

## RECEIVED

#### **DOCKET NO. 45879**

2016 SEP 29 AM 11: 39

JOINT APPLICATION OF THE CITY § OF SANGER AND BOLIVAR WATER § SUPPLY CORPORATION TO AMEND § CERTIFICATES OF CONVENIENCE § AND NECESSITY AND FOR § APPROVAL OF A WATER SERVICE § AGREEMENT IN DENTON COUNTY §

### PUBLIC UTILITIES COMMISSION

FILING CLERK

#### OF TEXAS

#### CITY OF SANGER'S RESPONSES TO COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION, QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-2

COMES NOW; the City of Sanger, Texas ("the City"), by and through its attorney of record, and hereby responds to the First Request for Information received from the Public Utilities Commission of Texas ("the Commission") on September 9, 2016.

#### **QUESTION NO. STAFF 1-1**

Please provide documentation that shows that the public water supply for the City of Sanger is in compliance with the TCEQ issued violation for failure to have sanitary control easements for wells B, E, F & G.

#### **CITY'S RESPONSE TO QUESTION NO. STAFF 1-1**

To protect the public water supply, the City enacted Ordinance 04-06-14 on April 21, 2014. See Exhibit A attached hereto and made part hereof for all purposes. The ordinance restricts potentially harmful activities near wells, provides a criminal penalty for such activities, and allows the City a right of entry to conduct inspections in areas near wells.

The ordinance governs construction and other uses of land within one hundred fifty feet (150') of wells to secure these areas from pollution hazards and enable the City to ensure the cleanliness and safety of the public water supply.

Also attached are current survey maps that depict the exact locations of the City's wells and the radius thereabout where potentially harmful activities are restricted. See Exhibit A. The ordinance explicitly prohibits thirty specific activities in these prohibited zones, as well as restricting "all other construction or operation that could create an unsanitary condition" within a one hundred fifty foot (150') radius of each well. Furthermore, other activities are prohibited within a fifty foot radius of each well, such as the construction or operation of sewers, septic tanks, or cemeteries and the presence of any livestock.

To enforce these restrictions, the ordinance also permits City employees or other authorized representatives to immediately enter any premises within one hundred fifty feet (150') of any well to conduct inspections or otherwise enforce the restrictions. Violations, if discovered, are required to be removed upon notification from the City, and each violation is punishable by a maximum two thousand dollar (\$2000.00) criminal penalty per day of the violation. This inspection and enforcement regime, implemented by the Ordinance, satisfied the sanitary control easement requirement and protects the public water supply.

#### **QUESTION NO. STAFF 1-2**

Please provide documentation that shows that the public water supply for the City of Sanger is in compliance with the TCEQ issued violation for failure to meet the minimum capacity requirement of 0.6 gallons per minute.

### CITY'S RESPONSE TO QUESTION NO. STAFF 1-2

The City of Sanger has taken action to meet the minimum capacity requirements of 0.6 gallons per minute by drilling two new wells to increase capacity. Both wells will be on line by the end of 2016.

The City's new wells, City Wells nos. 8 and 9, are both TCEQ approved wells located within Denton County and the city limits. The drilling of Well 8 began on January 12, 2016, and was completed on April 22, 2016, and provides a yield of 735 gallons per minute with a 215 ft. drawdown after thirty-six hours. A State of Texas Well Report for Well 8, with tracking number

423367, is attached to this response. The drilling of Well 9 began on September 7, 2015, and was completed on January 20, 2016, and provides a yield of 725 gallons per minute with a 295 ft. drawdown after thirty-six hours. A State of Texas Well Report for Well 9, with tracking number 415109, is attached to this response. All the referenced reports are attached collectively as Exhibit B and made a part hereof for all purposes.

The purpose of these new wells is to increase the City's public water supply capacity and meet the requirements set by the Commission. These new wells were drilled by C. Miller Drilling, a licensed operator, and conducted with plans approved by TCEQ. Additionally, the pumps for each well have been certified. With the added capacity generated by these two new wells, the City's total production will far exceed TCEQ's minimum requirements.

Respectfully Submitted,

Robert L. Dillard III State Bar Number 05870000 T. Evan Fisher State Bar Number 24084207 Nichols, Jackson, Dillard, Hager & Smith LLP 1800 Ross Tower 500 North Akard Dallas, Texas 75201 214-965-9900 telephone 214-965-0010 facsimile

#### **CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 28, 2016, in accordance with 16 TAC § 22.74.

Robert L. Dillard III

#### **DOCKET NO. 45879**

JOINT APPLICATION OF THE CITY § OF SANGER AND BOLIVAR WATER § SUPPLY CORPORATION TO AMEND § CERTIFICATES OF CONVENIENCE § AND NECESSITY AND FOR § APPROVAL OF A WATER SERVICE § AGREEMENT IN DENTON COUNTY §

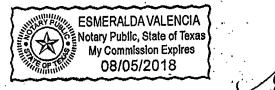
#### **PUBLIC UTILITIES COMMISSION**

**OF TEXAS** 

#### VERIFICATION

BEFORE ME, the undersigned authority, on this day personally appeared Robert L. Dillard III, known to me to be the person whose name is subscribed hereto, and who after being by me first duly sworn deposed on his oath and stated that he is city attorney for the City of Sanger, that he has read the foregoing responses, that he has personal knowledge of the facts stated therein, and that all of said facts are within his knowledge and are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, on this 28<sup>th</sup> day of September 2016, to certify which witness my hand and official seal.



Notary Public, State of Texas

### JOINT APPLICATION OF THE CITY § OF SANGER AND BOLIVAR WATER § SUPPLY CORPORATION TO ÅMEND § CERTIFICATES OF CONVENIENCE § AND NECESSITY AND FOR § APPROVAL OF A WATER SERVICE § AGREEMENT IN DENTON COUNTY §

### PUBLIC UTILITIES COMMISSION

OF TEXAS

### • TABLE OF EXHIBITS

In support of the above Responses given by the City, the following Exhibits are attached and hereby incorporated as part of the City's Responses.

Exhibit A: City of Sanger Ordinance #04-06-14, sanitary easement survey maps

Exhibit B: State of Texas Well Report for Tracking #423367; State of Texas Well Report for Tracking #415109; Pump Performance Test Results

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#### **ORDINANCE** #04-06-14

#### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, TEXAS, ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS.

WHEREAS, the City of Sanger, Texas (the "City"), owns and operates water supply facilities within the City, including two (2) water wells and related facilities (the "Wells"), which provide potable water to the residents of the City; and

WHEREAS, because maintenance of sanitary conditions around such Wells is vital to the protection of the Wells and to the protection of the health and safety of the residents of the City, the City Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Wells.

# NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANGER, TEXAS:

#### Section 1. Purpose.

A. This ordinance sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of the Wells in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.

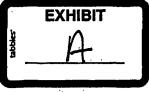
B. The objective of this Ordinance is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

#### Section 2. Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- A. *City Council* shall mean the City Council of the City of Sanger, Texas.
- B. *City* shall mean the City of Sanger, Texas.
- C. Ordinance shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the City's Public Water Supply Wells.
- D. *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors or assigns.

E. *Wells* shall mean the water wells owned and operated by the City, which are more specifically identified and described in Exhibit "A" attached hereto and made a part hereof.



#### Section 3. Prohibited Activities.

The following activities are prohibited within the designated areas of land surrounding the Wells:

- Construction and/or operation of any underground petroleum and/or chemical Α. storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage and/or transmission facility, Class 1, 2 3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Ordinance, "improperly constructed water wells" are those wells that do not meet the surface and subsurface construction standards for a public water supply well.
- B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the Wells.
- C. Construction of homes or building upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.
- D. Normal farming and ranching operations are not prohibited by the Ordinance; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

#### Section 4. Right of Entry.

City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

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#### Section 5. Penalty.

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Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in the amount not to exceed \$2,000. Each day of the violation shall constitute a separate offense.

#### Section 6. Required Removal.

Any person who shall violate any provision of this Ordinance shall be required to remove the prohibited construction or potential source of contamination within 10 days after notification that they are in violation of this Ordinance.

#### Section 7. Superseding Regulation or Statute.

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency having jurisdiction over the subject matter of the Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

#### Section 8. Severability.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sanger, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

This ordinance will take effect immediately from and after its passage, and the publication of the caption, as the law and Charter in such cases provide.

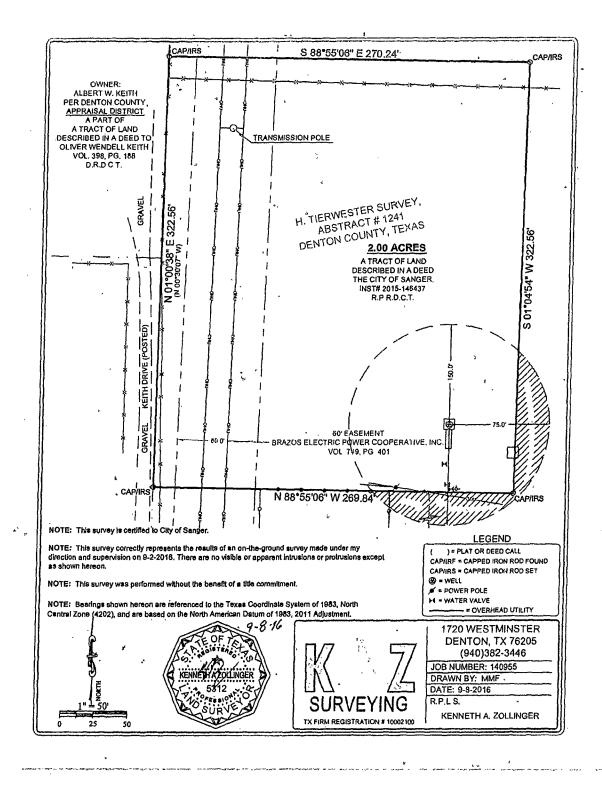
PASSED AND APPROVED this 21st day of April, 2014 by the City Council of the City of Sanger, Texas.

TEXAS ATTEST: Tami Taber, City Secretary

**APPROVED:** 

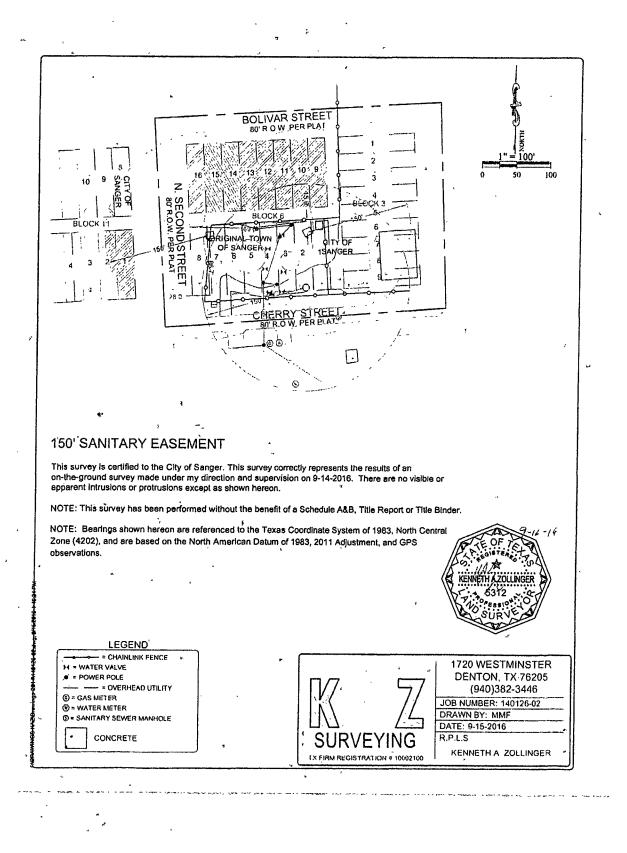
Thomas E. Muk

Thomas Muir, Mayor



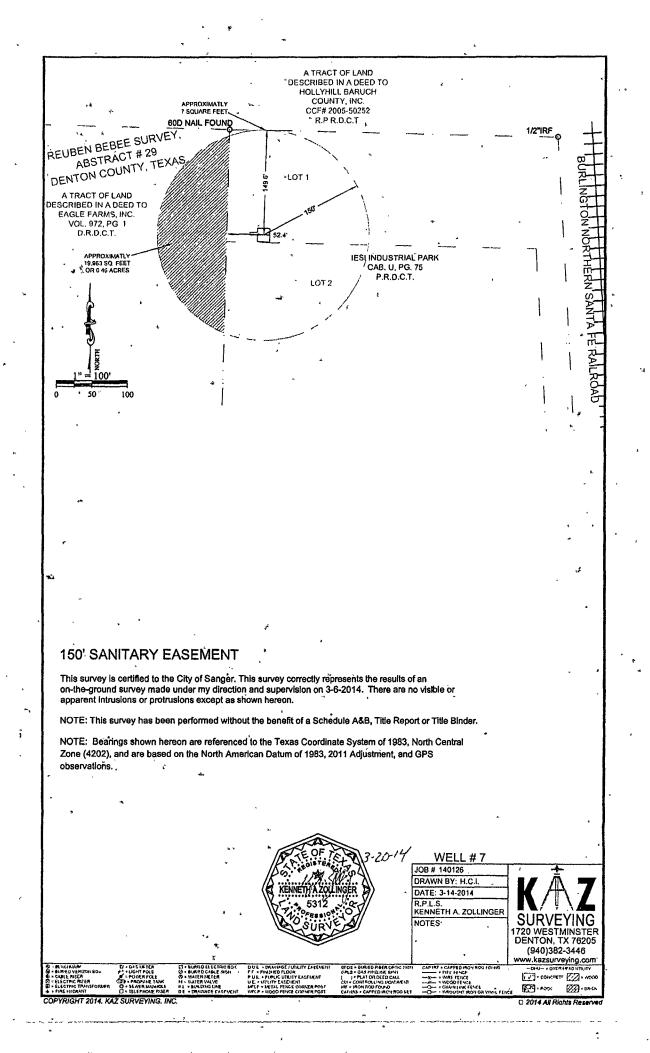


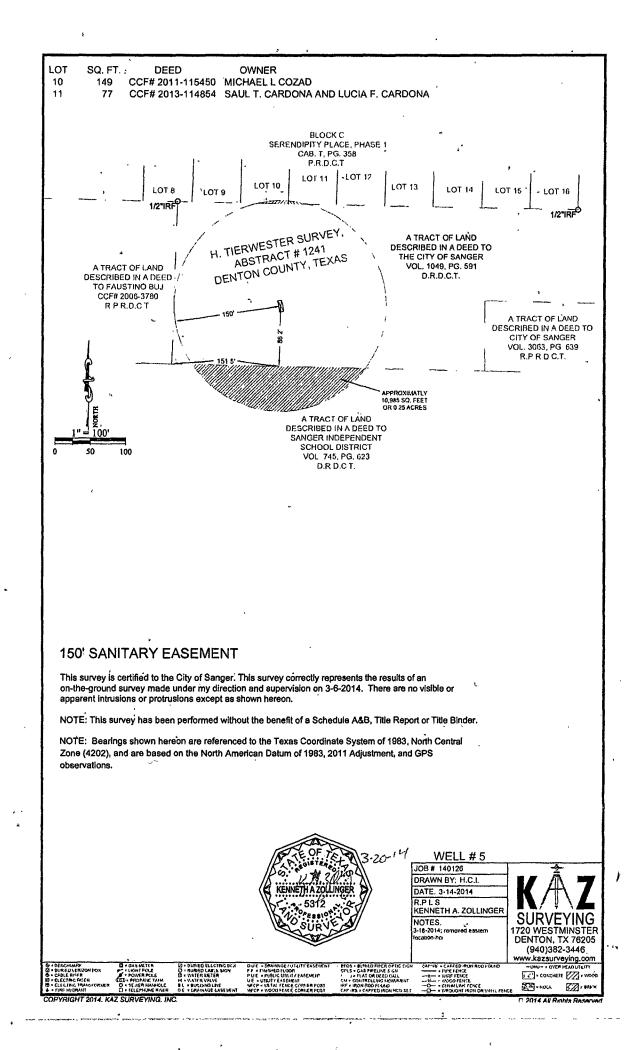
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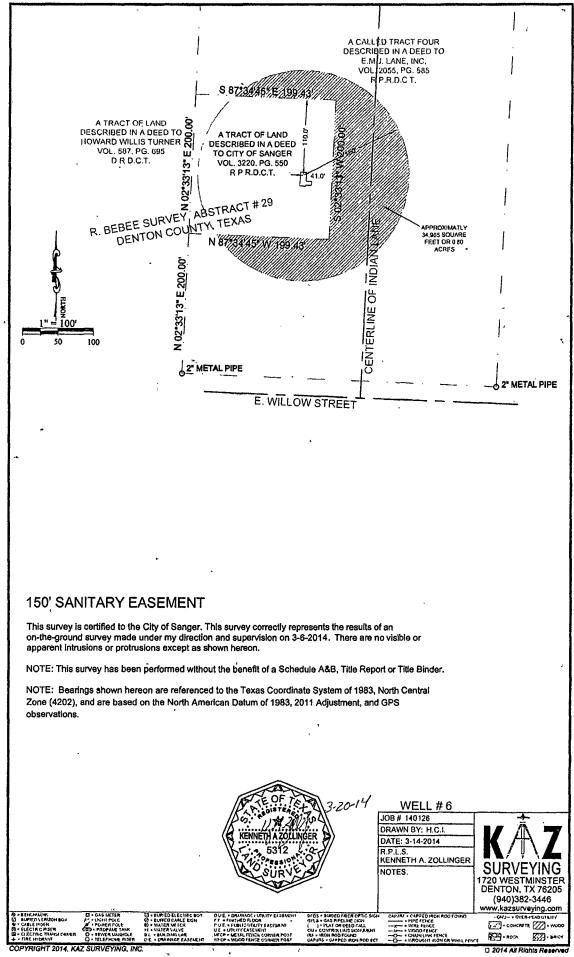


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Owner:	City of Sange	er	Owner Well	#: 9 <sup>`</sup>
Address:	P.O. Box 172 Sanger, TX 7	•	Grid #:	19 <b>-47-2</b>
Well Location:	Keith Dr.		Latitude:	33° 22' 13.26" N
	Sanger, TX 7	6266	Longitude:	097° 11' 08.04" W
Well County:	Denton		Elevation:	No Data
Drilling Start Dat	e: 9/7/2015	Drilling End Da	ate: 1/20/2016	Plans Approved by TCEQ - YE
	•	Diameter (in.)	Top Depth (ft.)	Bottom Depth (ft.)
÷			955	1050
å Borehole:		26	300	
r Borehole:	· ·	26 20.75 -	0	955

•	Top Depth (ft.)	Bottom Depth	(ft.)	Description (number of sacks & material)
Annular Seal Data:	0	955	2	Cement 800 6 % Gel
Seal Method: Pre	ssure	2	Distance	e to Property Line (ft.): 150+
Sealed By: Dril	ler			o Septic Field or other ted contamination (ft.): <b>150+</b>
			Distan	ce to Septic Tank (ft.): <b>150+</b>
			. 1	Method of Verification: Owner'& Engineer

Surface Completion:	No Data		ş
Water Level:	504 ft. below l	land surface on <b>No Data</b>	
Packers:	No Data		
Type of Pump:	No Data	۶.	
Well Tests:	Pump	Yield: 725 GPM with 295 ft. drawdown after 36 hours	
		EXHIBIT	

Well Report Tracking Number 415109

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Company Information: Driller Name:	7355 St. Hwy 154 East Winnsboro, TX 75494 Cory L. Miller	Licens	e Number: 2464
company information:			
company information:			
Saman and 1. 6	C. Miller Drilling	1	
Cértification Data:	driller's direct supervision) correct. The driller unders	e driller drilled this well (or the v and that each and all of the st stood that failure to complete th d for completion and resubmitt	atements herein are true and required items will result in
		ingly penetrate any strata whic contained injurious constituents	
	۳ ۲	Chemical Analysis Mac	le: Yes
Water Quality:	No Data	<sup>3</sup> No Data	ſ
Mator Ouglitus	•• • • • • • •	Water Type	· _'

# Lithology: DESCRIPTION & COLOR OF FORMATION MATERIAL

SCRIP	TION & COL	Lithology: OR OF FORMATION MATERIAL		BLAN	Casin K PIPE & WELI		DÀTA	
Top (fl.)	Bottom (ft.)	Description	Dla (in.)	Туре	Material	Sch./Gage	Top (ft.)	Botto (ft.)
0	2	Top Soll		Blank	New Steel	-	0	955
2	80	Limestone & Shale	10.75	Blank	New Steel	-	854	958
80	90	Shale	\   .	· · · · ·	New			
90	224	Limestone & Shale	10.75	Screen	Stainless Steel	0.010	958	103
224	355	Sand w/ Shale strks	10.75	Blank	New Steel		1034	104
855	394	Shale w/ Small Sand strks	j t	s •	*	.'	•	
394	454	Limestone & Shale						
154	544	Shale & Sand						
544	604	Limestone & Shale	I					
604	660	Sand w/ Shale strks						
560	705	Shale & Rock w/ Small Sand strks	•					
705	800	Sand w/ Shale strks 90/10						
800	830	Shale w/ Sand strks						
330	870	Shale & Rock w/ Sand strks	•					
370	890	Sand	•					
390	912	Shale & Rock						
912	922	Sand w/ Shale strks						

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Well Report Tracking Number 415109

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,	922	944	Shale & Rock
	944	<b>.</b> 1039	Sand w/ Small Rock strks /drilled good
	1039	1055	Shale & Rock

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#### IMPORTANT NOTICE FOR PERSONS HAVING WELLS DRILLED CONCERNING CONFIDENTIALITY

TEX. OCC. CODE Title 12, Chapter 1901.251, authorizes the owner (owner or the person for whom the well was drilled) to keep information in Well Reports confidential. The Department shall hold the contents of the well log confidential and not a matter of public record if it receives, by certified mail, a written request to do so from the owner.

\* Please include the report's Tracking Number on your written request.

#### Texas Department of Licensing and Regulation

P.O. Box 12157 Austin, TX 78711 (512) 463-7880

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Owner:	City of Sanger	Owner Well #:	8
	P.O. Box 1729 Sangar TV 76266	Grid #:	19-47-2
Well Location:	Sanger, TX 76266	Latitude:	33° 21' 41.88" N
	Sanger, TX 76266	Longitude:	097° 10' 13.38" W
Well County:	Denton ,	<sup>*</sup> Elevation:	No Data
Type of Work:	New Well	Proposed Use:	Public Supply
Drilling Start Date	: 1/12/2016 'Drilling End Date	: 4/22/2016	Plans Approved by TCEQ - YES
	Diameter (in.)-	Top Depth (ft.)	Bottom Depth (ft.)
Borehole:	24	970	1097
	18.875	. 0	970
	13.125	1097	1100
*d ¥	9.875	1100	1130
Drilling Method:	Mud (Hydraulic) Rotary		
Borehole Completi	on: Under-reamed		· · ·
	Top Depth (fi.) Bottom L	Depth (ft.) Description	on (number of sacks & material)
Annular Seal Data	0 97	70 Ce	ment 750 w/6% Gel
Seal Method	d: Pressure	Distance to Propert	ty Line (ft.): <b>50+</b>
Sealed By	y: Driller	Distance to Septic Fie concentrated contami	ld or other nation (ft.): <b>150+</b>
3	, ł	Distance to Septic	
×	<b>4</b>	•	/erification: Engineer & Owner
Surface Completio	n: Surface Slab Installed	Surface	e Completion by Driller
Water Level:	490 ft. below land surface o	on No Data	•
Packers:	No Data	· ·	*
Type of Pump:	Submersible	Pump D	epth (ft.): 798
•	Pump Yield:	•	vdown after 36 hours

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	Strata Depth (ft.)	Water Type	
Water Quality:	No Data	No Data	
•	r 7	Chemical Analysis Made:	Yes
		ingly penetrate any strata which contained injurious constituents?	Νο
Certification Data:	driller's direct supervision) correct. The driller unders	e driller drilled this well (or the well and that each and all of the state stood that failure to complete the r ed for completion and resubmittal.	ments herein are true and
Certification Data:	driller's direct supervision) correct. The driller unders the report(s) being returne	) and that each and all of the state stood that failure to complete the re	ments herein are true and
à	driller's direct supervision) correct. The driller unders the report(s) being returne	) and that each and all of the state stood that failure to complete the re	ments herein are true and
à	driller's direct supervision) correct. The driller unders the report(s) being returner C. Miller Drilling 7355 St. Hwy 154 East	) and that each and all of the state stood that failure to complete the re	ments herein are true and equired items will résult in

# Lithology: DESCRIPTION & COLOR OF FORMATION MATERIAL

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#### Bottom (ft.) Top (ft.) Description 0 4 Top Soll **Rock & Shale** 4 185 185 245 Shale w/ Sand & Rock strks 305 Shale & Rock 245 Sand w/ Shale strks 305 345 345<sup>.</sup> 355 **Rock & Shale** 425 Sand w/ Shale & Rock strks 355 465 425 Shale & Rocks Sand w/ Shale & Rock strks 505 465 505 520 Shale 520 540 Sand w/ Shale strks Shale w/ Small Rock & Sand 540 715 strks 715 755 Sand w/ Shale strks 755 775 Shale w/ Sand strks 775 810 Sand w/ Shale & Rocks 810 835 Shale & Rock Sand w/ Shale & Rock strks 835 850

## Casing: BLANK PIPE & WELL SCREEN DATA

Dla (in.)	Турө	Material	Sch./Gage	Top (ft.)	Bottom (ft.)	÷ •,
14	Blank	New Steel		0	97Ö	
8.625	Blank	New Steel		870	973	
8.625	Screen	New Stainless Steel	0.010	973	1083	
8.625	Blank	New Steel		1083	1090	•

,	850	870	Shale & Rock
	870	905	Sand w/ Shale & Rocks
	905	970	Shale & Rocks
	970	1083	Sand w/ Small Shale & Rock strks
	1083	1130	Shale & Rock

#### IMPORTANT NOTICE FOR PERSONS HAVING WELLS DRILLED CONCERNING CONFIDENTIALITY

TEX. OCC. CODE Title 12, Chapter 1901.251, authorizes the owner (owner or the person for whom the well was drilled) to keep information in Well Reports confidential. The Department shall hold the contents of the well log confidential and not a matter of public record if it receives, by certified mail, a written request to do so from the owner.

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Texas Department of Licensing and Regulation P.O. Box 12157 Austin, TX 78711 (512) 463-7880

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• 185 Progress Road • Collierville, Tennessee 38017 • PHONE: 800-888-7167 • FAX: 901-860-2323 • www.american-marsh.com • ^

## Certified Factory Pump Performance Test Results

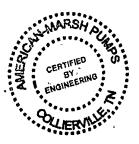
TEST POINTS	1	2	3	4	5	6	7,	8	.9	.10
Tested RPM	1798	1797	1797	. 1797	1797	1797	1797-	<sup>`</sup> 1797		
GPM:	0 <sup>°</sup>	150 ,	225	300	357	405	470	510		
TDH	320.32	281.09	264.98	258.13	239.72	205.12	184.47	163.76	- •	
BHP	21.40	22.64	23.19	25.87	27.70	28.01	, 29.00.	29.10		
Pump Eff.	0.00	47.03	64.92	75.59	78.02	74.90	75.50	72.48		

# TEST DATA PUMP PERFORMANCE (at tested speed)

### TEST DATA PUMP PERFORMANCE (at rated speed per submitted curve) Rated Speed (RPM): <u>3525</u>

TEST POINTS	1	. 2	3	4	5	6	7,	8	-9	10
GPM	0	294	» <b>44</b> 1	588	700	794	<sup>-</sup> 922	1000	je	
TDH	1231.18	1081.60	1019.61	993.25	922.42 <sup>1</sup>	789.28	709.82	630.13	* •	
BHP	161.26	170.89	175.04	195.27	209.08	211.42	218.89	219.65·		
Pump Eff.	. 0.00	47.03	64.92	75.59	78.02	74.90	75.50	72.48		

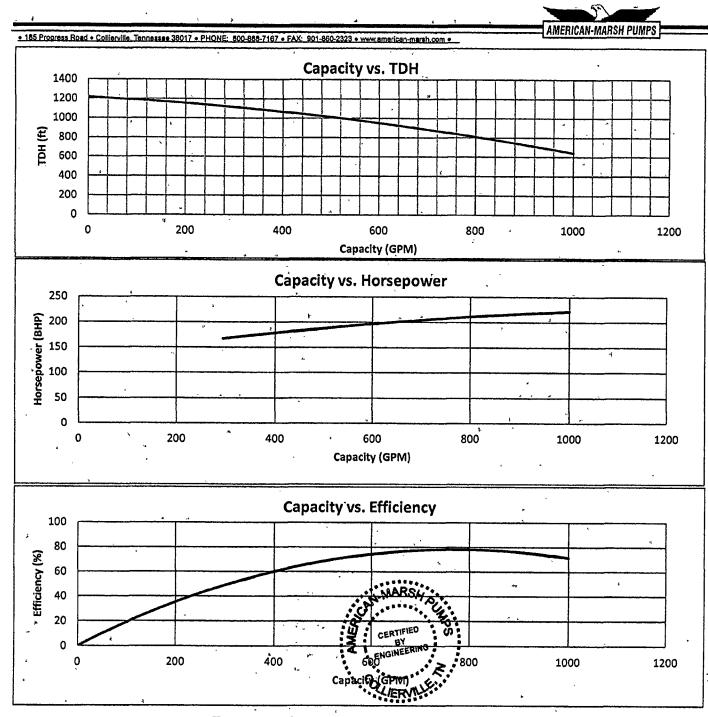
Materials of Construction					
Casing	- Cast Iron				
Impeller	Stainless				

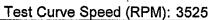


Impeller Trim (in)	Number of Stage	
7.41	2	
6.87	·' 4	
• •	*-	

AMERICAN-MARSH PUMPS

CUSTOMER 'Wholesale Pump and Supply	-	e	<sup>P.O.#</sup> 785631
JOB NAME		<u>ه</u> ۱	TAG NAME
PUMP MODEL 9LC-6 Stage	GPM 700 TDH	917.2 · RPM 3525**	ROTATION
AOTOR HP . FRAME	PHASE HERT	Z VOLTS	ENCLOSURE
CURVE NUMBER 2016-314	CERTIFIED BY Harley Th	ordson	<sup>S.O.#</sup> 95086
SERIAL NUMBER 303921	SIGNATURE X Pala		DATE 7/8/2016





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CUSTOMER Wholesale Pu	mp and Supply		3		P.O.# 785631	
JOB NAME	•				TAG NAME	
PUMP MODEL 9LC-6 Sta	ge _	GPM 700 ;	TDH 917.2	RPM 3525	ROTATION	4
MOTOR HP	FRAME	PHASE -	HERTZ	VOLTS	ENCLOSURE	
CURVE NUMBER, 2016-314		CERTIFIED BY Ha	rley Thordson	3	s.o.# 95086	· · · · · · · · · · · · · · · · · · ·
SERIAL NUMBER 303921	• • •		ally () Lin		DATE 7/8/2016	r
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