



Control Number: 46923



Item Number: 53

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PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF WOLFE & PUBLIC UTILITY COMMISSION OF
AIRPARK CIVIC CLUB, INC. TO & TEXAS

OBTAIN A WATER CERTIFICATE
OF CONVENIENCE AND
NECESSITY IN BRAZORIA COUNTY

RESPONDANT'S MOTION TO ALLOW LATE DIRECT TESTIMONY

AND, IF POSSIBLE, MODIFY AND EXTEND PROCEDURAL SCHEDULE

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE

Now comes respondent (Joe Walker PE acting pro. Se.) Requesting the inclusion of attached direct testimony with supporting documents and, if possible, an extension of the procedural schedule to allow all parties adequate time to respond. A verbal request was made during a joint conference which was agreed to by all but I did not follow up with the required motion. Since a document was not filed by the applicant on the scheduled date I was waiting for that document to prepare mine. The request for a time extension by the applicant was granted.

Direct Testimony

The applicant's documents request permission to allow many more connections to the single water well than the well can support. The water system currently does not provide enough water pressure to shower in the summer months during high water use. Such low water pressure is a danger to the public and could result in contamination of the system endangering the public and the practical non-operation of essential water fixtures such as toilets and is insufficient for people to enjoy and use their property.

Violations (All of the attached documents have been provided under production.)

1. Well capacity per number of connections.

Chapter 290 of TCEQ Subchapter D

Section 290.45 "(a)2 "The executive director will require additional supply, storage, service pumping and pressure maintenance facilities if a normal operation pressure of 35 pounds psi cannot be maintained throughout the system."

- (i) A well capacity of 1.5 gallons per minute per connection ...”

Actual tested water pressure has dropped below 20 psi and respondent’s upstairs shower has become inoperable during periods of high water usage.

Exhibit 1 attached shows the existing well’s certified design capacity was only able to support 22 residences. The applicant’s request is for 46 to 48. The existing connections have already exceeded design capacity. A well test can change the design capacity. The original design of a two well system was not completed.

Exhibit 2 shows a well test had been done giving the well a capacity of 50 gpm. The Texas Department of Health then raised the maximum number of connections to 33, well short of the applicant’s request.

2. Number of wells to service the subdivision.

Exhibit 3 from the Texas Department of Health states that the intent of the water system was to have two 34 gpm wells. The second well was never installed resulting in a current undercapacity.

3. No water meters.

At no time has any water meters been installed at Wolfe Airpark. Exhibit 3 from the Texas Department of health explains specifically that the omission of water meters would require no direct billing for water. Wolfe Airpark has ignored this requirement and has billed directly for water for years.

4. Faulty construction

Exhibit 4 is the letter of withdrawal from the original design engineer due to non-compliance with design intent of water system.

5. Wolfe Airpark Civic Association falsely claiming to have a “State Approved Water System”.

The deed of restrictions state that billing directly for water can only occur if the Subdivision is attached to a “State Approved Water System” which, by State Law, has specific requirements such as a minimum of two water wells and each connection has water meters. Wolfe Airpark Civic Association has stated for years that the installed system is such a system and therefore was correct in billing directly for water. Exhibit 5, from the Texas Department of Health clearly defines the fact that the existing system is NOT a “State Approved Water System” but is a Public Drinking Water Supply. Wolfe Airpark Civic Association has never had the legal right to bill directly for water. Applicant has recently claimed that billing could occur if only for maintenance. The subdivision already has association fees to pay for maintenance and separate fees are not charged to lot owners for use of the roads or common areas. The separate “water maintenance fees” are simply direct billing for water in disguise. The cost of upkeep of the water well are insignificant compared to the past billing.

6. Failure to hire an engineer for alternate approval. The State allows exceptions to the rules of water system design only if designed and submitted by a qualified professional engineer with sealed documents. No such engineer has been hired and no such design has been provided. It should be noted that the above referenced documents represent the current state of construction of the water system.
7. Connections are made outside of the platted area of Wolfe Airpark. Only lots at Wolfe Airpark have the right to connect to the water system. Connections to commercial adjacent lots to the North and Holland Estates Subdivision represent modification of an existing public water system that is strictly prohibited by State Law.

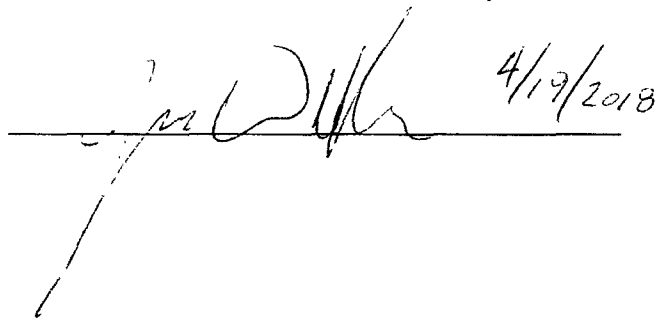
WHEREFORE. Respondant requests that

1. Applicant can only receive a CCN for 33 connections as stated by the Texas Department of Health.
2. Due to lack of water meters and only having one well, Applicant cannot directly bill for water.
3. Water system connections for Wolfe Airpark Civic Association can only be made on Wolfe Airpark Subdivision by persons lawfully entitled to connect to the water system.
4. Dates for all remaining Proposed Procedural Schedule items be delayed 30 days at such time determined by the PUC. Alternately, the current schedule be maintained with this document be included as direct testimony.

Respectfully Submitted

Joe Walker PE

I certify that I have sent a copy of this document to to Rachael Robles at the PUC and John Hampton by email and the Austin office of the PUC by USPS.

A handwritten signature in dark ink, appearing to read "Joe Walker", is written over a horizontal line. To the right of the signature, the date "4/19/2018" is handwritten.

RECEIVED

ORBIT ENGINEERING & CONSTRUCTION
11007 Houston Dr., La Porte, TX 77571 / (713) 470-1425

August 10, 1985

35 AUG 15 AIO: 00

Mr. Bob Matthews, PE
Plan Review & Wastewater Branch
Division of Water Hygiene
Texas Department of Health
1100 W. 49th St.
Austin, TX 78256

RE: Notice of Completion of Water Supply and
Distribution System, Wolfe Air Park, Brazoria Co. Tx.

Dear Mr. Matthews,

Please be advised that I have physically inspected the Wolfe Air Park water supply and distribution system, and attest that the completed work is substantially in accordance with the plans on file with the Texas Department of Health, Division of Water Hygiene.

A copy of the system drawing, showing minor "as built" changes, is enclosed. Some of the water mains were enlarged and were relocated to facilitate looping. Additional block valves were also installed. The system as currently configured will be limited to 22 residences, based on the 34 gpm well pump at the single well, Well A.

The second hydropneumatic pressure storage tank was installed in parallel with the first, with a combined capacity of 2500 gallons at Well A.

Also enclosed for your reference are the following documents: a copy of the Approved for Construction Letter from Francis B. Hidalgo for the State of Texas, dated January 29, 1981 with a copy of the originally submitted system plan; State of Texas Water Well Report documenting a well drilling log dated February 17, 1981; copy of a signed Statement By Water Purveyor dated February 10, 1981; copy of the filed and recorded document establishing the sanitary control easement for subject system, in the County of Brazoria; three consecutive bacteriological sample test reports indicating no coliform organisms found.

If I may be of further assistance, please let me know.

Sincerely,

Charles B. Walker, Jr.
Charles B. Walker, Jr., P.E.

10/51 (1984)

Exhibit 1

CB Walker
8-12-85
508/
PRIDY ET AL 00739



Texas Department of Health

Robert Bernstein, M.D., F.A.C.P.
Commissioner

1100 West 49th Street
Austin, Texas 78756
(512) 458-7111

A. M. Donnell, Jr., M.D., M.P.H., F.A.C.P.
Deputy Commissioner

January 29, 1981

Mr. C. B. Walker, P.E., President
Orbit Systems, Inc.
10500 Telephone Road
Houston, Texas 77075

Subject: Proposed Public Water Supply and Distribution System
Wolfe Air Park
Brazoria County, Texas

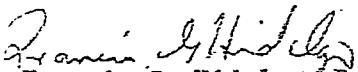
Dear Mr. Walker:

Reference is made to planning material submitted by your letter of January 20, 1981. This planning material describes the construction of a water system to serve 48 residential lots in Block I of this development and 5 residential lots in Block II. I understand from our January 29, 1981, telephone conversation that the 152 small lots in Block II will be used for aircraft hanger construction and will not be furnished water. I also understand that you expect no more than 40 actual homes to be constructed in Block I and in the remaining portion of Block II. The proposed water system generally consists of two 34 gpm wells, two 1250 gallon pressure tanks, hypochlorination facilities for each well site, yard piping and related appurtenances, intruder resistant fence enclosures at each well site and several hundred feet of 2 and 2½ inch PVC water distribution lines with valves, fittings and related appurtenances.

We have completed review of this planning material and have determined that the proposed facilities are in general conformance with our current standards, and are therefore approved for construction. It should be noted, however, that final approval for use of water from these two wells in a public water system will be withheld pending receipt of acceptable well completion data. We would also appreciate receipt of a signed copy of the enclosed "Statement by Water Purveyor".

Please let us know if we may be of further assistance.

Sincerely,


Francis G. Hidalgo, P.E.

Plan Review and Wastewater Branch
Division of Water Hygiene

cc: Mr. Frank Wolfe, Jr., Owner
cc: Brazoria County Health Dept.
cc: Public Health Region 11

FGH:js

Enclosure

Exhibit 2

PRIDY ET AL 00748



Texas Department of Health

bert Bernstein, M.D., F.A.C.P.
Commissioner

DIVISION OF WATER HYGIENE
1100 West 49th Street
Austin, Texas 78756-3192
(512) 458-7497

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Hermas E. Miller
Deputy Commissioner
Management and Administration

February 14, 1986

Mr. Frank Wolfe, Developer
Wolfe Air Park
Wolfe Air Park No. 15
Manvel, Texas 77578

Subject: Public Drinking Water Supply
Wolfe Air Park
I.D. #0200409
Brazoria County, Texas

Dear Mr. Wolfe:

I am writing in regard to your recent telephone conversation with Mr. Pope concerning the installation of individual customer meters at Wolfe Air Park.

It is understood that there is no direct charge for the water and that the subdivision has a potential of 49 connections. Section .005.(b)(3) of this Department's "Rules and Regulations for Public Water Systems" states that "systems with an ultimate development potential of 50 connections or less where no direct charge is made for the water shall be excused from this requirement". Therefore, the installation of individual meters will not be required.

Sincerely,

Larry E. Mitchell

Larry E. Mitchell, R.S.
Surveillance and Technical
Assistance Branch
Division of Water Hygiene

LEM:11

ccs: Brazoria County Health Dept.
Public Health Region 11

PRIDY ET AL 00722

Exhibit 3

STOURTON, MACAJAS, INC.
MINING AND CIVIL ENGINEERS, SURVEYORS
414 CIVIL DRIVE
LEAGUE CITY, TEXAS 77573
(713) 350 8479

April 29, 1985

Mr. F.G. Hidalgo, P. E.
Plan Review and Wastewater Branch
Division of Water Hygiene
Texas Department of Health
1100 West 49th St.
Austin, Texas

SUBJECT: Water Supply and Distribution System Improvements
Wolfe Air Park
TDH Log 10/51
Brazoria County, TX

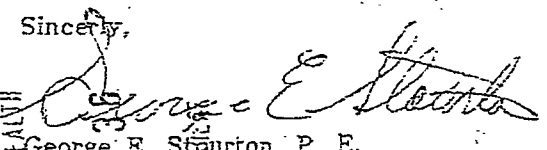
Dear Mr. Hidalgo:

I am withdrawing as Engineer of Record for the above captioned project.

None of the construction has been under my direction and the owners direction is not consistant with my policy.

If you have any questions, please let me know.

Sincerely,


George E. Stourton, P. E.

PRIDDY ET AL 00743

Exhibit 4



*our
full copy*

Texas Department of Health

Robert Bernstein, M.D., F.A.C.P.
Commissioner

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services

Hermas L. Miller
Deputy Commissioner
Management and Administration

Public Health Region 4
10500 Forum Place Drive
Suite 200
Houston, Texas 77036
(713) 995-1112

April 27, 1988

John N. Bogart, M.D.
Regional Director

Ronald C. Preddy
810 Starduster
Manvel, Texas 77578

Subject: Clarification of Items in Rules & Regulations
Wolfe Air Park
I. D. #0200409
Brazoria County, Texas

Dear Mr. Preddy:

In answer to your letter dated April 26, 1988, the following sections of the Rules and Regulations for Public Water Systems apply:

1. State "Approved" water system - page 45, Section .001 Appendix B, "Approval" Requirements.
Wolfe Air Park does not meet these standards but is recognized as a Public Drinking Water Supply.
2. State "Approved" water system - Page 45, Section .001 Appendix B, "Approval" Requirements.
With areas deficient high lighted in yellow.
3. Section .007 Water System Quantity Requirements, Page 33.
 - A. Requirements for a system of less than 50 connections or less than 150 population - section .007 A(1)(A).
 - B. Requirements for a system of 50 to 250 connections or 150 to 750 population - section .007 A (1)(B).
4. Section .007 Water System Requirements, Page 33.
Your system at the present has one well rated at 50 gpm and 2 pressure tanks rated at 2500 gallons total capacity. This system would allow 33 connections at the present capacity ratings.

If further clarification of the Department's Rules and Regulations are required or if our office can be of any additional help, please feel free to contact us.

Yours very truly,

Mark V. Lowry, P. E.
Regional Director for Environmental
and Consumer Health Protection

EWL/ba

PRIDDY ET AL 00725

Exhibit 5