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SAP 1999 CO

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 08, 2012

Ms. Sabrina Patterson
595 Riverwoods Pkwy, Ste 300
Logan, UT 84321

Re: Request for Approval to Change Billing Method for **Timbermill (S1999),
RN104264494 CN602626111**

Dear Ms. Patterson:

The requests submitted on behalf of **Timbermill**, Registration No. **S1999**, to change from submetered to allocated billing is approved. This approval is based on the facts stated in your letter dated **October 24, 2012**, sent Via e-mail.

Please note: a tenant's billing method cannot be changed unless they have signed a new lease or a lease addendum, and have been issued a notice at least 35 days prior to implementation of the new billing method. Please reference §291.123(c). In the situation where a tenant has been provided proper notice but has not signed a new lease or lease addendum, the property is not authorized to bill them under the new billing method and must continue to bill them in accordance with their existing lease.

Please complete the TCEQ-10363 and TCEQ-10400 forms enclosed and return with a copy of this letter.

If you have any questions, please contact Ms. Debbie Reyes Tamayo by phone at 512/239-4683, by fax at 512/239-6972, by email at Debbie.Reyes-Tamayo@tceq.texas.gov, or if by correspondence, include MC-153 in the letterhead address.

Sincerely,

Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

TB/DRT/cw

RECEIVED

NOV 14 PM 3:38

512-239-4683

October 24, 2012

SENT VIA E-MAIL to

Texas Commission on Environmental Quality
Utilities & Districts Section
Attn. Ms. Debbie Reyes-Tamayo
Water Supply Division
P.O. Box 13087
Austin, TX 78711-3087

RE: Request for Approval to Change Billing Method

Timbermill Apartments – 12301 Blanco Road, San Antonio, TX 78216
Registration No. S1999

Dear Ms. Reyes-Tamayo:

This letter is sent at the request and authorization of Timbermill Apartments ("Timbermill"). The purpose of this correspondence is to formally request that the Texas Commission on Environmental Quality ("TCEQ") approve this property to transition from submetered to allocated billing due to numerous submetering problems and equipment failures that cannot economically be corrected or repaired.

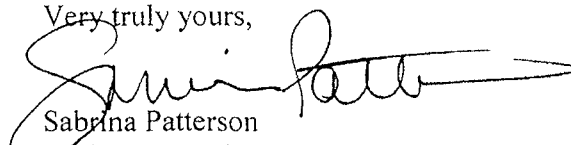
We understand that the Texas Administrative Code §291.123 permits owners to switch from submetered to allocated billing upon a showing of good cause and approval by the TCEQ. For the following reasons, we believe that Timbermill meets the good cause requirements outlined in the Code, and we respectfully ask that the TCEQ approve this request.

Over the past several months, numerous submeter issues have arisen. Timbermill has 296 units, with 296 Domqua meters. Almost half of the meters are experiencing substantial problems that require immediate repair. It has been determined that due to the existing problems, a total system replacement/upgrade or a switch to allocated (rubs) billing is the best course of action, as more meters will likely fail over time.

The total cost including tax for replacing this system is approximately **\$25,168.00**, which does not include the financial loss associated with the time to remove the old system, install a new system and the disruption to the tenants. The property does not have the capital resources to make this purchase and respectfully request as change in billing methods be permitted at this time.

Should you require any additional information in making your determination, please do not hesitate to contact me directly at (858) 695-1900 or

Very truly yours,



Sabrina Patterson
Senior Counsel