



Control Number: 44820



Item Number: 42

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2016 OCT 13 PM 12:07

APPLICATION OF CITY OF §  
 HACKBERRY FOR A SEWER §  
 CERTIFICATE OF CONVENIENCE §  
 AND NECESSITY IN DENTON §  
 COUNTY

PUBLIC UTILITY COMMISSION  
 PUBLIC UTILITY COMMISSION  
 FILING CLERK  
 OF TEXAS

**THE CITY OF HACKBERRY'S SECOND SUPPLEMENTAL RESPONSE TO  
 COMMISSION STAFF'S  
 FIRST REQUEST FOR INFORMATION**

**COMES NOW** the City of Hackberry, Texas (the "Applicant") and files this its Second Supplemental Response to Commission Staff's First Request for Information, and would show the following responses to the Staff's request for information:

**Request:** "A Staff review found the filed documentation adequately addressed the above referenced items. However, a subsequent review of the TCEQ's Central Registry database shows an August 2016, violation for "*Failure to submit a permit renewal application at least 180 days before the expiration date of the effective permit*". The Applicant's current permit will expire October 1, 2016. Staff has confirmed with the TCEQ's Water Quality Division that they do not have a pending renewal application from the Applicant. Staff recommends the Applicant contact the TCEQ for information on the renewal application process."

**Response:** Documentation supporting compliance with the permit renewal requirement is attached as Exhibit A to the attached Supporting Affidavit of Brenda Lewallen, the Applicant's City Administrator and City Secretary. Exhibit A is a letter from the TCEQ dated October 4, 2016 stating the DFW Regional Office has received adequate compliance documentation to resolve the alleged violation.

Respectfully Submitted,

By : 

John Rapier  
State Bar No. 16550500  
Gay, McCall, Isaacks & Roberts, P.C.  
777 E. 15th Street  
Plano, Texas 75074  
Tel (972) 424-8501  
Fax (972) 422-9322  
jrapier@gmigr.com  
Attorney for Applicant,  
the City of Hackberry, Texas

### CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on the following parties of record on October 12, 2016, in accordance with 16 TAC § 22.74.

Via electronic mail - [douglas.brown@puc.texas.gov](mailto:douglas.brown@puc.texas.gov)

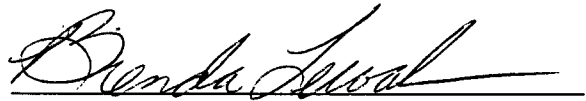
Douglas M. Brown  
Attorney-Legal Division  
Public Utilities Commission of Texas  
1701 N. Congress Avenue  
P. O. Box 13326  
Austin, Texas 78711-3326

  
John Rapier

## SUPPORTING AFFIDAVIT OF BRENDA LEWALLEN

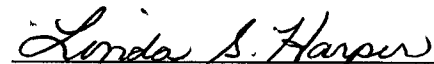
**BEFORE ME**, the undersigned authority, personally appeared Brenda Lewallen, City Administrator for the City of Hackberry, Texas, who upon her oath, deposed and stated the following:

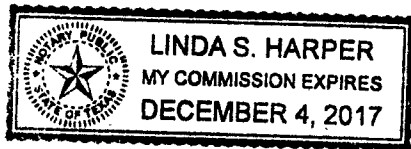
1. "My name is Brenda Lewallen and I am the City Administrator and the City Secretary for the City of Hackberry, Texas (the "City"). I am over the age of eighteen. I have not been convicted of a felony or a misdemeanor involving moral turpitude. I have personal knowledge of the facts set forth below and am authorized to make this affidavit.
2. The facts stated in the foregoing Response is true and correct.
3. The document contained in Exhibit A attached to this Supporting Affidavit is kept by the City in the regular course of business. It was in the regular course of business of the City for an employee or representative of the City, with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or transmit information thereof to be included in such record. The record was made at or near the time of the act, event, condition, or diagnosis or reasonably soon thereafter. Each record attached hereto is the original, or an exact duplicate of the original, that it purports to be.

  
Brenda Lewallen, City Administrator  
City of Hackberry, Texas

STATE OF TEXAS       §  
COUNTY OF COLLIN   §

Subscribed before me on October 11, 2016, by Brenda Lewallen.

  
Notary Public, State of Texas



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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 4, 2016

Ms. Brenda Lewallen, City Administrator  
City of Hackberry  
119 Maxwell Road B-7  
Frisco, Texas 75034-9112

Re: Notice of Compliance with Notice of Violation (NOV) dated August 26, 2016:  
Hackberry WWTP, 119 Maxwell Rd., Frisco (Denton County), Texas  
Regulated Entity No.: RN102077054, TCEQ ID: WQ0013434-001, EPA ID:  
TX103276

Dear Ms. Lewallen:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) DFW Regional Office has received adequate compliance documentation on September 29, 2016 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on July 21, 2016. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Imran Khawaja at the DFW Region Office at (817)588-5806.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Tate".

Jeff Tate  
Manager, Water Section  
D/FW Region Office

JT/ik

**HUNTER  
HOWARD  
ROBERTS**  
Hunter-Howard-Roberts, LLC  
TBPE # 17473

August 11, 2016

Mr. Imran Khawaja  
Texas Commission on Environmental Quality  
DFW Region 4

Via email - [imran.khawaja@tceq.texas.gov](mailto:imran.khawaja@tceq.texas.gov)

RE: Hackberry WWTP  
WQ0013431-001  
Compliance Inspection

Dear Mr. Khawaja,

Hunter-Howard-Roberts, LLC has been retained by the City of Hackberry to complete the TPDES permit application for renewal of the existing permit.

The application process has been delayed due to the proposed plant improvements currently under design. It was unknown as to the applicability of a permit renewal or a permit amendment since the final scope of improvements has only recently been established. It has been determined that a renewal is appropriate.

We are currently working on the permit, waiting on laboratory results on pollutants. We anticipate submission to TCEQ the first week of September, 2016.

Should you have any questions, feel free to call me at 214-533-2036

Sincerely,

*Mark D. Hill, P.E.*

Hunter-Howard-Roberts, LLC  
Mark D. Hill, P.E.  
President



Cc: Ms. Brenda Lewallen, City of Hackberry (via email [cityadmin@cityofhackberry.net](mailto:cityadmin@cityofhackberry.net))  
Mr. Derek Deutsch, US Water (via email [ddeutsch@uswatercorp.net](mailto:ddeutsch@uswatercorp.net))

## WATER QUALITY PERMIT PAYMENT SUBMITTAL FORM

**Use this form to submit you APPLICATION FEE, if you are mailing your payment.**

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your application form.
- Do not mail this form to the same address as your application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

### **Mail this form and your check to:**

#### **BY REGULAR U.S. MAIL**

Texas Commission on Environmental  
Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088

#### **BY OVERNIGHT/EXPRESS MAIL**

Texas Commission on Environmental  
Quality  
Financial Administration Division  
Cashier's Office, MC-214  
12100 Park 35 Circle  
Austin, TX 78753

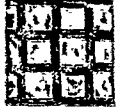

Fee Code: WQP      Wastewater Permit No: WQ00 13434-001

1. Check / Money Order No: 10688
2. Amount of Check/Money Order: \$1,615.00
3. Date of Check or Money Order: 9-23-2016
4. Name on Check or Money Order: City of Hackberry
5. APPLICATION INFORMATION

If the check is for more than one application, attach a list of each Project/Site (RE) Name and Physical Address exactly as provided on the application.

Project/Site (RE) Name: Hackberry WWTP

Project/Site (RE) Physical Address: 119 Maxwell Rd. Frisco, TX 75034

<b>CITY OF HACKBERRY WATER/SEWER OPERATING FUND</b> 119 MAXWELL ROAD B-7 FRISCO, TX 75034 (972) 292-3223		<b>AMERICAN BANK OF TEXAS</b> 6100 PRESTON AVE. • FRISCO, TEXAS 75034-5000 88-164-1119	10688
*****ONE THOUSAND SIX HUNDRED FIFTEEN AND 00/100 DOLLARS		DATE	AMOUNT
		9/23/2016	\$1,615.00
PAY TO THE ORDER OF	Texas Commission on Environmental Quality Fin. Admin Div, Rev Opr Sec. P.O. Box 13088, MC 214 Austin, TX 78711-3088		TWO SIGNATURES REQUIRED
			  AUTHORIZED SIGNATURE

⑈010688⑈ ⑈111901615⑈ ⑈0028234⑈