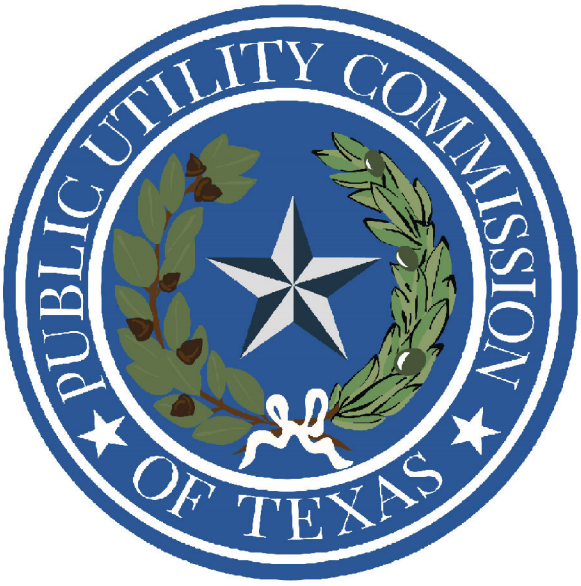

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APPLICATION OF UNDINE TEXAS, LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY IN FORT BEND COUNTY	§ § § § §	**PUBLIC UTILITY COMMISSION OF TEXAS**

APPLICANT'S RESPONSE TO COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

In response to Commission Staff's First Request for Information, requesting a copy of the Texas Commission on Environmental Quality (TCEQ) approval letter for the distribution system that will provide water service to the Tejas Lakes Subdivision, Undine Texas, LLC provides the responsive document attached as Attachment A.

Respectfully submitted,

Gregg Law PC

Peter T. Gregg
State Bar No. 00784174
910 West Ave., No. 3
Austin, Texas 78701
Phone: 512-522-0702
Fax: 512-727-6070
pgregg@gregglawpc.com

Attorneys for Undine Texas, LLC

CERTIFICATE OF SERVICE

By my signature above, I certify 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 July 6, 2022, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

ATTACHMENT A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 18, 2022

Mr. Jerry G. Ince, P.E.
Ward, Getz & Associates, LLP
2500 Tanglewilde, Suite 120
Houston, TX 77063

Re: Tejas Lakes Subdivision - Public Water System ID No. 0790504
Proposed Water Plant No. 2 and Water Well No. 3
Engineer Contact Telephone: (713) 352-7232
Plan Review Log No. P-01192022-109
Fort Bend County, Texas

CN: 605397827; RN: 105447775

Dear Mr. Ince:

On January 19, 2022, the Texas Commission of Environmental Quality (TCEQ) received planning material for the proposed water well and water plant. 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 proposed water plant is not currently located within the Certificate of Convenience and Necessity (CCN) of Undine Texas LLC CCN No. 13260. Retail public water service cannot be provided until Public Utility Commission (PUC) has granted a CCN for the area.

2. 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.

3. Samples for pH must be tested immediately. If samples cannot be measured directly in the field, they must be measured within 15 minutes of collection (Standard Methods, table 1060:I).

4. 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.

5. If a new public water system ID is going to be requested in the future for this site, the following information must be provided:

   - **Engineering Report** on your letterhead describing this project and the request.

   - **TCEQ Core Data Form (Form No. 10400):** The Core Data Form (TCEQ-10400) is part of the TCEQ Central Registry to consolidate information for companies and individuals and their notifications, registrations, licenses, and permits including Public Water Systems (PWS). The completed Core Data form must be reviewed by the Public Drinking Water program before registering a PWS (with the assignment of a PWS identification number) and transferring the registration data to Central Registry. At that time, an individual owner (verified by county appraisal districts at a minimum) or legal entity (must be in Secretary of State) will receive a Customer Number (CN), if it doesn't already have one, and the PWS site will receive a Regulated Entity Number (RN), if it does not already have one. The core data form can be downloaded at the following website:

     https://www.tceq.texas.gov/permitting/central_registry/guidance.html

   - A business plan that contains, at a minimum, all the elements listed in 30 TAC Section 290.39(f)(1) to (13). The business plan must include projected rate revenues (directly or indirectly fees used to operate the water system such as homeowner association fees, property owner association fees, taps fees, water line fees charged to homeowner, contributions from common community ownership, etc.), pro forma income, expense, and cash flow statements. Additionally, please include an operations and maintenance plan which includes sufficient detail (chemical cost, certificated operator cost, electric expenses, repair and maintains, etc.) to support the budget estimated for operation and maintenance of the facilities.

   - The Public Water System (PWS) must evaluate the feasibility of regionalization before a new public water system ID number is assigned. The public water system must request service and pay any associated fees from all Retail Public Utilities which have a CCN within 2 miles if a community system. If service is not denied an exception must be requested from the TCEQ Technical Review and Oversight Team (TROT) prior to submitting the request to assign a new public water system ID number. Please include any and all request along with the response from all utilities within 2 miles of the proposed service area.

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 brian.dickey@tceq.texas.gov and cc: 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 (Step 2)". We provide this checklist to help you in obtaining approval to use this well.

The submittal consisted of 12 sheets of engineering drawings, technical specifications and an engineering summary. The proposed project consists of:

- One public water supply well drilled to approximately 396 feet with approximately 366 linear feet (l.f.) of 5-inch Polyvinyl Chloride (PVC) casing; and 30 l.f. of 3-inch slotted PVC screen. The 5 horsepower, submersible pump is set at 160 feet. The design capacity of the pump is 64 gallon per minute (gpm);
- Well head concrete sealing block and discharge piping;
- One (1) 2,000-gallon American Society of Mechanical Engineers (ASME) Section VIII, Division 1, hydropneumatic tank;
- One (1) 22,362-gallon American Water Works Association (AWWA) D103 bolted steel ground storage tank
- Sodium hypochlorite disinfection system consisting of 30-gallon polyethylene tank and peristaltic metering pump with a capacity of 0.05 to 5.0 gpd;
- Two (2) 15 HP 200 gpm end suction centrifugal booster pumps;
- Intruder resistance fence; and,
- Various valves, fittings, controls, 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 TEJAS Lakes Subdivision public water system provides water treatment.

The project is located at the intersection of Foster School Road and Williams School Road in Fort Bend County, Texas.

An appointed engineer must notify the TCEQ's Region 12 Office in Houston at (713) 767-3500 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-01192022-109** 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.

If you have any questions regarding this letter, please contact Mr. Brian Dickey at (512)239-0963 or by email at "brian.dickey@tceq.texas.gov" or if 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., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/BDD/av

Enclosure: "Public Well Completion Data Checklist for Approval (Step 2)"

cc: Tejas Lakes Subdivision, Attn: Carey Thomas, 17681 Telge Road, Cypress, TX 77429-7080

Public Well Completion Data Checklist for Approval to Use (Step 2)

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

Public Water System I.D. No._____
TCEQ Log No. P-_____

The following list is a brief outline of the "Rules for Public Water Systems", 30 TAC Chapter 290 regarding proposed Water Supply Well Completion. Failure to submit the following items may delay project approval. Copies of the rules may be obtained from Texas Register, 1019 Brazos St, Austin, TX, 78701-2413, Phone: (512) 463-5561 or downloaded from the website: http://www.tceq.texas.gov/rules/indxpdf.html

Any well proposed as a source of water for a public water supply must have plans approved for construction by TCEQ. Please include the well construction approval letter with your submittal of well completion data listed below for TCEQ evaluation. Based on review of this submitted data, approval may be given for use of the well.

1. ☐ Site map(s) at appropriate scales showing the following: [§290.41(c)(3)(A)]
   - ☐ (i) Final location of the well with coordinates;
   - ☐ (ii) Named roadways;
   - ☐ (iii) All property boundaries within 150 feet of the final well location and the property owners' names;
   - ☐ (iv) Concentric circles with the final well location as the center point with radii of 10 feet, 50 feet, 150 feet, and ¼ mile;
   - ☐ (v) Any site improvements and existing buildings;
   - ☐ (vi) Any existing or potential pollution hazards; and
   - ☐ (vii) Map must be scalable with a north arrow.
2. ☐ A copy of the recorded deed of the property on which the well is located showing the Public Water System (PWS) as the landowner, and/or any of the following: [§290.41(c)(1)(F)(iv)]
   - ☐ (i) Sanitary control easements (filed at the county courthouse and bearing the county clerk's stamp) covering all land within 150 feet of the well not owned by the PWS (for a sample easement see TCEQ Form 20698);
   - ☐ (ii) For a political subdivision, a copy of an ordinance or land use restriction adopted and enforced by the political subdivision which provides an equivalent or higher level of sanitary protection to the well as a sanitary control easement; and/or
   - ☐ (iii) A copy of a letter granting an exception to the sanitary control easement rule issued by TCEQ's Technical Review and Oversight Team.
3. ☐ Construction data on the completed well: [§290.41(c)(3)(A)]
   - ☐ (i) Final installed pump data including capacity in gallons per minute (gpm), total dynamic head (tdh) in feet, motor horsepower, and setting depth;
   - ☐ (ii) Bore hole diameter(s) (must be 3" larger than casing OD) and total well depth;
   - ☐ (iii) Casing size, length, and material (e.g. 200 lf of 12" PVC ASTM F480 SDR-17);
   - ☐ (iv) Length and material of any screens, blanks, and/or gravel packs utilized;
   - ☐ (v) Cementing depth and pressure method (one of the methods in latest revision of AWWA Standard A-100, Appendix C, excluding the dump bailer and tremie methods);
   - ☐ (vi) Driller's geologic log of strata penetrated during the drilling of the well;
   - ☐ (vii) Cementing certificate; and

Public Well Completion Data Checklist for Approval to Use (Step 2)

- ☐ (viii) Copy of the official State of Texas Well Report (some of the preceding data is included on the Well Report).

4. ☐ A U.S. Geological Survey 7.5-minute topographic quadrangle map (include quadrangle name and number) or a legible copy showing the location of the completed well; [§290.41(c)(3)(A)]
5. ☐ Record of a 36-hour continuous pump test on the well showing stable production at the well's rated capacity. Include the following: [§290.41(c)(3)(G)]
   - ☐ (i) Test pump capacity in gpm, tdh in feet, and horsepower of the pump motor;
   - ☐ (ii) Test pump setting depth;
   - ☐ (iii) Static water level (in feet); and
   - ☐ (iv) Draw down (in feet).
6. ☐ Three bacteriological analysis reports for samples collected on three successive days showing raw well water to be free of coliform organisms. Reports must be for samples of raw (untreated) water from the disinfected well and submitted to a laboratory accredited by TCEQ, accredited to perform these test; and [§290.41(c)(3)(F)(i)]
7. ☐ Chemical analysis reports for well water samples showing the water to be of acceptable quality for the most problematic contaminants listed below. Reports must come from a laboratory accredited by TCEQ; accredited to perform these tests. Maximum contaminant level (MCL) and secondary constituent level (SCL) units are in milligrams per liter (except arsenic which is in micrograms per liter). [§290.41(c)(3)(G) and§290.104 and §290.105]

Table 1: Primary Constituents with Maximum Contaminant Level (MCL)

PRIMARY	MCL
Nitrate	10 (as N)
Nitrite	1 (as N)
Arsenic	10
Fluoride	4.0

Table 2: Secondary Constituents with Secondary Contaminant Level (SCL)

SECONDARY	SCL
Aluminum	0.2
Copper	1.0
Iron	0.3
Manganese	0.05
Zinc	5.0
Total Dissolved Solids	1,000
Fluoride	2.0
Sulfate	300
Chloride	300
pH	> 7.0

Public Well Completion Data Checklist for Approval to Use (Step 2)

Table 3: Water Quality Parameters

PARAMETER	UNITS
Alkalinity as CaCO3	mg/L
Calcium as CaCO3	mg/L
Sodium	mg/L
Lead*	mg/L

Lead is regulated by the lead and copper rule. This analyte is to document the amount of lead in the source water. The level shall be less than 0.010 mg/L for approval to use.

All systems located in a high-risk county (see page 3) shall submit radiological analysis reports for water samples showing the water to be of acceptable quality for the contaminants listed below. Reports must come from a TCEQ accredited laboratory for approval to use of the well.

Table 4: Radionuclides with Maximum Contaminant Level (MCL)

CONTAMINANT	MCL
Gross alpha	15 pCi/L
Radium-226/228	5 pCi/L
Beta particle	50 pCi/L
Uranium	30 µg/L

WHERE: pCi/L = pico curies per liter, µg/L = micrograms per liter

Please be aware when you review your radiological data that if the report has gross alpha over 15 pCi/L and individual uranium isotopes are not reported, you will have to resample or reanalyze and resubmit radionuclide results. If you see gross alpha plus radium-228 over 5 pCi/L, and don't have radium-226, you will have to resample or reanalyze and resubmit complete results.

List of Counties Where Radionuclide Testing Is required

Please be aware that we have added the requirement for analysis for radionuclides for high risk counties. For elevated levels of any contaminants found in a test well, treatment or blending may be required.

Table 5: List of Counties where Radionuclide Testing is required

COUNTY				
Atascosa	Bandera	Bexar	Bosque	Brazoria
Brewster	Burnet	Concho	Culberson	Dallam
Dawson	Erath	Fort Bend	Frio	Garza
Gillespie	Gray	Grayson	Harris	Hudspeth
Irion	Jeff Davis	Jim Wells	Kendall	Kent
Kerr	Kleberg	Liberty	Llano	Lubbock
McCulloch	Mason	Matagorda	Medina	Midland
Montgomery	Moore	Parker	Pecos	Polk
Presidio	Refugio	San Jacinto	San Saba	Tarrant
Travis	Tyler	Upton	Val Verde	Victoria
Walker	Washington	Wichita	Williamson	Zavala