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Item Number - 92

DOCKET NO. 52445

APPLICATION OF HYDROTEX, LLC	§	PUBLIC UTILITY COMMISSION
FOR A CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY AND FOR	§	OF TEXAS
DECERTIFICATION OF A PORTION OF	§	
SOUTHERN HORIZON DEVELOPMENT' S	§	
CERTIFICATE OF CONVENIENCE AND	§	
NECESSITY IN LIBERTY COUNTY	§	

APPLICANT’S REPOSENSE TO ORDER NO. 24

I. Background

On January 18, 2024, the Administrative Law Judge (ALJ) filed Order No. 24 requiring a response from the Applicant, HydroTex, LLC (“HydroTex” or “Applicant”) by January 29, 2024. Therefore, this pleading is timely filed.

II. Response

HydroTex provides the clarifications below in response to request for clarification or supplemental information directed to HydroTex.

- A. The ALJ requires HydroTex to identify in the record the location for the request for service. If it is not in the record, HydroTex must supplement its application to include the request for service.

Please see the attached **Exhibit A**, containing a copy of the request for service from The Landing II, LLC, developer of the subdivision. Applicant requests that Exhibit A be admitted as evidence into the record in the docket.

- B. The ALJ requires HydroTex to identify in the record the location showing the date of completion for the water system.

Please see the attached **Exhibit B**, containing a copy of correspondence from the Texas Commission on Environmental Quality providing notice of the Public Water System (“PWS”) approval of the plant and distribution system. Applicant requests that Exhibit B be admitted as evidence into the record in the docket.

- C. HydroTex must identify the location in the record for the following information:
1. Notice, at the time the application was filed, to each customer and landowner within the affected service area, as required under 16 TAC § 24.245(d)(2)(A);
 2. A consent by Southern Horizons for decertification of the decertification area. The June 22, 2022 agreement between Southern Horizons and HydroTex does not state that Southern Horizons consents to decertification;
 3. A number of current customers, if any, Southern Horizons has within the requested area and a confirmation of whether it has ever provided retail water service to customers in the requested area;
 4. Requests for services, if any, received by Southern Horizons for service in the requested area and, if none, a confirmation of the same;
 5. The location of facilities, if any, Southern Horizons has in the requested area and, if Southern Horizons has none, a confirmation of the same;
 6. The effect of the decertification on Southern Horizons, the current CCN holder, existing customers, and landowners, as required under 16 TAC § 24.245(d)(2)(C), including whether Southern Horizons has customers served by a separate public water system outside the requested area and whether there will be an impact on Southern Horizons' ability to serve its remaining customers; and
 7. The compensation, if any, Southern Horizons received or will receive from HydroTex regarding the decertification and, if none, a confirmation of the same.

HydroTex will provide a supplemental response to this request for clarification.

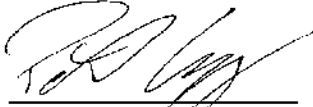
III. Conclusion

HydroTex requests that the ALJ consider this information in clarification of the information previously submitted in the docket.

Dated: January 29, 2024

Respectfully submitted,

GREGG LAW PC



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Austin, Texas 78701
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Attorneys for HydroTex, LLC

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CERTIFICATE OF SERVICE

I certify by my signature above that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on January 29, 2024, in accordance with the Order Suspending Rules, issued in Project No. 50664.

EXHIBIT A



HydroTex LLC,

Please accept this letter as our official request for service for HydroTex LLC to provide water services to Landing II LLC, a newly developed community located at 1417 County Road 373 in Splendora, Texas 77372. We have reached out to other water service providers, and no one has the capacity to provide these services to the community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Browder', is written over a horizontal line.

Kevin Browder
President
Trinity Residential Development LLC

EXHIBIT B

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



PWS_1460200_CO_20230331_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 31, 2023

Michael W. Mathena, P.E.
Spear Point Engineering, LLC
204 West Montgomery Street
Willis, Texas 77378

Re: The Landing II Subdivision - Public Water System ID No. 1460200
Completion Data for Water Wells No. 1 and No. 2
Engineer Contact Telephone: (956) 245-2547
Plan Review Log No. P-02022023-021
Liberty County, Texas

CN: 606015543 RN: 111495131

Dear Mr. Mathena:

On February 2, 2023, March 9, 2023, and March 30, 2023, the Texas Commission on Environmental Quality (TCEQ) received completion data for Water Wells No. 1 and No. 2. 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 the constructed wells are **approved for use** based on the conditions noted below and may now be **temporarily** placed into service. The well's continued use is contingent upon the following conditions:

1. Upon placing the wells into service, the Public Water System is required to notify the Drinking Water Inventory & Protection (DWIP) Team in writing by emailing PWSINVEN@tceq.texas.gov.
2. After facility activation by DWIP team, a representative of TCEQ's Drinking Water Quality Team will contact the public water system to arrange for the collection of the official chemical samples. It is the water system's responsibility to contact the Drinking Water Quality (DWQ) Team at (512) 239-4691 if they have not had the official sample collection within 180 days of the date of this letter.
3. If official chemical analysis testing confirms that a regulated constituent does not meet primary drinking water standards; additional treatment, blending, or public notice may be required. The DWQ Team will notify the water system of any chemical analysis data not meeting primary drinking water standards and if a public notice is required. The system will need to propose what additional treatment or blending may be needed to meet compliance. Plans for any proposed water treatment and blending must be reviewed and approved by the Plan Review Team.

The well completion data for Water Well No. 1 consisted of the following:

- State of Texas Well Report (Tracking No. 617913);
- Well Latitude and Longitude: Lat. 30° 15' 32" N; Long. 095° 07' 39" W;
- Driller's log (geologic log and material setting report);
- Cementing certificate;
- The 36-hour pumping test results shows stable production at 73 gallons per minute with a 13-foot drawdown using a 5 horsepower (HP) 90 gallons per minute (gpm) submersible pump set a depth of 200 feet;
- Executed and recorded sanitary control easement recorded in Liberty County Texas on January 11, 2023;
- Executed and recorded sanitary control easement recorded in Liberty County Texas on February 6, 2023;
- General warranty Deed in the name of HydroTex LLC for the water plant site;
- U. S. Geological Survey 7.5-minute map showing the well location;
- Three bacteriological sampling results showing no coliform contamination from North Water District Laboratory Services, Inc. collected on November 14, 2022, November 15, 2022, and November 16, 2022;
- Radionuclide testing results from Pace Analytical collected on October 14, 2022; and,
- Chemical analysis results from North Water District Laboratory Services, Inc. collected on October 14, 2022 (lab sample ID 22J2817-01):

Primary Contaminants		
Contaminant	MCL (mg/L)	Results
Arsenic	0.01	0.00219
Fluoride	4.0	<0.250
Nitrate	10 (as N)	<0.125
Nitrite	1 (as N)	<0.0500

Secondary Contaminants		
Contaminant	SCL (mg/L)	Results
Aluminum	0.2	0.261
Chloride	300	15.7
Copper	1.0	0.00437
Fluoride	2.0	<0.250
Iron	0.3	0.289
Manganese	0.05	0.00965
pH	≥7 (Standard Unit)	7.73
Sulfate	300	1.83
Total Dissolved Solids	1,000	208
Zinc	5.0	0.0124

Radionuclide Contaminants		
Contaminant	MCL	Results
Gross alpha	15 pCi/L	ND
Beta Particle	50 pCi/L	2.15
Radium-226/228	5 pCi/L	0.995
Uranium	30 µg/L	ND

Corrosive Water Parameters	
Parameter	Result (mg/L)
Alkalinity as CaCO ₃	174
Calcium	61.4
Calcium as CaCO ₃	153
Sodium	12.6
Lead	<0.000500

The well completion data describes construction of the following:

- One (1) public water supply well drilled to 405 feet with 380 linear feet (lf) of 5-inch polyvinyl chloride (PVC) casing and pressure-cemented 380 lf; 25 lf of 2.5-inch pvc screen, and 10 lf of 2.5 -inch blank pvc liner. The well is rated for 73 gallons per minute (gpm) yield with a 5 horsepower, 4-inch submersible pump set at 200 feet deep.

The well completion data for Water Well No. 2 consisted of the following:

- State of Texas Well Report (Tracking No. 619332);
- Well Latitude and Longitude: Lat. 30° 15' 32" N; Long. 095° 07' 38" W;
- Driller's log (geologic log and material setting report);
- Cementing certificate;
- The 36-hour pumping test results shows stable production at 72 gallons per minute with a 16-foot drawdown using a 5 HP 90 gpm submersible pump set a depth of 200 feet;
- Executed and recorded sanitary control easement;
- General warranty Deed in the name of HydroTex LLC for the water plant site;
- U. S. Geological Survey 7.5-minute map showing the well location;
- Three bacteriological sampling results showing no coliform contamination from North Water District Laboratory Services, Inc. collected on November 14, 2022, November 15, 2022, and November 16, 2022;
- Radionuclide testing results from Pace Analytical collected on October 14, 2022; and,
- Chemical analysis results from North Water District Laboratory Services, Inc. collected on October 14, 2022 (lab sample ID 22J2817-02);

Primary Contaminants		
Contaminant	MCL (mg/L)	Results
Arsenic	0.01	0.00232
Fluoride	4.0	<0.250
Nitrate	10 (as N)	0.145
Nitrite	1 (as N)	<0.0500

Secondary Contaminants		
Contaminant	SCL (mg/L)	Results
Aluminum	0.2	0.220
Chloride	300	15.7
Copper	1.0	0.00213
Fluoride	2.0	<0.250
Iron	0.3	0.284
Manganese	0.05	0.00669
pH	≥7 (Standard Unit)	7.85
Sulfate	300	1.85
Total Dissolved Solids	1,000	196
Zinc	5.0	0.00766

Radionuclide Contaminants		
Contaminant	MCL	Results
Gross alpha	15 pCi/L	0.0596
Beta Particle	50 pCi/L	1.17
Radium-226/228	5 pCi/L	0.435
Uranium	30 µg/L	ND

Corrosive Water Parameters	
Parameter	Result (mg/L)
Alkalinity as CaCO ₃	174
Calcium	59.9
Calcium as CaCO ₃	150
Sodium	10.6
Lead	<0.000500

The well completion data describes construction of the following:

- One (1) public water supply well drilled to 405 feet with 380 linear feet (lf) of 5-inch polyvinyl chloride (PVC) casing and pressure-cemented 380 lf; 25 lf of 2.5-inch pvc screen, and 10 lf of 2.5 -inch blank pvc liner. The well is rated for 72 gallons per minute (gpm) yield with a 5 horsepower, 4-inch submersible pump set at 200 feet deep.

This approval is for 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.

Michael W. Mathena, P.E.

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This project may have approved the construction of facilities that may require either the creation of or update to an Emergency Preparedness Plan (EPP). Information on EPPs is available at the following website:

https://www.tceq.texas.gov/drinkingwater/homeland_security/disasterprep/epp

If you have additional questions about EPPs, please contact the Emergency Preparedness and Response Section at 512-239-4691 or PDWEPP@tceq.texas.gov

The The Landing II Subdivision public water system provides water treatment.

The project is located 0.3 miles northeast of the intersection of Kingport Drive and King Oak Drive in Liberty County, Texas.

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.

Water Well No. 1 was approved for construction in our May 11, 2022, letter (plan review log no. P-03042022-032) with revisions to construction approved in our December 21, 2022 letter (plan review log no. P-10212022-143). Water Well No. 2 was approved for construction in our December 21, 2022, letter (plan review log no. P-10212022-143)

Please refer to the Plan Review Team's Log No. **P-02022023-021** 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.

Michael W. Mathena, P.E.
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If you have any questions concerning this letter or need further assistance, please contact If you have any questions concerning this letter or need further assistance, please contact Brian D. Dickey at (512) 239-0963 or by email at brian.dickey@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,



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



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

CAS/VP/bdd/av

cc: The Landing II Subdivision, Attn: Kevin Browder, 101 Parklane BLVD STE 102, Sugarland TX 77478

Michael W. Mathena, P.E.
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bcc: TCEQ Central Records PWS File 1460200 (P-02022023-021/The Landing II Subdivision)
TCEQ Region No. 12 Office - Houston
TCEQ PWSINVEN, MC-155
TCEQ PWSCHEM, MC-155
TCEQ PWSLCR, MC-155