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DOCKET NO. 44740

APPLICATION MSEC ENTERPRISES, INC. TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY	§ § § §	**PUBLIC UTILITY COMMISSION OF TEXAS**

COMMISSION STAFF'S REQUEST TO UNABATE PROCEEDING AND PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, files this Proposed Procedural Schedule, and would show the following:

I. BACKGROUND

On May 18, 2015, MSEC Enterprises, Inc. (MSEC) filed an application to amend sewer certificate of convenience and necessity (CCN) No. 20984 in Montgomery County. On October 19, 2015, Order No. 4 was issued, abating the proceeding until final approval of MSEC's Wastewater Discharge Permit or engineering plans and specifications was received from the Texas Commission on Environmental Quality (TCEQ). Upon approval from the TCEQ, Staff was required to file a request to unabate this docket and propose a procedural schedule for continued processing not later than 10 business days following such approval. On July 15, 2016, MSEC received the attached approval letter from the TCEQ.

II. REQUEST TO UNABATE PROCEEDING AND PROPOSED PROCEDURAL SCHEDULE

Based on the approval from the TCEQ, Staff requests that the proceeding be unabated. Staff proposes the following procedural schedule for continued processing of the application:

Deadline for Staff to file its final recommendation or to request a hearing	October 10, 2016
Deadline for MSEC to respond Staff's final recommendation and request a hearing, or if no contested issues, for parties to file proposed Notice of Approval	October 24, 2016

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Dated: July 26, 2016

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION

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Division Director

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 26, 2016 in accordance with 16 Tex. Admin. Code § 22.74.

Jason Haas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 7, 2016

J. Dale Browne, P.E.
McCLURE & BROWNE ENGINEERING/SURVEYING, INC.
1008 Woodcreek Drive, Suite 103
College Station, Texas 77845

Re: MSEC Enterprises, Inc.
Wastewater Treatment Plant #2
Permit No. WQ0015341-001
WWPR Log No. 0216/063
CN600729891, RN107967390
Montgomery County

Dear Mr. Browne:

We have received the project summary transmittal letter dated February 22, 2016 and the subsequent submittal of the plans and specifications and the engineering report dated March 31, 2016.

The rules which regulate the design, installation and testing of domestic wastewater projects are found in 30 TAC, Chapter 217, of the Texas Commission on Environmental Quality (TCEQ) rules titled, Design Criteria for Wastewater Systems.

The MSEC Enterprises, Inc. Wastewater Treatment Plant #2 project includes the following items:

- Installation of 344 linear feet of 8 inch ductile iron pipe
- Installation of 4 manholes
- Construction of the wastewater treatment plant #2 to meet effluent limitations and monitoring requirements of 10 mg/l of C-BOD5, 15 mg/l of TSS, and 3 mg/l of Ammonia Nitrogen. The constructed treatment plant will consist of a master duplex lift station, manual bar screen, two (2) sequencing batch reactor units with floating decanters, one (1) sludge digester with a floating decanter weir, and eight (8) disk cloth media filter unit, a chlorine contact chamber, a cascade/step aeration system consisting of 5 steps, reuse water wet well, wash down plant water system, and a metering chamber
- Construction of a chlorine storage building to store 150 pound chlorine tanks used for disinfection

Our review indicates that the documents provided are in general compliance with applicable minimum standards as set forth in Chapter 217, Design Criteria for Domestic Wastewater Systems. On the basis of general compliance with the applicable standards set forth in Chapter 217 and understanding that the permittee will comply with all permit requirements, the project is conditionally approved.

The conditions of approval of this project are that the collection system and plant be built in accordance within the specifications which were submitted and reviewed, and that the units meet the 30 TAC 217 requirements and specifications except for the two variances noted below. Also, use of reclaimed water is allowed for on-site purposes only. If in the future a decision is made to allow the reclaimed water produced to be used for other than on-site purposes an authorization as required by 30 TAC Chapter 210 will need to be obtained.

Within the initial summary transmittal letter two variance requests were initiated. The first request was for a variance to 30 TAC 217.32(a)(1)(B) which requires plants with average flow less than 1 MGD as determined by multiplying the per capita flow in Table B1 of figure 30 TAC 217.32(a)(3) by the population to apply a multiplier of 1.5 to the average flow to obtain the design flow. The alternative proposed within the variance request was to use the average flow calculated using the per capita flow from Table B1 as the design flow; without employing the multiplier. In support of this variance request benchmark historical flow data from a similar school, and also previous design engineer experience with design flows from schools were cited to be considerably less than the Table B1 per capita flow value so that the Table B1 per capita flow values could be used without the multiplier to produce the design flow values. Since the design criteria values listed in table B1 are considered conservative estimates with respect to schools and given the use of newer construction technologies in the schools the requested variance is approved.

The second request was for a variance of 30 TAC 217.70(i)(2)(B) & (C) which requires that a submersible pump pumping reclaimed water have a rail type pump support incorporating manufacturer-approved mechanisms to allow an operator to readily remove and replace any single pump without first having to enter or dewater the wet well, and also requiring that the pump rails and lifting chains be made of material that is equivalent to series 300 stainless steel at a minimum. The proposed alternative was to use a submersible water well pump which can be removed and replaced without entry into, or require dewatering of the wet well. This variance is hereby granted and the use of the submersible water well pump as the pumping mechanism for the reclaimed water is approved.

If in the future, additional variances from the 30 TAC Chapter 217 requirements are desired for this project, each variance must be requested in writing by the design engineer. Then, the TCEQ will consider granting a written approval to the variance from the rules for the specific project and the specific circumstances.

You must keep certain materials on file for the life of the project and provide them to TCEQ upon request. These materials include an engineering report, test results, a summary transmittal letter, and the final version of the project plans and specifications. These materials shall be prepared and sealed by a Professional Engineer licensed in the State of Texas and must show substantial compliance with Chapter 217. All plans and specifications must conform to any waste discharge requirements authorized in a permit by the TCEQ. Certain specific items which shall be addressed in the engineering report are discussed in §217.6(d). Additionally, the Engineering report must include all constants, graphs, equations, and calculations needed to show substantial compliance with Chapter 217. The items which shall be included in the summary transmittal letter are addressed in §217.6(d).

Within 60 days of the completion of construction, an appointed engineer shall notify both the Wastewater Permits Section of the TCEQ and the appropriate Region Office of the date of completion. The engineer shall also provide written certification that all construction, materials, and equipment were substantially in accordance with the approved project, the rules of the TCEQ, and any change orders filed with the TCEQ. All notifications, certifications, and change orders must include the signed and dated seal of a Professional Engineer licensed in the State of Texas.

Please note that this conditional approval does not relieve the applicant of any responsibilities to obtain all other necessary permits or authorizations, such as wastewater treatment permit or other authorization as required by Chapter 26 of the Texas Water Code.

Please be reminded of 30 TAC §217.7(a) of the rules which states, "Approval given by the executive director or other authorized review authority does not relieve an owner of any liability or responsibility with respect to designing, constructing, or operating a collection system or treatment facility in accordance with applicable commission rules and the associated wastewater permit".

If you have any questions or if we can be of any further assistance, please call me at (512) 239-1372.

Sincerely,

Paul A. Brochi, P.E.
Wastewater Permits Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

PAB/rb
cc: TCEQ, Region 12 Office