



## Filing Receipt

**Received - 2022-04-11 01:02:36 PM**  
**Control Number - 52002**  
**ItemNumber - 46**

**DOCKET NO. 52002**

**APPLICANT'S RESPONSE TO COMMISSION STAFF'S FIFTH REQUEST  
FOR INFORMATION TO CPR WATER SUPPLY COMPANY, LLC  
QUESTION NO. STAFF 5-1 THROUGH 5-6**

**Staff 5-1      Please provide a copy of the letter requesting service and a list of all water service providers from which service was requested for the proposed area.**

Answer:      Attached are request for service that the Applicant sent to neighboring utilities. The Applicant did not request service from any another retail providers. The Applicant requested and was granted an expedited release from the certificated water service area of Southern Utilities Company.

Witness:      Sean Conner, J. F. Fontaine & Associates, Inc. & Bret W. Fenner, P.E. President B & D Environmental, Inc.

**Staff 5-2      Please provide a copy of the neighboring utilities' response to the request for service.**

Answer:      See response to Staff 5-1. The only response was received from one utility which only had capacity to provide service to eight lots.

Witness:      Sean Conner, J. F. Fontaine & Associates, Inc. & Bret W. Fenner, P.E. President B & D Environmental, Inc.

**Staff 5-3      Please provide a comparison of the estimates of the cost of service if provided by the neighboring utilities and the costs CPR Water estimates for the facilities that will be built to provide service to the proposed area.**

Answer:      The Applicant does not have estimates of any neighboring utility's facilities cost nor can acquire the cost for providing service from any neighboring utility.

Witness:      Bret W. Fenner, P.E. President B & D Environmental, Inc.

**Staff 5-4      If service was not requested from the neighboring utilities, please explain why service was not requested.**

Answer:      See response to Staff 5-1 and Staff 5-2.

Witness:      Bret W. Fenner, P.E. President B & D Environmental, Inc.

**DOCKET NO. 52002**

**APPLICANT'S RESPONSE TO COMMISSION STAFF'S FIFTH REQUEST  
FOR INFORMATION TO CPR WATER SUPPLY COMPANY, LLC  
QUESTION NO. STAFF 5-1 THROUGH 5-6**

**Staff 5-5**      **Please provide an estimated timeline for construction of all facilities, necessary to provide full service to the requested area, keyed to a map showing where the facilities, distribution system lines, and all the connections will be located.**

Answer:          The estimated timeline for full construction of water production facilities is six months from approval to construct. The estimated total buildout of all 150 connections including all of the water distribution system is projected by the end of the second year of operation. Attached is map showing the proposed complete buildout of the entire requested service area. This map shows the location of the water facilities, all 8" diameter water mains and the proposed location of all connections. The request service area is being developed as a mix use development with commercial business, a recreational vehicle park, manufactured housing lots and lots for residential homes.

Witness:          Sean Conner, J. F. Fontaine & Associates, Inc. & Bret W. Fenner, P.E. President  
B & D Environmental, Inc.

**Staff 5-6**      **Please verify whether the cost and design of the water plant and distribution systems will have the capacity to provide water service to the proposed 150 connections per TCEQ requirements.**

Answer:          The cost for all the necessary water plant and distribution system are guaranteed by John R. Rudisill an officer of Cole Prewitt Rudisill, LLC. per his financial assurance affidavit <sup>1</sup>. Per the attached plans and specification cover letter to the TCEQ for water plant approval, the proposed design capacity of the water system will more than meet the minimum capacity standards of the TCEQ<sup>2</sup> for the proposed 150 connections.

	Proposed Capacity	Minimum Capacity
Well Capacity	250 gpm	90 gpm
Storage Tank	100,000 gallons	30,000 gallons
Pressure Tanks	10,000 gallons	3,000 gallons
Booster Pump	2,000 gpm	300 gpm

Witness:          Sean Conner, J. F. Fontaine & Associates, Inc. & Bret W. Fenner, P.E. President  
B & D Environmental, Inc.

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<sup>1</sup> Public Utility Commission of Texas, Docket No. 52002, Item 39, Filed March 4, 2022.

<sup>2</sup> Title 30 Texas Administrative Code (TAC) Chapter 290 – Rules and Regulations for Public Water Systems

**J.F. FONTAINE & ASSOCIATES, INC.**

Consulting Engineers  
700 N. Sycamore - Ph. AC/903 - 729-6005  
Fax AC/903 - 729-7310  
P.O. Box 4187  
Palestine, Texas 75802

COPY

September 9, 2021

Mr. Kamal Adhikari  
Plan Review Team, MC 159  
Plan and Technical Review Section  
Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: CPR Development - Public Water System ID No. *Not Yet Assigned*  
Proposed Groundwater Public Water System  
Administrative Review Log No. ADMIN2021-130  
Engineer Contact Telephone: (903) 729-6005  
Smith County, Texas

Dear Mr. Adhikari:

Please see the enclosed emails requesting service to the four (4) public utilities as listed in your letter of July 13, 2021, Item No. 2. We have yet to receive a response to our request(s) for service. Also enclosed is a copy of the Public Utility Commission of Texas (PUC) Affidavit of Notice to Landowners, Neighboring Utilities, and Affected Parties Docket No. 52002 from July 16, 2021. The notice as well as the map that was mailed to those listed is enclosed. There were none who wished to intervene with the application for CCN proceedings.

Let me know if you have any questions or need additional information. Thank you!

Sincerely,

  
Sean Conner, Project Manager  
SC/ela

CC: CPR Development

J. F. Fontaine Assoc., Inc.

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**From:** J. F. Fontaine & Assoc., Inc. [jffontaine@jffontaine.com]  
**Sent:** Wednesday, August 04, 2021 4:19 PM  
**To:** 'Steve Ruppenthal'  
**Subject:** CPR Development

Good afternoon,

CRP would like to request water service from Liberty Utilities CCN No. 13131 to serve the proposed 150 acre multiuse development located at the SE corner of Hwy 155 and FM 344.

Please let us know if you have any questions or need any additional information.

Thanks,  
Sean Conner  
J.F. Fontaine & Associates, Inc.  
903-729-6005  
[sconner@jffontaine.com](mailto:sconner@jffontaine.com)

J. F. Fontaine Assoc., Inc.

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**From:** J. F. Fontaine & Assoc., Inc. [jffontaine@jffontaine.com]  
**Sent:** Friday, August 13, 2021 8:16 AM  
**To:** 'John McClellan'  
**Cc:** 'Joe Torralva'; 'TX Utilities - Customer Care'  
**Subject:** RE: CPR Development

Good morning,

This property is not the property you are referencing in the July 22<sup>nd</sup> email.

Thanks, Sean Conner

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**From:** John McClellan [<mailto:JMcClellan@swwc.com>]  
**Sent:** Wednesday, August 11, 2021 5:21 PM  
**To:** [jffontaine@jffontaine.com](mailto:jffontaine@jffontaine.com)  
**Cc:** Joe Torralva; TX Utilities - Customer Care  
**Subject:** RE: CPR Development

I sent this email July 22.

Please contact me with any questions.

Thanks,

John McClellan  
SouthWest Water Company  
7987 Caruth Court, Dallas, Texas 75225  
(O) 214-283-5300 (M) 214-558-6127  
[jmcclellan@swwc.com](mailto:jmcclellan@swwc.com)

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**From:** TX Utilities - Customer Care <[TXUtilities-CustomerCare@swwc.com](mailto:TXUtilities-CustomerCare@swwc.com)>  
**Sent:** Wednesday, August 11, 2021 10:37 AM  
**To:** John McClellan <[JMcClellan@swwc.com](mailto:JMcClellan@swwc.com)>; Joe Torralva <[jtoralva@swwc.com](mailto:jtoralva@swwc.com)>  
**Subject:** FW: CPR Development

Good morning,

Are either of you gentleman able to assist with the customer below?

Sincerely,

SouthWest Water Company

Customer Service Analyst I | SouthWest Water Company  
Visit us at [www.swwc.com](http://www.swwc.com) Phone 866.654.7992 | Fax 832.209.5395  
E-mail [TXCustomerCare@swwc.com](mailto:TXCustomerCare@swwc.com)  
Visit us at [www.swwc.com](http://www.swwc.com)

**Water empowered.™**

**From:** J. F. Fontaine & Assoc., Inc. <[jffontaine@jffontaine.com](mailto:jffontaine@jffontaine.com)>  
**Sent:** Wednesday, August 11, 2021 10:19 AM  
**To:** TX Utilities - Customer Care <[TXUtilities-CustomerCare@swwc.com](mailto:TXUtilities-CustomerCare@swwc.com)>  
**Subject:** FW: CPR Development

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This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please forward spam and suspicious messages to [spam@swwc.com](mailto:spam@swwc.com)

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Good morning,

Here is the map that was referred to in earlier email. I do apologize.

Thank you, Elissa

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**From:** J. F. Fontaine & Assoc., Inc. [<mailto:jffontaine@jffontaine.com>]  
**Sent:** Wednesday, August 11, 2021 10:16 AM  
**To:** 'Txcustomer@care@swwc.com'  
**Subject:** CPR Development

Good morning,

CPR would like to request water service from Monarch Utilities – CCN No. 12983 to serve the proposed 150 acre multiuse development located at the SE corner of Hwy 155 and FM 344. Please see the attached map.

Please call or email if you have any questions or need further information.

Thank you,  
Sean Conner, Project Manager  
J.F. Fontaine & Associates, Inc.  
903-729-6005

J. F. Fontaine Assoc., Inc.

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**From:** TX Utilities - Customer Care [TXUtilities-CustomerCare@swwc.com]  
**Sent:** Friday, August 13, 2021 8:16 AM  
**To:** J. F. Fontaine & Assoc., Inc.  
**Subject:** RE: CPR Development

Dear valued customer,

Thank you for contacting SouthWest Water Company with your comment, question or concern. We have received your email, and we will respond to your inquiry as soon as possible.

Our hours of operation are Monday – Friday 8 a.m. to 4:30 p.m. We will process this as soon as possible as in the order it's received.

Please know, if you are requesting us to call back, we do not perform call backs by email request.

Thank you for allowing us the opportunity to serve you.

Sincerely,

SouthWest Water Company  
Customer Care

Find us on Facebook! [SouthWest Water Company](#) | [Hornsby Bend Utility Company](#) | [Monarch Utilities I L.P.](#)  
| [Windermere Utility Company](#)

Visit us at [www.swwc.com](http://www.swwc.com)

Call us toll free at 866.654.7992



**From:** John McClellan [JMcClellan@swwc.com]  
**Sent:** Thursday, July 22, 2021 10:58 AM  
**To:** stephanie@mhsplanning.com  
**Subject:** RE: Water Service Inquiry for Property Northwest of Berryville, Texas  
**Attachments:** Blank Monarch Development Assessment Application.docx; MONARCH Acting Agent Authorization Form.pdf

Stephanie,

I sent this to someone else to call you, but I guess they did not. We do have capacity to provide service to the 8 lots. What is plan for Lots 9 & 10. Would it be eventually divided into smaller lots?

There would have to be a larger line installed from Grape Street all the way down Lime and be tied into a 2" across the street from Lot 1.

If you are interested in pursuing this please complete the application and Acting Agent form if someone other than owner is going to be working with us. Please return to me.

Thanks,

John McClellan  
SouthWest Water Company  
7987 Caruth Court, Dallas, Texas 75225  
(O) 214-283-5300 (M) 214-558-6127  
[jmcclellan@swwc.com](mailto:jmcclellan@swwc.com)

**From:** TX Utilities - Customer Care <[TXUtilities-CustomerCare@swwc.com](mailto:TXUtilities-CustomerCare@swwc.com)>  
**Sent:** Wednesday, July 21, 2021 11:35 AM  
**To:** John McClellan <[JMcClellan@swwc.com](mailto:JMcClellan@swwc.com)>; Joe Torralva <[jtorralva@swwc.com](mailto:jtorralva@swwc.com)>  
**Subject:** FW: Water Service Inquiry for Property Northwest of Berryville, Texas

Good morning,

Are either of you able to assist with the request below ? please advise .

Thank you,

Customer Service Analyst I | SouthWest Water Company  
Visit us at [www.swwc.com](http://www.swwc.com) Phone 866.654.7992 | Fax 832.209.5395  
E-mail [TXCustomerCare@swwc.com](mailto:TXCustomerCare@swwc.com)  
Visit us at [www.swwc.com](http://www.swwc.com)

Water empowered.™

**From:** Stephanie Mahlke <[stephanie@mhsplanning.com](mailto:stephanie@mhsplanning.com)>  
**Sent:** Tuesday, July 20, 2021 3:05 PM  
**To:** TX Utilities - Customer Care <[TXUtilities-CustomerCare@swwc.com](mailto:TXUtilities-CustomerCare@swwc.com)>  
**Cc:** William Spencer <[whs@mhsplanning.com](mailto:whs@mhsplanning.com)>  
**Subject:** Water Service Inquiry for Property Northwest of Berryville, Texas

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please forward spam and suspicious messages to [spam@swwc.com](mailto:spam@swwc.com)

Good Afternoon,

I spoke with Glen last week regarding water service and inquiring about available capacity for a property located between Coffee City and Berryville. I made an exhibit showing the proposed lot layout. The property has Lime St to the north and Grape St to the west. We are planning to do Lots 1 thru 8 first. Lots 9 and 10 will be for future development. We want to know if Monarch has enough water capacity available to serve Lots 1 thru 8 with the current water system. Please take a look at the attached layout and let me know if you need anything else to complete your analysis.

Thanks for your help,

STEPHANIE MAHLKE, E.I.T.

903-597-6606 (O)

903-805-6736 (C)

[WWW.MHSPLANNING.COM](http://WWW.MHSPLANNING.COM)



J. F. Fontaine Assoc., Inc.

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**From:** J. F. Fontaine & Assoc., Inc. [jffontaine@jffontaine.com]  
**Sent:** Wednesday, August 04, 2021 4:18 PM  
**To:** 'Emerald Bay'  
**Subject:** CPR Development

Good afternoon,

CRP would like to request water service from Emerald Bay MUD – CCN No. 13047 to serve the proposed 150 acre multiuse development located at the SE corner of Hwy 155 and FM 344.

Please let us know if you have any questions or need any additional information.

Thanks,  
Sean Conner  
J.F. Fontaine & Associates, Inc.  
903-729-6005  
[sconner@jffontaine.com](mailto:sconner@jffontaine.com)

**J. F. Fontaine Assoc., Inc.**

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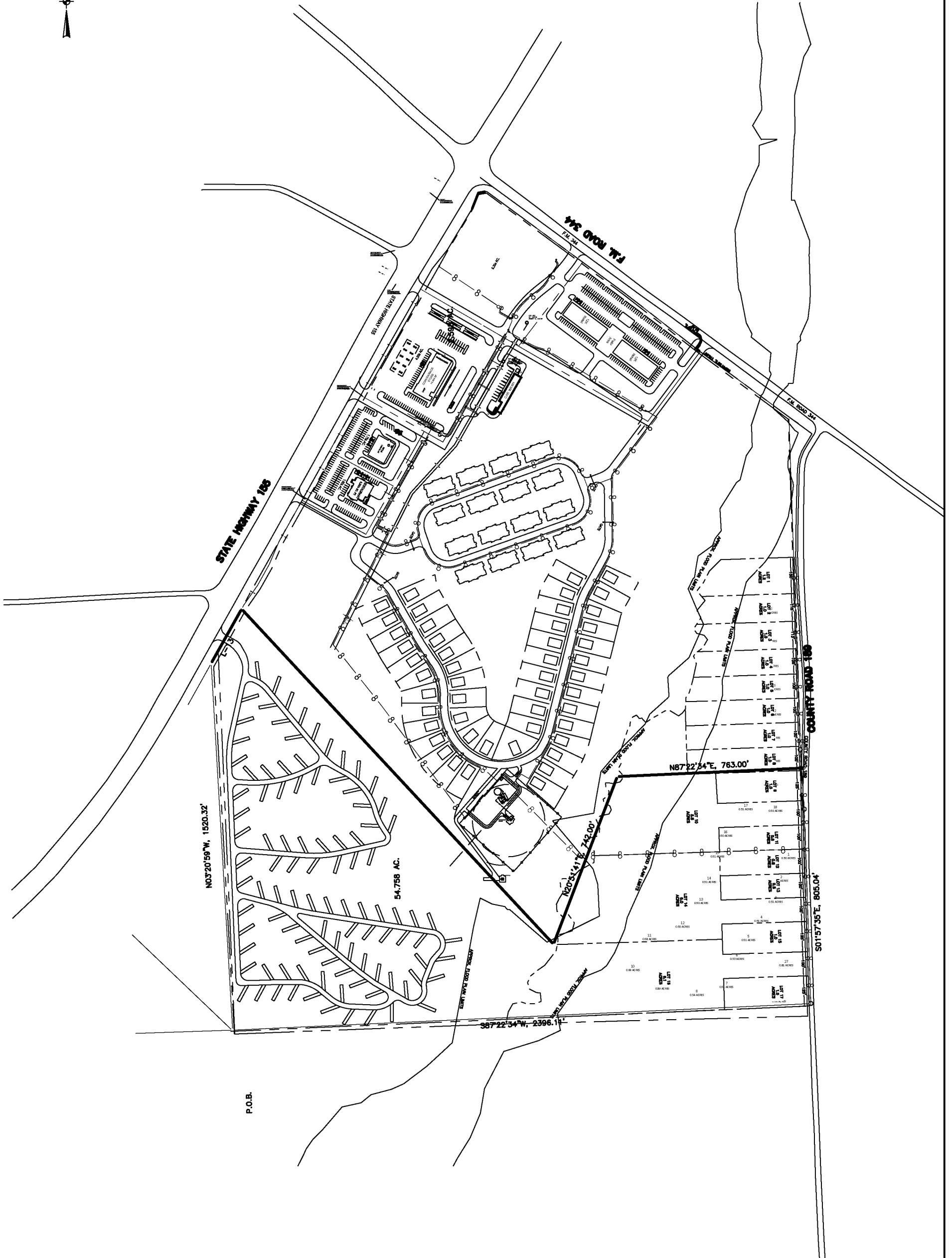
**From:** J. F. Fontaine & Assoc., Inc. [jffontaine@jffontaine.com]  
**Sent:** Wednesday, August 11, 2021 10:21 AM  
**To:** 'info@aquawsc.com'  
**Subject:** CPR Development  
**Attachments:** CPR Development Map.pdf

Good morning,

CPR would like to request water service from Aqua Texas, Inc. – CCN No. 13201 to serve the proposed 150 acre multiuse development located at the SE corner of Hwy 155 and FM 344. Please see the attached map.

Please call or email if you have any questions or need further information.

Thank you,  
Sean Conner, Project Manager  
J.F. Fontaine & Associates, Inc.  
903-729-6005



CPR WATER SUPPLY COMPANY

SMITH COUNTY, TEXAS

DISTRIBUTION SYSTEM



PREPARED BY  
**J. F. FONTAINE & ASSOCIATES, INC.**  
PALESTINE, TEXAS

DRAWING NO. CPR\_DIST\_SYS

SHEET 1 OF 1 SHEETS

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



PWS\_2120112\_CO\_20211122\_Plan Ltr

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 22, 2021

Mr. Jerry F. Fontaine, P.E.  
J.F. Fontaine & Associates, Inc.  
P.O. Box 4187  
Palestine, TX 75802

Re: CPR Development - Public Water System ID № 2120112  
Proposed Water Plant and Community Water System  
Engineer Contact Telephone: (903) 729-6005  
Plan Review Log № P-09222021-134  
Smith County, Texas

CN: 605951359; RN: 111366241

Dear Mr. Fontaine:

On September 22, 2021, the Texas Commission of Environmental Quality (TCEQ) received planning material for the proposed water plant and community water system. Additional information was received on November 9, 2021 via email. 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 requirements:

1. A copy of the recorded deed and map demonstrating that the public water system owns all of or a portion of real property within 150 feet of the well shall be obtained, in accordance with 30 TAC §290.41(c)(1)(F)(iv)(I)-(II). For any real property within 150 feet of the well not owned by the public water system, a sanitary control easement or sanitary control easements as filed at the county courthouse (bearing the county clerk's stamp) shall be obtained, as described in 30 TAC §290.41(c)(1)(F). Please provide a copy of the recorded deed and a map showing all land owned by the public water system within 150 feet of the well and for any land within 150 feet of the well not owned by the public water system provide copies of all recorded sanitary control easements with the well completion materials.
2. Please note that Chlorination Method 3 in American Water Works Association (AWWA) Standard C652-19 allows filling a tank with chloraminated water after the bottom 5% of the tank has been disinfected with free chlorine. The breakpoint reactions between free chlorine, monochloramine, and free ammonia may end up at undesirable locations on the chlorine breakpoint curve. The top half of the tank may not be effectively disinfected. If Chlorination Method 3 in AWWA Standard C652-19 is used, the tank is filled from 5% to full with chloraminated water, and bacteriological tests have failed, consider switching to a different disinfection method allowed in the AWWA Standard.

3. 30 TAC §290.42(f)(2)(A) requires that each chemical feeder that is needed to comply with a treatment technique or maximum contaminant level (MCL) requirement shall have a standby or reserve unit. Please ensure compliance with this rule.
  4. The technical specifications for the proposed well refers to American Water Works Association (AWWA) Standard A100-06. Please update it to current AWWA Standard A100-20 and revise your specifications accordingly.
  5. With well completion submittal, please provide setting depth, horsepower, design capacity, total dynamic head and pump curve of the well pump for water production.
- 
6. Corrosive indices will be used to calculate corrosivity of the water from new source(s). Corrosive or aggressive water could result in aesthetic problems, increased levels of toxic metals, and deterioration of household plumbing and fixtures. **If the water appears to be corrosive**, the system will be required to conduct a study and submit an engineering report that addresses corrosivity issues or may choose to install corrosion control treatment **before use may be granted**. All changes in treatment require submittal of plans and specifications for approval by TCEQ.

Texas Water Code Section 36.0015 allows for the creation of groundwater conservation districts (GCDs) as the preferred method of groundwater management. GCDs manage groundwater in many counties and are authorized to regulate production and spacing of water wells. **Public water systems drilling wells within an existing GCD are responsible for meeting the GCD's requirements.** The authorization provided in this letter does not affect GCD authority to manage groundwater or issue permits.

**The design engineer or water system representative is required to notify the Plan Review Team in writing by fax at (512) 239-6972 or by emailing [jonathan.pi@tceq.texas.gov](mailto:jonathan.pi@tceq.texas.gov) and cc: [vera.poe@tceq.texas.gov](mailto:vera.poe@tceq.texas.gov) at least 48 hours before the well casing pressure cementing begins.** If pressure cementing is to begin on Monday, then they must give notification on the preceding Thursday. If pressure cementing is to begin on Tuesday, then they must give notification on the preceding Friday.

**The TCEQ does not approve this well for use as a public water supply at this time.** We have enclosed a copy of the "Public Well Completion Data Checklist for Approval to Use (Step 2)". We provide this checklist to help you in obtaining approval to use this well.

The submittal consisted of 23 sheets of engineering drawings, technical specifications and an engineering summary. The proposed project consists of:

- One (1) public water supply well drilled to 1,000 feet with 900 linear feet (lf) of 10.625-inch outside diameter (o.d.) steel casing and pressure-cemented 900 lf;
- 100 lf of 6.625-inch o.d. stainless steel screen, 100 lf of 6.625-inch o.d. blank steel liner and 100 lf gravel lap, with 14-inch diameter underream and 100 lf gravel pack;
- Wellhead including a concrete sealing block, flow meter, raw water sample cock, casing vent covered with 16-mesh or finer screen made of corrosion-resistant material and facing downward;
- The well is rated for 250 gallons per minute (gpm) yield. ***The setting depth, horsepower (hp), design capacity, and total dynamic head (tdh) to be determined;***
- One (1) 100,000-gallon AWWA D100 welded steel ground storage tank;

- One (1) 10,000-gallon American Society of Mechanical Engineers welded steel hydropneumatic tank;
- Two (2) 500-gpm service pumps with 40-hp at 185-feet tdh each;
- One (1) 1,000-gpm service pump with 75-hp at 185-feet tdh;
- Gas-chlorine disinfection equipment consisting of one (1) cylinder mounted chlorinator capable of delivering 12 pound per day and two (2) 150-pound gas cylinders;
- Intruder-resistant fence and an all-weather access road; and
- All associated piping, valves, fittings and appurtenances.

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

The authorization provided in this letter does not relieve a Public Water System from the need to comply with other applicable state and federal regulations.

The CPR Development public water system provides water treatment.

The project is located Southeast corner of Texas State Highway 155 and Farm to Market Road 344, Noonday, in Smith County, Texas.

An appointed engineer must notify the TCEQ's Region 5 Office in Tyler at (903) 535-5100 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the TCEQ'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 TCEQ as required in 30 TAC §290.39(h)(3).

Please refer to the Plan Review Team's Log № P-09222021-134 in all correspondence for this project.

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>

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.




Mr. Jerry F. Fontaine, P.E.  
Page 4  
November 22, 2021

If you have any questions concerning this letter or need further assistance, please contact Mr. Jonathan Pi, P.E. (512) 239-6968 or by email at [jonathan.pi@tceq.texas.gov](mailto:jonathan.pi@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,



Jonathan Pi, 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/JPI/av

*Enclosure 1: "Public Well Completion Data Checklist for Approval to Use (Step 2)"*  
*Enclosure 2: TCEQ Cementing Certificate Form*

cc: CPR Water Supply Company, LLC., c/o Cole, Prewitt, & Rudisl, LLC, Attn: Kim Cole, P.O.  
Box 1582, Palestine, TX 75802-1582