

Control Number: 47452



Item Number: 7

Addendum StartPage: 0

PUC DOCKET NO. 47452

APPLICATION OF MUSTANG §
SPECIAL UTILITY DISTRICT TO §
AMEND WATER AND SEWER §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY IN DENTON AND §
COLLIN COUNTIES §

RECEIVED
BEFORE THE
2017 OCT 13 AM 11:53
PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILINGS CLERK
OF TEXAS

**MUSTANG SUD’S RESPONSE TO COMMISSION STAFF’S
RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

COMES NOW, Mustang Special Utility District (“Mustang SUD”) and files this Response to Commission Staff’s Recommendation on Administrative Completeness in accordance with PUC Order No. 2. In support thereof, Mustang SUD would respectfully show as follows:

Mustang SUD filed an application to amend its water Certificate of Convenience and Necessity (“CCN”) No. 11856 and sewer CCN No. 20930 on July 28, 2017. On August 28, 2017, Commission Staff recommended that the application be found administratively incomplete and identified deficiencies in the mapping information and requested copies of TCEQ planning approval letters. PUC Order No. 2 required Mustang SUD to respond to Commission Staff’s recommendation on administrative completeness by October 13, 2017. This response is timely filed.

Mustang SUD responds to the deficiencies as follows:

Mapping Content: Attachment A to this response contains replacement maps for Attachment 3.A., Attachment 3.B. (1 of 1), Attachment 3.B. (1 of 2) and Attachment 3.B. (2 of 2). The tract numbers have been added to these maps as requested by the PUC Staff. The tract acreage is as follows:

- Tract 1 (Winn Ridge) – 445 Acres
- Tract 2 (Green Meadows) – 900 Acres
- Tract 3 (Green Meadows) – 111 Acres

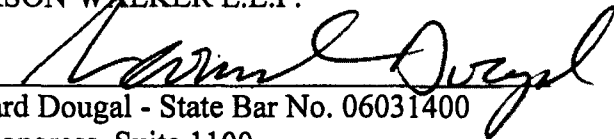
Application Content: Attachment B to this response are TCEQ approval letters for water facilities associated with Winn Ridge and wastewater construction approval letters for Green Meadows as set out below:

Tract	Date of TCEQ letter	Subdivision Associated With
Tract 1	January 17, 2017	Winn Ridge, Phase I Winn Ridge, Phase 1B Winn Ridge Major Improvements
Tract 1	January 17, 2017	Winn Ridge, Phase 1B Winn Ridge Major Improvements
Tract 1	January 17, 2017	Winn Ridge Major Improvements
Tract 2	February 1, 2017	Green Meadows Addition
Tract 2	February 17, 20017	Green Meadows Addition

Please note that additional “phases” of the developments within the requested “CCN Area” are pending, but have not been finalized for submittal to the TCEQ. As phases move in the development process, construction plans are prepared by the developers engineer. Once plans are complete, they are submitted to the reviewing entities for review, including the TCEQ and Mustang SUD. Upon approval, plans are released to the developer for construction. As lot inventory is diminished, new phases will begin the entitlement process, including facility plan review by TCEQ.

Respectfully submitted,

JACKSON WALKER L.L.P.

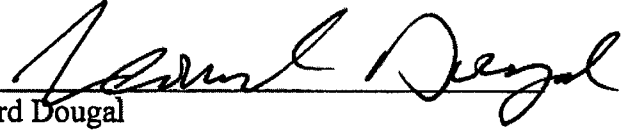
By: 

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

ATTORNEYS FOR MUSTANG SPECIAL
UTILITY DISTRICT

CERTIFICATE OF SERVICE

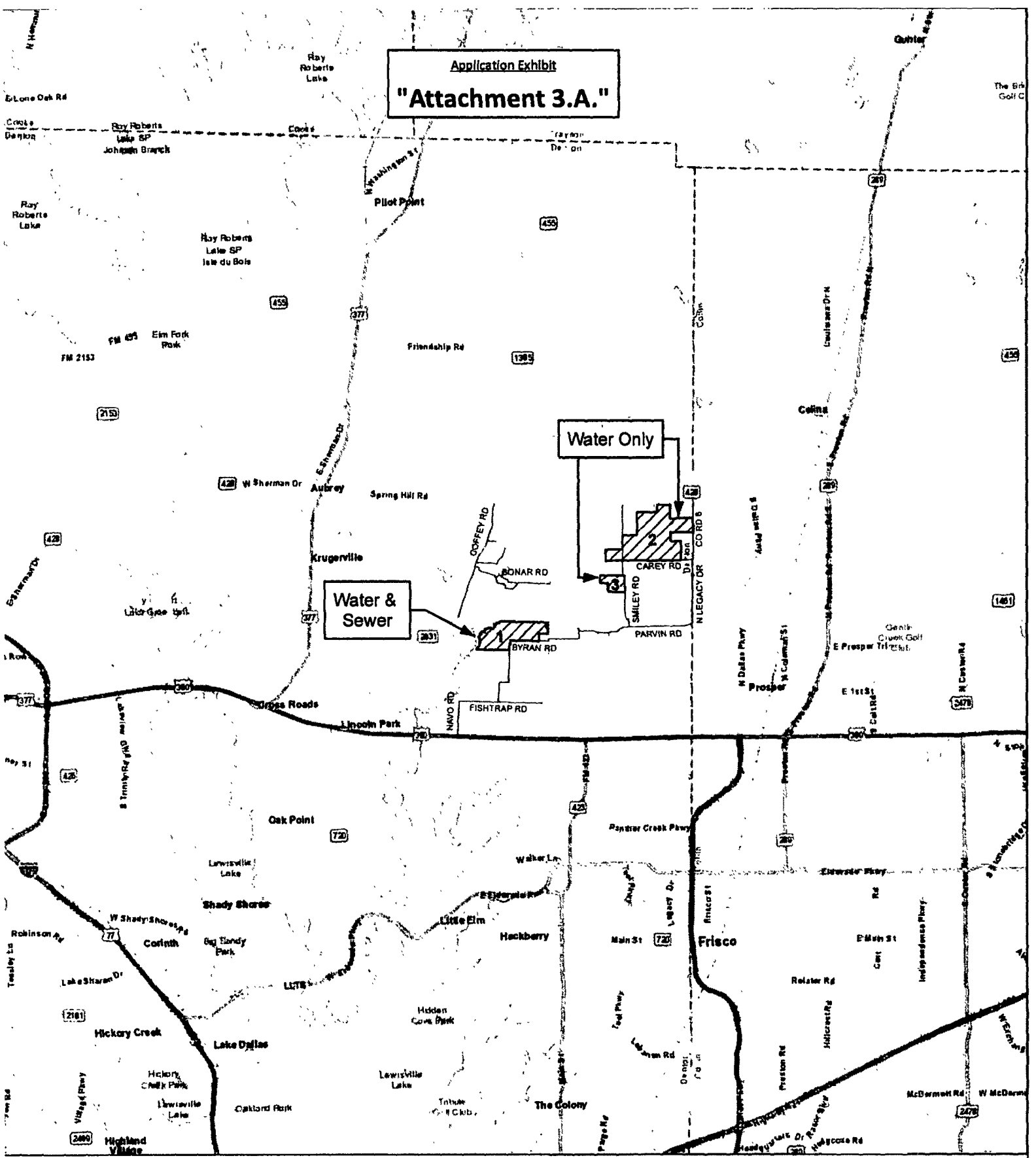
I hereby certify that on the 13th day of October, 2017, a copy of this document will be served on all parties of record in accordance with 16 TAC § 22.74.



Leonard Dougal

ATTACHMENT A

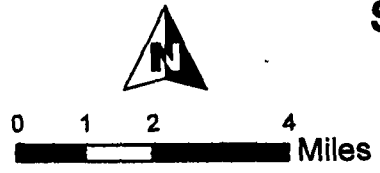
Application Exhibit
"Attachment 3.A."



- Mustang SUD Water CCN No. 11856 & Sewer CCN No. 20930 Amendment - Requested Service Areas

Legend - 1" = 15,000'

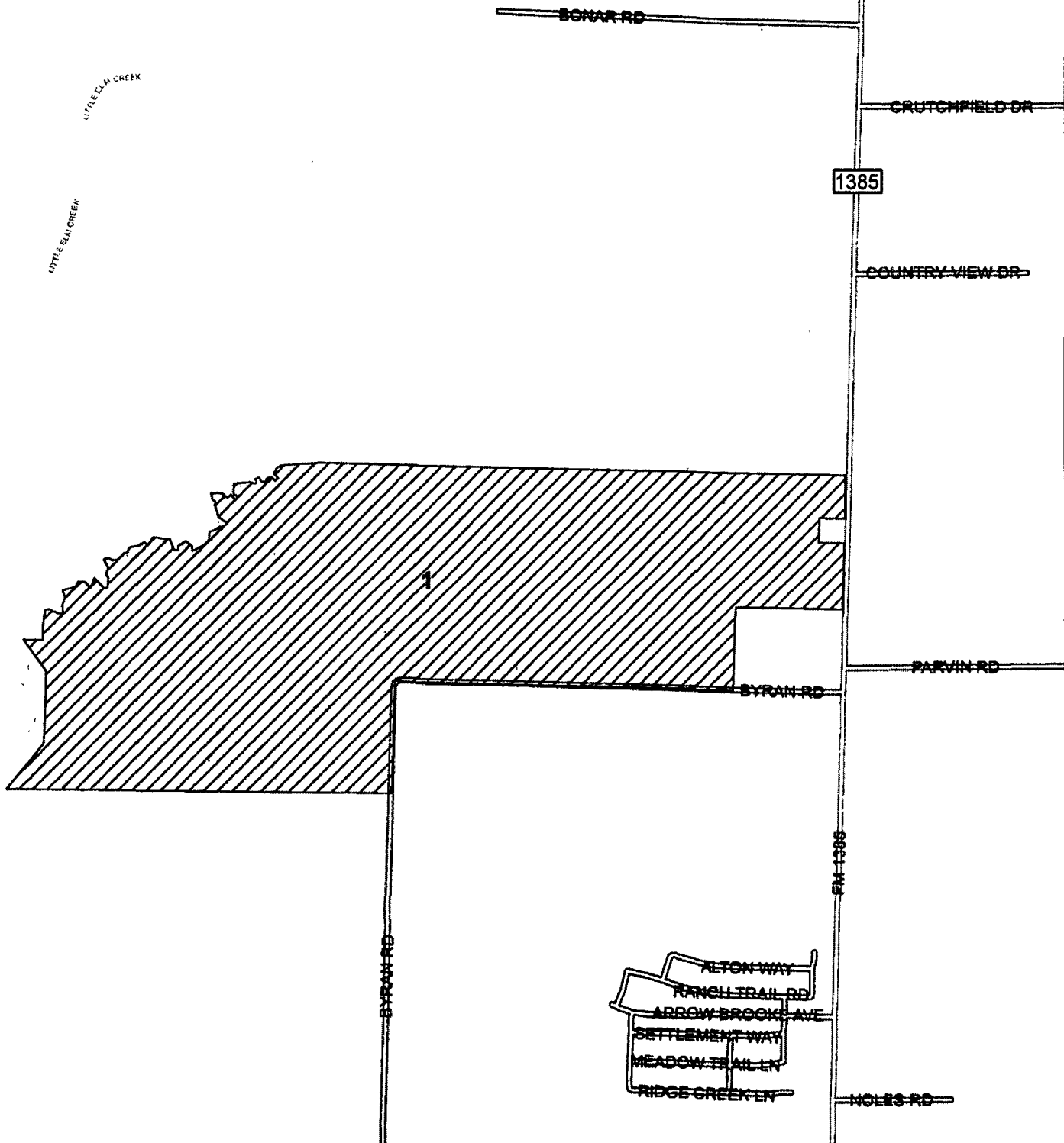
 Requested Area



September 11, 2017

Denton & Collin County, TX

Application Exhibit
"Attachment 3.B."



**- Mustang SUD Sewer CCN No. 20930 Amendment -
 Requested Service Area Map (1 of 1)**

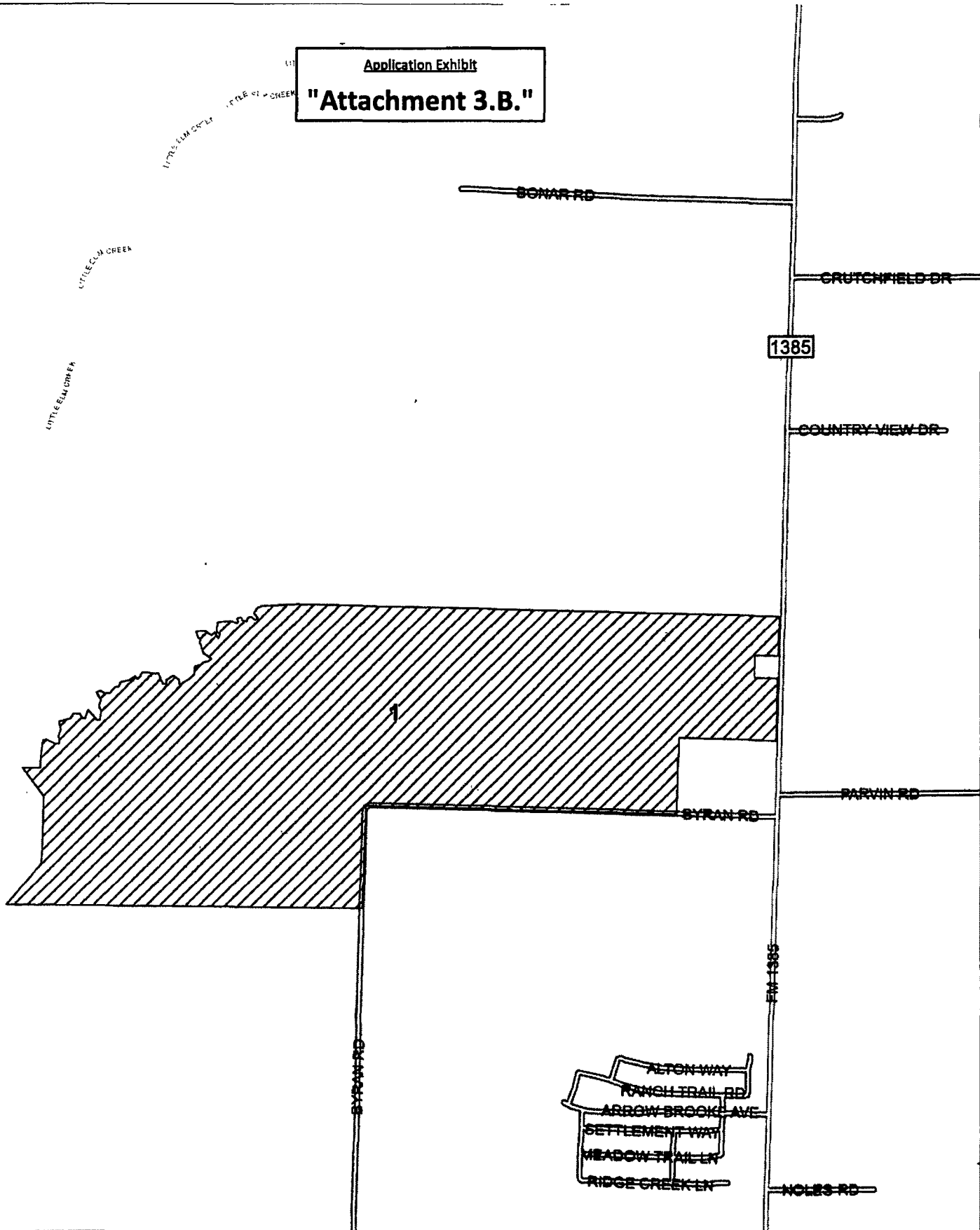


0 0.125 0.25 0.5
 Miles

Legend - 1" = 1,500'

 Requested Area - Tract 1

Application Exhibit
"Attachment 3.B."



**- Mustang SUD Water CCN No. 11856 Amendment -
Requested Service Area Map (1 of 2)**

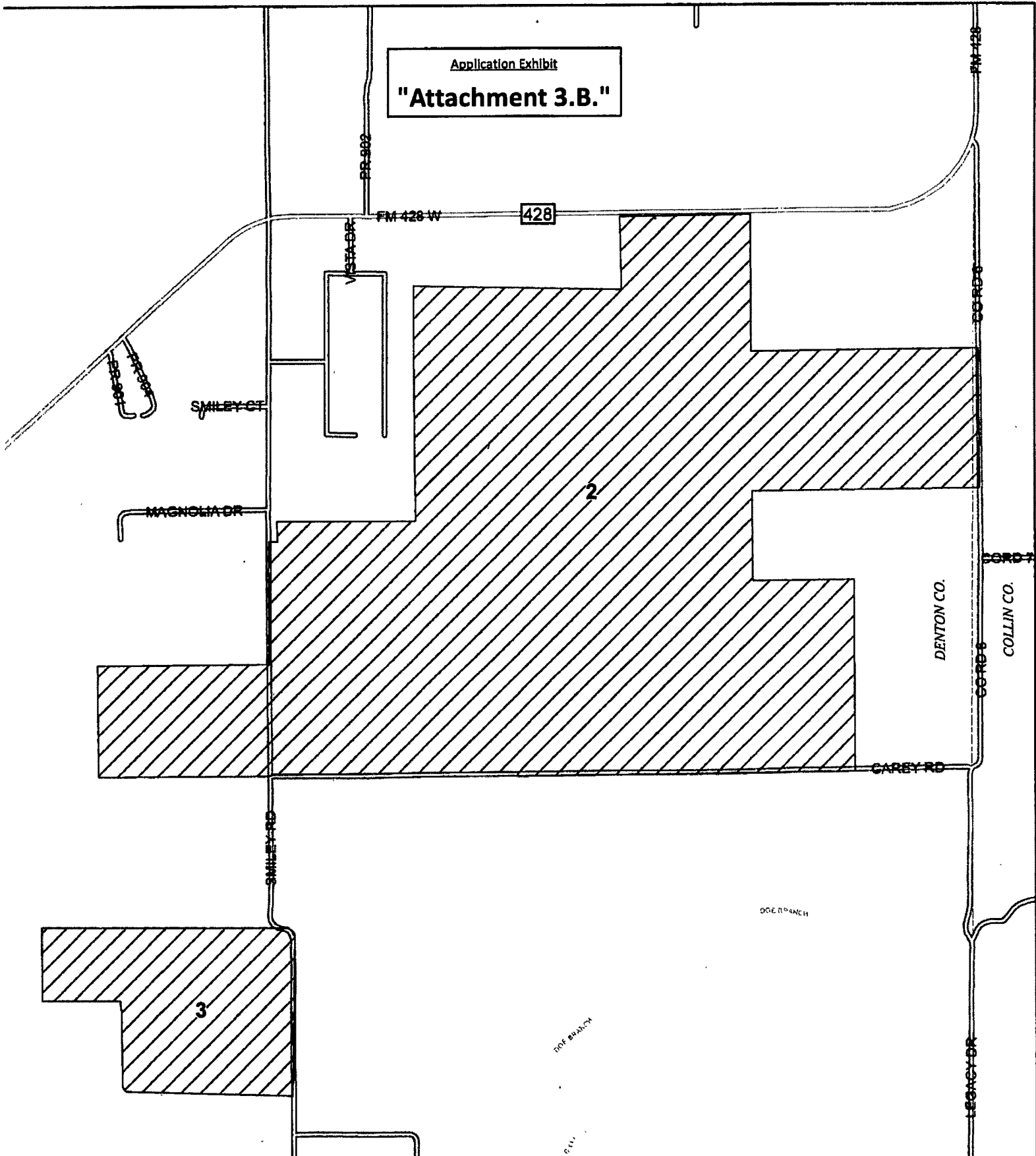


0 0.125 0.25 0.5
Miles

Legend - 1" = 1,500'

 Requested Area - Tract 1



Application Exhibit
"Attachment 3.B."



**- Mustang SUD Water CCN No.11856 Amendment -
Requested Service Area Map (2 of 2)**



Legend - 1" = 1,500'

-  Requested Area - Tract 2 & Tract 3
-  Texas County Boundaries

ATTACHMENT B

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



PWS_0610036_CO_20170117_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 17, 2017

Mr. Ricardo Doi, P.E.
Petitt Barraza, LLC
1651 North Glenville Drive, Suite 212
Richardson, Texas 75081

Re: Mustang SUD - Public Water System ID No. 0610036
Proposed Distribution System - Winn Ridge, Phase 1A
Engineer Contact Telephone: (214) 221-9955
Plan Review Log No. P-11182016-103
Denton County, Texas

CN601363534; RN101457414

Dear Mr. Doi:

On November 18, 2016, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated November 15, 2016 for the proposed distribution system for Winn Ridge, Phase 1A. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems and is **conditionally approved for construction** if the project plans and specifications meet the following requirement(s):

1. The hydrostatic leakage rate for polyvinyl chloride (PVC) pipe and appurtenances shall not exceed the amount allowed or recommended by formulas in American Water Works Association (AWWA) standard C605 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$$Q = \frac{LD\sqrt{P}}{148,000}$$

Where:

- Q = the quantity of makeup water in gallons per hour;
 - L = the length of the pipe section being tested in feet;
 - D = the nominal diameter of the pipe in inches; and
 - P = the average test pressure during the hydrostatic test in pounds per square inch.
2. The use of pipes and pipe fittings that contain more than 0.25% lead or solders and flux that contains more than 0.2% lead is prohibited as required in 30 TAC §290.44(b)(1).

The submittal consisted of 7 sheets of engineering drawings and technical specifications. The approved project consists of:

- 6,552 linear feet of 8-inch AWWA standard C900 dimension ratio 18 PVC waterlines; and
- Various valves, fittings and related appurtenances.

This approval is for the construction of the above listed items only. Any wastewater components contained in this design were not considered.

The Mustang SUD public water supply system provides water treatment.

The project is located near the intersection of FM 1385 and Bryan Road in Denton County, Texas.

An appointed engineer must notify the TCEQ's Region 4 Office in Dallas/Fort Worth at (817) 588-5800 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3).

Please refer to the Plan Review Team's Log No. P-11182016-103 in all correspondence for this project.

Please Note: In order to determine if a new source of water or a new treatment process results in corrosive or aggressive finished water that may endanger human health, we are requesting additional sampling and analysis of lead, alkalinity (as calcium carbonate), calcium (as calcium carbonate) and sodium in addition to the required chemical test results for public water system new sources. We are requiring these additional sampling results as listed in our currently revised checklists (Public Well Completion Data Checklist for Interim Use - Step 2 and Membrane Use Checklist - Step 2) which can be found on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Please include these additional sampling results in well completion submittals, membrane use submittals, and other treatment process submittals.

New surface water sources will need to also include lead, total dissolved solids, pH, alkalinity (as calcium carbonate), chloride, sulfate, calcium (as calcium carbonate) and sodium with the analysis required in 30 TAC Section 290.41(e)(1)(F).

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Mr. Ricardo Doi, P.E.
Page 3
January 17, 2017

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:


<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.


If you have any questions concerning this letter or need further assistance, please contact Prakriti Ghimire at (512) 239-1490 or by email at prakriti.ghimire@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



Craig A. Stowell, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/CAS/pg/av

cc: Mustang SUD, Attn: Mr. Bill Hathaway, President,
7985 FM 2931, Aubrey, Texas 76227-6209



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 17, 2017

Mr. Ricardo Doi, P.E.
Petitt Barraza, LLC
1651 North Glenville Drive, Suite 212
Richardson, Texas 75081

Re: Mustang SUD - Public Water System ID No. 0610036
Proposed Distribution System - Winn Ridge, Phase 1B
Engineer Contact Telephone: (214) 221-9955
Plan Review Log No. P-11182016-106
Denton County, Texas

CN601363534; RN101457414

Dear Mr. Doi:

On November 18, 2016, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated November 15, 2016 for the proposed distribution system for Winn Ridge, Phase 1B. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems and is **conditionally approved for construction** if the project plans and specifications meet the following requirement(s):

1. The hydrostatic leakage rate for polyvinyl chloride (PVC) pipe and appurtenances shall not exceed the amount allowed or recommended by formulas in American Water Works Association (AWWA) standard C605 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$$Q = \frac{LD\sqrt{P}}{148,000}$$

Where:

- Q = the quantity of makeup water in gallons per hour;
 - L = the length of the pipe section being tested in feet;
 - D = the nominal diameter of the pipe in inches; and
 - P = the average test pressure during the hydrostatic test in pounds per square inch.
2. The use of pipes and pipe fittings that contain more than 0.25% lead or solders and flux that contains more than 0.2% lead is prohibited as required in 30 TAC §290.44(b)(1).

Mr. Ricardo Doi, P.E.
Page 2
January 17, 2017

The submittal consisted of 15 sheets of engineering drawings and technical specifications. The approved project consists of:

- 9,742 linear feet (lf) of 8-inch AWWA standard C900 dimension ratio (DR) 18 PVC waterlines;
- 4,310 lf of 12-inch AWWA standard C900 DR 18 PVC waterlines; and
- Various valves, fittings and related appurtenances.

This approval is for the construction of the above listed items only. Any wastewater components contained in this design were not considered.

The Mustang SUD public water supply system provides water treatment.

The project is located near the intersection of FM 1385 and Bryan Road in Denton County, Texas.

An appointed engineer must notify the TCEQ's Region 4 Office in Dallas/Fort Worth at (817) 588-5800 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3).

Please refer to the Plan Review Team's Log No. P-11182016-106 in all correspondence for this project.

Please Note: In order to determine if a new source of water or a new treatment process results in corrosive or aggressive finished water that may endanger human health, we are requesting additional sampling and analysis of lead, alkalinity (as calcium carbonate), calcium (as calcium carbonate) and sodium in addition to the required chemical test results for public water system new sources. We are requiring these additional sampling results as listed in our currently revised checklists (Public Well Completion Data Checklist for Interim Use - Step 2 and Membrane Use Checklist - Step 2) which can be found on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Please include these additional sampling results in well completion submittals, membrane use submittals, and other treatment process submittals.

New surface water sources will need to also include lead, total dissolved solids, pH, alkalinity (as calcium carbonate), chloride, sulfate, calcium (as calcium carbonate) and sodium with the analysis required in 30 TAC Section 290.41(e)(1)(F).

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

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Mr. Ricardo Doi, P.E.
Page 3
January 17, 2017

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

If you have any questions concerning this letter or need further assistance, please contact Prakriti Ghimire at (512) 239-1490 or by email at prakriti.ghimire@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



Craig A. Stowell, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/CAS/pg/av

cc: Mustang SUD, Attn: Mr. Bill Hathaway, President,
7985 FM 2931, Aubrey, Texas 76227-6209

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



PWS_0610036_CO_20170117_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 17, 2017

Mr. Ricardo Doi, P.E.
Petitt Barraza, LLC
1651 North Glenville Drive, Suite 212
Richardson, Texas 75081

Re: Mustang SUD - Public Water System ID No. 0610036
Proposed Distribution System - Winn Ridge Major Improvements
Engineer Contact Telephone: (214) 221-9955
Plan Review Log No. P-11182016-105
Denton County, Texas

CN601363534; RN101457414

Dear Mr. Doi:

On November 18, 2016, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated November 15, 2016 for the proposed distribution system for Winn Ridge Major Improvements. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems and is **conditionally approved for construction** if the project plans and specifications meet the following requirement(s):

1. The hydrostatic leakage rate for polyvinyl chloride (PVC) pipe and appurtenances shall not exceed the amount allowed or recommended by formulas in American Water Works Association (AWWA) standard C605 as required in 30 TAC §290.44(a)(5). Please ensure that the formula for this calculation is correct and most current formula is in use;

$$Q = \frac{LD\sqrt{P}}{148,000}$$

Where:

- Q = the quantity of makeup water in gallons per hour;
 - L = the length of the pipe section being tested in feet;
 - D = the nominal diameter of the pipe in inches; and
 - P = the average test pressure during the hydrostatic test in pounds per square inch.
2. The use of pipes and pipe fittings that contain more than 0.25% lead or solders and flux that contains more than 0.2% lead is prohibited as required in 30 TAC §290.44(b)(1).

The submittal consisted of 11 sheets of engineering drawings and technical specifications. The approved project consists of:

- 5,433 linear feet (lf) of 8-inch AWWA standard C900 dimension ratio (DR) 18 PVC waterlines;
- 135 lf of 16-inch AWWA standard C905 DR 18 PVC waterlines; and
- Various valves, fittings and related appurtenances.

This approval is for the construction of the above listed items only. Any wastewater components contained in this design were not considered.

The Mustang SUD public water supply system provides water treatment.

The project is located near the intersection of FM 1385 and Bryan Road in Denton County, Texas.

An appointed engineer must notify the TCEQ's Region 4 Office in Dallas/Fort Worth at (817) 588-5800 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3).

Please refer to the Plan Review Team's Log No. P-11182016-105 in all correspondence for this project.

Please Note: In order to determine if a new source of water or a new treatment process results in corrosive or aggressive finished water that may endanger human health, we are requesting additional sampling and analysis of lead, alkalinity (as calcium carbonate), calcium (as calcium carbonate) and sodium in addition to the required chemical test results for public water system new sources. We are requiring these additional sampling results as listed in our currently revised checklists (Public Well Completion Data Checklist for Interim Use - Step 2 and Membrane Use Checklist - Step 2) which can be found on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Please include these additional sampling results in well completion submittals, membrane use submittals, and other treatment process submittals.

New surface water sources will need to also include lead, total dissolved solids, pH, alkalinity (as calcium carbonate), chloride, sulfate, calcium (as calcium carbonate) and sodium with the analysis required in 30 TAC Section 290.41(e)(1)(F).

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

Mr. Ricardo Doi, P.E.
Page 3
January 17, 2017

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

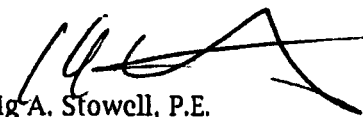
<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>


You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

If you have any questions concerning this letter or need further assistance, please contact Prakriti Ghimire at (512) 239-1490 or by email at prakriti.ghimire@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,


Craig A. Stowell, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality


Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/CAS/pg/av

cc: Mustang SUD, Attn: Mr. Bill Hathaway, President,
7985 FM 2931, Aubrey, Texas 76227-6209

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 1, 2017

WIER & ASSOCIATES

JACOB H. FEARS, P.E.
WIER & ASSOCIATES, INC.
2201 E. LAMAR BLVD., SUITE 200E
ARLINGTON, TX 76006

FEB 07 2017

RECEIVED

Re: UPPER TRINITY REGIONAL WATER DISTRICT
MUSTANG SUD 15
Permit No. WQ0010698-003
WWPR Log No. 0117/072
CN600639272, RN107085667
DENTON County

Dear MR. FEARS:

We have received the project summary transmittal letter dated 1/23/2017.

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

Section 217.6(d), relating to case-by-case reviews, states in part that upon submittal of a summary transmittal letter, the executive director may approve of the project without reviewing a complete set of plans and specifications.

Under the authority of §217.6(e) a technical review of complete plans and specifications is not required. **However, the project proposed in the summary transmittal letter is approved for construction. Please note, that this conditional approval does not relieve the applicant of any responsibilities to obtain all other necessary permits or authorizations, such as wastewater treatment permit or other authorization as required by Chapter 26 of the Texas Water Code.** Below are provisions of the Chapter 217 regulations, which must be met as a condition of approval. These items are provided as a reminder. If you have already met these requirements, please disregard this additional notice.

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

JACOB H. FEARS, P.E.
Page 2
February 1, 2017

equations, and calculations needed to show substantial compliance with Chapter 217. The items which shall be included in the summary transmittal letter are addressed in §217.6(c)(1)-(10).

- Any deviations from Chapter 217 shall be disclosed in the summary transmittal letter and the technical justifications for those deviations shall be provided in the engineering report. Any deviations from Chapter 217 shall be based on the best professional judgement of the licensed professional engineer sealing the materials and the engineer's judgement that the design would not result in a threat to public health or the environment.
- Any variance from a Chapter 217 requirement disclosed in your summary transmittal letter is approved. If in the future, additional variances from the Chapter 217 requirements are desired for the project, each variance must be requested in writing by the design engineer. Then, the TCEQ will consider granting a written approval to the variance from the rules for the specific project and the specific circumstances.
- Within 60 days of the completion of construction, an appointed engineer shall notify both the Wastewater Permits Section of the TCEQ and the appropriate Region Office of the date of completion. The engineer shall also provide written certification that all construction, materials, and equipment were substantially in accordance with the approved project, the rules of the TCEQ, and any change orders filed with the TCEQ. All notifications, certifications, and change orders must include the signed and dated seal of a Professional Engineer licensed in the State of Texas.

This approval does not mean that future projects will be approved without a complete plans and specifications review. The TCEQ will provide a notification of intent to review whenever a project is to undergo a complete plans and specifications review. Please be reminded of 30 TAC §217.7(a) of the rules which states, "Approval given by the executive director or other authorized review authority does not relieve an owner of any liability or responsibility with respect to designing, constructing, or operating a collection system or treatment facility in accordance with applicable commission rules and the associated wastewater permit".

If you have any questions or if we can be of any further assistance, please call me at (512) 239-4924.

Sincerely,



Mark D. Hall, P.E.
Wastewater Permits Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

MDH/rb

cc: TCEQ, Region 04 Office

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 22, 2017

RECEIVED

JACOB H. FEARS, P.E.
WIER & ASSOCIATES, INC.
2201 E. LAMAR BLVD., SUITE 200E
ARLINGTON, TX 76006

FEB 27 2017

WIER & ASSOC. - ARL

Re: UPPER TRINITY RIVER WATER DISTRICT
MUSTANG SPECIAL UTILITY DISTRICT GREEN MEADOWS ADDITION
Permit No. WQ0010698-003
WWPR Log No. 0217/070
CN600639272, RN104085667
DENTON County

Dear MR. FEARS:

We have received the project summary transmittal letter dated 2/16/2017.

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

Section 217.6(d), relating to case-by-case reviews, states in part that upon submittal of a summary transmittal letter, the executive director may approve of the project without reviewing a complete set of plans and specifications.

Under the authority of §217.6(e) a technical review of complete plans and specifications is not required. **However, the project proposed in the summary transmittal letter is approved for construction. Please note, that this conditional approval does not relieve the applicant of any responsibilities to obtain all other necessary permits or authorizations, such as wastewater treatment permit or other authorization as required by Chapter 26 of the Texas Water Code.** Below are provisions of the Chapter 217 regulations, which must be met as a condition of approval. These items are provided as a reminder. If you have already met these requirements, please disregard this additional notice.

- You must keep certain materials on file for the life of the project and provide them to TCEQ upon request. These materials include an engineering report, test results, a summary transmittal letter, and the final version of the project plans and specifications. These materials shall be prepared and sealed by a Professional Engineer licensed in the State of Texas and must show substantial compliance with Chapter 217. All plans and specifications must conform to any waste discharge requirements authorized in a permit by the TCEQ. Certain specific items which shall be addressed in the engineering report

are discussed in §217.6(c). Additionally, the engineering report must include all constants, graphs, equations, and calculations needed to show substantial compliance with Chapter 217. The items which shall be included in the summary transmittal letter are addressed in §217.6(c)(1)-(10).

- Any deviations from Chapter 217 shall be disclosed in the summary transmittal letter and the technical justifications for those deviations shall be provided in the engineering report. Any deviations from Chapter 217 shall be based on the best professional judgement of the licensed professional engineer sealing the materials and the engineer's judgement that the design would not result in a threat to public health or the environment.
- Any variance from a Chapter 217 requirement disclosed in your summary transmittal letter is approved. If in the future, additional variances from the Chapter 217 requirements are desired for the project, each variance must be requested in writing by the design engineer. Then, the TCEQ will consider granting a written approval to the variance from the rules for the specific project and the specific circumstances.
- Within 60 days of the completion of construction, an appointed engineer shall notify both the Wastewater Permits Section of the TCEQ and the appropriate Region Office of the date of completion. The engineer shall also provide written certification that all construction, materials, and equipment were substantially in accordance with the approved project, the rules of the TCEQ, and any change orders filed with the TCEQ. All notifications, certifications, and change orders must include the signed and dated seal of a Professional Engineer licensed in the State of Texas.

This approval does not mean that future projects will be approved without a complete plans and specifications review. The TCEQ will provide a notification of intent to review whenever a project is to undergo a complete plans and specifications review. Please be reminded of 30 TAC §217.7(a) of the rules which states, "Approval given by the executive director or other authorized review authority does not relieve an owner of any liability or responsibility with respect to designing, constructing, or operating a collection system or treatment facility in accordance with applicable commission rules and the associated wastewater permit".

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

Sincerely,



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

PAB/tc

cc: TCEQ, Region 04 Office