift station, 6. repair the audio/visual high level alarm at the Star Stop lift station, 7. Remove the grease, and secure the wet well at the Flying J lift station, 8. Secure the Allie Payne lift station, and repair or replace the mechanical ventilation system, 9. secure the control panel on the Blue Bird Fish Camp lift station.

Submit photographic documentation and copies of work order/receipts of all of the repairs to the Region 10 office.

Resolution: The City repaired the check valves and the leak on pump #1 at the Jackson Street Lift station; repaired pump #1 check valve at the Cove lift station; repaired the leaking couplings on pumps #1 and #3 at the Roselawn lift station; removed the potable water line hose bib, installed an audio/visual high level alarm at the Bankroft and Sikes lift station; repaired the pump, and secured the wet well at the Strickland lift station; repaired the audio/visual high level alarm at the Star Stop lift station; removed the grease, and secured the wet well at the Flying J lift station; secured and repaired the mechanical ventilation system at the Allie Payne lift station; secured the control panel on the Blue Bird Fish Camp lift station.

The City submitted photographic documentation of the repairs and an operating procedure for maintaining the lift stations to the Region 10 office on 11/19/2004.

Track No: 183082

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(e)[G]

PERMIT OpR 1

Operational Requirements No. 1, Pg. 9

Alleged Violation:

Investigation: 339042

Comment Date: 11/05/2004

Failure by the City of Orange to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

At the time of the investigation, an evaluation of the treatment unit found that the north trickling filter had a moderate amount of sanitary products, tampons, present in the media.

Recommended Corrective Action: Remove all of the municipal waste from the North Trickling filter. Develop and implement an operation procedure for proper maintenance on the trickling filter.

Submit photographic documentation, and a copy of the operating procedure to the Region 10 office.

Resolution: The City removed all of the municipal waste from the north trickling filter and developed and implemented an operating procedure for proper maintenance on the trickling filter.

The City submitted photographic documentation of the cleaned trickling filter and a copy of the operating procedure to the Region 10 office on 11/19/2004.

Track No: 183097

30 TAC Chapter 305.125(9)[G]

PERMIT M&RR 7a

Monitoring and Reporting Requirements No. 7a, Pg. 5

Alleged Violation:

Investigation: 339042

Comment Date: 11/30/2004

Failure by the City of Orange to submit complete noncompliance notifications for unauthorized discharges.

At the time of the investigation, a review of the facilities records found that the two unauthorized discharges reported on 8/13/2004 and 10/16/2004, did not describe the location of the unauthorized discharge.

Recommended Corrective Action: Develop and implement an operating procedure that ensures that a description of the location of any unauthorized discharge is included on the noncompliance reports submitted to the Region 10 office.

Submit a copy of the operating procedure to the Region 10 office.

Resolution: The City developed and implemented an operating procedure that ensures the location of the discharge is included on the notification report.

The City submitted a copy of the operating procedure and the corrected reports to the Region 10 office on 11/22/2004.

Track No: 183101

30 TAC Chapter 319.5(a)

PERMIT M&RR 3
Monitoring and Reporting Requirements No. 3, Pg. 4**Alleged Violation:**
Investigation: 339042

Comment Date: 11/30/2004

Failure by the City of Orange to collect fecal coliform samples that are representative of the monitoring activity.

At the time of the investigation, it was noted that the fecal coliform samples were being collected from one of the two UV trains, and not from the commingled water in the junction box.

Recommended Corrective Action: Develop and implement a sampling procedure for collecting fecal coliform samples that are representative of the discharge from 001 and 002.

Submit a copy of the sampling procedure to the Region 10 office.

Resolution: The City developed and implemented a procedure that ensures representative samples for fecal coliform are collected.

The City submitted a copy of the operating procedure to the Region 10 office on 11/14/2004.

Track No: 183115**30 TAC Chapter 319.5(b)****PERMIT FEL&MR 1**

Final Effluent Limitations and Monitoring Requirements No. 1, Pg. 2a

Alleged Violation:
Investigation: 339042

Comment Date: 11/12/2004

Failure by the City of Orange to collect Copper, Zinc samples 2/week, and Mercury samples 1/week at Outfall 002.

A review of the monitoring data found that no metals samples were collected on days of discharge from Outfall 002. Mr. Martindale stated that metals samples are collected on Sunday thru Tuesday for Outfall 001. All of the discharges from Outfall 002 occurred on days other than Sunday thru Tuesday.

Recommended Corrective Action: Develop and implement a sampling procedure that ensures that the appropriate samples are collected during discharge from Outfall 002.

Submit a copy of the sampling procedure to the Region 10 office.

Resolution: The City developed and implemented a sampling procedure that ensures that the appropriate samples are collected during discharge from Outfall 002.

The City submitted a copy of the sampling procedure to the Region 10 office on 11/14/2004.

Track No: 183120**30 TAC Chapter 319.11(a)****30 TAC Chapter 319.11(b)****PERMIT M&RR 2**

Monitoring and Reporting Requirements No. 2, Pg. 4.

Alleged Violation:
Investigation: 339042

Comment Date: 11/08/2004

Failure by the City of Orange to comply with test procedures specified in 30 TAC 319.11 - 319.12.

At the time of the investigation, it was noted that the fecal coliform sample was being collected and transferred from an unsterilized dipping cup into a sterile fecal bottle.