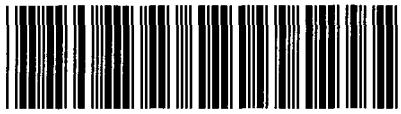


Control Number: 45848

Item Number: 16

Addendum StartPage 0

PUC DOCKET NO. 45848
SOAH DOCKET NO. 473-16-5011.WS

CITY OF CELINA'S NOTICE OF INTENT TO PROVIDE WATER AND SEWER SERVICE TO AREA DECERTIFIED FROM AQUA TEXAS, INC. IN DENTON COUNTY	§ § § § §	**PUBLIC UTILITY COMMISSION OF TEXAS**

EXHIBIT

CEL102

APPRAISAL

PREPARED BY JONES-HEROY & ASSOCIATES, INC.

(JUNE 9, 2016)

JONES - HEROY & ASSOCIATES, INC.

RECEIVED

32

June 9, 2016

Mr. Gabe Johnson
City of Celina
142 North Ohio Street
Celina, Texas 75009

Re: Aqua Texas Water and Sewer CCN Appraisal
128-acre Sutton Fields Tract
Public Utility Commission (PUC) Docket No. 45848
JHA Project No. 1022-003

Dear Mr. Johnson,

As requested by the City of Celina, Jones-Heroy & Associates, Inc. (JHA) has completed an independent appraisal of a portion of the Aqua Texas water Certificate of Convenience and Necessity (CCN) No. 13201 and sewer CCN No. 21059, located approximately 6.5 miles southwest of the City of Celina along FM 428 and FM 1385 in Denton County, Texas (reference Location Map, **Attachment A**). The City of Celina filed a notice of intent to serve a 128-acre tract (Sutton Fields Tract) decertified from Aqua Texas in PUC Docket No. 45329 on April 12, 2016 (reference PUC Maps in **Attachment A**). Our appraisal is prepared on behalf of the City of Celina.

BACKGROUND

Aqua Texas, Inc. (Aqua Texas) is an investor owned utility and a subsidiary company to Aqua America, which is a publicly traded water and wastewater utility serving approximately 940,000 utility customers nationwide. Utility operations for Aqua Texas represented approximately 9% of Aqua America's operating revenues for the year ending December 31, 2014, based on our review of a 2014 Annual Report provided by Aqua Texas.

As of April 2016, the portion of the Aqua Texas water CCN No. 13201 considered in our evaluation (Aqua Water CCN) includes approximately 1,550 acres of mostly undeveloped property, with the exception of approximately 114 residential customers located in the Willow Wood Addition Meadow Vista public water system (reference Boundary Map in **Attachment A**). The Willow Wood Addition Meadow Vista water system is consolidated within the Aqua Texas North Region Water Utility Tariff (**Attachment G**) which includes approximately 17,000 water customers scattered across three designated CCNs, 143 public water systems, and 22 counties generally located in the northeastern region of Texas. Based on February 2016 Public Utility Commission (PUC) mapping records, the entire Aqua Texas water CCN No. 13201

includes approximately 108,000 acres in 140 locations (reference Aqua Texas North Region CCN Location Map in **Attachment A**).

As of April 2016, the portion of the Aqua Texas sewer CCN No. 21059 considered in our evaluation (Aqua Sewer CCN) includes approximately 117 acres of undeveloped property as shown on the boundary map included in **Attachment A**. Based on February 2016 PUC mapping records, the entire Aqua Texas sewer CCN No. 21059 includes approximately 4,600 acres in 15 locations and 6 counties generally located in the northeast region of Texas.

The Sutton Fields Tract includes approximately 128 acres and is located just East of and along FM 1385 and North of Crutchfield Drive. The Sutton Field Tract has been decertified from both the Aqua Water CCN and Sewer CCN.

CONCLUSION

It is our opinion that the value of the property associated with the Aqua Texas Water and Sewer Certificate of Convenience and Necessity considered in this evaluation is **$ 38,000.00.**

ANALYSIS

Our valuation has been performed in compliance with the guidelines of the Public Utility Commission (PUC) as described in 16 TAC Chapter 24.113(k) and was based on the following:

1. Location maps for the Aqua Texas CCN Boundary obtained from the PUC;
2. Various documents included in PUC Docket Nos. 45329 and 45848 related to the decertification of the Sutton Fields Tract;
3. February 2016 Aqua Water CCN appraisals included in PUC Docket Nos. 45450 and 45462;
4. 2014 Annual Report for Aqua America provided by Aqua Texas;
5. Aqua Texas North Region Water Utility Tariff provided by Aqua Texas;
6. Aqua Texas North Region Sewer Utility Tariff provided by Aqua Texas;
7. A site visit by JHA staff on December 21, 2015;
8. Various public records obtained from the Public Utility Commission (PUC), to include Aqua's December 2011 application for a water rate/tariff change for the North and Southwest regions (PUC Docket No. 44201);
9. Various public records obtained from the Texas Commission on Environmental Quality (TCEQ) for Public Water System (PWS) No. TX0610212, to include:
   Comprehensive Compliance Investigation report dated February 21, 2013 for the Willow Wood Addition Meadow Vista public water system;
   Drinking water watch online database;
   Texas Water Commission approval letters for the Willow Wood Addition, dated August 23, 1994 and August 18, 1993;
10. Public drinking water well drilling logs obtained from the Texas Water Development

Board (TWDB) database for the Aqua Texas wells located in the Willow Wood Addition Meadow Vista public water system (State Well Nos. 1842401 and 1842701); and,

11. Denton County plat records for Willow Wood, Meadow Vista Phase 1, and Meadow Vista Phase 2 subdivisions.

Following are the findings and recommendations of JHA regarding each of the specific factors set forth in 16 TAC Chapter 24.113(k), as detailed below:

1) 'The amount of the retail public utility's debt allocable for service to the area in question'

Estimated Value: $ 0.00

The Willow Wood Addition Meadow Vista public water system located within the Aqua Water CCN is operated as part of the overall Aqua Texas North Region under a regional water utility tariff (**Attachment G**); which is structured to share the operating expenses and debt allocable to all of the North Texas Region's water customers. It was evident from our investigation that the Willow Wood Addition Meadow Vista public water system has limited capacity to serve additional customers within the undeveloped areas of the Aqua Water CCN. Thus, any share of Aqua Texas' debt allocable to the Sutton Fields Tract would be allocated based on the number of existing Aqua Texas water customers served in the subject CCN boundary versus the total water and sewer customers served in the Aqua Texas North Region.

A review of the Aqua Texas North Region Sewer Utility Tariff (**Attachment H**) indicates that the 117 acre portion of the Aqua Texas sewer CCN No. 21059 is not consolidated within a larger system. There are no existing Aqua Texas customers located in the Aqua Sewer CCN boundary.

Our consideration of Factor 1 also included a review of a recent Aqua Water CCN appraisal for two undeveloped tracts associated with the Smiley Road development, which were recently decertified from the Aqua Water CCN (reference PUC Docket Nos. 45450 and 45462, **Attachment I**). The February 16, 2016 appraisal reports were prepared by NewGen Strategies and Solutions (NewGen Appraisal), which was an agreed upon appraisal between Mustang Special Utility District and Aqua Texas. The NewGen Appraisal determined that no Aqua Texas property had been rendered useless or valueless as a result of the decertification of the Aqua Texas Water CCN.

There are currently no Aqua Texas water or sewer customers located in the Sutton Fields Tract; therefore, we have assumed that Aqua Texas' debt associated with providing water and sewer service has been allocated wholly to other existing customers. Thus, we have assumed no value for Aqua Texas' debt associated with the Sutton Fields Tract.

2) 'The value of service facilities of the retail public utility located within the area in question:

Estimated Value: $ 0.00

There are no Aqua Texas water or sewer service facilities located within the Sutton Fields Tract. Therefore, no value is assumed for this item.

3) 'The amount of any expenditures for planning, design, or construction of service facilities that are allocable to service to the area in question'

Estimated Value: $ 28,000.00

It was evident from our investigation that the Willow Wood Addition Meadow Vista public water system has limited ability to serve a greater portion of the Aqua Water CCN located outside of the Willow Wood and Meadow Vista subdivisions. An inventory of the existing public water system facilities was determined based on the following information:

December 21, 2015 site visit by JHA staff (photographs included as **Attachment B**);
Available public records from TCEQ for PWS TX0610212 **(Attachment C)**;
TWDB public water well drillers logs **(Attachment D)**; and
Denton County plat records **(Attachment E)**;

In addition, we have found no evidence of offsite water facilities owned by Aqua Texas which are intended to serve the undeveloped portions of the Aqua Water CCN. Therefore, no value is assumed for the Aqua Water CCN associated with the planning, design, or construction of service facilities intended to serve the undeveloped portion of the CCN.

Aqua Texas obtained a TPDES Permit WQ0014234001 **(Attachment F)** in 2003 with the intent to treat and discharge domestic wastewater from a proposed residential development within the Aqua Sewer CCN boundary. The wastewater discharge permit is limited to a period of 10 years or until such time that Upper Trinity Regional Water District (UTRWD) is able to serve the proposed development within the Aqua Sewer CCN, according to an agreement between AquaSource Development Company and UTRWD dated December 2, 2002 and included as Attachment A to the TPDES Permit WQ0014234001.

The wastewater discharge permit is non-transferrable due to the terms of the UTRWD agreement mentioned above, and holds no value to the City of Celina as a founding member of UTRWD. Nonetheless, it will be become useless and valueless to the remaining Aqua Texas customers upon decertification of the Aqua Sewer CCN boundary. Therefore, the estimated engineering and legal fees associated with obtaining (2002) and

subsequent renewals (2007 and 2012) of the existing wastewater discharge permit are estimated at $28,000.00 and included in Factor 3.

4) 'The amount of the retail public utility's contractual obligations allocable to the area in question'

Estimate Value: $ 0.00

We found no evidence of any expenses for contractual obligations associated with the Aqua Water or Sewer CCN; therefore, no value is assumed for this item.

5) 'Any demonstrated impairment of service or increase of cost to consumers of the retail public utility remaining after the decertification'

Estimated Value: $ 0.00

We found no evidence of any impairment of service associated with the loss of the Aqua Water or Sewer CCN; therefore, no value is assumed for this item.

6) 'The impact on future revenues lost from existing customers'

Estimated Value: $ 0.00

There are no existing Aqua Texas water or sewer customers located within the Sutton Fields Tract; therefore, no value is assumed for this item.

7) "Necessary and reasonable legal expenses and professional fees'

Estimated Value: $ 10,000.00

Based on JHA's prior experience with the CCN decertification process, we have estimated the following legal and professional fees which may be incurred by Aqua Texas to decertify the subject area:

- $5,000 for legal fees; and,
- $5,000 for engineering and appraisal fees.

8) 'Other relevant factors'

Estimated Value: $ 0.00

No other relevant factors were identified; therefore, no value is assumed for this item.

LIST OF ATTACHED TABLES

1. Summary of JHA's total appraised value for the Sutton Fields Tract based on factors outlined in 16 TAC 24.113(k).

LIST OF ATTACHMENTS

A. Location, Boundary, and Sutton Fields Tract Maps
B. December 21, 2015 Site Visit Photographs
C. TCEQ Records for the Willow Wood Addition Meadow Vista Public Water System
D. TWDB public water well driller logs
E. Denton County Plat Records for the Willow Wood and Meadow Vista subdivisions
F. Aqua Development, Inc. TCEQ TPDES Permit No. WQ0014234001 with Wastewater Service Agreement Between Upper Trinity Regional Water District and AquaSource Development Company, dated December 2, 2002
G. Selected pages from the Aqua Texas January 1, 2013 approved Water Utility Tariff for the North Region
H. Selected pages from the Aqua Texas January 1, 2009 approved Sewer Utility Tariff for the North Region
I. February 2016 CCN Appraisal Report prepared for the decertification of a portion of the Aqua Water CCN

Respectfully Submitted,
JONES-HEROY & ASSOCIATES, INC.
TBPE Registered Firm No. 006320

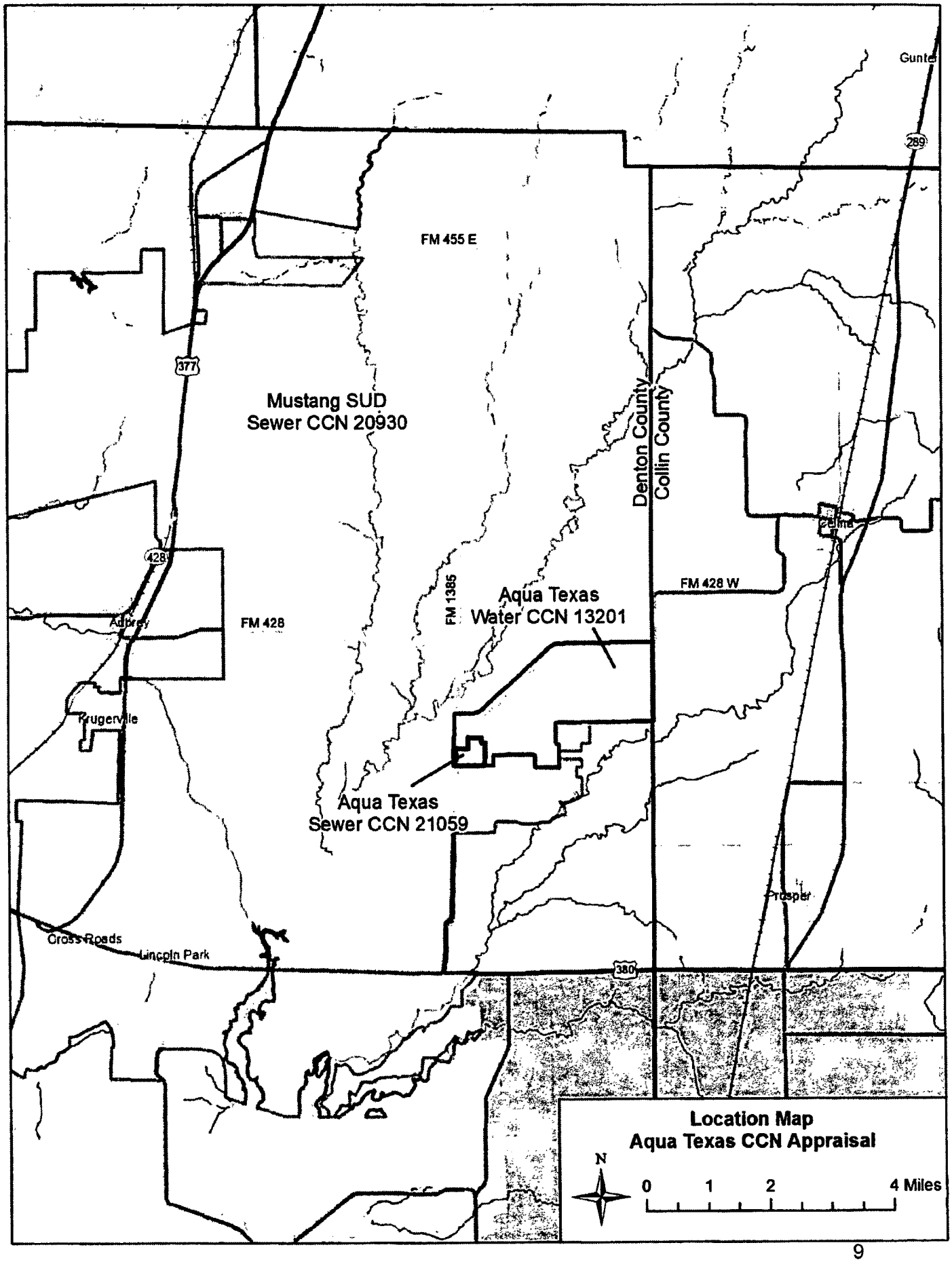
Jason S. Jones, P.E.
Principal

Table 1: Summary of JHA's total appraised value for the Sutton Fields Tract based on factors outlined in 16 TAC 24.113(k).

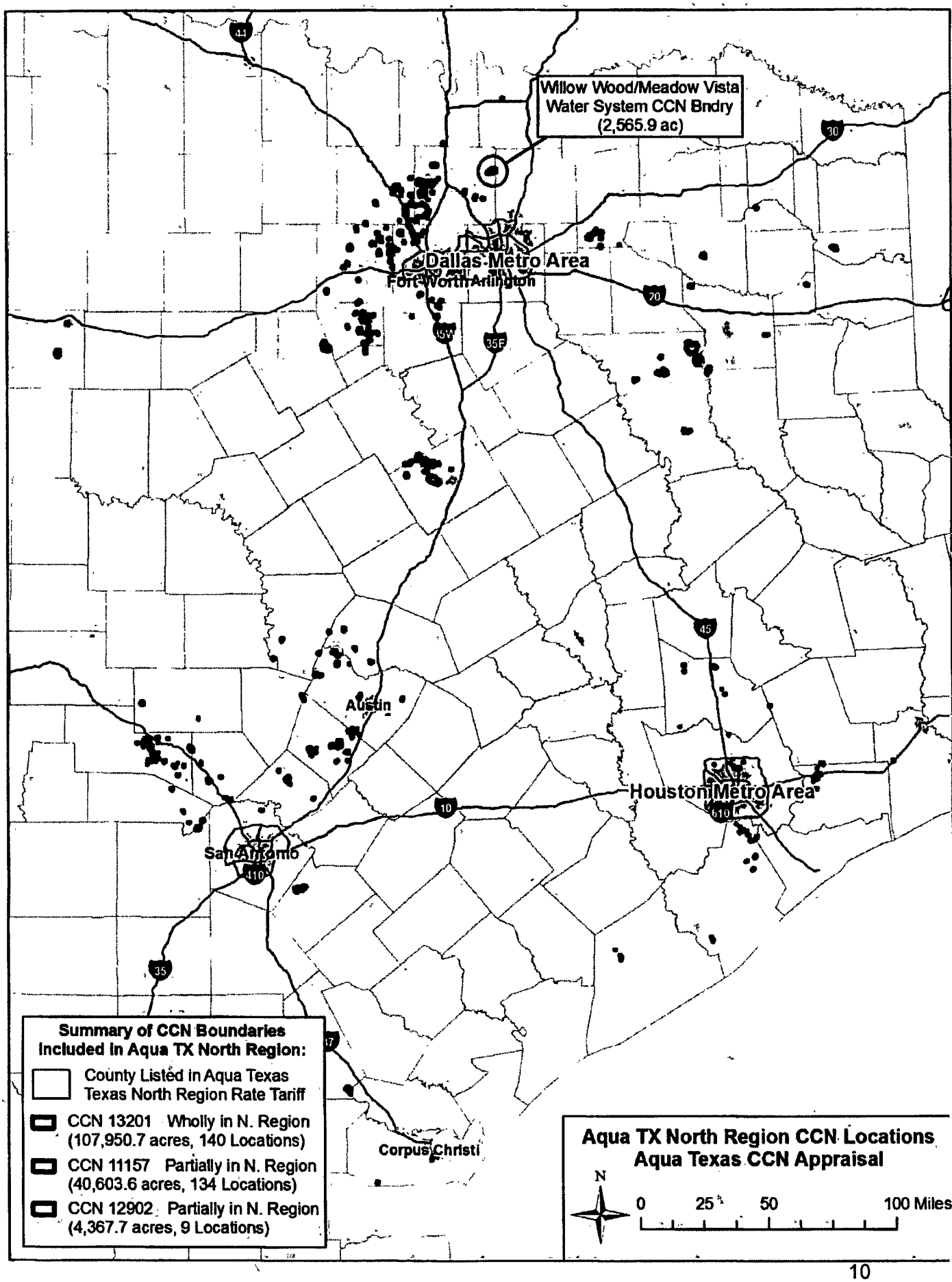
Factors	Description		Amount
1)	The amount of the retail public utility's debt allocable for service to the area in question:	$	
2)	The value of the service facilities of the retail public utility located within the area in question:	$	
3)	The amount of any expenditures for planning, design, or construction of service facilities that are allocable to service to the area in question:	$	28,000
4)	The amount of the retail public utility's contractual obligations allocable to the area in question:	$	
5)	Any demonstrated impairment of service or increase of cost to consumers of the retail public utility remaining after the decertification:	$	
6)	The impact on future revenues lost from existing customers:	$	
7)	Necessary and reasonable legal expenses and professional fees:	$	10,000
8)	Other relevant factors:	$	
	Total Appraised Value:	**$**	**38,000**

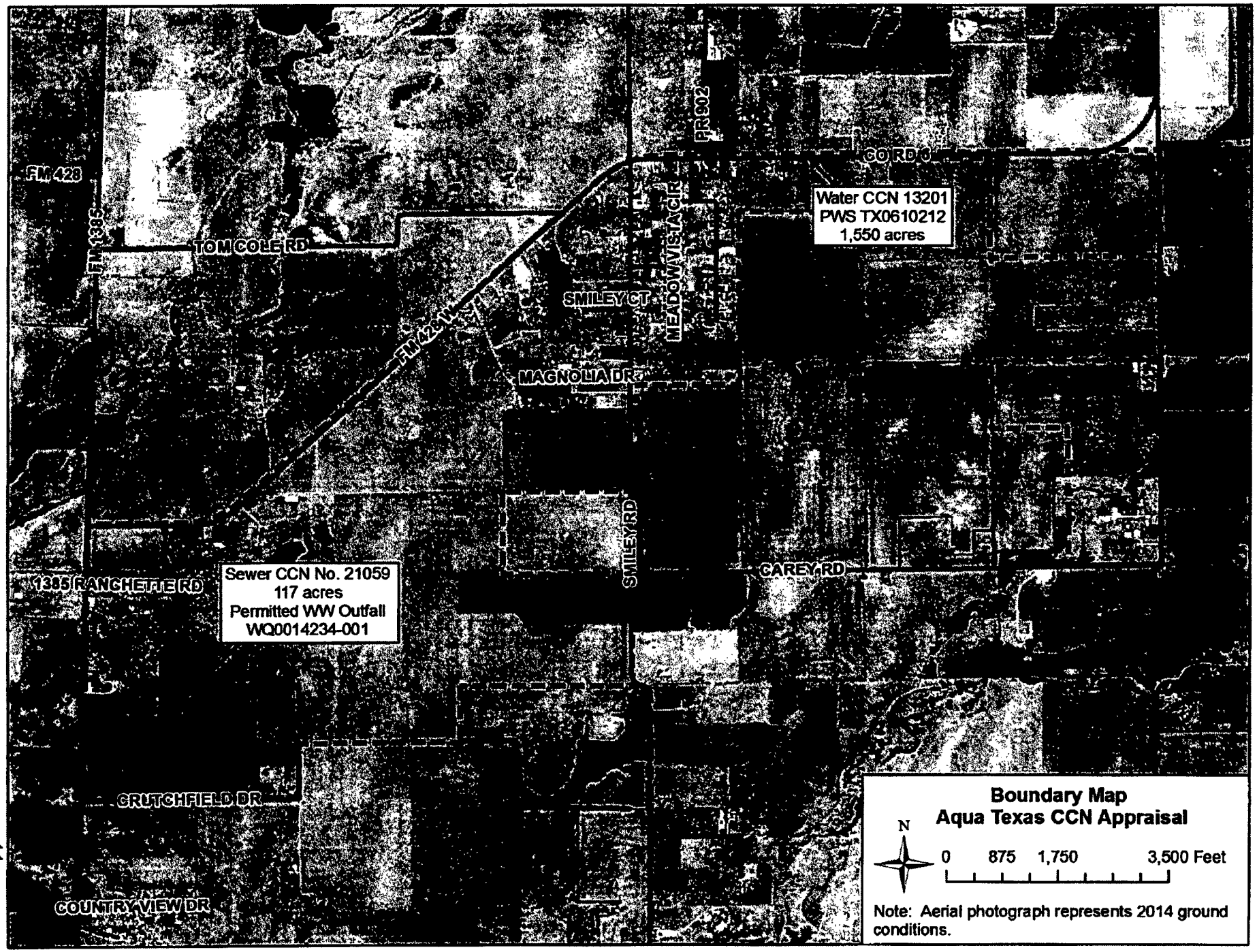
Attachment A

Location, Boundary, and Sutton Fields Tract Maps


Gunter
289
FM 455 E
377
Mustang SUD
Sewer CCN 20930
Denton County
Collin County
Celina
428
FM 428 W
FM 1385
Aqua Texas
Water CCN 13201
Aubrey
FM 428
Krugerville
Aqua Texas
Sewer CCN 21059
Prosper
Cross Roads
Lincoln Park
380
Location Map
Aqua Texas CCN Appraisal
N
0 1 2 4 Miles

CEL102--010


Willow Wood/Meadow Vista
Water System CCN Bndry
(2,565.9 ac)
Dallas-Metro Area
Fort Worth Arlington
Austin
San Antonio
Houston Metro Area
Corpus Christi
Summary of CCN Boundaries
Included in Aqua TX North Region:
County Listed in Aqua Texas
Texas North Region Rate Tariff
CCN 13201 Wholly in N. Region
(107,950.7 acres, 140 Locations)
CCN 11157 Partially in N. Region
(40,603.6 acres, 134 Locations)
CCN 12902 Partially in N. Region
(4,367.7 acres, 9 Locations)
Aqua TX North Region CCN Locations
Aqua Texas CCN Appraisal
N
0
25
50
100 Miles

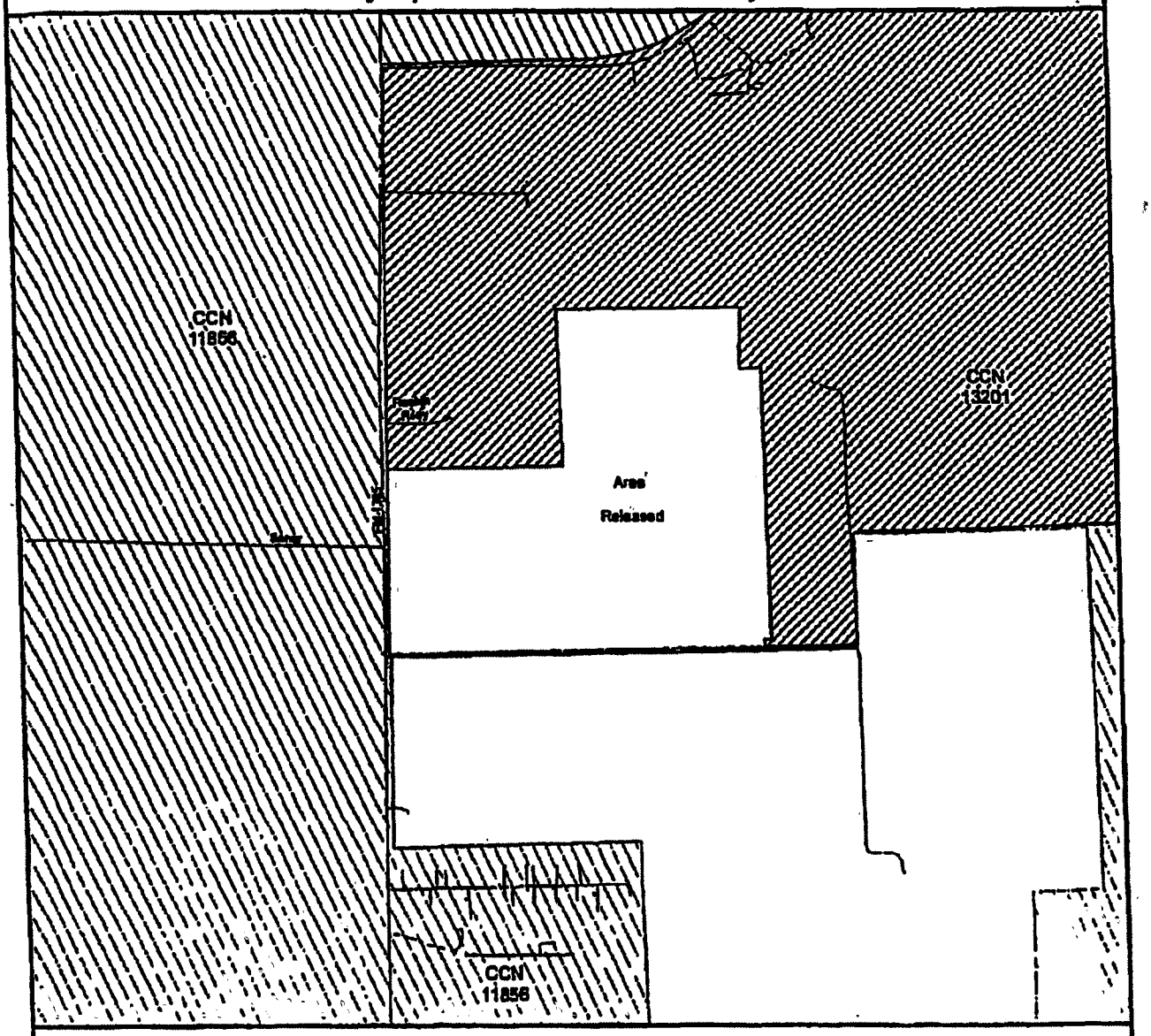

FM 428
FM 1385
TOM COLE RD
SMILEY CT
MEADOWVISTA CR
PR902
CO RD 6
Water CCN 13201
PWS TX0610212
1,550 acres
FM 428
MAGNOLIA DR
SMILEY RD
CAREY RD
1385 RANCHETTE RD
Sewer CCN No. 21059
117 acres
Permitted WW Outfall
WQ0014234-001
CRUTCHFIELD DR
COUNTRY VIEW DR
Boundary Map
Aqua Texas CCN Appraisal
N
0 875 1,750 3,500 Feet
Note: Aerial photograph represents 2014 ground conditions.

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE WITH THE PUBLIC UTILITY COMMISSION OF TEXAS CENTRAL RECORDS DIVISION

BY: Ana Medina

DATE: 3-29-16

Aqua Texas Inc.
Water Service Area
CCN No. 13201
PUC Docket No. 45329
Petition of ADG Sutton Fields II to Amend Aqua Texas Inc's CCN by Expedited Release in Denton County



Area Released

Water CCN Service Areas

13201 - Aqua Texas Inc

11856 - Mustang SUD

0 500 1,000 Feet

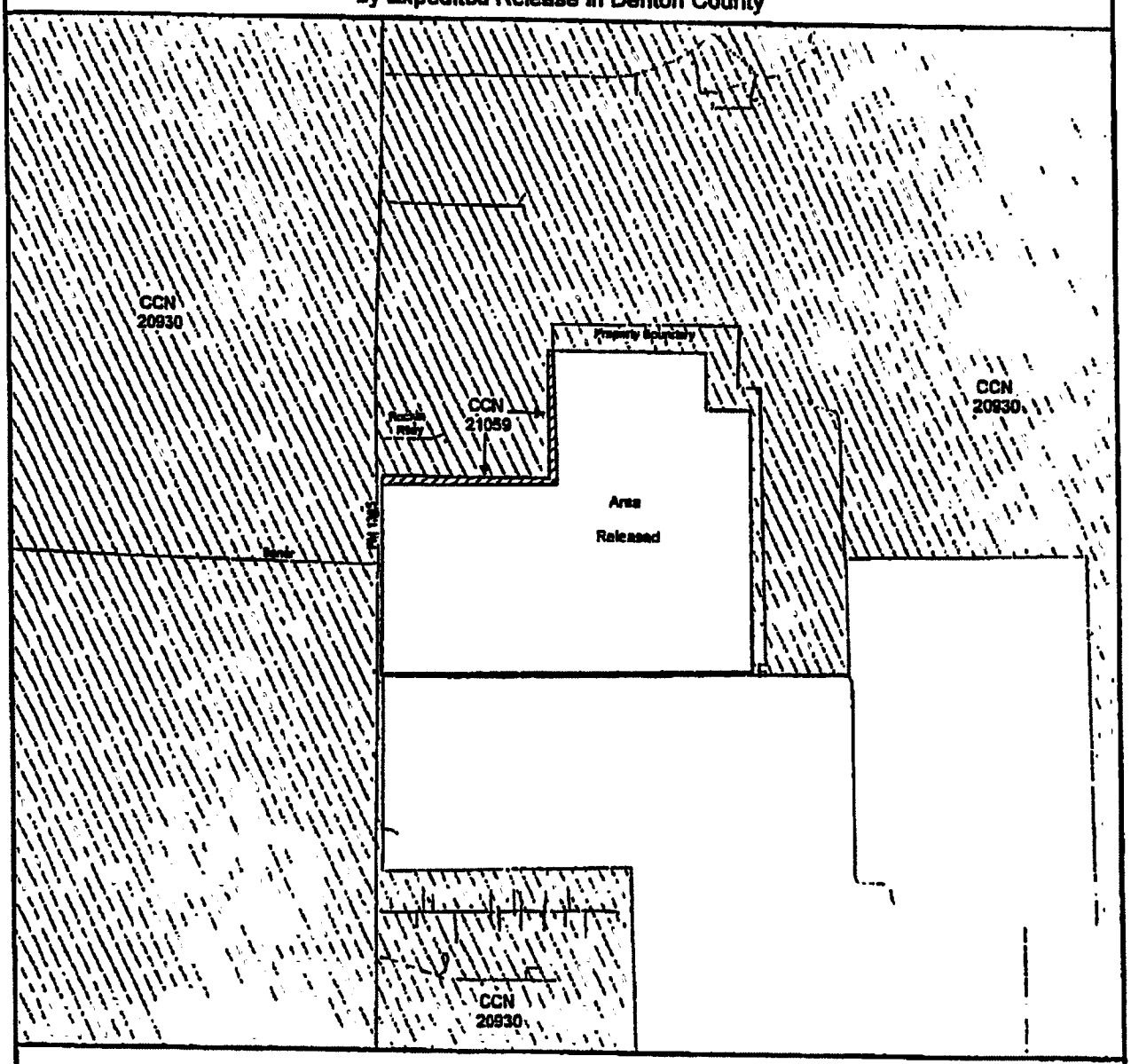
N

Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Map by: Kamal Patel
Date created: January 22, 2016
Project Path: n:\finalmapping\45329AquaTexasWater.mxd

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION
BY: Rani Medepa
DATE: 3-29-16

Aqua Texas Inc.
Sewer Service Area
CCN No. 21059
PUC Docket No. 45329
Petition by CADG Sutton Fields II to Amend Aqua Texas Inc's CCN
by Expedited Release in Denton County



Attachment B

Site Visit Photographs

Photo 1 - Willow Wood Well Site No. 1 and Pump Station

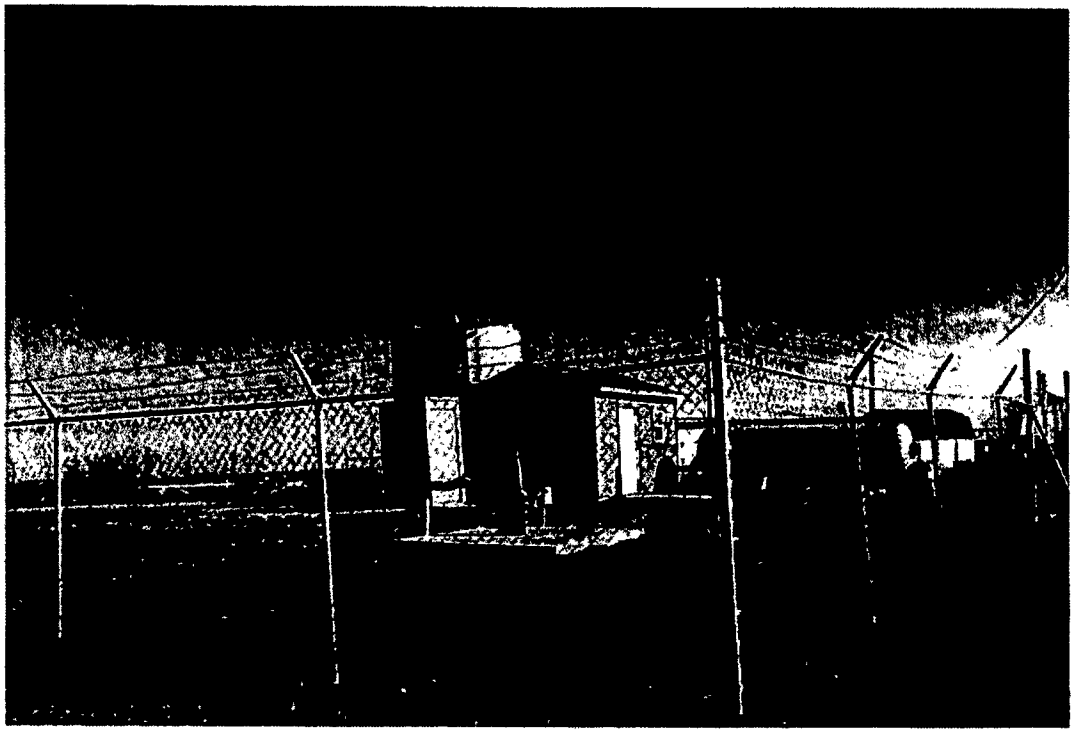


Photo 2 - Willow Wood Well Site No. 1 and Pump Station

Photo 3 · Sample Station No. 2 Located on Meadow Vista Circle

Photo 4 – Typical Street View, Smiley Road at FM 428 W

Photo 5 Meadow Vista Well No. 2 and Pump Station

Photo 6 – Typical Street View, Meadow Vista Circle (East Side)

:EL102--018

Attachment C

TCEQ Records for Willow Wood Addition

Meadow Vista Public Water System

Texas Commission on Environmental Quality	Office of Water	Public Drinking Water Section
County Map of TX	Water System Search	Office of Compliance and Enforcement

Water System Detail			
Water System Facilities Source Water Assessment Results	Violations Enforcement Actions	TCR Sample Results	TTHM HAA5 Summaries
Sample Points	Assistance Actions	Recent Positive TCR Results	PBCU Summaries
Sample Schedules / FANLs / Plans	Compliance Schedules	Other Chemical Results	Chlorine Summaries
Site Visits Milestones	TOC/Alkalinity Results	Chemical Results: Sort by. Name Code	Turbidity Summaries
Operators All POC	LRAA (TTHM/HAA5)	Recent Non-TCR Sample Results	TCR Sample Summaries
Glossary			

Water System Detail Information			
Water System No.:	TX0610212	System Type:	C
Water System Name:	WILLOW WOOD ADDITION MEADOW VISTA	Primary Source Type:	GW
Principal County Served:	DENTON	System Status:	A
Principal City Served:		Activity Date:	01-01-1913
Population:	312	System Recognition:	NO DATA

Water System Contacts			
Type	Contact	Communication	
		Electronic Type	Value
		Phone Type	Value
AC Administrative Contact	FOLTZ, SCOT W 1106 CLAYTON LN STE 400W AUSTIN, TX 78723-2476	BUS Business	512-990-4400
		MOB Mobile	512-844-6475

Sources of Water			
Name	Type	Activity	Availability
2 MEADOW VISTA PS	WL	A	P
1 WILLOW WOOD PS	WL	A	P

Source Water Percentages			
Surface Water	0	Surface Water Purchased	0
Ground Water	0	Ground Water Purchased	0
Ground Water UDI	0	Ground Water UDI Purchased	0

Water Purchases
Water System \ Treatment Status
No Water Purchases

Buyers of Water
Water System / Population / Availability (blank, (S)easonal, (E)mergency, (I)nterim, (P)ermanent, (O)ther
No Buyers

Total Population Served = 312

Total Population Served included ALL active connections, including emergency.

Annual Operating Period(s)					
Effective Begin Date	Effective End Date	Start Month/Day	End Month/Day	Type	Population
01-25-2016	No End Date	1/1	12/31	R	342

Service Connections			
Type	Count	Meter Type	Meter Size
RS	114	ME	0

Service Area	
Code	Name
R	RESIDENTIAL AREA

Regulating Agencies	
Name	Alias/Inspector
TX COMMISSION ON ENVIRONMENTAL QUALITY	TCEQ

Water System Historical Names
Historical Name(s)

System Certification Requirements		
Certification Name	**Code**	**Begin Date**

WS Flow Rates		
Type	**Quantity**	**UOM**

WS Measures		
Type	**Quantity**	**UOM**

WS Indicators		
Type	**Value**	**Date**
DBP2 Stage2 DBPR Schedule Category	4 4	10-01-2013
POWN Previous Ownership Type Code. This is the WUD ownership code.	INV Investor Owned	
PRFT Status as a For or Non Profit Entitiy	FOR For Profit	
SSWP State Source Water Program	YES Yes	09-15-2010
XCON - Cross Connection control Program Ranking	INSFT Insufficient	07-03-2014

CEL102--022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 21, 2013

Mr. Steve Blackhurst, P.E., Regional Environmental Compliance Manager
Aqua Texas, Inc.
1106 Clayton Lane, Suite 400W
Austin, TX 78723

Re: Comprehensive Compliance Investigation at:
Willowwood Addition Meadow Vista, Denton County, Texas
TCEQ ID No.:0610212, RN No. 102671187, Investigation No. 1057525

Dear Mr. Blackhurst:

On February 6, 2013, Mr. Robert E. Ferry of the Texas Commission on Environmental Quality (TCEQ), DFW Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation. No further submittal from you is required concerning this investigation.

The TCEQ 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 regarding these matters, please feel free to contact Mr. Ferry in the DFW Region Office at (817) 588-5814.

Sincerely,

Charles Marshall
Team Leader, Public Water Supply Section
DFW Regional Office

CM/ref

Texas Commission on Environmental Quality
Investigation Report
Aqua Utilities, Inc.
CN601570773

WILLOW WOOD ADDITION MEADOW VISTA

RN102671187

Investigation # 1057525 **Incident #**

Investigator: ROBERT FERRY **Site Classification** GW 51-250 CONNECTION

Conducted: 02/06/2013 – 02/06/2013 **No Industry Code Assigned**

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type Compliance Investigation **Location** S SIDE OF FM 428 AUBREY

Additional ID(s): 0610212

Address: , **Activity Type:** REGION 04 DFW METROPLEX PWSCCIGWCM PWSCCOGWCM PWS CCI Discretionary Groundwater, Purchase, Community

Principal(s):

Role	Name
RESPONDENT	AQUA TEXAS INC

Contact(s):

Role	Title	Name	Phone	
Participated In Investigation	AREA COORDINATOR	MR GARY DOUGLAS	Work Fax Cell	(903) 849-2050 (903) 849-5079 (903) 574-1989
Participated In Investigation	OPERATOR	LONNIE SANDERS	Cell	(972) 816-9728
Regulated Entity Contact	AREA COORDINATOR	MR GARY DOUGLAS	Fax Work	(903) 849-5079 (903) 849-2050
Regulated Entity Mail Contact	REGULATORY AND COMPLIANCE MANAGER	MR STEVE BLACKHURST	Work	(512) 670-7626

Other Staff Member(s):

Role	Name
QA Reviewer	CHARLES MARSHALL
Supervisor	CHARLES MARSHALL

MAR 05 2013

Associated Check List

Checklist Name	Unit Name
PWS EMERGENCY POWER INITIATIVE	Willowwood
PWS INVESTIGATION EQUIPMENT MONITORING AND SAMPLING	Willowwood
PWS STANDARD FIELD	Willowwood

Investigation Comments:

INTRODUCTION

The Willowwood Addition Public Water System was investigated on February 6, 2013, to determine compliance with TCEQ PWS Rules and Regulations. The facility was last investigated on January 20, 2010 (Inv. # 788222). Mr. Gary Douglas, Area Coordinator for Aqua Texas, was contacted and notified of the investigation on January 14, 2013.

The investigation was conducted with Mr. Douglas and Mr. Lonnie Sanders, operator. An exit interview explaining the results of the investigation was conducted following the investigation with Mr. Douglas, who received a copy of the form.

GENERAL FACILITY AND PROCESS INFORMATION

*Specific facility information, such as tank volumes, pump capacities, etc. can be found in the PUBLIC WATER SYSTEM DATA SHEET attached to the end of this compliance investigation report.

The system supplies water through one pressure plane and has two pump stations. The Willowwood Pump Station consists of:

- one production well,
  one ground storage tank,
  one pressure tank,
  a gas chlorination system, and
- two service pumps.

The Meadow Vista Pump Station consists of:

  one production well,
  one ground storage tank,
  one pressure tank,
  a gas chlorination system, and
- two service pumps.

The distribution lines from the two stations combine before entering distribution. Raw water is pumped from the wells and injected with gaseous chlorine prior to entering the ground storage. From the ground storage, the water is pumped into the distribution via the two service pumps. Pressure is maintained by the pressure tanks. The Meadow Vista Pump Station operates continually while the Willowwood Station is used as backup and usually only operates during summer months. This Willowwood Station well is flushed regularly.

BACKGROUND

No violations were cited during the last investigation. No complaints have been received about the system since the last investigation.

RECORD REVIEW

The following records were reviewed during the investigation:

Bacteriological sampling results
Monthly Operating Reports
Monitoring Plans
Tank Inspection Reports
Plumbing Ordinances or Service Agreements
Customer Service Inspections
Well Driller's Logs
Sanitary Control Easements
Drought Contingency Plans
Plant Operations Manual
Complaint Records

Meter Calibration Records

System records were very well organized and complete.

ALLEGED VIOLATIONS

No violations are being alleged as a result of this investigation.

No Violations Associated to this Investigation

Signed _____ Date 2-7-13
Environmental Investigator

Signed _____ Date 2/19/13
Supervisor

Attachments: (in order of final report submittal)

___Enforcement Action Request (EAR)
X Letter to Facility (specify type) Exit Conf
Investigation Report
___Sample Analysis Results
___Manifests
___NOR

X Maps, Plans, Sketches
___Photographs
___Correspondence from the facility
___Other (specify)

PUBLIC WATER SYSTEM DATA

Name of System:	Willow Wood Addition Meadow Vista		
CCN Number:	11157	**PWS ID:**	610212
Classification:	Not Applicable	**Type:**	Community
Region Number:	4		

Interconnect with Other PWS:	No	**Name of PWS I/C:**	
Type I/C:			

Retail Service Connections:		**Retail Meters:**	104
Retail Population:	312		

Wholesale Master Meters:	0	**Wholesale Service Connections:**	0
Wholesale Population:	0		

Total Well Capacity:	146 GPM 0.210 MGD
Raw Capacity:	GPM MGD

Total Elevated Storage:	0.0 MG	**Total Storage Capacity:**	0.0366 MG
Pressure Tank Capacity:	0.004		

Maximum Daily Usage:	0.036 MGD	**Date:**	09/09/9999
Average Daily Usage:	0.0230 MGD	**Time Period:**	01/01/2012to 12/31/2012
Wholesale Contract:	No	**Maximum Purchase Rate**	
No. of Samples Required:	1	**No. of Samples Submitted:**	1
No. of Raw Samples Required:	0	**No. of Raw Samples Submitted:**	0
Non-Comm Dates of Operation:	09/09/9999 to 09/09/9999		

WATER STORAGE TANKS

HD	0.0015 MG	Steel	Willow Wood Pump Station
GR	0.0126 MG	Steel	Willow Wood Pump Station
HD	0.0025 MG	Steel	Meadow Vista Pump Station
GR	0.0240 MG	Steel	Meadow Vista Pump Station

WATER SOURCES

1	GW0610212A	Willow Wood	Willow Wood Pump Station	O	Submersible	37 gpm	27.0	02/06/2013
2	GW0610212	Meadow Vista	Meadow Vista Pump Station	O	Submersible	109 gpm	122	02/06/2013

SERVICE PUMPS

1	5 hp / 100 gpm	Willow Wood PS
1	5 hp / 100 gpm	Willow Wood PS
2	10 hp / 200 gpm	Meadow Vista PS
2	10 hp / 200 gpm	Meadow Vista PS

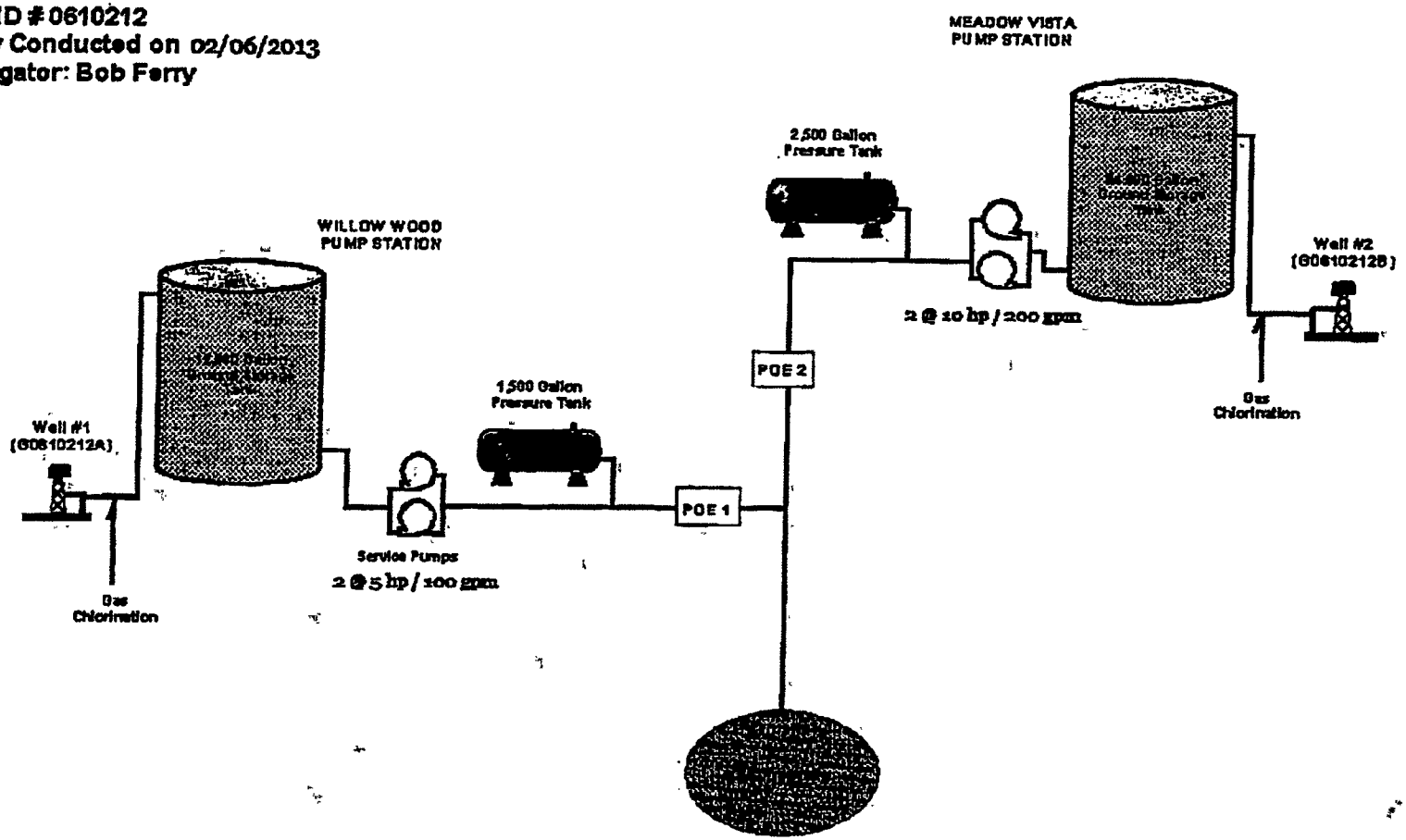
SYSTEM CAPACITIES

Pressure Plane Number: 1 **Name:** Willowwood

Well Production	0.6	GPM Conn X	104	Conn =	62.4	GPM	146
Elevated Pressure Storage	20	Gal/Conn X	104	Conn =	0.00208	MG	0.00400
Ground/Total Storage	200	Gal/Conn X	104	Conn =	0.0208	MG	0.0366
Service Pump Capacity	2.0	GPM/Conn X	104	Conn =	208	GPM	600
Service Pump Peaking Factor		MDD/1440 X		**		GPM	
Tested PSI: 58	Tested CL2: 0.44	Free	Location: 5592 FM 428				

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PUBLIC WATER SYSTEM DIAGRAM
TCEQ REGION 04

WILLOW WOOD ADDITION
TCEQ ID # 0610212
Survey Conducted on 02/06/2013
Investigator: Bob Ferry



Texas Commission on Environmental Quality

PWS INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING Checklist

Unit Name : Willowwood
Investigation # :1057525
Facility Name : WILLOW WOOD ADDITION MEADOW VISTA

County : DENTON
TCEQ Investigator : ROBERT FERRY

Item No.	Description	Answer	Comments	Due Date
	EQUIPMENT MONITORING SECTION			
1	Was an Anemometer used during this investigation?	NO		
2	Was the Area RAE Multi-Gas Monitor used during this investigation?	NO		
3	Was the Civil Defense V-700 Radiation Survey Instrument used during this investigation?	NO		
4	Was the DataRAM(TM) Real-Time Aerosol Monitor used during this investigation?	NO		
5	Was the Dissolved Oxygen Meter used during this investigation?	NO		
6	Was the Drager Gas Detector Pump/Tube System used during this investigation?	NO		
7	Was the El Paso Method for Measurement of Air-Strippable VOCs in Water used during this investigation?	NO		
8	Was the Garmin GPSMap 60CS GPS Receiver used during this investigation?	NO		
9	Was the Garmin RINO 130 GPS Receiver used during this investigation?	NO		
10	Was the GAS FindIR used during this investigation?	NO		
11	Was the Hach Model 2100P Portable Turbidimeter used during this investigation?	NO		
12	Was the Hach Pocket Colorimeter used during this investigation?	YES		
13	Was the Hach Pocket Turbidimeter used during this investigation?	NO		
14	Was the Haz-Dust 6000 Environmental Particulate Air Monitor (EPAM) used during this investigation?	NO		
15	Was the Hydrolab DataSonde® 4 and Hydrolab MiniSonde® Water Quality Multiprobes used during this investigation?	NO		
16	Was the IDEXX Colilert® and IDEXX Enterolert® Methods used during this investigation?	NO		
17	Was the Jerome 631-X Hydrogen Sulfide (H2S) Analyzer used during this investigation?	NO		
18	Was the LANDTEC GEM 2000(TM) Landfill Gas Analyzer used during this investigation?	NO		
19	Was the Ludlum Model 14C Geiger Mueller (GM) counter used during this investigation?	NO		
20	Was the Ludlum Model 19 Micro R Meter used during this investigation?	NO		
21	Was the Marsh-McBirney Flo-Mate 2000 Electromagnetic Flow Meter used during this investigation?	NO		
22	Was the MiniRAE 2000 Photoionization Detector used during this investigation?	NO		
23	Was the MIRAN 205B SapphiRe Portable Infrared Ambient Analyzer used during this investigation?	NO		
24	Was the MSA Passport® PID II Organic Vapor Monitor used during this investigation?	NO		
25	Was the Multi-parameter Water Quality Monitoring Sonde and Display used during this investigation?	NO		
26	Was the MultiRAE Plus Multi-Gas Monitor used during the investigation?	NO		

27	Was the Niton® XLt 700 Series ( ) Fluorescence (XRF) Environmental Analyzer ( ) during this investigation?	NO	( )	
28	Was the ORS Interface Probe(TM) used during this investigation?	NO		
29	Was the pH Meter used during this investigation?	NO		
30	Was the Portable Organic Vapor Monitor (OVM) Photoionization Detector used during this investigation?	NO		
31	Was the Pressure Gauge used during this investigation?	YES		
32	Was the Pressure Recorder used during this investigation?	NO		
33	Was the QRAE Multi-gas Monitor used during this investigation?	NO		
34	Was the Sample Collection of VOCs in Ambient Air Using Passivated, Stainless Steel Canisters used during this investigation?	NO		
35	Was the Sampling of Microscopic Characterization used during this investigation?	NO		
36	Was the Self Contained Breathing Apparatus (SCBA) used during this investigation?	NO		
37	Was the Smith-Root Boat Mounted and Backpack Electrofishers used during this investigation?	NO		
38	Was the TESTO 350 Portable Flue Gas Analyzer used during this investigation?	NO		
39	Was the Toxic Vapor Analyzer (TVA) 1000B Flame Ionization Detector (FID) used during this investigation?	NO		
40	Was the TravelIR Portable FT-IR Infrared Analysis System used during this investigation?	NO		
41	Was the VRAE Multi Gas Monitor used during this investigation?	NO		
42	Was the Water Level Indicator used during this investigation?	NO		
43	Was the Weatherpak 2000 used during this investigation?	NO		
44	Was any other equipment used during this investigation that is not listed above? If YES, list the equipment in the Comment section	NO		
	SAMPLING SECTION			
1	Was there sampling conducted for Effluent?	NO		
2	Was there sampling conducted for Groundwater?	NO		
3	Was there sampling conducted for Leachate/Contaminated Water?	NO		
4	Was there sampling conducted for PWS Chemical?	NO		
5	Was there sampling conducted for Sediment/Soil?	NO		
6	Was there sampling conducted for Spills/Unauthorized Discharge?	NO		
7	Was there sampling conducted for Surface Water?	NO		
8	Was there any other type of sampling conducted during this investigation? If YES, include it in the Comment section.	NO		

CEL102-032

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name	W. New Ward			TCEQ Add. ID No. RN No. (optional)	RN 106 212		
Investigation Type	CEI	Contact Made In-House (Y/N)	Y	Purpose of Investigation	Dust [illegible]		
Regulated Entity Contact	Gary Douglas			Telephone No.	913/549-2000	Date Contacted	1-14-13
Title	Area Foreman			Fax No.	913/549-5049	Date Faxed	1-14-13

NOTICE: This information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question with the clearly described potential problem. Other type of issues: fully descr	
No.	Type[1]	Rule Citation (if known)	Description of Issue
			No Violations Noted

[1]Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	☐ Yes	☐ No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	☐ Yes	☐ No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

RE Fax	2-6-13	[signature]	2/6/13
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

If you have questions about any information on this form, please contact your local TCEQ Regional Office.
Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512-239-3282.

(Note: Use additional pages as necessary) Page ____ of ____

White Copy: Regulated Entity Representative Yellow Copy: TCEQ
TCEQ-20086 (Rev. 8/07)

31

Our review indicates that the proposed well was constructed in accordance with the applicable minimum standards as set forth in Chapter 290 of the Texas Natural Resource Conservation Commission's (TNRCC) rules entitled Rules and Regulations for Public Water Systems. Based on a preliminary analysis, the well is approved for temporary use. Final approval is contingent upon verification of the chemical quality by the Texas Department of Health.

Please contact us at 512/239-6960 if you need further assistance.

Sincerely,

David D. Laughlin

David D. Laughlin, P. E.
Plans Review and Rate Design Team
Water Utilities Division

DDL/ddl/wem

cc: Willow Wood Addition
TNRCC Region No. 4 Office

TEXAS WATER COMMISSION

PROTECTING TEXAS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

August 18, 1993

Mr. William L. Boomer, P. E., President
LandCon Inc.
P. O. Box 100247
Fort Worth, Texas 76185

Re: Proposed Community Water System
Willow Wood Addition
P.W.S. Log No. 308/006
Denton County, Texas

Dear Mr. Boomer:

We have reviewed an engineering report, unrecorded sanitary control easement document, technical specifications and three engineering drawings submitted with your July 29, 1993 letter. This planning material describes the construction of a community water system consisting of the following proposed improvements:

* One 475 foot deep water well with pressure-cemented 6-5/8 inch steel casing and a 28 gpm submersible pump and one 950 feet foot deep water well with pressure-cemented 8-5/8 inch steel casing and a 40 gpm submersible pump;

* One 16,000 gallon welded-steel ground storage tank;

* One ASME Code 1,500 gallon hydropneumatic tank;

* Two service pumps with a combined 201 gpm capacity at 110 feet TDH and a hypochlorination system enclosed in a 12 foot by 10 foot wood frame pump building;

* Approximately 13,200 feet of 4-inch and 240 feet of 2-inch SDR 21 ASTM D-2241 PVC waterline with valves, fittings and related appurtenances; and,

* Two master meters, fencing and electrical controls.

These improvements will provide water supply for a proposed 58 lot subdivision. The subdivision is located off F. M. Road 428 approximately 16 miles northeast of Denton.

Our review indicates that the proposed improvements were designed in accordance with our current standards and are, therefore, approved for construction under the following conditions:

1. Before placing the well in service, the following completion data must be submitted to the Commission for review: driller's log and material setting data; cementing certificate; results of a 36 hour pumping test; results of chemical and bacteriological analyses; and, original or legible copy of a U.S. Geological Survey 7.5 minute topographic map showing the well location.

2. The allowable hydrostatic leakage rate of the distribution lines shall be based on the following formula:

$$L = \frac{N\,D\,(P)^{1/2}}{7400}$$

Where L = Allowable leakage in gallons per hour.
N = Number of joints in the length of pipe tested.
D = Nominal Diameter of Pipe in inches.
P 1/2 = Square root of pressure within the test section in psi.

Please contact us at 512/908-6960 if you need further assistance.

Sincerely,

David D. Laughlin

David D. Laughlin, P. E.
Plans Review
Water Utilities Division

DDL/ddl/wem

cc: H2M Water Systems, Inc.
TWC District No. 4

Attachment D

TWDB Public Water Well Driller Logs

TEXAS WATER DEVELOPMENT BOARD
WELL SCHEDULE

State Well Number 18 42 401 Previous Well Number County Denton 121
River Basin Trinity River 08 Zone 1 Latitude 33 17 33 Longitude 96 51 38 Source of Coords 1

Owners Well No. _____ Location _____ 1/4, _____ 1/4, Section _____, Block _____, Survey _____

Owner H2N Water Systems Meadow Vista
Driller H2N Water Systems

Address _____ Tenant/Oper. _____

Date Drilled 10/07/1996 Depth 540 ft. Source of Depth D Altitude 620 ft. Source of Alt. N
Aquifer 212WDBN WOODBINE SAND Well Type W User

WELL CONSTRUCTION
Const. Method - HYDRAULIC ROTARY
Casing Material STEEL
Screen
Completion GRAVEL PACK W/PERFORATIONS Material STEEL

LIFT DATA Pump Mfr. _____ Type SUBMERSIBLE PUMP No. Stages ____

Bowls Diam. _____ in. Setting _____ ft. Column Diam. _____ in.

Motor Mfr. _____ Fuel or Power ELECTRIC MOTOR Horsepower

YIELD Flow- _____ GPM Pump- _____ GPM Meas.,Rept.,Est- _____ Date- _____

PERFORMANCE TEST Date- _____ Length of Test- _____ Production- _____GPM

Static Level- _____ft. Pumping Level- _____ft. Drawdown- _____ft. Sp.Cap. _____GPM/ft

QUALITY (Remarks- _____

WATER USE Primary- PUBLIC SUPPLY Secondary- _____ Tertiary- _____

OTHER DATA AVAILABLE Water Levels- N Quality- N Logs- D Other Data-

WATER LEVELS Date- 10/07/1996 Measurement- -350.00
Date- / / Measurement-

Recorded By F. Belken Date Record Collected or Updated- 06/25/1998

Reporting Agency TEXAS WATER DEVELOPMENT BOARD

REMARKS
Meadow Vista well. Reported yield 15 GPM with 50 feet draudown after pumping 2 hours in 1996. Gravel packed from 450 to 540 feet.
Cemented from 0 to 450 feet.

Casing or Blank Pipe (C)
Well Screen or Slotted Zone (
Open Hole (O)
Cemented from _____ to _____

		Dim. (in.)	Setting(feet) From	To
1	C	6	0	450
2	S	6	450	540
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				

Aquifer 212WDBN
Well No. 18 42 401

Send original copy by certified mail to: TNRCC, P.O. Box 13087, Austin, TX 78711-3087 LV 176-51-38 Please use black ink.

ATTENTION OWNER: *Confidentiality Privilege Notice on Reverse Side*

State of Texas WELL REPORT

Texas Water Well Drillers Advisory Council
P.O. Box 13087
Austin, TX 78711-3087
512-239-6630

Meadow Vista

1) OWNER H2M Water System Inc. (Name) ADDRESS 4801 Brentwood Stair Ste.402 (Street or RFD) Ft. Worth, (City) (State) Tx (Zip) 76(

2) ADDRESS OF WELL: County Denton 4 miles N. of Hwy 380 on FM 1385 go 1 1/2 miles E. of FM 1385 on FM 428 (Street or RFD or other) (City) (State) (Zip) GRID # 18-42-7

3) TYPE OF WORK (Check): ☒ New Well ☐ Deepening ☐ Reconditioning ☐ Plugging

4) PROPOSED USE (Check): ☐ Monitor ☐ Environmental Soil Boring ☐ Domestic ☐ Industrial ☐ Irrigation ☐ Injection ☒ Public Supply ☐ De-watering ☐ Testwell
If Public Supply well, were plans submitted to the TNRCC? ☒ Yes ☐ No

5) •

N

6) WELL LOG:
Date Drilling: Started 9-30 19 96 Completed 10-7 19 96

DIAMETER OF HOLE		
Dia. (in.)	From (ft.)	To (ft.)
97/8	Surface	540

7) DRILLING METHOD (Check): ☐ Driven ☐ Air Rotary ☒ Mud Rotary ☐ Bored ☐ Air Hammer ☐ Cable Tool ☐ Jetted ☐ Other

From (ft.)	To (ft.)	Description and color of formation material
0-4		Black dirt
4-230		Shell
230-250		Sand
250-380		Shell with Lime streaks
380-393		Sand
393-480		Sandy shell
480-500		Sand
500-508		Shell with Lime Streaks
508-540		Sand

(Use reverse side if necessary)

8) Borehole Completion (Check): ☐ Open Hole ☐ Straight Wall ☐ Underreamed ☒ Gravel Packed ☐ Other
If Gravel Packed give interval ... from 540 ft. to 450 ft.

CASING, BLANK PIPE, AND WELL SCREEN DATA:

Dia. (in.)	New or Used	Steel, Plastic, etc. Perf., Slotted, etc. Screen Mfg., if commercial	Setting (ft.) From	Setting (ft.) To	Gage Casing Screen
5 1/2	N	Steel	2"above surface	540	N/A

9) CEMENTING DATA [Rule 338.44(1)]
Cemented from 450 ft. to surface No. of sacks used 72
ft. to ft. No. of sacks used
Method used Halliburton
Cemented by Ed's Drilling Co.
Distance to septic system field lines or other concentrated contamination 175 ft.
Method of verification of above distance Tape measure

10) SURFACE COMPLETION:
☒ Specified Surface Slab Installed [Rule 338.44(2)(A)]
☐ Specified Steel Sleeve Installed [Rule 338.44(2)(A)]
☐ Pitless Adapter Used [Rule 338.44(3)(G)]
☐ Approved Alternative Procedure Used [Rule 338.71]

RECEIVED
JUN 1997
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

11) WATER LEVEL:
Static level 350 ft. below land surface Date 10-7-96
Artesian flow

12) PACKERS: Type Depth

13) TYPE PUMP:
☐ Turbine ☐ Jet ☒ Submersible ☐ Cylinder ☐ Other
Depth to pump bowls, cylinder, jet, etc., 483 ft.

14) WELL TESTS:
Type test: ☐ Pump ☒ Bailer ☐ Jetted ☐ Estimated
Yield: 15 gpm with 50 ft. drawdown after 2 hrs.

15) WATER QUALITY:
Did you knowingly penetrate any strata which contained undesirable constituents?
☐ Yes ☒ No If yes, submit "REPORT OF UNDESIRABLE WATER"
Type of water? woodvine Depth of strata 52'
Was a chemical analysis made? ☐ Yes ☒ No

I hereby certify that this well was drilled by me (or under my supervision) and that each and all of the statements herein are true to the best of my knowledge and belief. I understand that failure to complete items 1 thru 15 will result in the log(s) being returned for completion and resubmittal.

COMPANY NAME H2M Water System Inc. (Type or print) WELL DRILLER'S LICENSE NO. 1327WI

ADDRESS 4801 Brentwood Stair Ste. 402 (Street or RFD) Ft. Worth, (City) Tx. (State) 76103 (Zip)

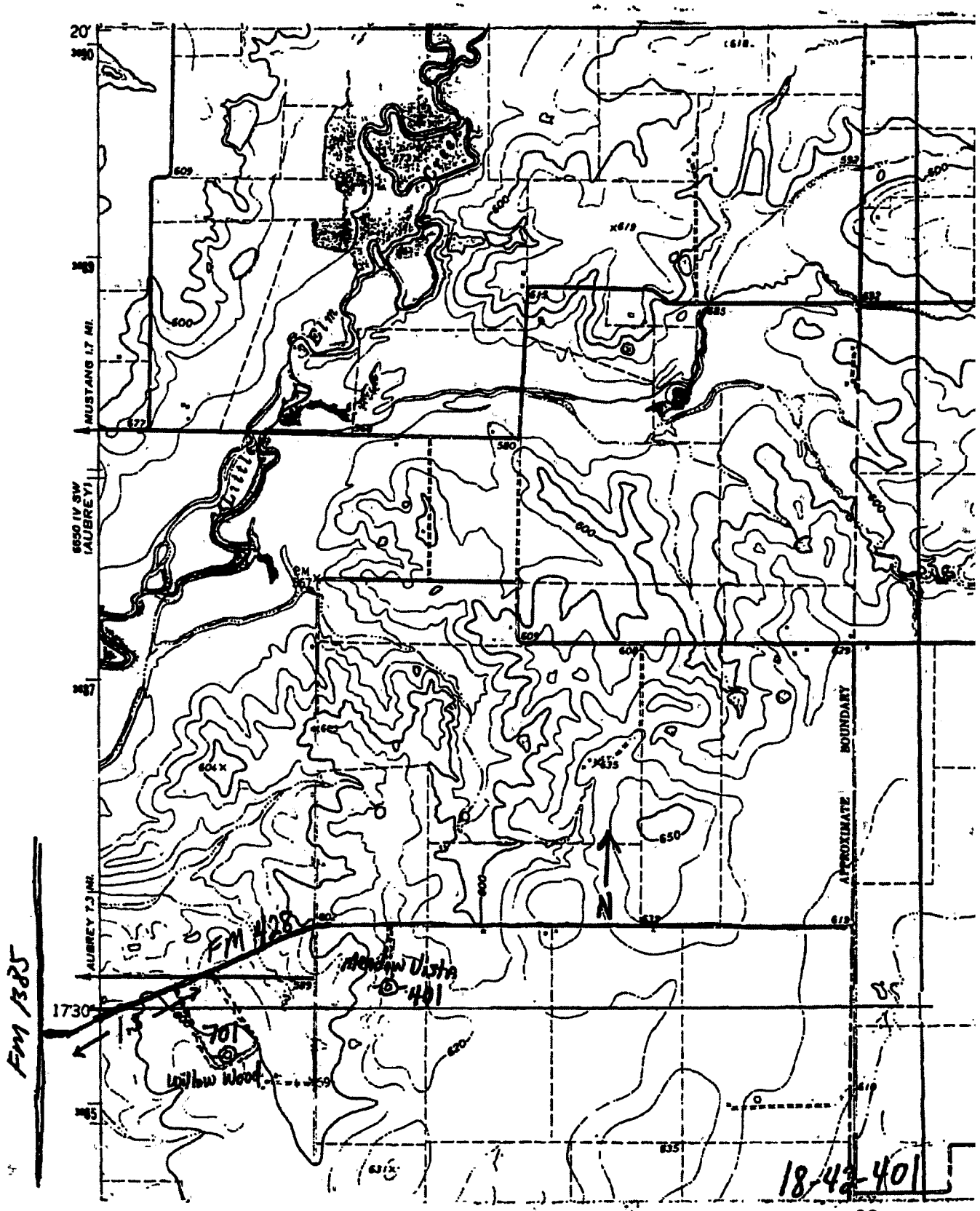
(Signed) Ed Mayo (Licensed Well Driller) (Signed) (Registered Driller Trainee)

Please attach electric log, chemical analysis, and other pertinent information, if available.

18-42-401

TNRCC-0199 (Rev. 11-01-94) TNRCC COPY 37

CEL102--038


MUSTANG 1.7 MI.
6650 IV SW (AUBREY)
AUBREY 7.5 MI.
APPROXIMATE BOUNDARY
FM 428
FM 1385
Meadow Vista
401
701
Willow Wood
1730
N
18-42-401

CEL102--039

TEXAS WATER DEVELOPMENT BOARD
WELL SCHEDULE

ate Well Number 18 42 701 Previous Well Number County Denton 121
ver Basin Trinity River 08 Zone 1 Latitude 33 17 19 Longitude 96 52 08 Source of Coords 1

ners Well No. _____ Location _____ 1/4, _____ 1/4, Section _____, Block _____, Survey _____

Owner M2M Water Systems Driller Millican Well Serv.
Willow Wood

dress _____ Tenant/Oper. _____
te Drilled 03/18/1994 Depth 415 ft. Source of Depth D Altitude 611 ft. Source of Alt. M
uifer 212MDBN WOODBINE SAND Well Type W User

LL Const. Casing
NSTRUCTION Method HYDRAULIC ROTARY Material STEEL
Screen
Completion GRAVEL PACK W/PERFORATIONS Material STEEL

FT DATA Pump Mfr. _____ Type SUBMERSIBLE PUMP No. Stages ____
ulis Diam. _____ in. Setting _____ ft. Column Diam. _____ in.
tor Mfr. _____ Fuel or Power ELECTRIC MOTOR Horsepower
ELD Flow- _____ GPM Pump- _____ GPM Meas.,Rept.,Est- _____ Date- _____
RFORMANCE TEST Date- _____ Length of Test- _____ Production- _____GPM
atic Level- _____ft. Pumping Level- _____ft. Drawdown- _____ft. Sp.Cap. _____GPM/ft
ALITY (Remarks- _____
TER USE Primary- PUBLIC SUPPLY Secondary- _____ Tertiary- _____
HER DATA AVAILAIBLE Water Levels- N Quality- N Logs- D Other Data-
TER LEVELS Date- 03/17/1994 Measurement- -250.00
Date- / / Measurement-

corded By _____ Date Record Collected or Updated- 06/25/1998

porting Agency TEXAS WATER DEVELOPMENT BOARD
MARKS
Willow Wood well. Reported yield 20 GPM with 30 feet drawdown after pumping 2 hours in 1994. Gracel packed from 300 to 435 feet. Cemented from 0 to 300 feet.

| Casing or Blank Pipe (C)
| Well Screen or Slotted Zone (
| Open Hole (O)
| Cemented from_____to_____

		Diam. (in.)	Setting(feet) From	To
1	C	6	0	360
2	S	6	360	415
3	C	6	415	435
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				

Aquifer 212MDBN
Well No. 18 42 701

CEL102--040

96-52-128

Please use black ink. Send original copy by certified mail to the Texas Water Commission P.O. Box 13087 Austin, Texas 78711

State of Texas
WATER WELL REPORT

ATTENTION OWNER: Confidentiality Privilege Notice on Reverse Side

Texas Water Well Drillers Board P. O. Box 13087 Austin, Texas 78711

1) OWNER H2M Company, Willow Wood (Name) 4801 Boulevard Suite (Street or RFD) Ft Worth (City) TX (State) 76103 (Zip)

2) LOCATION OF WELL: County Denton 15 miles in East (N.E., S.W., etc.) direction from Denton (Town)

willow wood

Driller must complete the legal description to the right with distance and direction from two intersecting section or survey lines, or he must locate and identify the well on an official Quarter- or Half-Scale Texas County General Highway Map and attach the map to this form.

☐ Legal description:
Section No. _____ Block No. _____ Township _____
Abstract No. _____ Survey Name _____
Distance and direction from two intersecting section or survey lines _____
☑ See attached map.

3) TYPE OF WORK (Check): ☑ New Well ☐ Deepening ☐ Reconditioning ☐ Plugging

4) PROPOSED USE (Check): ☐ Domestic ☐ Industrial ☐ Monitor ☑ Public Supply ☐ Irrigation ☐ Test Well ☐ Injection ☐ Other _____

5) DRILLING METHOD (Check): ☐ Driven ☑ Mud Rotary ☐ Air Hammer ☐ Jetted ☐ Bored ☐ Air Rotary ☐ Cable Tool ☐ Other _____

6) WELL LOG:
Date Drilling: Started 3-1 19 94 Completed 3-18 19 94

DIAMETER OF HOLE	Dia. (in.)	From (ft.)	To (ft.)
	10	Surface	438

From (ft.)	To (ft.)	Description and color of formation material
0	5	Black DIRT
5	16	Yellow Clay
16	50	Shale.
50	96	Shale + Lime.
96	106	Shale
106	165	Shale + lime.
165	221	SAND + Shale.
221	301	HARD SAND
301	311	Shale.
311	415	SAND with Shale.
415	438	Shale + Lime

7) BOREHOLE COMPLETION:
☐ Open Hole ☐ Straight Wall ☐ Underreamed
☑ Gravel Packed ☐ Other _____
If Gravel Packed give interval . . from 300 ft. to 438

8) CASING, BLANK PIPE, AND WELL SCREEN DATA:

Dia. (in.)	New or Used	Steel, Plastic, etc. Perf., Slotted, etc. Screen Mfgr., if commercial	Setting (ft.) From	Setting (ft.) To	Gauge or Slot No.
6	N	Steel	0	425	
6	N	.035	360	415	

9) CEMENTING DATA (Rule 318.4(b))
Cemented from 0 ft. to 300 ft. No. of Sacks Used 60
_____ ft. to _____ ft. No. of Sacks Used _____
Method used Pressure Circulate
Cemented by K. Millican

10) SURFACE COMPLETION
☑ Specified Surface Slab Installed (Rule 318.4(d)) 6'x6'
☐ Pitless Adapter Used (Rule 318.4(d))
☐ Approved Alternative Procedure Used (Rule 318.7)

11) WATER LEVEL:
Static level 250 ft. below land surface Date 3-17-94
Artesian flow _____ gpm. Date _____

12) PACKERS: Type X Depth X X

13) TYPE PUMP:
☐ Turbine ☐ Jet ☑ Submersible ☐ Cylinder
☐ Other _____
Depth to pump bowls, cylinder, jet, etc. 350 ft.

14) WELL TESTS:
Type Test: ☐ Pump ☑ Bailer ☐ Jetted ☐ Estimated
Yield: 20 gpm with 90 ft. drawdown after 2 hrs.

(Use reverse side if necessary)

15) WATER QUALITY:
Did you knowingly penetrate any strata which contained undesirable water? ☐ Yes ☑ No
If yes, submit "REPORT OF UNDESIRABLE WATER"
Type of water? _____ Depth of strata _____
Was a chemical analysis made? ☐ Yes ☑ No

RECEIVED
AUG 18 1994
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this well was drilled by me (or under my supervision) and that each and all of the statements herein are true to the best of my knowledge and belief. I understand that failure to complete items 1 thru 12 will result in the log(s) being returned for completion and resubmittal.

COMPANY NAME Millican Well SER (Type or Print) Water Well Driller's License No. 1563 WI

ADDRESS P. O. Box 820487 (Street or RFD) Ft Worth (City) TX (State) 76182 (Zip)

(Signed) Kenneth D. Millican (Licensed Water Well Driller) (Signed) _____ (Registered Driller Trainee)

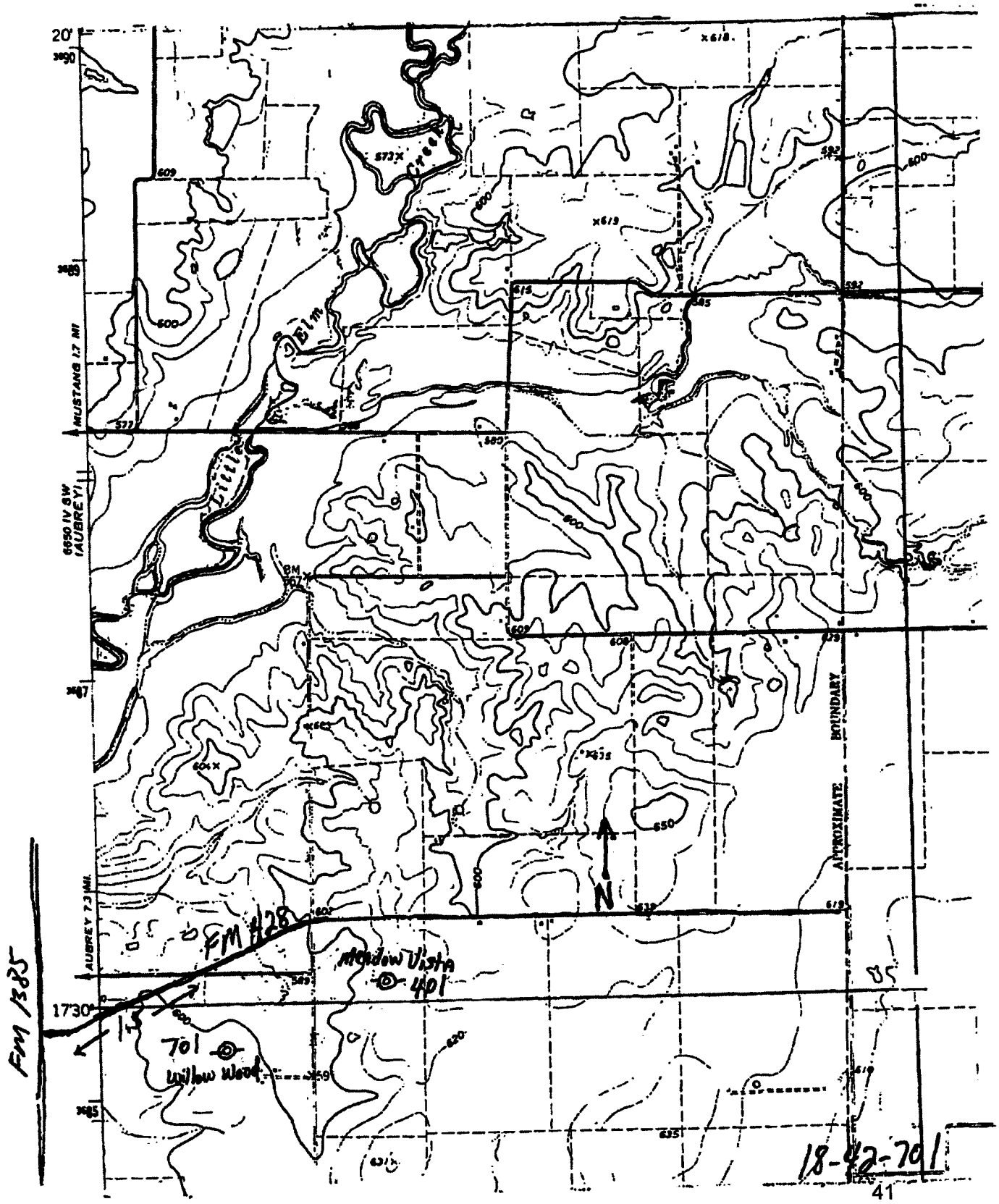
Please attach electric log, chemical analysis, and other pertinent information, if available.

For TWC use only Well No. 18-42-701 Located on map _____

TWC-0582 (Rev. 08-10-93) TEXAS WATER COMMISSION COPY

18-42-701 X

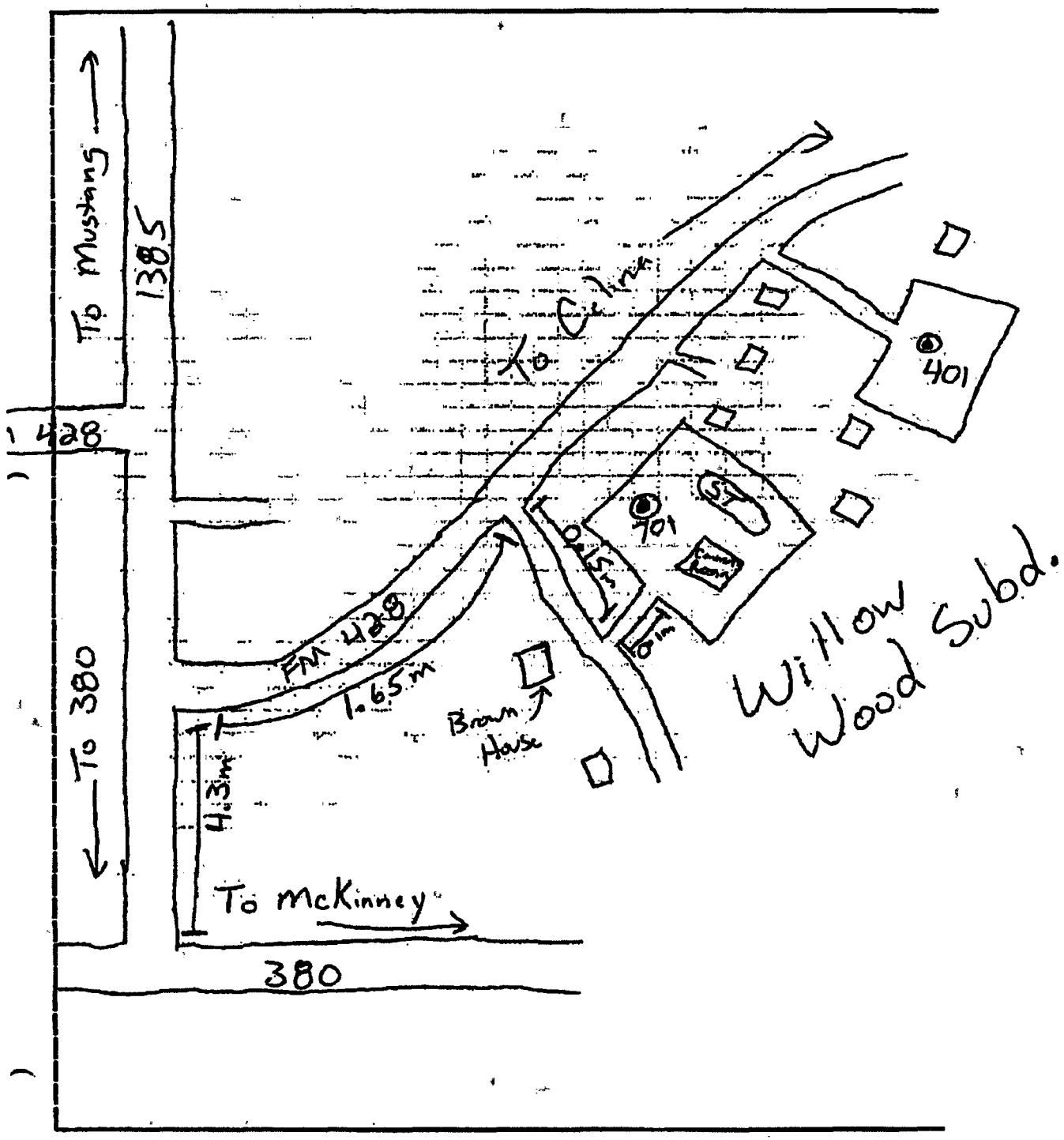
CEL102--041


20'
MUSTANG 17 MI
6650 IV SW
(AUBREY)
AUBREY 7.3 MI
APPROXIMATE BOUNDARY
FM #428
Meadow Vista
401
701
Willow Wood
FM 1385
1730'
N
18-42-701

Texas Water Development Board - Well Location Sketch

By: D. Rau Date: 9/12/01 Division Hemon

County Denton Well Number: 1842701



1842701
Well Number

CEL102--043

2002FY TWDB Water Qual / Field Data Sheet

State Well Number: 1842701
County: Denton
County Code: 121
Aquifer Code: 212WDBN
Aquifer Id: 29

Name: Aqua Source
Address: 7807 Jacksboro Hwy
Fort Worth, TX 76135
Phone Number: 817-237-8488
Attention: Dickie Smothers
Well Name or #: Willow Wood #1

Sample ID Number: 606
Date: 9/12/01
Sampler(s): D. Rau

43

CIRCLE EACH SAMPLE FRACTION COLLECTED:				
(1)	(2)	(3)	(4)	(5)
500ml (filtered) **Anions / Total Alk.** Ice	500ml (filtered) **Cations** Nitric (HNO3)	250ml (filtered) **Nitrate** Ice + H2SO4	40 ml (unfiltered) **Atrazine** Ice and in dark	1L (unfiltered) **Radioactivity** Nitric (HNO3)
Proper preservation requires adding enough of the correct acid to each sample fraction to bring the pH below 2.0.				

Calibration Verification Readings		
pH	7.00	7.03
	4 or 10	10.06
SLP = 57.0		
Conductivity	500	498
	1000	999
	2000	1.96×10^3
	5000	4.95×10^3

7.36

Time In: 9:40
Time Out: 11:00

W. L. depth from LSD (ft.): —
W.L. remark: 51
M.P. = —

Pumping Since: 10:20
Sampling Point: FAW

Well Use: P
Lift: S
Power: E

FIELD G.P.S. readings
Latitude: 33 17 20
Longitude: 096 52 09

Sample Time: 10:42
Filter pressure: hand pump (line)

Field Alkalinity Titration:

8.74	Start pH
4.50	End pH
50.0	mL Sample Size
0.6	mL Acid added for Phenol (> 8.3)
13.0	mL Acid added for Total (8.3 - 4.5)

Items below calculated from: mL acid added x 20 = Alkalinity

Phenol Alkalinity (82244): 12.0 mg/L
Total Alkalinity (39086): 260.0 mg/L

Items Below Calculated Later From Results:
Dissolved Solids (mg/L): 383
Hardness (as CaCO3): 2
Balanced: S

Water Quality Stabilization Parameters Table (at least 3 readings at five minute intervals)

Time:	10:25	10:30	10:35	10:40			
pH:	9.00	8.89	8.88	8.86			
Celcius Temp. (00010)	22.0	22.8	22.9	22.9			
Conductivity (uS/cm):	705	652	646	649			

Notes: No previous LWQ

Data Entered By Sampler Into Database: (yes) no

CEL102-044

LCRA Environmental Laboratory Services

Date: *09-Oct-01*

CLIENT: Texas Water Development Board **Client Sample ID:** 18-42-701
Lab Order: 0109142 **File No:** 17307
Project: TWDB FY02 **Collection Date:** 09/12/2001 10:42:00 AM
Lab ID: 0109142-06 **Matrix:** GROUNDWATER

Analyses	Storet	Result	PQL	Qual	Units	DF	BatchID	Date Analyzed
ICP METALS DISSOLVED			E200.7					Analyst: SW
Calcium	00915	0.531	0.204		mg/L	1.02	R10737A	09/20/2001 12:12:28 PM
Magnesium	00925	ND	0.204		mg/L	1.02	R10737A	09/20/2001 12:12:28 PM
Potassium	00935	0.665	0.204		mg/L	1.02	R10737A	09/20/2001 12:12:28 PM
Sodium	00930	143	0.714		mg/L	1.02	R10737A	09/20/2001 12:12:28 PM
ICP METALS DISSOLVED			E200.7					Analyst: SW
Boron	01020	402	51.0		µg/L	1.02	R10739A	09/20/2001 12:12:28 PM
Iron	01046	ND	51.0		µg/L	1.02	R10739A	09/20/2001 12:12:28 PM
Strontium	01080	ND	20.4		µg/L	1.02	R10739A	09/20/2001 12:12:28 PM
ICPMS DISSOLVED METALS			E200.8					Analyst: PJM
Aluminum	01106	5.41	4.00		µg/L	1	R10686A	09/19/2001
Antimony	01095	ND	1.00		µg/L	1	R10686A	09/19/2001
Arsenic	01000	ND	2.00		µg/L	1	R10686A	09/19/2001
Barium	01005	4.66	1.00		µg/L	1	R10686A	09/19/2001
Beryllium	01010	ND	1.00		µg/L	1	R10700A	09/20/2001
Cadmium	01025	ND	1.00		µg/L	1	R10686A	09/19/2001
Chromium	01030	1.12	1.00		µg/L	1	R10686A	09/19/2001
Cobalt	01035	ND	1.00		µg/L	1	R10686A	09/19/2001
Copper	01040	1.08	1.00		µg/L	1	R10686A	09/19/2001
Lead	01049	ND	1.00		µg/L	1	R10686A	09/19/2001
Lithium	01130	8.69	2.00		µg/L	1	R10700A	09/20/2001
Manganese	01056	4.06	1.00		µg/L	1	R10686A	09/19/2001
Molybdenum	01060	ND	1.00		µg/L	1	R10686A	09/19/2001
Nickel	01065	ND	1.00		µg/L	1	R10686A	09/19/2001
Selenium	01145	ND	4.00		µg/L	1	R10686A	09/19/2001
Thallium	01057	ND	1.00		µg/L	1	R10686A	09/19/2001
Vanadium	01085	ND	1.00		µg/L	1	R10686A	09/19/2001
Zinc	01090	ND	4.00		µg/L	1	R10686A	09/19/2001
CATION/ANION BALANCES			CALCULATION					Analyst: AMJ
Cation/Anion Balance		Balanced			Date	1	R10905	10/05/2001
RADIOLOGICALS			RADIOCHEM					Analyst: SB
ALPHA, Gross		1.2			pci/L	1	R10847	09/20/2001
BETA, Gross		1.1			pci/L	1	R10847	09/20/2001

Qualifiers:
ND - Not Detected at the Reporting Limit
J - Analyte detected below quantitation limits
B - Analyte detected in the associated Method Blank
- Value exceeds Maximum Contaminant Level
S - Spike Recovery outside accepted recovery limits
R - RPD outside accepted recovery limits
E - Value above quantitation range

LCRA Environmental Laboratory Services

Date: *09-Oct-01*

CLIENT: Texas Water Development Board
Client Sample ID: 18-42-701
Lab Order: 0109142 **File No:** 17307
Project: TWDB FY02
Collection Date: 09/12/2001 10:42:00 AM
Lab ID: 0109142-06
Matrix: GROUNDWATER

Analyses	Storet	Result	PQL	Qual	Units	DF	BatchID	Date Analyzed
ANIONS BY ION CHROMATOGRAPHY			E300					Analyst: AMJ
Bromide Dissolved	71870	0.0546	0.0200		mg/L	1	R10711A	09/20/2001
Chloride Dissolved	00941	14.1	1.00		mg/L	1	R10711A	09/20/2001
Fluoride Dissolved	00950	0.604	0.0100		mg/L	1	R10711A	09/20/2001
Sulfate Dissolved	00946	52.7	1.00		mg/L	1	R10711A	09/20/2001
ALKALINITY			M2320 B					Analyst: CMM
Alkalinity, Phenolphthalein	00415	14.6			mg/L CaCO	1	R10656	09/18/2001
Alkalinity, Total (As CaCO3)	00410	265	2.00		mg/L CaCO	1	R10656	09/18/2001
NITRATE AND NITRITE			E353.2					Analyst: WR
Nitrogen, Nitrate & Nitrite	00631	ND	0.0200		mg/L	1	R10902B	10/04/2001
SILICA			E370.1					Analyst: WR
Silica, Dissolved (as SiO2)	00995	12.4	0.500		mg/L	1	R10860B	10/02/2001

Qualifiers:

ND - Not Detected at the Reporting Limit
J - Analyte detected below quantitation limits
B - Analyte detected in the associated Method Blank
- Value exceeds Maximum Contaminant Level
S - Spike Recovery outside accepted recovery limits
R - RPD outside accepted recovery limits
E - Value above quantitation range

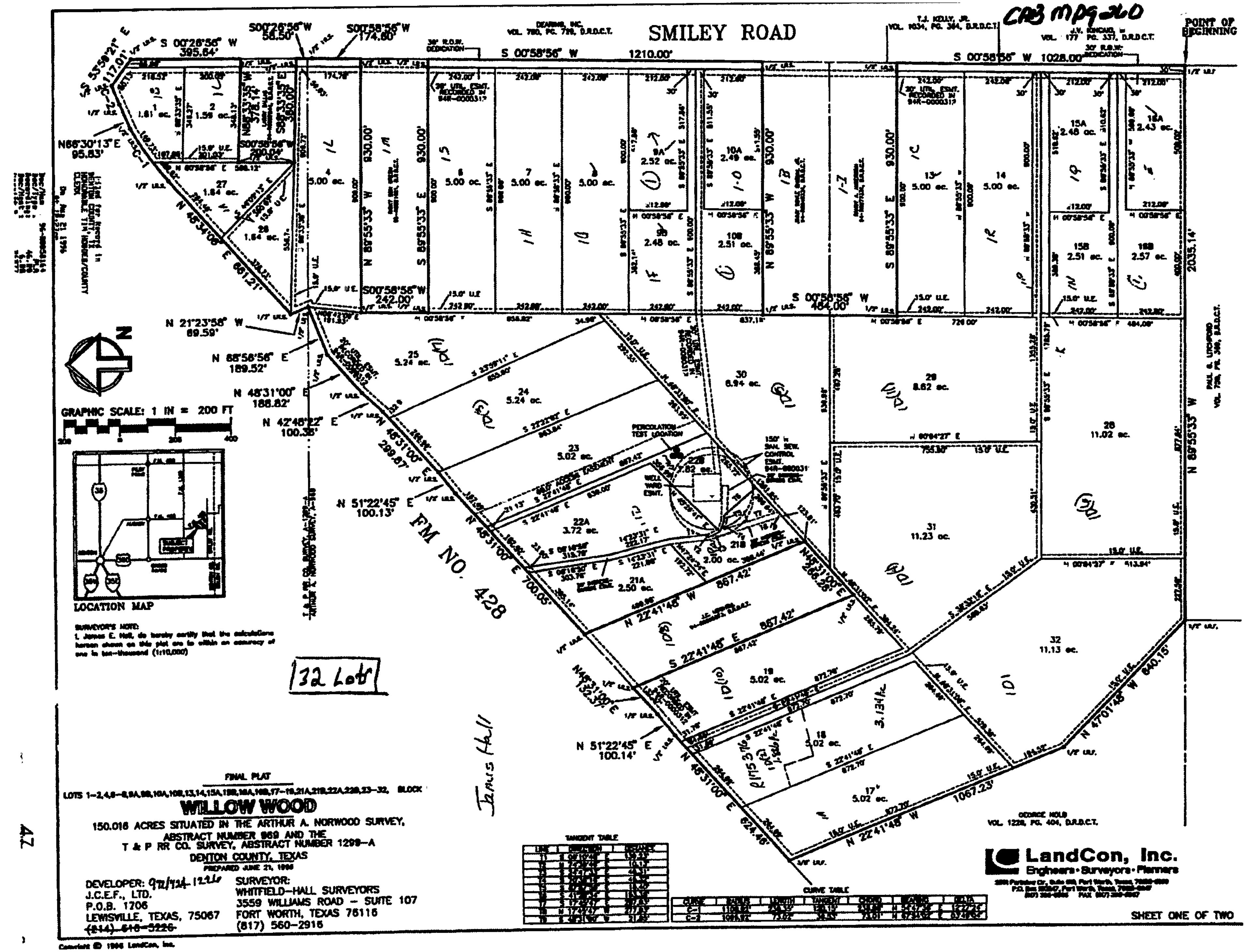
Attachment E

Denton County Plat Records

Willow Wood, Meadow Vista Phase 1, and

Meadow Vista Phase 2 Subdivisions

CEL102- -048


CAB M PG 260
SMILEY ROAD
POINT OF BEGINNING
S 00°58'56" W 1210.00'
S 00°58'56" W 1028.00'
S 00°28'56" W 395.64'
FM NO. 428
N 48°31'00" E 700.05'
N 48°34'00" E 661.21'
N 22°41'48" W 1067.23'
N 89°55'33" W 2035.14'
N 47°01'48" W 640.15'
GRAPHIC SCALE: 1 IN = 200 FT
LOCATION MAP
32 Lots
PERCOLATION TEST LOCATION
FINAL PLAT
LOTS 1-2,4,6-8,9A,9B,10A,10B,13,14,15A,15B,16A,16B,17-19,21A,21B,22A,22B,23-32, BLOCK
WILLOW WOOD
150.016 ACRES SITUATED IN THE ARTHUR A. NORWOOD SURVEY, ABSTRACT NUMBER 969 AND THE T & P RR CO. SURVEY, ABSTRACT NUMBER 1299-A
DENTON COUNTY, TEXAS
PREPARED JUNE 21, 1996
DEVELOPER:
J.C.E.F., LTD.
P.O.B. 1706
LEWISVILLE, TEXAS, 75067
(814) 618-3226
SURVEYOR:
WHITFIELD-HALL SURVEYORS
3559 WILLIAMS ROAD - SUITE 107
FORT WORTH, TEXAS 76116
(817) 560-2916
TANGENT TABLE
CURVE TABLE
LandCon, Inc.
Engineers • Surveyors • Planners
SHEET ONE OF TWO
Copyright © 1996 LandCon, Inc.

CABm #9 261

STATE OF TEXAS

COUNTY OF DENTON
PROPERTY DESCRIPTION

WHEREAS, the undersigned, being the owner of the following described 150.016 acre tract and being a portion of a 172.26 acre tract of land out of the ARTHUR A. NORWOOD SURVEY, ABSTRACT NUMBER 969 and the T & P RR COMPANY SURVEY, ABSTRACT NUMBER 1299–A, situated in Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found being the southeast corner of said 172.26 acre tract, and being the northeast corner of a tract of land conveyed to Paul G. Litchford according to the deed recorded in Volume 750, Page 360, Deed Records of Denton County, Texas, said iron rod also being in Smiley Road;

THENCE, North 89 degrees 55 minutes 33 seconds West, along the north line of said Litchford tract, 2035.14 feet to a 1/2" iron rod found for the northwest corner of said Litchford tract and the east corner of a 30.00 acre tract as conveyed to George Keib in Volume 1226, Page 494, Real Records of Denton County, Texas;

THENCE, North 47 degrees 0_ minutes 48 seconds West, along the southeasterly line of said Keib tract, 840.15 feet to a 1/2" iron rod found for corner;

THENCE, North 22 degrees _ minutes 48 seconds West, along the northeasterly line of said Keib tract, 1067.23 feet to a 3/8" iron rod found being in the existing southeasterly right-of-way line of F.M. 428;

THENCE, the following courses and distances along the existing southeasterly right-of-way line of said F.M. 428:
North 48 degrees 31 minutes 00 seconds East, 824.48 feet to a 1/2" iron rod set for corner;
North 81 degrees 22 minutes 46 seconds East, 100.14 feet to a 1/2" iron rod set for corner;
North 48 degrees 31 minutes 00 seconds East, 132.37 feet to a 1/2" iron rod set for corner, said iron rod being the northeast corner of a tract of land conveyed to J.C. Mitchell according to the deed recorded in 94–R0028873, D.R.D.C.T.;

THENCE, South 22 degrees _ minutes 48 seconds East, along the west line of said Mitchell tract, 867.42 feet to a 1/2" iron rod set for corner being the southwest corner of said Mitchell tract,

THENCE, North 48 degrees 31 minutes 00 seconds East, along the south line of said Mitchell tract, 388.26 feet to a 1/2" iron rod set being the southeast corner of said Mitchell tract;

THENCE, North 22 degrees _ minutes 48 seconds West, along the east line of said Mitchell tract, 867.42 feet to a 1/2" iron rod for corner being the northeast corner of said Mitchell tract and being in the existing southeasterly right-of-way line of said F.M. 428;

THENCE, the following courses and distances along the existing southeasterly right-of-way line of said F.M. 428:
North 48 degrees 31 minutes 00 seconds East, 790.05 feet to a 1/2" iron rod set for corner.
North 51 degrees 22 minutes 45 seconds East, 100.13 feet to a 1/2" iron rod set for corner;
North 46 degrees 31 minutes 08 seconds East, 298.87 feet to a 1/2" iron rod set for corner;
North 42 degrees 48 minutes 22 seconds East, 100.36 feet to a 1/2" iron rod set for corner;
North 48 degrees 31 minutes 00 seconds East, 188.82 feet to a 1/2" iron rod set for corner;
North 60 degrees 50 minutes 56 seconds East, 189.52 feet to a 1/2" iron rod set for corner;
North 21 degrees 23 minutes 56 seconds West, 98.20 feet to a 1/2" iron rod set for corner;
North 48 degrees 34 minutes 08 seconds East, 881.21 feet to a 1/2" iron rod set for corner and being the beginning of a curve to the right with a radius of 1100.92 feet;

THENCE, along said curve to the right and continuing along the existing southeasterly right-of-way line of said F.M. 428, passing through a central angle of 11 degrees 27 minutes 24 seconds an arc length of 220.35 feet to a 1/2" iron rod set for corner;

THENCE, North 66 degrees 30 minutes 13 seconds East, continuing along the existing southeasterly right-of-way line of said F.M. 428, 95.83 feet to a 1/2" iron rod set for corner and being the beginning of a curve to the right with a radius of 1085.92 feet;

THENCE, along said curve to the right and continuing along the existing southeasterly right-of-way line of said F.M. 428, passing through a central angle of 03 degrees 49 minutes 04 seconds an arc length of 73.82 feet to a 1/2" iron rod set for corner;

THENCE, South 53 degrees 30 minutes _ seconds East, _7.81 feet to a 1/2" iron rod set for corner and being in said Smiley Road;

THENCE, South 00 degrees 26 minutes 56 seconds West, along said Smiley Road, 385.64 feet to a point for corner, being the northeast corner of a tract of land conveyed to Larry Dallas according to the deed recorded in 94–R0087944, D.R.D.C.T.;

THENCE, North 89 degrees 33 minutes 35 seconds West, at 30.0 feet passing a 1/2" iron rod set and continuing in all a distance of 378.14 feet to a 1/2" iron rod set for corner being the northwest corner of said Dallas tract;

THENCE, South 00 degrees 58 minutes 56 seconds West, along the west line of said Dallas tract, 280.04 feet to a 1/2" iron rod set for corner being the southwest corner of said Dallas tract;

THENCE, South 88 degrees 33 minutes 39 seconds East, along the south line of said Dallas tract, at 380.00 feet passing a 1/2" iron rod set and continuing in all a distance of 380.08 feet to a point for corner in Smiley Road;

THENCE, South 00 degrees 26 minutes 56 seconds West, along said Smiley Road, 38.80 feet to a 1/2" iron rod set for corner;

THENCE, South 00 degrees 58 minutes 56 seconds West, continuing along said Smiley Road, 174.80 feet to a point for corner, being the northeast corner of a tract of land conveyed to Ricky Don Green according to the deed recorded in 94–R0021061, D.R.D.C.T.;

THENCE, North 89 degrees 55 minutes 33 seconds West, along the north line of said Green tract, at 30.00 feet passing a 1/2" iron rod set and continuing in all a distance of 830.00 feet to a 1/2" iron rod set for corner being the northwest corner of said Green tract;

THENCE, South 00 degrees 58 minutes 56 seconds West, along the west line of said Green tract, 242.00 feet to a 1/2" iron rod set for corner being the southwest corner of said Green tract;

THENCE, South 89 degrees 55 minutes 33 seconds East, along the south line of said Green tract, at 800.00 feet passing a 1/2" iron rod set and continuing in all a distance of 830.00 feet to a point for corner and being in said Smiley Road;

THENCE, South 00 degrees 58 minutes 56 seconds West, continuing along said Smiley Road, 1210.80 feet to a point for corner, being the northeast corner of a tract of land conveyed to Jimmy Doyle Chisum, Jr, according to the deed recorded in 94–R0048324, D.R.D.C.T.;

THENCE, North 89 degrees 55 minutes 33 seconds West, along the north line of said Chisum tract, at 30.00 feet passing a 1/2" iron rod set and continuing in all a distance of 830.00 feet to a 1/2" iron rod set for corner being the northwest corner of said Chisum tract;

THENCE, South 00 degrees 58 minutes 56 seconds West, along the west line of said Chisum tract, at 242.00 feet passing a 1/2" iron rod set being the southwest corner of said Chisum tract and the northwest corner of a tract of land conveyed to Randy A. Anderson according to the deed recorded in 94–R0077331, D.R.D.C.T. and continuing in all a distance of 484.00 feet to a 1/2" iron rod set for corner being the southwest corner of said Anderson tract;

THENCE, South 89 degrees 56 minutes 33 seconds East, along the south line of said Anderson tract, at 800.00 feet passing a 1/2" iron rod set and continuing in all a distance of 830.00 feet to a point for corner and being in said Smiley Road;

THENCE, South 00 degrees 58 minutes 56 seconds West, continuing along said Smiley Road, 1028.00 feet to the POINT OF BEGINNING.

The tract of land herein described contains 150.016 acres of land.

OWNER'S CERTIFICATE
DO HEREBY DEDICATE same to be known as LOTS 1–2, 4, 6–8, 9A, 9B, 10A, 10B, 13–14, 15A, 15B, 16A, 16B, 17–19, 21A, 21B, 22A, 22B, 23–32, BLOCK 1, WILLOW WOOD, an addition in Denton County, Texas and dedicate to the public's use forever the streets, roads, right-of-ways and easements as shown on the plat.

Executed this the 9th day of June, 1996.

Jerry Campbell
J.C.E.F., Limited

STATE OF TEXAS

COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared Jerry Campbell of J.C.E.F., Limited, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Notary Public in and for the
State of Texas
My Commission expires: 2-14-00

Executed this the 9th day of June, 1996.

Jerry Campbell
Attorney-In-Fact

has power of attorney from all owners per Steve Rollins @ County Planning

STATE OF TEXAS

COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared Jerry Campbell, Attorney-In-Fact, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Notary Public in and for the
State of Texas
My Commission expires: 2-14-00

SURVEYOR'S NOTE:
I, James E. Hall, do hereby certify that the calculations hereon shown on this plat are to within an accuracy of one in ten-thousand (1:10,000)

SURVEYOR'S CERTIFICATE
I, James E. Hall, do hereby certify that I prepared the above hereon described property description from an actual and accurate survey of the land and the corner monuments shown were placed under my direct supervision and that this survey was prepared in accordance with the Texas Society of Professional Surveyor's Manual of Practice for Land Surveying. Witness my hand and seal of office.

James E. Hall, R.P.L.S. No. 2034
Date: 2-12-96
F:\93-PROJ\93012\FPDESREV.TXT

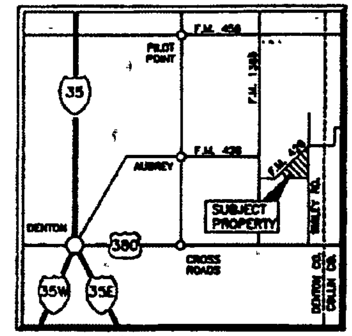
Filed for Record in
DENTON COUNTY, TX
HONORABLE TIM HODGES/COUNTY CLERK

On Aug 21 1996
At 12:22pm

Doc/Num: 96-R0058164
Doc/Type: PLA
Recording: 46.00
Doc/Mgmt: 5.00
Receipt #: 21277
Deputy: MARY

DEVELOPER:
J.C.E.F., LTD.
P.O.B. 1706
LEWISVILLE, TEXAS, 75067
(214) 616-5226

SURVEYOR:
WHITFIELD-HALL SURVEYORS
3559 WILLIAMS ROAD – SUITE 107
FORT WORTH, TEXAS 76116
(817) 560-2916



LOCATION MAP

NOTES:
1. 1/2" IRON RODS SET AT ALL PROPERTY CORNERS.
2. THE MAINTENANCE OF DRIVEWAYS AND/OR DRAINAGE IMPROVEMENTS WITHIN THE DRAINAGE AND/OR UTILITY EASEMENTS SHOWN ON THIS PLAT ARE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNERS AND NOT DENTON COUNTY.
3. THE PAVING GRADING AND DRAINAGE IMPROVEMENTS SHOWN ON THIS FINAL PLAT DO NOT CONSTITUTE ACCEPTANCE OF SAME FOR MAINTENANCE PURPOSES BY DENTON COUNTY.
4. LAND USES ARE PROPOSED TO BE RESIDENTIAL WITH A SINGLE FAMILY RESIDENCE ON EACH LOT.

NOTE:
NO PORTION OF THIS SUBDIVISION IS WITHIN THE LIMITS OF ANY 100 YEAR FLOOD PLAIN AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR DENTON COUNTY, TEXAS (UNINCORPORATED AREAS) COMMUNITY PANEL NUMBER 480774 0070C, EFFECTIVE DATE JUNE 2, 1994

APPROVAL: COUNTY OF DENTON
On this the 20 day of August 1996, the Denton County Commissioner's Court voted affirmatively to approve this plat.

County Judge — Date

APPROVAL: DENTON COUNTY PLANNING DEPARTMENT
8/2/96
Director of County Planning

GENERAL NOTES:
1. WATER SERVICE TO BE PROVIDED BY KOM WATER SYSTEMS, INC.
2. SANITARY SEWER TO BE HANDLED BY PRIVATE FACILITIES AS APPROVED BY THE DENTON COUNTY HEALTH DEPARTMENT.
3. THE MAINTENANCE OF PAVING, GRADING AND DRAINAGE IMPROVEMENTS AND/OR EASEMENTS SHOWN ON THIS PLAT ARE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNERS AND DO NOT CONSTITUTE ACCEPTANCE OF SAME FOR MAINTENANCE PURPOSES BY DENTON COUNTY.

As owners of Lot 22-B

Michael W. Herman — Betty J. Herman

WANDA L. LAGRONE
Notary Public
State of Texas
6/10/96

FINAL PLAT

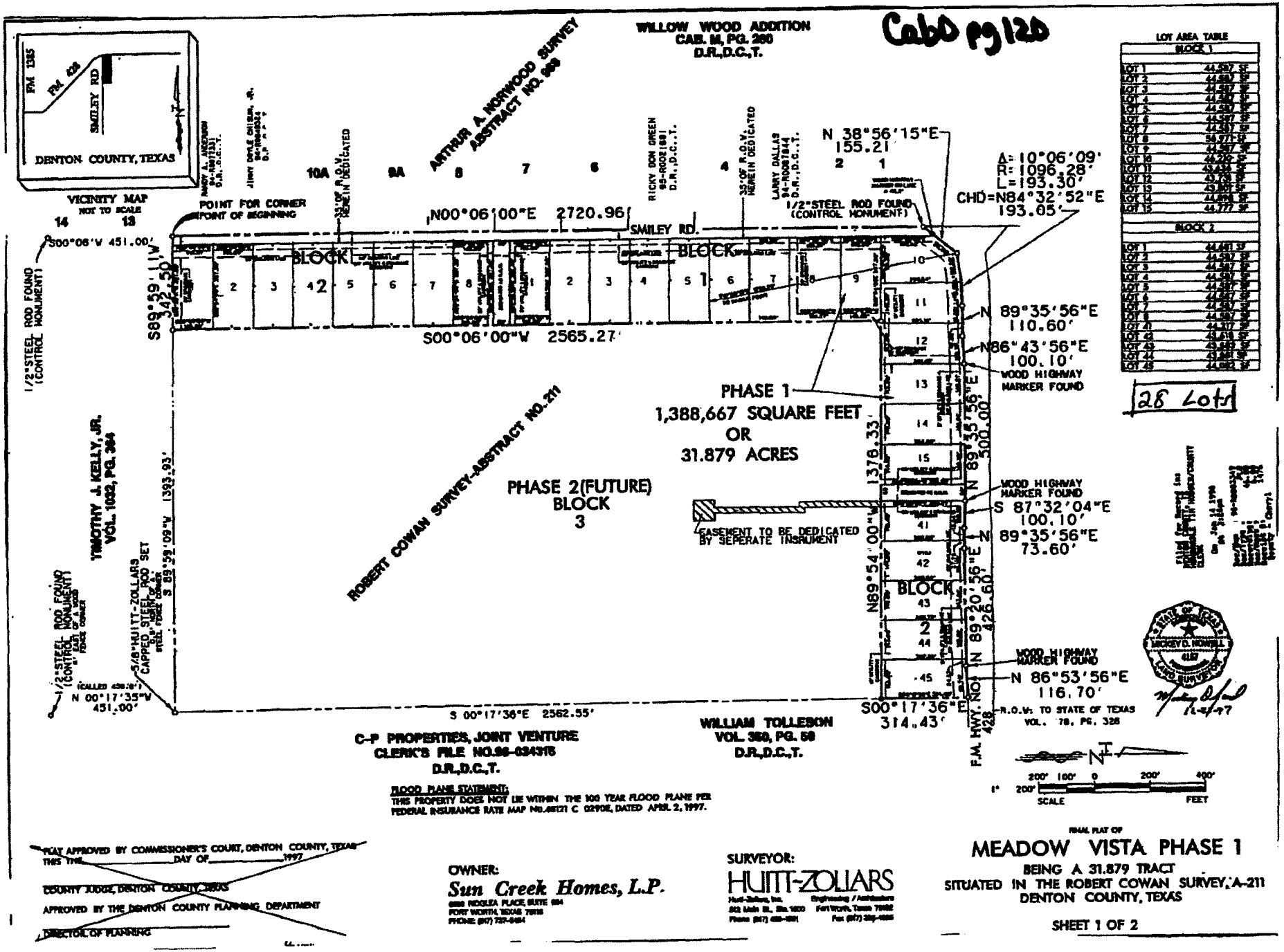
LOTS 1–2,4,6–8,9A,9B,10A,10B,13,14,15A,15B,16A,16B,17–19,21A,21B,22A,22B,23–32, BLOCK 1,

WILLOW WOOD

150.016 ACRES SITUATED IN THE ARTHUR A. NORWOOD SURVEY, ABSTRACT NUMBER 969 AND THE T & P RR CO. SURVEY, ABSTRACT NUMBER 1299–A
DENTON COUNTY, TEXAS
PREPARED JUNE 21, 1996

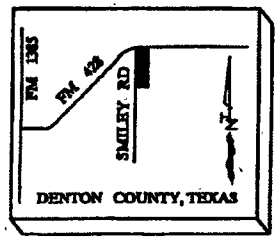
LandCon, Inc.
Engineers · Surveyors · Planners

SHEET TWO OF TWO


Cabb pg 128
WILLOW WOOD ADDITION
CAB. M, PG. 260
D.R.,D.C.,T.
ARTHUR A. NORWOOD SURVEY
ABSTRACT NO. 969
DENTON COUNTY, TEXAS
VICINITY MAP
NOT TO SCALE
FM 428
SMILEY RD
POINT FOR CORNER
POINT OF BEGINNING
N00°06'00"E 2720.96'
SMILEY RD.
S00°06'W 451.00'
1/2"STEEL ROD FOUND
(CONTROL MONUMENT)
S89°59'11"W
342.50'
S00°06'00"W 2565.27'
BLOCK
PHASE 1
1,388,667 SQUARE FEET
OR
31.879 ACRES
PHASE 2(FUTURE)
BLOCK
3
ROBERT COWAN SURVEY-ABSTRACT NO.211
TIMOTHY J. KELLY, JR.
VOL. 1032, PG. 364
5/8"HUITT-ZOLLARS
CAPPED STEEL ROD SET
S 89°59'09"W 1393.93'
N 00°17'35"W
451.00'
S 00°17'36"E 2562.55'
C-P PROPERTIES, JOINT VENTURE
CLERK'S FILE NO.96-034316
D.R.,D.C.,T.
WILLIAM TOLLESON
VOL. 350, PG. 58
D.R.,D.C.,T.
N 38°56'15"E
155.21'
A=10°06'09"
R=1096.28'
L=193.30'
CHD=N84°32'52"E
193.05'
N 89°35'56"E
110.60'
N86°43'56"E
100.10'
WOOD HIGHWAY
MARKER FOUND
N 89°35'56"E
1376.33'
N89°54'00"W
EASEMENT TO BE DEDICATED
BY SEPERATE INSRUMENT
S 87°32'04"E
100.10'
N 89°35'56"E
73.60'
N 89°20'56"E
426.60'
S00°17'36"E
314.43'
F.M. HWY. NO. 428
N 86°53'56"E
116.70'
R.O.W. TO STATE OF TEXAS
VOL. 78, PG. 328
LOT AREA TABLE
BLOCK 1
BLOCK 2
28 Lots
SCALE
FEET
FLOOD PLANE STATEMENT:
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLANE PER
FEDERAL INSURANCE RATE MAP NO.48121 C 0290E, DATED APRIL 2, 1997.
PLAT APPROVED BY COMMISSIONER'S COURT, DENTON COUNTY, TEXAS
THIS THE DAY OF 1997
COUNTY JUDGE, DENTON COUNTY, TEXAS
APPROVED BY THE DENTON COUNTY PLANNING DEPARTMENT
DIRECTOR OF PLANNING
OWNER:
Sun Creek Homes, L.P.
SURVEYOR:
HUITT-ZOLLARS
FINAL PLAT OF
MEADOW VISTA PHASE 1
BEING A 31.879 TRACT
SITUATED IN THE ROBERT COWAN SURVEY, A-211
DENTON COUNTY, TEXAS
SHEET 1 OF 2

CEL 102-051

Cabo Pg121



VICINITY MAP
NOT TO SCALE

NOTES/COMMENTS:

1. ALL BLOCK CORNERS ARE 5/8"HUITT-ZOLLARS CAPPED STEEL RODS SET UNLESS OTHERWISE NOTED
2. ALL LOT CORNERS ARE 1/2" STEEL RODS TO BE SET PRIOR TO FINAL PLAT APPROVAL
3. WATER SERVICE WILL BE PROVIDED BY H2M UTILITY SERVICE COMPANY, INC..
4. SANITARY SEWER SERVICE WILL BE PROVIDED BY PRIVATE SYSTEMS IN ACCORDANCE WITH DENTON COUNTY CRITERIA.
5. ALL LOTS ARE FOR RESIDENTIAL USE ONLY.
6. NO DEED RESTRICTIONS ARE IMPOSED PER THIS PLAT
7. THE MAINTENANCE OF PAVING, GRADING AND DRAINAGE IMPROVEMENTS AND/OR EASEMENTS SHOWN ON THIS PLAT ARE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNERS AND DO NOT CONSTITUTE ACCEPTANCE OF SAME FOR MAINTENANCE PURPOSES BY DENTON COUNTY.
8. THE REGISTERED PROFESSIONAL LAND SURVEYOR HEREON CERTIFIES THAT ALL BOUNDARY AND LOT LINE DESCRIPTIONS CLOSE TO AN ACCURACY OF ONE IN TEN THOUSAND (1:10,000)

PROPERTY DESCRIPTION

BEING a tract of land situated in the Robert Cowan Survey, Abstract No. 211, in Denton County, Texas; being that same tract of land described in the deed to Dearing, Inc., Recorded in Volume 780, Page 729, Deed Records, Denton County, Texas which is a part of that certain 153.27 Acre Tract described in contract of sale and purchase with the Texas Veterans Land Program, Recorded in Volume 363, Page 414, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner in the centerline of Smiley Road (a variable width R.O.W.) being the Southwest corner of said Dearing Inc. tract and the Northwest corner of a tract of land described in a deed to Timothy J. Kelly, Jr., per deed recorded in Volume 1032, Page 364 of said deed records, from said point a 1/2 inch steel rod bears South 00 degrees 06 minutes West, 451.00 feet said point being the Southwest corner of said 153.27 Acre tract;

THENCE North 00 degrees 06 minutes 00 seconds East, with Smiley Road and with the West line of said 153.27 Acre tract, 2720.96 feet to a 1/2 inch steel rod, being the SWillmost corner of that certain tract described in the deed to the State of Texas, Recorded in Volume 478, Page 324, Deed Records, Denton County, Texas;

THENCE North 38 degrees 56 minutes 15 seconds East with said State of Texas tract, at 42.2 feet a wood highway marker at the intersection of the South line of F.M. Highway No. 428 with the occupied East line of Smiley Road, continuing with the South line of said Highway and the South line of said State of Texas tract, in all 155.21 feet to a 5/8 inch Huitt-Zollars capped steel rod, from which a wood highway marker bears North 08 degrees West, 0.9 feet; said Huitt-Zollars rod lying in a curve to the right whose radius is 1096.28 feet and whose radius point bears South 70 degrees 30 minutes 13 seconds East;

THENCE In an Easterly direction with said curve, with the South line of said Highway, and with the South line of said State of Texas tract, through a central angle of 10 degrees 04 minutes 09 seconds, a distance of 193.30 feet to a 5/8 inch Huitt-Zollars capped steel rod from which a wood highway marker bears North 18 degrees East, 1.0 feet;

THENCE with the South line of F.M. Highway No. 428 and with the South line of said State of Texas tract the following:

North 89 degrees 35 minutes 56 seconds East, 110.60 feet to a 5/8 inch Huitt-Zollars capped steel rod;
North 86 degrees 43 minutes 56 seconds East, 110.10 feet to a wood highway marker;
North 89 degrees 35 minutes 56 seconds East, 200.00 feet to a wood highway marker;
South 87 degrees 32 minutes 04 seconds East, 100.10 feet to a 5/8 inch Huitt-Zollars capped steel rod, from which a wood highway marker bears North 25 degrees West, 1.8 feet;
North 89 degrees 35 minutes 56 seconds East, 73.60 feet to a 5/8 inch Huitt-Zollars capped steel rod from which a wood highway marker bears North 62 degrees West, 1.7 feet;
North 89 degrees 20 minutes 56 seconds East, 426.60 feet to a wood highway marker;
North 86 degrees 53 minutes 56 seconds East, 116.70 feet to a 5/8 inch Huitt-Zollars capped steel rod 2.8 feet Northwest of a steel fence corner, said rod lying on the common line between the above mentioned 153.27 Acre tract and a tract of land described in a deed to William F. Tallason, Jr. recorded in Volume 350, Page 59 of said deed records;

THENCE leaving the South line of said Highway and the South line of said State of Texas tract, South 00 degrees 17 minutes 36 seconds East, with said common line, 314.43 feet to a 5/8 inch Huitt-Zollars capped steel rod;

THENCE North 89 degrees 54 minutes 00 seconds West, a distance of 1376.33 feet to a 5/8 inch. Huitt-Zollars capped steel rod;

THENCE South 00 degrees 06 minutes 00 seconds West, a distance of 2545.27 feet to a 5/8 inch Huitt-Zollars capped steel rod on the common line of said Dearing, Inc. tract and said Timothy J. Kelly, Jr. tract;

THENCE South 89 degrees 59 minutes 11 seconds West, along said common line, a distance of 342.58 feet to the POINT OF BEGINNING and containing 1,368,667 Square Feet or 31.879 Acres of Land.

KNOW ALL MEN BY THESE PRESENTS:

That Sun Creek Homes L.P. By Ilerris Company , Inc., General Partner, do hereby certify that I am the legal owner of the above described tract of land and do hereby convey to the public the property hereon shown for the streets , alleys, rights-of-way, and any other public improvements shown thereon and the plat.

SUN CREEK HOMES, L.P.
BY: HERRIS COMPANY, INC.
GENERAL PARTNER

ROBERT H. HERRIS, PRESIDENT

STATE OF TEXAS }
COUNTY OF DENTON }

Before me, the undersigned authority, on this day personally appeared Robert H. Herris known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 23rd day of December, 1997.

Notary Public for the State of Texas

My Commission Expires

SURVEYOR'S CERTIFICATION

I Mickey D. Newell, A Registered Professional Land Surveyor in the State of Texas, Do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and the monuments shown hereon were found and /or placed under my personal supervision in accordance with the platting rules and regulations of the County of Denton, Texas.,

By: Huitt-Zollars, Inc.

Mickey D. Newell
Registered Professional Land Surveyor
No. 4167

Dated 12-23-97

STATE OF TEXAS }
COUNTY OF DENTON }

Before me, the undersigned authority, on this day personally appeared Mickey D. Newell, known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 23rd day of December, 1997.

Notary Public for the State of Texas

7-16-01

My Commission Expires

PLAT APPROVED BY COMMISSIONER'S COURT, DENTON COUNTY, TEXAS
THIS THE 13th DAY OF January, 1998

COUNTY JUDGE, DENTON COUNTY, TEXAS

APPROVED BY THE DENTON COUNTY PLANNING DEPARTMENT

DIRECTOR OF PLANNING

OWNER:
Sun Creek Homes, L.P.
6350 RIDGLEA PLACE, SUITE 204
FORT WORTH, TEXAS 76116
PHONE: (817) 737-8404

SURVEYOR:
HUITT-ZOLLARS
Huitt-Zollars, Inc. Engineering / Architecture
812 Main St., Ste.1200 Fort Worth, Texas 76102
Phone (817) 429-1391 Fax (817) 335-1855

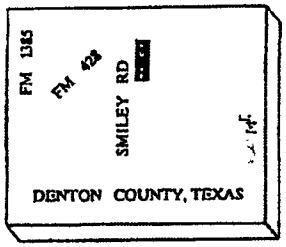
FINAL PLAT OF
MEADOW VISTA PHASE 1
BEING A 31.879 TRACT
SITUATED IN THE ROBERT COWAN SURVEY, A-211
DENTON COUNTY, TEXAS

SHEET 2 OF 2

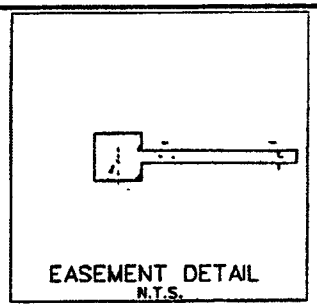
50

CEL102-052

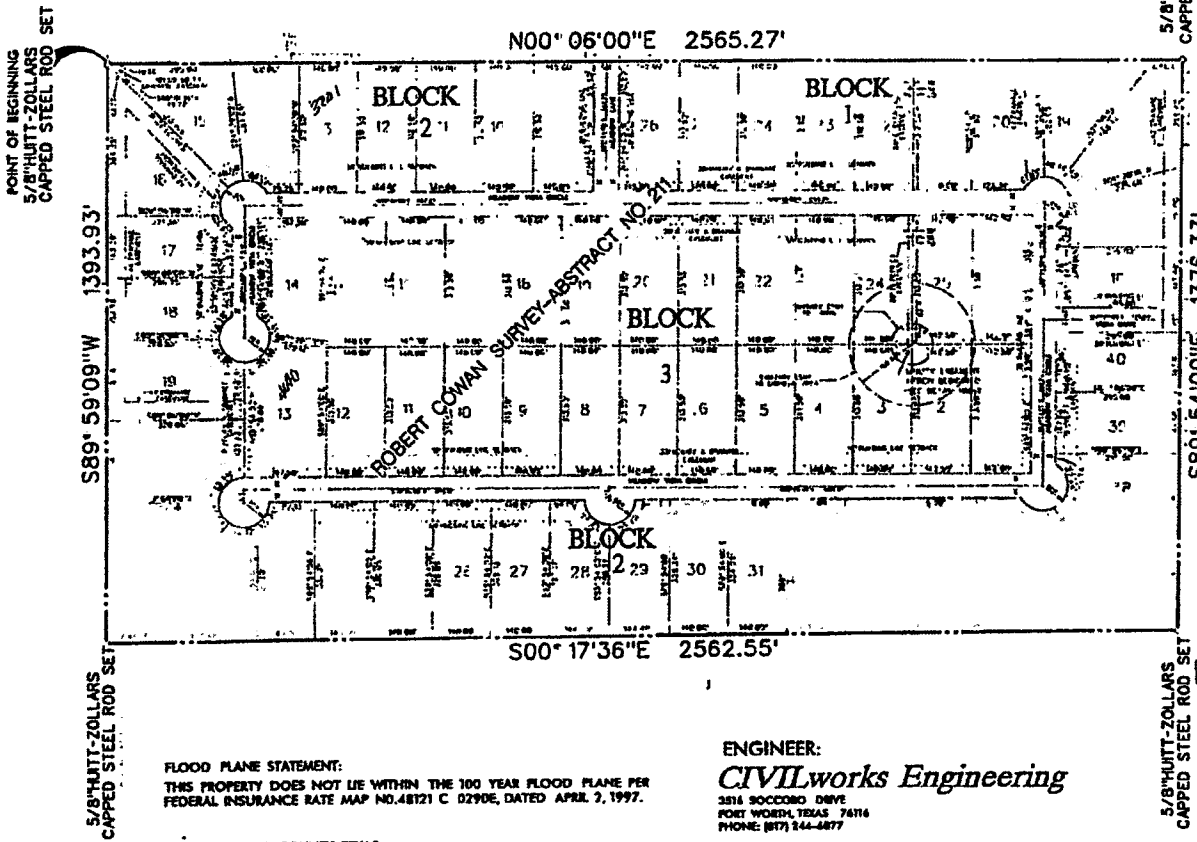
Cab Qpg 271



VICINITY MAP
NOT TO SCALE



SMILEY RD.



LOT AREA TABLE

BLOCK 1		BLOCK 3	
LOT 16	43,560 SQ. FT.	LOT 20	43,890 SQ. FT.
LOT 17	43,699 SQ. FT.	LOT 21	43,890 SQ. FT.
LOT 18	52,428 SQ. FT.	LOT 22	43,890 SQ. FT.
LOT 19	44,617 SQ. FT.	LOT 23	43,890 SQ. FT.
LOT 20	51,962 SQ. FT.	LOT 24	43,890 SQ. FT.
LOT 21	43,750 SQ. FT.	LOT 25	44,674 SQ. FT.
LOT 22	43,750 SQ. FT.	LOT 26	44,674 SQ. FT.
LOT 23	43,750 SQ. FT.		
LOT 24	43,750 SQ. FT.		
LOT 25	43,750 SQ. FT.		
LOT 26	45,312 SQ. FT.		
BLOCK 2			
LOT 9	45,312 SQ. FT.		
LOT 10	43,750 SQ. FT.		
LOT 11	43,750 SQ. FT.		
LOT 12	43,750 SQ. FT.		
LOT 13	43,750 SQ. FT.		
LOT 14	44,093 SQ. FT.		
LOT 15	49,316 SQ. FT.		
LOT 16	60,561 SQ. FT.		
LOT 17	43,560 SQ. FT.		
LOT 18	43,563 SQ. FT.		
LOT 19	61,319 SQ. FT.		
LOT 20	62,159 SQ. FT.		
LOT 21	65,723 SQ. FT.		
LOT 22	48,724 SQ. FT.		
LOT 23	45,411 SQ. FT.		
LOT 24	46,273 SQ. FT.		
LOT 25	46,139 SQ. FT.		
LOT 26	46,004 SQ. FT.		
LOT 27	45,870 SQ. FT.		
LOT 28	44,215 SQ. FT.		
LOT 29	44,210 SQ. FT.		
LOT 30	45,465 SQ. FT.		
LOT 31	45,331 SQ. FT.		
LOT 32	45,196 SQ. FT.		
LOT 33	45,062 SQ. FT.		
LOT 34	44,929 SQ. FT.		
LOT 35	44,789 SQ. FT.		
LOT 36	46,299 SQ. FT.		
LOT 37	57,216 SQ. FT.		
LOT 38	43,744 SQ. FT.		
LOT 39	43,560 SQ. FT.		
LOT 40	43,560 SQ. FT.		
BLOCK 3			
LOT 1	44,674 SQ. FT.		
LOT 2	44,674 SQ. FT.		
LOT 3	43,890 SQ. FT.		
LOT 4	43,890 SQ. FT.		
LOT 5	43,890 SQ. FT.		
LOT 6	43,890 SQ. FT.		
LOT 7	43,890 SQ. FT.		
LOT 8	43,890 SQ. FT.		
LOT 9	43,890 SQ. FT.		
LOT 10	43,890 SQ. FT.		
LOT 11	43,890 SQ. FT.		
LOT 12	43,890 SQ. FT.		
LOT 13	61,824 SQ. FT.		
LOT 14	49,432 SQ. FT.		
LOT 15	43,890 SQ. FT.		
LOT 16	43,890 SQ. FT.		
LOT 17	43,890 SQ. FT.		
LOT 18	43,890 SQ. FT.		
LOT 19	43,890 SQ. FT.		

69 Lots

Filed for Record in DENTON COUNTY, TX CLERK

STATE OF TEXAS
MICKEY D. HOWELL
4187
REGISTERED
LAND SURVEYOR

R-52866 A211 tr35
79.758AC call
N01,504

FLOOD PLANE STATEMENT:
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLANE PER FEDERAL INSURANCE RATE MAP NO.48121 C 0290E, DATED APRIL 2, 1997.

ENGINEER:
CIVILworks Engineering
3516 SOCCORO DRIVE
FORT WORTH, TEXAS 76116
PHONE: (817) 244-4877

PLAT APPROVED BY COMMISSIONER'S COURT, DENTON COUNTY, TEXAS
THIS THE 3rd DAY OF AUGUST 1999

COUNTY JUDGE, DENTON COUNTY, TEXAS

APPROVED BY THE DENTON COUNTY PLANNING DEPARTMENT

DIRECTOR OF PLANNING

OWNER:
Sun Creek Homes, L.P.
6308 BRIDGLEA PLACE, SUITE 210
FORT WORTH, TEXAS 76116
PHONE: (817) 737-8484

SURVEYOR:
HUITT-ZOLLARS
Huitt-Zollars, Inc.
500 W. 7th Street., Ste.300
Phone (817) 428-1291
Engineering / Architecture
Fort Worth, Texas 76102
Fx (817) 335-1025

FINAL PLAT OF
MEADOW VISTA PHASE 2
BEING AN 81.527 ACRE TRACT
SITUATED IN THE ROBERT COWAN SURVEY, A-
DENTON COUNTY, TEXAS

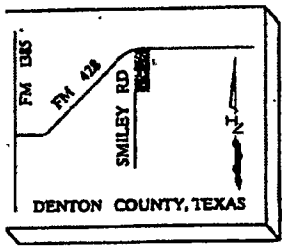
SHEET 1 OF 2

This Plat Recorded In Cabinet , Page Dated

51

CEL 102-053

Cab. Q pg. 272



VICINITY MAP
NOT TO SCALE

NOTES/COMMENTS:

1. ALL BLOCK CORNERS ARE 5/8"HUITT-ZOLLARS CAPPED STEEL RODS SET UNLESS OTHERWISE NOTED
2. ALL LOT CORNERS ARE 1/2" STEEL RODS TO BE SET PRIOR TO FINAL PLAT APPROVAL
3. WATER SERVICE WILL BE PROVIDED BY H2M UTILITY SERVICE COMPANY, INC.,
4. SANITARY SEWER SERVICE WILL BE PROVIDED BY PRIVATE SYTEMS IN ACCORDANCE WITH DENTON COUNTY CRITERIA.
5. ALL LOTS ARE FOR RESIDENTIAL USE ONLY.
6. NO DEED RESTRICTIONS ARE IMPOSED PER THIS PLAT
7. THE MAINTENANCE OF PAVING, GRADING AND DRAINAGE IMPROVEMENTS AND/OR EASEMENTS SHOWN ON THIS PLAT ARE THE RESPONSIBILITY OF THE INDIVIDUALL PROPERTY OWNERS AND DO NOT CONSTITUTE ACCEPTANCE OF SAME FOR MAINTENANCE PURPOSES BY DENTON COUNTY.
8. THE REGISTERED PROFESSIONAL LAND SURVEYOR HEREON CERTIFIES THAT ALL BOUNDARY AND LOT LINE DESCRIPTIONS CLOSE TO AN ACCURACY OF ONE IN TEN THOUSAND (1:10,000)
9. NO HOUSE SHALL BE CONSTRUCTED WITHIN EXISTING NATURAL SWALE LOCATIONS EXCEPT WHERE LOTS ARE REGRADED TO DIVERT RUNOFF AROUND THE HOUSE.

PROPERTY DESCRIPTION

BEING an 81.527 acre tract of land tract situated in the Robert Cowan Survey, Abstract No. 211, Denton County, Texas; being a portion of that same tract of land described in the deed to Deering, Inc., Recorded in Volume 780, Page 729, Deed Records, Denton County, Texas which is a part of that certain 133.27 Acre Tract described in contract of sale and purchase with the Texas Veterans Land Program, Recorded in Volume 363, Page 414, Deed Records, Dallas County, Texas, said 81.527 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch Huitt-Zollars capped steel rod for the Southwest corner of said 81.527 acre tract being the Southwest Southeast corner of Meadow Vista Phase 1 Addition, an addition to the County of Denton per plat recorded in Cabinet O, Page 120 Deed Records, Denton County, Texas, said rod also being on the common line of said Deering tract and a tract of land described in a deed to Timothy J. Kelly per deed recorded in Volume 1032, Page 344 of said deed records;

THENCE North 00 degrees 06 minutes 00 seconds East, along an East line of said Phase 1, a distance of 2565.27 feet to a 5/8 inch Huitt-Zollars capped steel rod for the Northwest corner of said 81.527 acre tract and being an interior corner of said Phase 1;

THENCE South 89 degrees 54 minutes 00 seconds East, along a South line of said Phase 1, a distance of 1376.33 feet to a 5/8 inch Huitt-Zollars capped steel rod for the Northeast corner of said 81.527 acre tract, being the Eastmost Southeast corner of said Phase 1 and being on the common line of said Deering tract and a tract of land described in a deed to William Tolleson recorded in Volume 350, Page 59 of said deed records;

THENCE South 00 degrees 17 minutes 36 seconds East, along said common line, a distance of 2562.55 feet to a 5/8 inch Huitt-Zollars capped steel rod for the Southeast corner of said 81.527 acre tract and being the Southeast corner of said Deering tract and the Northeast corner of said Kelly tract;

THENCE South 89 degrees 59 minutes 09 seconds West, along the common line of said Deering and Kelly tracts, a distance of 1393.93 feet to the POINT OF BEGINNING and embracing 3,551,311 Square Feet or 81.527 Acres of Land.

KNOW ALL MEN BY THESE PRESENTS:

That Sun Creek Homes L.P. By Barris Company , Inc., General Partner do hereby certify that I am the legal owner of the above described tract of land and do hereby convey to the public for public use forever; the streets , alleys, rights-of-way, and any other public areas shown on plat.

SUN CREEK HOMES, L.P.
BY BARRIS COMPANY, INC.
GENERAL PARTNER

ROBERT H. BARHAM, PRESIDENT

STATE OF TEXAS)(
COUNTY OF DENTON)(

Before me, the undersigned authority, on this day personally appeared Robert H. Barham, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 14th day of July, 1998.

Carol E. Cameron
Notary Public for the State of Texas
10.19.2002
My Commission Expires

SURVEYOR'S CERTIFICATION

I Mickey D. Nowell, A Registered Professional Land Surveyor in the State of Texas, Do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and the monuments shown hereon were found and Are placed under my personal supervision in accordance with the platting rules and regulations of the County of Denton, Texas.,

By: Huitt-Zollars, Inc.

Mickey D. Nowell
Registered Professional Land Surveyor
No. 4147

Dated 7-14-98

STATE OF TEXAS)(
COUNTY OF DENTON)(

Before me, the undersigned authority, on this day personally appeared Mickey D. Nowell, known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 14th day of July, 1998.

Carol E. Cameron
Notary Public for the State of Texas
10.19.2002
My Commission Expires

ENGINEER:
CIVILworks Engineering
3516 SOCCORO DRIVE
FORT WORTH, TEXAS 76116
PHONE: (817) 244-6077

OWNER:
Sun Creek Homes, L.P.
300 RIDGLEA PL[illegible] SUITE
FORT WORTH, TEXAS 761[illegible]
PHONE: (81[illegible] 737-8404

SURVEYOR:
HUITT-ZOLLARS
Huitt-Zollars, Inc
500 [illegible] 350 Fort [illegible] Texas 76102
Architecture
[illegible]1025

FINAL PLAT OF
MEADOW VISTA PHASE 2
BEING AN 81.527 ACRE TRACT
SITUATED IN THE ROBERT COWAN SURVEY, A-
DENTON COUNTY, TEXAS

SHEET 2 OF 2

This Plat Recorded In Cabinet , Page Dated

Attachment F

Aqua Texas Wastewater Discharge Permit

TPDES WQ0014234-001

EL102--054

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TRANSFER OF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PERMIT NO. WQ0014234001

EPA I.D. No.TX0123790

FROM: Aqua Development, Inc.

TO: Aqua Texas, Inc.

Ownership of the facilities covered by the above-referenced permit issued January 31, 2012, has changed. That part of the signature page pertaining to the name and mailing address of the permit holder is hereby changed so that the same shall hereinafter be and read as follows:

'Aqua Texas, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723'

The transferee is financially responsible for the proper maintenance and operation of the facility so as to comply with the terms and conditions of the permit. The failure to operate the facility in accordance with the terms and conditions of the permit may be good cause for revocation of the permit.

This transfer is in accordance with 30 Texas Administrative Code Section 305.64.

This order is part of the permit and should be attached there to.

Issued Date: January 31, 2013

For The Commission

TPDES PERMIT NO. WQ0014234001
[For TCEQ office use only · EPA I.D. No. TX0123790]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

This is a renewal that replaces TPDES Permit No. WQ0014234001 issued May 21, 2007.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Aqua Development, Inc.

whose mailing address is

2211 Louetta Road
Spring, Texas 77388

is authorized to treat and discharge wastes from the Prosper Point Wastewater Treatment Facility, SIC Code 4952

located 1,600 feet northeast of the intersection of Farm-to-Market Road 1385 and Crutchfield Road in Denton County, Texas 76227

to an unnamed tributary; thence to Little Elm Creek; thence to Lewisville Lake in Segment No. 0823 of the Trinity River Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **October 1, 2016.**

ISSUED DATE: January 31, 2012

For the Commission

INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion to the 0.15 million gallons per day (MGD) facilities, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.075 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 156 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (6.3)	15	25	35	One/week	Grab
Total Suspended Solids	15 (9.4)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (1.9)	6	10	15	One/week	Grab
E. coli, CFU or MPN/100 ml	126	N/A	N/A	394	One/quarter	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the completion to the 0.15 million gallons per day (MGD) facilities and lasting through the completion to the 0.225 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.15 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 312 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (13)	15	25	35	One/week	Grab
Total Suspended Solids	15 (19)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (3.8)	6	10	15	One/week	Grab
E. coli, CFU or MPN/100 ml	126	N/A	N/A	394	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

Aqua Development, Inc. TPDES Permit No. WQ0014234001

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the completion to the 0.225 million gallons per day (MGD) facilities and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.225 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 469 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (19)	15	25	35	One/week	Grab
Total Suspended Solids	15 (28)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (5.6)	6	10	15	One/week	Grab
E. coli, CFU or MPN/100 ml	126	N/A	N/A	394	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC § 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§ 5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in TWC § 26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

ii. For all other wastewater treatment plants When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

b. 7-day average concentration the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

c. Daily maximum concentration the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

d. Daily discharge the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

The daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).

g. Daily maximum loading (lbs/day) the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

a. Composite sample For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term 'sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.

6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act (CWA); TWC §§ 26, 27, and 28; and THSC § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;

ii. identity of individual who collected the sample or made the measurement.

iii. date and time of analysis;

iv. identity of the individual and laboratory who performed the analysis;

v. the technique or method of analysis; and

vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee.

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later

than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

   a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

   b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.

      i. Unauthorized discharges as defined in Permit Condition 2(g).

      ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.

      iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

   c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

   d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

   All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D,

Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels"

i. One hundred micrograms per liter (100 µg/L);

ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

iv. The level established by the TCEQ.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. Five hundred micrograms per liter (500 µg/L);

ii. One milligram per liter (1 mg/L) for antimony;

iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or

iv. The level established by the TCEQ.

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

c. For the purpose of this paragraph, adequate notice shall include information on:

i. The quality and quantity of effluent introduced into the POTW; and

ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

   a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

   b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

      i. Violation of any terms or conditions of this permit;

      ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

      iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

   c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

   a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

   b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

   c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

   d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

   e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 7.075 (relating to Administrative Penalties), 7.101 7.111 (relating to Civil Penalties), and 7.141 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

   a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

      i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or

      ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;

      iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

   b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

   c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

   d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

   e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

   f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be

modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

   b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

   This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

   Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to TWC Chapter 11.

8. Property Rights

   A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

   The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application

    The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy.

    a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 Bankruptcy) of the United States Code (11 USC) by or against:

i. the permittee;

ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or

iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.

b. This notification must indicate:

i. the name of the permittee and the permit number(s);

ii. the bankruptcy court in which the petition for bankruptcy was filed; and

iii. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC § 7.302(b)(6).

7. Documentation

   For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §§ 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words confidential business information on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

   a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:

a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129)

of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:

i. Volume of waste and date(s) generated from treatment process;
ii. Volume of waste disposed of on-site or shipped off-site;
iii. Date(s) of disposal;
iv. Identity of hauler or transporter;
v. Location of disposal site; and
vi. Method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC § 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC § 361.

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SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site or co-disposal landfill. **The disposal of sludge by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 4) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

2. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceeds the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C.

TABLE 1

Pollutant	Ceiling Concentration (Milligrams per kilogram)*
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following methods to ensure that the sludge meets either the Class A or Class B pathogen requirements.

a. Six alternatives are available to demonstrate compliance with Class A sewage sludge. The first 4 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. Below are the additional requirements necessary to meet the definition of a Class A sludge.

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC § 312.82(a)(2)(A) for specific information.

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52° Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50%.

Alternative 3 The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(iv-vi) for specific information.

Alternative 4 The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

Alternative 5 (PFRP) Sewage sludge that is used or disposed of shall be treated in one of the processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion.

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of shall be treated in a process that has been approved by the U.S. Environmental Protection Agency as being equivalent to those in Alternative 5.

b. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1

i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.

ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;

iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and

v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U.S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;

iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and

v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition, the following site restrictions must be met if Class B sludge is land applied:

i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.

ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.

iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.

iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.

v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.

vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.

vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.

ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following Alternatives 1 through 10 for vector attraction reduction.

Alternative 1 The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.

Alternative 2 If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.

Alternative 3 If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.

Alternative 5 Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.

Alternative 6 The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.

Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 9 i. Sewage sludge shall be injected below the surface of the land.

ii. No significant amount of the sewage sludge shall be present on

the land surface within one hour after the sewage sludge is injected.

iii. When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

ii. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test	once during the term of this permit
PCBs	once during the term of this permit

All metal constituents and fecal coliform or Salmonella sp. bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC § 312.46(a)(1):

Amount of sewage sludge (*) metric tons per 365-day period	Monitoring Frequency
0 to less than 290	Once/Year
290 to less than 1,500	Once/Quarter
1,500 to less than 15,000	Once/Two Months
15,000 or greater	Once/Month

(*) *The amount of bulk sewage sludge applied to the land (dry wt. basis).*

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC § 312.7

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

For those permittees meeting Class A or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

A. Pollutant Limits

Table 2

Pollutant	Cumulative Pollutant Loading Rate (pounds per acre)*
Arsenic	36
Cadmium	35
Chromium	2677
Copper	1339
Lead	268
Mercury	15
Molybdenum	Report Only
Nickel	375
Selenium	89
Zinc	2500

Table 3

Pollutant	Monthly Average Concentration (milligrams per kilogram)*
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report Only
Nickel	420
Selenium	36
Zinc	2800

*Dry weight basis

B. Pathogen Control

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A or Class B pathogen reduction requirements as defined above in Section I.B.3.

C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.

2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with the Management Requirements in accordance with 30 TAC § 312.44.

3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:

   a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.

   b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.

   c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:

   a. The location, by street address, and specific latitude and longitude, of each land application site.

   b. The approximate time period bulk sewage sludge will be applied to the site.

   c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.

2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

E. Record keeping Requirements

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at

the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.

2. A description of how the pathogen reduction requirements are met (including site restrictions for Class B sludge, if applicable).

3. A description of how the vector attraction reduction requirements are met.

4. A description of how the management practices listed above in Section II.C are being met.

5. The following certification statement:

   "I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC § 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC § 312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:

   a. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.

   b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.

   c. The number of acres in each site on which bulk sludge is applied.

   d. The date and time sludge is applied to each site.

   e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.

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f. The total amount of sludge applied to each site in dry tons.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30 of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
2. The frequency of monitoring listed in Section I.C. that applies to the permittee.
3. Toxicity Characteristic Leaching Procedure (TCLP) results.
4. Identity of hauler(s) and TCEQ transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Commission on Environmental Quality registration number, if applicable.
9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
11. Level of pathogen reduction achieved (Class A or Class B).
12. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
13. Vector attraction reduction alternative used as listed in Section I.B.4.
14. Annual sludge production in dry tons/year.
15. Amount of sludge land applied in dry tons/year.
16. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.
17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.

a. The location, by street address, and specific latitude and longitude.

b. The number of acres in each site on which bulk sewage sludge is applied.

c. The date and time bulk sewage sludge is applied to each site.

d. The cumulative amount of each pollutant (i.e. pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.

e. The amount of sewage sludge (i.e., dry tons) applied to each site.

The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.

B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 4) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

E. Sewage sludge shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.

F. Record keeping Requirements

The permittee shall develop the following information and shall retain the information for five years.

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.

2. The description (including procedures followed and results) of all TCLP tests performed.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.

2. Annual sludge production in dry tons/year.

3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.

4. Amount of sludge transported interstate in dry tons/year.

5. A certification that the sewage sludge meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.

6. Identity of hauler(s) and transporter registration number.

7. Owner of disposal site(s).

8. Location of disposal site(s).

9. Date(s) of disposal.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

OTHER REQUIREMENTS

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

   This Category C facility must be operated by a chief operator or an operator holding a Category C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

2. The facility is not located in the Coastal Management Program boundary.

3. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 0823 of the Trinity River Basin and any subsequent updating of the water quality model for Segment No. 0823, in order to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC § 305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.

4. The permittee shall comply with the requirements of 30 TAC Section 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC Section 309.13(e).

5. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.

6. Reporting requirements according to 30 TAC Sections 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge, whichever occurs first, from the facility described by this permit. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 4) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first and prior to completion of each additional phase.

7. A certified operator shall inspect the facility daily and maintain at the plant site a record of these inspections. These records shall be available at the plant site for inspection by authorized representatives of the commission for at least three years.

8. In accordance with 30 TAC §319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee will be given a less frequent measurement schedule. For this permit, once per quarter will be reduced to once per six months in the Interim I phase; and once per month will be reduced to once per quarter in the Interim II and Final phases. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule**, and the permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.

9. Prior to construction of the each phase of the treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary submittal letter in accordance with the requirements in 30 TAC Section 217.6(c). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems. The permittee shall clearly show how the treatment system will meet the final permitted effluent limitations required on Page 2, 2a and 2b of the permit.

10. The permittee shall notify the TCEQ Regional Office (MC Region 4) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing, at least forty-five (45) days prior to the completion of each phase of the facilities on Notification of Completion Form 20007.

11. In accordance with Section 2.1 of the settlement agreement (See Attachment A) Aquasource requests that the TCEQ include in the discharge permit, and any renewal thereof, the requirement that Aquasource connect to the Upper Trinity Regional Water District's wastewater treatment system as provided in the agreement.

STATE OF TEXAS §
§
COUNTY OF DENTON §

WASTEWATER SERVICE AGREEMENT BETWEEN UPPER TRINITY REGIONAL WATER DISTRICT AND AQUASOURCE DEVELOPMENT COMPANY

This WASTEWATER SERVICE AGREEMENT ("Agreement") made and entered on the date shown below, between AQUASOURCE DEVELOPMENT COMPANY ("AquaSource"), a corporation duly created and authorized to do business in the State of Texas and UPPER TRINITY REGIONAL WATER DISTRICT ("District"), a conservation and reclamation district and political subdivision of the State of Texas, duly created, existing and acting by virtue of Acts 1989, 71st Legislature, Chapter 1053, page 4269, as amended, as follows:

RECITALS

WHEREAS, AquaSource holds a Certificate of Convenience and Necessity (CCN) giving it the exclusive right to provide wastewater collection service on a retail basis to a tract of land in northeast Denton County, Texas, known as "Prosper Point" and

WHEREAS, the District was created for the purpose of providing regional water supply, wastewater treatment and solid waste services on an orderly basis for the Denton County area; and

WHEREAS, the developers of Prosper Point are in immediate need of wastewater services that may be provided by virtue of the Certificate of Convenience and Necessity held by AquaSource and AquaSource is ready, willing and able to provide such service; and

WHEREAS, the District has developed and is constructing a regional wastewater treatment system in northeast Denton County that includes two or more treatment plants with associated outfall trunk mains for customers and members of the District; and

WHEREAS, within two to three years the District's northeast regional wastewater treatment system will be able to provide wastewater treatment services on a wholesale basis to "Prosper Point" in connection with similar service being provided to nearby areas; and

WHEREAS, AquaSource has applied to the Texas Commission on Environmental Quality ("Commission"), formerly the Texas Natural Resource Conservation Commission, for authority to receive wastewater from Prosper Point, treat and discharge the wastewater consistent with Chapter 26 of the Texas Water Code and the Rules and Regulations of the Commission, and the District and the City of Celina have protested the application; and

WHEREAS, District has no objection to AquaSource providing retail wastewater collection to the area within its CCN, but does desire that AquaSource participate in the District's regional wastewater treatment system in conjunction with neighboring entities; and

WHEREAS, AquaSource's application is numbered and entitled SOAH Docket No. 582-02-1101, TCEQ Docket No. 2000-0671-IWD and entitled "In Re Application by AquaSource Development Company for TPDES Permit No. 14234-001, hereafter "Application"

IN CONSIDERATION of the foregoing and the mutual benefits, covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, AquaSource and the District agree as follows:

AGREEMENT
ARTICLE 1

1.1 District agrees that AquaSource should proceed to prosecute and receive a wastewater discharge permit pursuant to the Application, in order to enable wastewater service on a timely basis to the Prosper Point subdivision in northeast Denton County, Texas.

1.2 AquaSource shall have the right and continuing opportunity to provide the retail wastewater collection service for the Prosper Point subdivision pursuant to its CCN; and, further to provide wastewater treatment service for ten (10) years, or longer, if the District is unable to receive wastewater from the Prosper Point subdivision. After ten (10) years from the date AquaSource first provides service, or when the District is able to serve the Prosper Point subdivision, which ever period is longer, AquaSource agrees to tie into the District's regional wastewater system as a wholesale customer of the District; and, AquaSource will thereafter provide wastewater services to the subdivision as a retail provider. While AquaSource is servicing the property, AquaSource shall have the responsibility to bear all costs associated with extensions of time to the permit, which renewals the District agrees not to oppose for up to said ten (10) year period. AquaSource also agrees, at the time of tie-in, to remove its wastewater treatment plant from service and request a cancellation of the discharge permit.

1.3 After AquaSource ties-on to the District's system, AquaSource shall be the retail provider to Prosper Point subdivision under the authority of the Certificate of Convenience and Necessity possessed by AquaSource.

1.4 At the time AquaSource ties on to the District's system, AquaSource shall be responsible for the cost of the connecting trunk main plus a pro rata share of the then existing interceptor and treatment facilities on the same basis as other wholesale customers of the District. Also, AquaSource shall pay to the District the standard fees and charges for wastewater treatment service applicable under District polices to investor owned utilities for wholesale wastewater treatment service. However, nothing herein shall preclude AquaSource from exercising its right under state law to seek a review of such rates. Nothing in this Agreement shall preclude AquaSource from passing through to its retail customers, or otherwise charging any costs or expenses incurred pursuant to this Agreement, in the rates which it may be authorized to do under state law.

1.5 In order for the District to be able to provide wholesale wastewater service to the Prosper Point subdivision, AquaSource will be required to make the tie-in to the District's regional wastewater treatment system at a point agreeable to both parties.

ARTICLE II

2.1 AquaSource agrees to request TCEQ to insert provisions consistent with this Agreement into the requested discharge permit and any renewals thereof, including requiring AquaSource to connect to the District's regional wastewater treatment system as provided herein, and providing that this Agreement shall be an attachment to said discharge permits.

2.2 By signing this Agreement, the District agrees to withdraw its protest to AquaSource's application now pending before the State Office of Administrative Hearings numbered "SOAH Docket No. 582-02-1101, TCEQ Docket No. 2000-0671-IWD" and entitled "In Re Application by AquaSource Development Company for TPDES Permit No. 14234-001" The District agrees that it will withdraw and file notice of its termination of its protest within ten (10) days of signature to this Agreement and will additionally inform the administrative law judge that in view of this Agreement, the District supports the AquaSource application, subject to the provisions hereof. The District also agrees not to oppose any renewal or amendment to this permit so long as it is consistent with this Agreement.

2.3 The District also agrees that it will not protest any extension of time to the permit issued pursuant to the Application being consistent with this Agreement and for so long as this Agreement is in full force and effect.

ARTICLE III

3.1 The term of this Agreement is for ten (10) years after the date AquaSource first provides wastewater service to Prosper Point subdivision (and AquaSource shall notify the District in writing of said date within ninety (90) days of initiating wastewater service), or until such time as AquaSource connects to the District's regional wastewater treatment system pursuant to this Agreement, which ever period of time

is longer. However, if the District declines to provide wastewater treatment service to AquaSource or its assigns pursuant to this Agreement, then this Agreement shall terminate and no longer be in effect.

3.2 This Agreement does not create any third party benefits to any person or entity other than the signatories hereto and is solely for the consideration herein expressed.

3.3 In the event formal notices or communications should be required between the parties, they shall be in writing and given by depositing the communication in the United States mail, postage prepaid, and registered or certified with return receipt requested, and addressed to the party to be notified. For purposes of notice, the addresses of and the designated representatives for receipt of notice for each of the parties shall be:

For AquaSource:

AquaSource Development Company
Attn: Vice President
11100 Brittmoore Park Drive
Houston, Texas 77041

with a copy (which shall not constitute notice) to:

AquaSource, Inc.
Attn: General Counsel
411 Seventh Avenue
Pittsburgh, PA 15219

And for the District:

Upper Trinity Regional Water District
Attn: Executive Director
P O Drawer 305
Lewisville, Texas 75067

Either party may change is representative or address by giving written notice to the other party at least fourteen (14) days before the change becomes effective.

3.4 This Agreement shall be governed by and shall be enforceable under the laws of the State of Texas. Venue for any action brought pursuant to this Agreement shall be in the State District Courts of Denton County, Texas.

3.5 This Agreement shall be binding on AquaSource and the District, and upon their successors or assigns. Either party may assign its interest in this Agreement upon receipt of written approval of the other party, which approval shall not be unreasonably withheld.

3.6 This Agreement shall become effective upon execution by both parties and upon the City of Celina agreeing to withdraw its protest to AquaSource's application.

IN WITNESS WHEREOF. the parties hereto, acting under the authority of their respective governing bodies, have caused this Agreement to be duly executed in multiple counterparts, each of which shall constitute an original.

SIGNED in duplicate originals, this the 2nd day of December, 2002.

AQUASOURCE DEVELOPMENT COMPANY

By: Belinda A Lawless
Belinda A. Lawless, Vice President

ATTEST:

Sheresy D Kirk

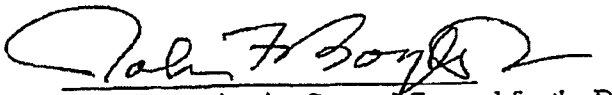
UPPER TRINITY REGIONAL WATER DISTRICT

By:
Richard A. Lubke, President, Board of Directors

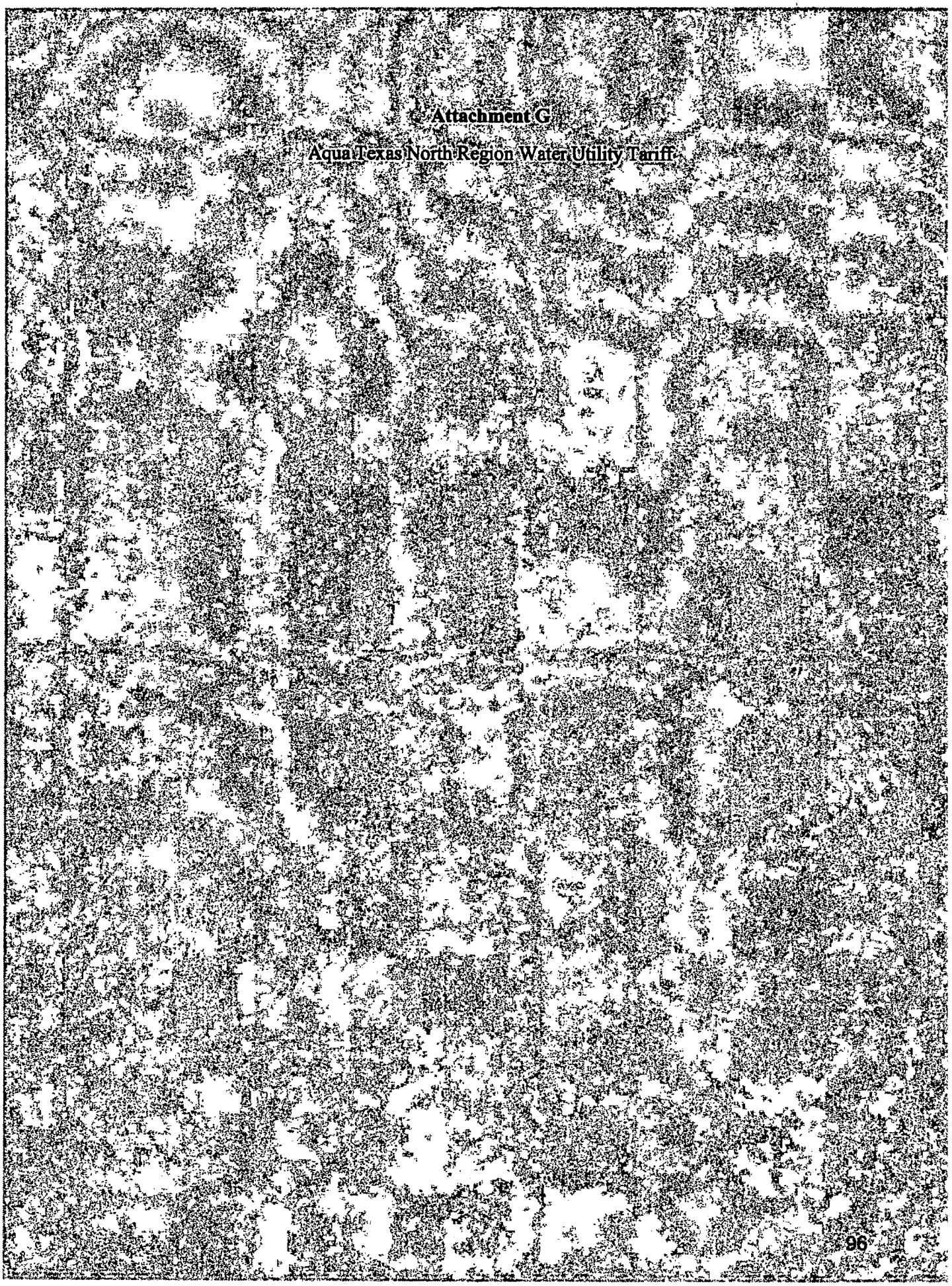
ATTEST:

Sandy Cash, Secretary, Board of Directors

APPROVED AS TO FORM:



John F. Boyle, Jr. General Counsel for the District


Attachment G
Aqua Texas North Region Water Utility Tariff

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SOAH DOCKET NO. 582-12-6658
TCEQ DOCKET NO. 2012-1058-UCR
APPLICATION NO. 37234-R.

APPLICATION OF AQUA TEXAS, INC., AQUA UTILITIES, INC., AQUA DEVELOPMENT, INC., HARPER WATER COMPANY, INC., AND KERRVILLE SOUTH WATER COMPANY, INC., DBA AQUA TEXAS FOR NORTH REGION WATER RATE/TARIFF CHANGE;	§ § § § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ORDER
Application No. 37234-R, Aqua Texas North Region

Aqua Texas, Inc., Aqua Utilities, Inc., and Aqua Development, Inc. dba Aqua Texas – Southwest Region ("Aqua") is a retail public utility providing water services in Bandera, Bexar, Blanco, Burnet, Comal, Gillespie, Hays, Kendall, Kerr, Live Oak, Llano, Medina, Nueces, Travis, Victoria, Williamson and Wilson Counties, Texas; North Region is a retail public utility providing water services in Anderson, Bosque, Camp, Cherokee, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Marion, McLennan, Parker, Smith, Somervell, Tarrant, Taylor, Wise and Wood Counties, Texas. The Texas Commission on Environmental Quality (TCEQ) received applications for a rate change pursuant to Chapter 13 of the Texas Water Code ("Code") and Title 30, Chapter 291 of the Texas Administrative Code ("TAC") from Aqua on December 27, 2011. The Applications were accepted for filing on March 14, 2012. Notice of the rate change with a proposed effective date of February 21, 2012, was provided to the customers on or about December 16, 2011, by Aqua. The notice of the rate increase complied with the notice requirements of Section 13.187 of the Code and

30 TAC Section 291.22 and was sufficient to place affected persons on notice regarding the proposed rate increase. At least 10 percent of the utility's customers protested the applications and the matters were referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing pursuant to Section 291.28 of the Commission's rules.

A preliminary hearing was held on July 16, 2012, at the State Office of Administrative Hearings (SOAH) in Austin, Texas for the above captioned matters. The Honorable Administrative Law Judges (ALJ) Kerrie Jo Qualtrough and Craig R. Bennett, took jurisdiction, consolidated the matters for hearing purposes and admitted/designated the following as parties: (1) Aqua (Applicant); (2) the Executive Director (ED) of the TCEQ; (3) OPIC; (4) John Quest and the Canyon Springs Resort POA (Protestant – SW Region Recently Acquired Systems (RAWS)); (5) Terry Pence and the POA of Kings Cove (RAWS); (6) Louise Lagutchik (RAWS); (7) Geoffrey S. Cline and Cardinal Valley Water System Customers (RAWS); (8) David Burghard and Mountain Crest HOA (RAWS); (9) Jay E. Yount (Protestant – SW Region Existing Systems (SEWS); (10) William J. Wood and Falling Water POA (SEWS); (11) Veneshia Taylor (SEWS); (12) Marian Stasney (SEWS); (13) Blue Water Shores POA (Protestant – North Region (North)); (14) Charles J. Wittmer (North); (15) Larry Norwood and Safari Waters POA (North); Gene Huffty and Sharon Acres HOA (North); (17) Richard Hunsberger (North); (18) Darla Blackmon and Eagles Bluff HOA (North); (19) Julie Wilson (North); (20) Larry Westfall and Kerrville South Community Action Group (SW Region – Hill County Group (HCG); (21) Nancy Armstrong and Oak Ridge POA (HCG); (22) Clovis Lafleur and Deerwood Subdivision POA (HCG);

(23) Forrest Nikorak and Gillespie County Aqua Customers and Gillespie County Apartments (HCG); (24) Brian Hawkins and Tierra Vista HOA (HCG); and (25) William H. Cathey (HCG). The ALJs appointed the following representatives for the protestant groups: John Quest for RAWS; Jay E. Yount for SEWS; Rick Guzman for North; and Larry Westfall for HCG.

An agreement was reached between Aqua Texas and the North Region ratepayer groups. The Executive Director considered the rates in the third party settlement agreement, the diligent efforts to settle the case by all parties, and the public benefit of avoiding an expensive contested hearing, and agreed to approve the rates therein.

On May 8, 2013, the parties filed a joint motion to remand the North Region Application (No. 37234-R) back to the ED for uncontested processing pursuant to 30 TAC Section 80.101. That motion was granted by the ALJs on May 10, 2013, in Consolidated Order No. 9.

The attached tariff, to be effective May 1, 2013 for the North, is just, reasonable and adequate to allow the utility to recover its cost of providing service, as required by Sections 13.182 and 13.183 of the Code. The agreed upon rates are embodied within the attached rate tariff.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The application by Aqua for a water rate change in its North Region is hereby approved as reflected in the tariff attached to this Order.

2. The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to the parties.

3. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

ISSUE DATE: **June 3, 2013**

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

For the Commission

WATER UTILITY TARIFF
FOR
North Region

Aqua Texas, Inc., Aqua Utilities, Inc., and
Aqua Development, Inc., dba Aqua Texas
(Utility Name)

1106 Clayton Lane, Suite 400W
(Business Address)

Austin, Texas 78723
(City, State, Zip Code)

(512) 990-4400
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

11157, 12902, and 13201

This tariff is effective in the following counties:

See attached Table – North Region

The following is a list of cities where Aqua Texas – North Region provides water service:

City of Brazos Bend, City of Buffalo Gap, City of Granbury, City of Rhome, Town of Shady Shores, and City of Waco

The rates set or approved by the city for the systems entirely within its corporate boundary are not presented in this tariff. Those rates are not under the original jurisdiction of the TCEQ and will have to be obtained from the city or utility. This tariff applies to outside city customers of systems that provide service inside and outside of a city's corporate boundary.

This tariff is effective in the following subdivisions and public water systems:

See attached Table A – North Region

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

TEXAS COMM. ON ENVIRONMENTAL QUALITY
37234-R, CCN 11157, 12902 and 13201, JANUARY 1, 2013
APPROVED TARIFF BY MK

Table A – North Region			
System Name	**Subdivision/ Area Served**	**PWS ID**	**County**
Dogwood Hills North	Dogwood Hills North	0010038	Anderson
Dogwood Hills East	Dogwood Hills East	0010039	Anderson
Lame Duck Water System	Lame Duck	0180072	Bosque
China Spring Ranches	China Spring Ranches	0180082	Bosque and McLennan
Cherokee Point Water Co.	Cherokee Point	0320015	Camp
Eagles Bluff	Eagles Bluff Cedar Bay Shell Shores	0370052	Cherokee and Smith
FRF Water Systems 1345678	FRF	0490042	Cooke
Wren Water System	Wren	0610009	Denton
Woodland Hills	Woodland Hills	0610084	Denton
Hidden Valley Water System	Hidden Valley	0610099	Denton
Saratoga Estates	Saratoga Estates	0610163	Denton
Foxbane Combined WS	Foxbane Riggs Place Estates Double Tree Estates Sage Meadows Payton Place	0610164	Denton
Songbird Addition	Songbird	0610165	Denton
Hanby Acres	Hanby Acres Hanby View Estates	0610166	Denton
Ponder Acres Water System	Ponder Acres	0610201	Denton
Trail Creek Water System	Indian Trail Collingswood Prop Wash Avery Ranch Guy James Ranch	0610203	Denton
Cinnamon Ridge	Cinnamon Ridge Drop M Estates Sunny Ranches	0610209	Denton
Dove Hollow Water System	Dove Hollow	0610210	Denton
Willow Wood Addition Meadow Vista	Meadow Vista Willow Wood	0610212	Denton
Spanish Oaks Addition	Spanish Oaks	0610214	Denton
Spring Hill Estates	Spring Hill Estates	0610218	Denton
Stony Hills Water System	Stony Hills	0610220	Denton
Old Stony Estates	Old Stony Estates	0610224	Denton
Sunny Ranches	Sunny Ranches	0610229	Denton
Ponderosa Ranch	Ponderosa Ranch Hill Country Way Estates	0610233	Denton

Table A – North Region (Cont.)			
System Name	**Subdivision/ Area Served**	**PWS ID**	**County**
Radecke Road Water System	Radecke Road	0610234	Denton
Stone Valley Farm	Stone Valley Farm	0610236	Denton
Willow Springs Addition	Willow Springs	0610237	Denton
Shale Creek Community	Shale Creek	0610238	Denton and Wise
Mountain Lakes Addition	Mountain Lakes	0720037	Erath
Heritage Estates	Heritage Estates	0910139	Grayson
Forest Lake Subdivision	Forest Lake Forest Park Timber Lakes	0920026	Gregg
Lake Utility Co.	Lake Utilities Dorsey Estates Peninsula Point Timber Lake Estates	1070059	Henderson
Lake Palestine Water Co.	Lake Palestine Water Parkside Shores Cherokee Estates Forest Grove South Holly Hills Lake Point Estates Sunrise Shores Twin Oaks Estates Woodland Hills Woodridge	1070198	Henderson
Phoenix Water Works	Phoenix	1070211	Henderson
High Point Water Co.	High Point	1070233	Henderson
Safari Water System	Safari Waters Ranch Champions Ranch	1070247	Henderson
Rock Harbor Estates	Rock Harbor Estates	1110024	Hood
Sandy Beach Subdivision	Sandy Beach	1110026	Hood
Whippoorwill Bay Subdivision	Whippoorwill Bay	1110027	Hood
Brazos River Acres	Brazos River Acres	1110028	Hood
Mountain View Subdivision	Mountain View Knob Hill	1110035	Hood
River Country Acres	River Country Acres	1110045	Hood
Eastwood Village	Eastwood Village East Park	1110052	Hood
Lake Country Acres	Lake Country Acres Big Timber Estates	1110059	Hood and Parker
North Fork Creek	North Fork Creek I	1110074	Hood
River Run Subdivision	River Run	1110076	Hood
Sunset Acres Subdivision	Sunset Acres	1110077	Hood
Blue Water Shores	Blue Water Shores	1110079	Hood

Table A – North Region (Cont.)			
System Name	**Subdivision/ Area Served**	**PWS ID**	**County**
Nolan Creek Estates	Nolan Creek Estates	1110080	Hood
Plaza East	Plaza East	1110082	Hood
Hunterwood Subdivision Water System	Hunterwood Lakeside Hills	1110083	Hood
Sunchase Meadows	Sunchase Meadows Sunchase Hills Sunchase Village	1110087	Hood
North Fork Creek II	North Fork Creek II Meadowlark Addition	1110088	Hood
Country Meadows Subdivision	Country Meadows	1110089	Hood
Midhaven Estates	Midhaven Estates	1110094	Hood
Mallard Pointe Subdivision	Mallard Pointe	1110112	Hood
Peninsula Addition	Peninsula	1110115	Hood
Bentwater on Lake Granbury	Bentwater on Lake Granbury	1110116	Hood
Rockwall East Mini Ranch	Rockwall East Mini Ranch	1160011	Hunt
Holiday Estates Water	Holiday Estates	1160028	Hunt
Quinlan North Subdivision	Quinlan North	1160063	Hunt
Quinlan South Subdivision	Quinlan South	1160064	Hunt
Barrow Subdivision	Barrow Christy Vista	1160066	Hunt
Crazy Horse Subdivision	Crazy Horse	1160067	Hunt
Oak Ridge Estates	Oak Ridge Estates	1160079	Hunt
Country Wood Estates	Country Wood Estates M G M Estates	1160093	Hunt
Oakview Farms Subdivision	Oakview Farm Village Creek Estates	1260010	Johnson
Peaceful Meadows Subdivision	Peaceful Meadows	1260067	Johnson
Shady Hills Estates Water System	Shady Hills Estates	1260071	Johnson
Shady Meadows Estates	Shady Meadows Estates	1260072	Johnson
Garden Acres	Garden Acres	1260092	Johnson
Walden Estates	Walden Estates	1260101	Johnson
China Spring Water Company	China Spring	1550021	McLennan
North County Water Supply	North County Water Supply	1550049	McLennan
Western Hills Water System	Western Hills Brettwood Addition Lazy Acres Schwann Lane Westlake Addition-Park One	1550072	McLennan
T & A Water System	T & A Water System	1550085	McLennan
Rivercrest Water Co.	Rivercrest	1550089	McLennan
Smith Water	Smith Water	1550091	McLennan

Table A – North Region (Cont.)			
System Name	**Subdivision/ Area Served**	**PWS ID**	**County**
V L S	V L S	1550113	McLennan
Tubbs Water System	Tubbs Water System	1550125	McLennan
Goodall Water System	Goodall Water System	1550126	McLennan
North Bosque Estates Water Supply	North Bosque Estates	1550129	McLennan
Behringer Water System	Behringer	1550130	McLennan
Crestwood Water Co.	Crestwood	1580016	Marion
Tanglewood Estates	Tanglewood Estates	1840011	Parker
Live Oak Hills Addition	Live Oak Hills	1840012	Parker
Ashcreek Addition	Ashcreek Acres Reynolds Creek Estates	1840013	Parker
Springtown Subdivision	Springtown	1840015	Parker
La Junta	La Junta	1840016	Parker
Agnes Subdivision	Agnes	1840017	Parker
Lazy Bend Estates	Lazy Bend Estates	1840018	Parker
Shangri La Subdivision	Shangri La West Forty Acres Azle West 40 Canyon Country Estates Cherry Valley	1840021	Parker
Flat Rock Estates	Flat Rock Estates	1840035	Parker
Deer Butte Subdivision	Deer Butte Ranchos	1840037	Parker
Lago Lindo Estates	Lago Lindo Estates	1840038	Parker
Remuda Ranch Estates	Remuda Ranch Estates	1840047	Parker
Windsor Estates	Windsor Estates	1840076	Parker
Kinbrook Estates	Kinbrook Estates	1840094	Parker
Sandy Acres Addition	Sandy Acres Fox Hollow	1840098	Parker
Timbercreek Valley	Timbercreek Valley	1840108	Parker
Saddle Club Estates	Saddle Club Estates Oaks Subdivision	1840130	Parker
Boling Ranch Estates	Boling Ranch Estates	1840133	Parker
Woodlands of Parker County & Old Bank	Woodlands of Parker County Old Bankhead Highway The Woodlands	1840138	Parker
Enchanted Lakes Water System	Enchanted Lakes	2120045	Smith
WWWW Water System	WWWW Water System	2120077	Smith
Squaw Creek Subdivision Water System	Squaw Creek	2130021	Somervell
Greenfields on Squaw Creek	Greenfields on Squaw Creek	2130036	Somervell
Cottonwood Hills Estates	Cottonwood Hills Estates	2200045	Tarrant
Linkwood Estates Subdivision	Linkwood Estates	2200061	Tarrant
Slay Estates	Slay Estates	2200072	Tarrant

Table A – North Region (Cont.)			
System Name	**Subdivision/ Area Served**	**PWS ID**	**County**
Blue Mound Estates	Blue Mound Estates	2200100	Tarrant
Southwood Addition	Southwood	2200108	Tarrant
Avondale Heights	Avondale Heights	2200184	Tarrant
Eagles Nest	Eagles Nest	2200185	Tarrant
Lunar Lane Water System	Lunar Lane Oak Grove Acres	2200208	Tarrant
Silver Creek Estates	Silver Creek Estates	2200277	Tarrant
Ranch Oaks Subdivision	Ranch Oaks	2200291	Tarrant
North Ridge Estates	North Ridge Estates	2200326	Tarrant
North Fork Estates	North Fork Estates, North Fork Addition	2200329	Tarrant
Sun Valley Estates Water Supply	Sun Valley Estates	2200337	Tarrant
Savanna Estates	Savanna Estates	2200338	Tarrant
Van Zandt Farms	Van Zandt Farms	2200341	Tarrant
Carson Ranch	Carson Ranch	2200343	Tarrant
The Resort at Eagle Mountain Lake	The Resort	2200344	Tarrant
Prairie Ridge Estates	Prairie Ridge Estates	2200348	Tarrant
Gap Water	The Gap	2210023	Taylor
Killough Addition	Killough	2490013	Wise
Decatur Acres Water	Decatur Acres	2490030	Wise
Singing Meadows Subdivision	Singing Meadows	2490031	Wise
Kings Rest Subdivision	Kings Rest	2490032	Wise
Old Chisholm Estates	Old Chisholm Estates	2490036	Wise
Stonegate Water	Stonegate Water	2490037	Wise
Sunshine Meadows Water Utility	Sunshine Meadows By Well Lexington	2490040	Wise
Highland Meadows Water System	Highland Meadows	2490042	Wise
Strawberry Estates	Strawberry Estates	2490045	Wise
Mesa Ridge Subdivision	Mesa Ridge	2490047	Wise
Diamond Ridge	Diamond Ridge	2490052	Wise
Reatta Estates	Reatta Estates	2490056	Wise
Highland Hills	Highland Hills	2490057	Wise
Chisholm Springs	Chisholm Springs	2490060	Wise
Hawk Ridge	Hawk Ridge	2490077	Wise
Clear Lakes	Clear Lakes	2500017	Wood

Rates for Blue Water Key Water System and Carrizo Water Corp Forest Grove have not been changed as a result of this application.

SECTION 1.0 -- RATE SCHEDULE

Section 1.01 _ Rates

Monthly Minimum Charges by Meter Size (Includes 0 gallons)

Meter Size	Year 1 (Partial) 5/1/2013 through 12/31/2013	Year 2 Beginning 1/1/2014	Year 3 Beginning 1/1/2015 Until Changed
5/8" x 3/4"	$45.06	$45.06	$45.06
1"	$112.65	$112.65	$112.65
1½ "	$225.30	$225.30	$225.30
2"	$360.48	$360.48	$360.48
3"	$720.96	$720.96	$720.96
4"	$1,126.50	$1,126.50	$1,126.50
6"	$2,253.00	$2,253.00	$2,253.00
8"	$3,604.80	$3,604.80	$3,604.80
10"	$5,181.90	$5,181.90	$5,181.90
12"	$9,687.90	$9,687.90	$9,687.90

Gallonage Charge: Per 1,000 gallons used

	Year 1 (Partial) 5/1/2013 through 12/31/2013	Year 2 Beginning 1/1/2014	Year 3 Beginning 1/1/2015 Until Changed
1 to 5,000 gallons	$2.40	$2.65	$2.85
5,001 to 10,000 gallons	$4.70	$4.82	$4.95
10,001 to 20,000 gallons	$7.13	$7.13	$7.13
20,001 and over	$7.60	$7.60	$7.60

Regional Pass-Through Gallonage Charge: $0.2384 per 1,000 gallons

Monthly Minimum Charge for any meter size larger than 12" will be calculated using American Water Works Association (AWWA) approved meter equivalency factors.

RATES LISTED ARE EFFECTIVE ONLY
IF THIS PAGE HAS TCEQ APPROVAL STAMP

SECTION 1.0 -- RATE SCHEDULE (Continued)

FORM OF PAYMENT: The utility will accept the following forms of payment:
Cash X (If in person at designated locations), Check X, Money Order X, Credit Card X,

Other (specify) Electronic Billing and Payment (See Section 2.06 Billing)

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN $1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

UNAFFILIATED THIRD PARTIES WHO ACCEPT AND PROCESS CASH, CREDIT CARD, OR ELECTRONIC PAYMENTS FOR UTILITY BILLS MAY REQUIRE PAYMENT OF AN ADDITIONAL CONVENIENCE CHARGE FOR THIS SERVICE.

REGULATORY ASSESSMENT .1.0%
TCEQ RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL.

Section 1.02 - Miscellaneous Fees

TAP FEE. .$1,100.00
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" x 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Unique costs) .Actual Cost
FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE A SUBDIVISION IS A UNIQUE COST. UNIQUE COSTS WILL BE DETERMINED ON A CASE-BY-CASE BASIS.

TAP FEE (Larger meter). .Actual Cost
THIS TAP FEE IS BASED ON THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METERS LARGER THAN STANDARD 5/8" x 3/4" METERS. UNIQUE COSTS, SUCH AS ROAD BORES, WILL BE CHARGED IN ADDITION TO THIS TAP FEE AT THEIR ACTUAL COST OF INSTALLATION.

RECONNECTION FEE
THE RECONNECTION FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

a) Non-payment of bill (Maximum $25.00). .$25.00
b) Customer's request that service be disconnected .$75.00

TRANSFER FEE. $50.00
THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHERE THE SERVICE IS NOT DISCONNECTED

RATES LISTED ARE EFFECTIVE ONLY
IF THIS PAGE HAS TCEQ APPROVAL STAMP

Attachment H

Aqua Texas North Region Sewer Utility Tariff

SEWER UTILITY TARIFF
FOR
North Region

Aqua Utilities, Inc. dba Aqua Texas, Inc.
Aquasource Development, Inc. dba Aqua Texas, Inc.
(Utility Name)

1106 Clayton Lane, Suite 400W
(Business Address)

Austin, Texas 78723
(City, State, Zip Code)

(512) 990-4400
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

20453, 20867

This tariff is effective in the following counties:

Cherokee, Hood, Marion, Rockwall, Tarrant, and Wise

This tariff is effective in the following cities or unincorporated towns (if any):

N/A

The rates set or approved by the city for the systems entirely within its corporate boundary are not presented in this tariff. Those rates are not under the original jurisdiction of the TCEQ and will have to be obtained from the city or utility.

This tariff is effective in the following subdivisions and public wastewater systems:

See attached Table – North Region

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

Table – North Region		
System/Subdivision Name	**WQ ID**	**County**
Buffalo Creek	0011974-001	Rockwall
Chisholm Springs	0014149-001	Wise
Crestwood Lodge	0012566-001	Marion
***Eagle's Bluff	0013994-001	Cherokee
Happy Country Homes; Shale Creek/Stone Creek	0014186-001	Rockwall
The Resort at Eagle Mountain Lake	0014125-001	Tarrant
Treaty Oaks	0014147-001	Hood

***Note: Eagles Bluff has different rates as per settlement agreement.


Attachment I
February 2016 CCN Appraisal Report

PUC DOCKET NO. 45450

MUSTANG SPECIAL UTILITY DISTRICT NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM AQUA TEXAS, INC.	§ § § § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

FILED
2015 FEB 13 PM 2:31
PUBLIC UTILITY COMMISSION
FILING CLERK

INDEPENDENT APPRAISAL

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Mustang Special Utility District ("Mustang SUD") and files in Response to Order No. 2 this Independent Appraisal prepared by the appraiser agreed-upon by Mustang SUD and Aqua Texas, Inc. ("Aqua") pursuant to Texas Water Code § 13.254(f) and PUC Rule 24.113(i). The agreed, independent appraiser determined the compensation for any property rendered useless or valueless to Aqua pursuant to 16 Tex. Admin. Code § 24.113(j)(1). Exhibit 1 hereto contains the *Analysis and Opinion of Previously Decertified CCN from Aqua Texas, Inc. in Denton County, PUC Docket No. 45450* prepared by NewGen Strategies & Solutions.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: Mallory Beck

Leonard Dougal State Bar No. 06031400
Mallory Beck - State Bar No. 24073899
100 Congress, Suite 1100
Austin, Texas 78701
E: ldougal@jw.com
T: (512) 236 2233
F: (512) 391-2112

ATTORNEYS FOR PETITIONER MUSTANG SPECIAL UTILITY DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on this 16th day of February 2016:

Derek Seal — *Via Email*
Winstead P.C.
401 Congress, Suite 2100
Austin, Texas 78701
Telephone: (512) 370-2807
Facsimile: (512) 370-2850
Email: dseal@winstead.com
Attorney for Smiley Road, Ltd.

Geoffrey P. Kirshbaum — *Via Email and Facsimile*
The Terrill Firm PC
810 W. 10th Street
Austin, Texas 78701
Telephone: (512) 474-9100
Facsimile: (512) 474-9888
Email: gkirshbaum@terrill-law.com
Attorney for Aqua Texas, Inc.

Erika Garcia — *Via Email*
Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
Telephone: (512) 936-7290
Facsimile: (512) 936-7268
Email: erika.garcia@puc.texas.gov
Attorney for Public Utility Commission of Texas

Mallory Beck
Mallory Beck

NewGen Strategies & Solutions

1300 E. Lookout Drive
Suite 100
Richardson, TX 75082
Phone: (972) 680-2800

February 16, 2016

Mustang Special Utility District
Chris Boyd
7985 FM 2931
Aubrey, TX 76227

Aqua Texas, Inc. d/b/a Aqua Texas
Geoffrey P. Kirshbaum
810 West 10th Street
Austin, Texas 78701

Subject: **Analysis and Opinion of Previously Decertified CCN from Aqua Texas, Inc. in Denton County, PUC Docket No. 45450**

Dear Parties:

NewGen Strategies & Solutions, LLC (NewGen) has completed our review of the area, which is the subject of Smiley Road, Ltd.'s (Landowner) approved petition for expedited release, previously decertified from the Aqua Texas (Aqua) Water Service Area Certificate of Convenience and Necessity (CCN) No. 13201 in Public Utility Commission of Texas (PUC) Docket No. 45100. Based on our understanding, per PUC Substantive Rule § 24.113(l), a determination of the monetary amount of compensation due to Aqua for the decertified area must be made now that Mustang Special Utility District (Mustang SUD) has indicated its intent to provide water service in the decertified area. As stated in the Notice of Selection of Agreed Appraiser filed in this PUC Docket, NewGen was agreed upon by both parties (Mustang SUD and Aqua) as the appraiser to determine the appropriate level of monetary compensation.

My qualifications to perform the requested analysis are demonstrated in my professional resume and my testifying resume, included herein collectively as Attachment A.

As listed in the Final Order filed in PUC Docket 45100 Finding of Facts, Landowner submitted affidavits that the property is not receiving water services of any kind from Aqua. Aqua did not submit any response denying that Landowner is not receiving water utility services. The Parties provided NewGen no other information regarding the location or value of facilities or property of Aqua in the vicinity of the area which was decertified by the PUC in Docket No. 45100.

In determining the amount of monetary compensation, NewGen is guided by PUC Substantive Rule §24.113(j).

As part of our analysis, NewGen has reviewed the documentation provided in PUC Docket No. 45100. This review included:

- The Petition for Expedited Release from Water CCN No. 13201 filed by Landowner;
- Aqua Texas' Motion to Intervene;
- Filings by PUC Staff including Commission Staff's Final Recommendation; and,
- All Orders issued by the Administrative Law Judge (ALJ), inclusive of the Final Order dated November 9, 2015.

Aqua, through its Attorney Geoffrey Kirshbaum of The Terrill Firm, provided a summary of legal costs incurred by Aqua in responding to the dockets referenced above as well as PUC Docket Nos. 45099 and 45462. The letter dated February 15, 2016 is included for reference with this valuation as Attachment A.

Based on our review of the available documentation, NewGen presents the following findings:

There does not appear to be any facilities and/or customers within the area in question;

- The parties have not provided information to NewGen that demonstrates the existence of any facilities dedicated or committed solely to the area in question;
- Aqua has incurred legal expenses on this and another, concurrent decertification valuation docket totaling $4,507.50 and anticipates an additional $375.00 in legal expenses.

Conclusion

Based upon the above findings, and in compliance with PUC Substantive Rule § 24.113(h), it is our conclusion that there is no property that has been rendered useless or valueless as a result of decertification and the provision of service by Mustang SUD to the area in question. As such, no determination of monetary compensation is required under the rules.

However, if a monetary compensation determination were to be made, it is our opinion that the compensation to be provided is $541.96 based on the following:

- To our knowledge, there are no facilities in the decertified area;

  To our knowledge, there is no debt that has been used to fund facilities to serve the decertified area;
- Aqua has not provided specific information to NewGen to demonstrate or quantify the expenditure of any funds associated with planning, designing, or constructing facilities associated with the decertified area;
- To our knowledge, Aqua has no contractual obligations associated with the decertified area;
- To our knowledge, there is no demonstrated impairment or foreseeable cost increases to existing customers that will result from the decertification;
- To our knowledge, Aqua will not experience a loss in revenues associated with the loss of the decertified area; and,
- Aqua provided costs for legal fees incurred by Aqua associated with the decertification of the area in question. These costs were incurred in defending its CCN in PUC Docket Nos. 45099 and 45100 as well as the related valuation PUC Docket Nos. 45450 and 45462. NewGen distributed these costs between the dockets ratably by acreage. PUC Docket No. 45450 is the subject of this valuation and concerns 111.88 acres, or 11.1% of the combined acreage totaling of 1,011.77. As such, 11.1% of Aqua's legal fees has been assigned to this docket.

Please note that I certify, to the best of my knowledge and belief, as follows:

- To my knowledge, the statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are the impartial and unbiased professional analyses, opinions and conclusions of NewGen.
- NewGen has no present or prospective interest in the property that is the subject of this report and has no personal interest or bias with respect to the parties involved.
- NewGen's engagement in this assignment, or compensation provided, was not contingent upon developing or reporting predetermined results that favor the cause of the client, the amount of any

determined compensation, the attainment of stipulated results, or the occurrence of a subsequent event directly related to the intended use of this report.

After review of this Letter Report, if you have any questions or require additional information, please feel free to contact Mr. Jack Stowe at jstowe@newgenstrategies.net or call 512.479.7900.

Sincerely,

NewGen Strategies and Solutions, LLC

Jack E. Stowe, Jr.
Director

PUC DOCKET NO. 45462

MUSTANG SPECIAL UTILITY DISTRICT NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM AQUA TEXAS, INC.	§ § § § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

FILING CLERK

INDEPENDENT APPRAISAL

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Mustang Special Utility District ("Mustang SUD") and files in Response to Order No. 2 this Independent Appraisal prepared by the appraiser agreed-upon by Mustang SUD and Aqua Texas, Inc. ("Aqua") pursuant to Texas Water Code § 13.254(f) and PUC Rule 24.113(i). The agreed, independent appraiser determined the compensation for any property rendered useless or valueless to Aqua pursuant to 16 Tex. Admin. Code § 24.113(j)(1). Exhibit 1 hereto contains the *Analysis and Opinion of Previously Decertified CCN from Aqua Texas, Inc. in Denton County, PUC Docket No. 45462* prepared by NewGen Strategies & Solutions.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: Mallory Beck

Leonard Dougal - State Bar No. 06031400
Mallory Beck State Bar No. 24073899
100 Congress, Suite 1100
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F: (512) 391-2112

ATTORNEYS FOR PETITIONER MUSTANG SPECIAL UTILITY DISTRICT

1

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on this 16th day of February 2016:

Derek Seal — *Via Email*
Winstead P.C.
401 Congress, Suite 2100
Austin, Texas 78701
Telephone: (512) 370-2807
Facsimile: (512) 370-2850
Email: dseal@winstead.com
Attorney for Smiley Road, Ltd.

Geoffrey P. Kirshbaum — ***Via Email and Facsimile***
The Terrill Firm PC
810 W. 10th Street
Austin, Texas 78701
Telephone: (512) 474-9100
Facsimile: (512) 474-9888
Email: gkirshbaum@terrill-law.com
Attorney for Aqua Texas, Inc.

Alexander Petak — *Via Email*
Attorney – Legal Division
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Austin, Texas 78711-3326
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Attorney for Public Utility Commission of Texas

Mallory Beck
Mallory Beck

NewGen Strategies & Solutions

1300 E. Lookout Drive
Suite 100
Richardson, TX 75082
Phone: (972) 680-2000

February 16, 2016

Mustang Special Utility District
Chris Boyd
7985 FM 2931
Aubrey, TX 76227

Aqua Texas, Inc. d/b/a Aqua Texas
Geoffrey P. Kirshbaum
810 West 10th Street
Austin, Texas 78701

Subject: **Analysis and Opinion of Previously Decertified CCN from Aqua Texas, Inc. in Denton County, PUC Docket No. 45462**

Dear Parties:

NewGen Strategies & Solutions, LLC (NewGen) has completed our review of the area, which is the subject of Smiley Road, Ltd.'s (Landowner) approved petition for expedited release, previously decertified from the Aqua Texas (Aqua) Water Service Area Certificate of Convenience and Necessity (CCN) No. 13201 in Public Utility Commission of Texas (PUC) Docket No. 45099. Based on our understanding, per PUC Substantive Rule § 24.113(l), a determination of the monetary amount of compensation due to Aqua for the decertified area must be made now that Mustang Special Utility District (Mustang SUD) has indicated its intent to provide water service in the decertified area. As stated in the Notice of Selection of Agreed Appraiser filed in this PUC Docket, NewGen was agreed upon by both parties (Mustang SUD and Aqua) as the appraiser to determine the appropriate level of monetary compensation.

My qualifications to perform the requested analysis are demonstrated in my professional resume and my testifying resume, included herein collectively as Attachment A.

As listed in the Final Order filed in PUC Docket 45099 Finding of Facts, Landowner submitted affidavits that the property is not receiving water services of any kind from Aqua. Aqua did not submit any response denying that Landowner is not receiving water utility services. The Parties provided NewGen no other information regarding the location or value of facilities or property of Aqua in the vicinity of the area which was decertified by the PUC in Docket No. 45099.

In determining the amount of monetary compensation, NewGen is guided by PUC Substantive Rule §24.113(j).

As part of our analysis, NewGen has reviewed the documentation provided in PUC Docket No. 45099. This review included:

- The Petition for Expedited Release from Water CCN No. 13201 filed by Landowner;
- Aqua Texas' Motion to Intervene;
- Filings by PUC Staff including Commission Staff's Final Recommendation; and,
- All Orders issued by the Administrative Law Judge (ALJ), inclusive of the Final Order dated December 18, 2015.

Aqua, through its Attorney Geoffrey Kirshbaum of The Terrill Firm, provided a summary of legal costs incurred by Aqua in responding to the dockets referenced above as well as PUC Docket Nos. 45100 and 45450. The letter dated February 15, 2016 is included for reference with this valuation as Attachment A.

Based on our review of the available documentation, NewGen presents the following findings:

- There does not appear to be any facilities and/or customers within the area in question;
- The parties have not provided information to NewGen that demonstrates the existence of any facilities dedicated or committed solely to the area in question;
- Aqua has incurred legal expenses on this and another, concurrent decertification valuation docket totaling $4,507.50 and anticipates an additional $375.00 in legal expenses.

Conclusion

Based upon the above findings, and in compliance with PUC Substantive Rule § 24.113(h), it is our conclusion that there is no property that has been rendered useless or valueless as a result of decertification and the provision of service by Mustang SUD to the area in question. As such, no determination of monetary compensation is required under the rules.

However, if a monetary compensation determination were to be made, it is our opinion that the compensation to be provided is $4,340.54 based on the following:

- To our knowledge, there are no facilities in the decertified area;
- To our knowledge, there is no debt that has been used to fund facilities to serve the decertified area;
- Aqua has not provided specific information to NewGen to demonstrate or quantify the expenditure of any funds associated with planning, designing, or constructing facilities associated with the decertified area;

  To our knowledge, Aqua has no contractual obligations associated with the decertified area;
- To our knowledge, there is no demonstrated impairment or foreseeable cost increases to existing customers that will result from the decertification;
- To our knowledge, Aqua will not experience a loss in revenues associated with the loss of the decertified area; and,
- Aqua provided costs for legal fees incurred by Aqua associated with the decertification of the area in question. These costs were incurred in defending its CCN in PUC Docket Nos. 45099 and 45100 as well as the related valuation PUC Docket Nos. 45450 and 45462. NewGen distributed these costs between the dockets ratably by acreage. PUC Docket No. 45462 is the subject of this valuation and concerns 899.89 acres, or 88.9% of the combined acreage totaling of 1,011.77. As such, 88.9% of Aqua's legal fees has been assigned to this docket.

Please note that I certify, to the best of my knowledge and belief, as follows:

- To my knowledge, the statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are the impartial and unbiased professional analyses, opinions and conclusions of NewGen.
- NewGen has no present or prospective interest in the property that is the subject of this report and has no personal interest or bias with respect to the parties involved.
- NewGen's engagement in this assignment, or compensation provided, was not contingent upon developing or reporting predetermined results that favor the cause of the client, the amount of any

determined compensation, the attainment of stipulated results, or the occurrence of a subsequent event directly related to the intended use of this report.

After review of this Letter Report, if you have any questions or require additional information, please feel free to contact Mr. Jack Stowe at jstowe@newgenstrategies.net or call 512.479.7900.

Sincerely,

NewGen Strategies and Solutions, LLC

Jack E. Stowe, Jr.
Director