

Filing Receipt

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#### **DOCKET NO. 53483**

APPLICATION OF CSWR-TEXAS	§	
UTILITY OPERATING COMPANY, LLC	§	
AND NORTH ORANGE WATER &	§	PUBLIC UTILITY COMMISSION
SEWER, LLC FOR SALE, TRANSFER,	§	
OR MERGER OF FACILITIES AND	§	OF TEXAS
CERTIFICATE RIGHTS IN ORANGE	§	
COUNTY	§	

# CSWR-TEXAS UTILITY OPERATING COMPANY, LLC'S FIRST SUPPLEMENT TO APPLICATION

CSWR-Texas Utility Operating Company, LLC ("CSWR Texas" or the "Company") submits this First Supplement to its Application. Pursuant to discussions with Commission Staff, the Company is providing:

- a revised response to Question 22B of the application that shows that on April 20,
   2022, the Company submitted to the TCEQ its request to transfer the wastewater
   permits from North Orange Water & Sewer, LLC to CSWR Texas;
- Supplemental Attachment L, which updates the small-scale maps; and
- Supplemental Attachment M, which updates the large-scale maps.

Respectfully submitted,

L. Russell Mitten General Counsel Central States Water Resources, Inc. 1630 Des Peres Rd., Suite 140 St. Louis, MO 63131 (314) 380-8595 (314) 763-4743 (Fax)

Evan D. Johnson
State Bar No. 24065498
C. Glenn Adkins
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Coffin Renner LLP
1011 W. 31st Street
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ATTORNEYS FOR CSWR-TEXAS UTILITY OPERATING COMPANY, LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of April 2022, a true and correct copy of the foregoing document was served on all parties of record via electronic mail in accordance with the Order Suspending Rules issued in Project No. 50664.

Evan D. Johnson

April 20, 2022

Texas Commission on Environmental Quality Application for Review and Processing Team MC 148 P. O. Box 13087 Austin, TX 78711-3087

Re: Application to Transfer a Wastewater Permit, TPDES Permit No. WQ0011589001 filed by CSWR –Texas Utility Company, LLC

Review and Processing Team:

Enclosed is the Application to Transfer a Wastewater Permit filed by CSWR-Texas Utility Company, LLC ("CSWR Texas") to transfer TPDES Permit No. WQ0011589001 from North Orange Water and Sewer, LLC ("North Orange") to CSWR Texas ("Permit Transfer Application"). The current TPDES Permit No. WQ0011589001 was renewed and issued on June 2, 2021. The permit expires on June 2, 2026.

CSWR Texas filed an Application for Sale, Transfer, or Merger ("STM") of a Retail Public Utility with the Public Utility Commission of Texas ("PUCT") and this application is filed in conjunction with that application. CSWR Texas, through that application, seeks the transfer of the assets and certificate of convenience and necessity ("CCN") of North Orange to CSWR Texas. The attached Permit Transfer Application is necessary to comply with the requirements of Section 22 of the PUCT's STM application.

CSWR Texas does not seek to affect the transfer until the PUCT approves the Company's STM application and the acquisition is consummated. In the event the Company does not consummate the transaction, the enclosed Permit Transfer Application will be withdrawn.

Please let me know if you require any additional information.

The authorized representatives for this application are:

Enrique Chavez Jr., Utility Project Manager Jay Favor, Director, Environmental Health & Safety CSWR—Texas Utility Company, LLC 1630 Des Peres Rd., Suite 140 St. Louis, MO 63131 314-380-8537 echavez@cswrgroup.com jfavor@cswrgroup.com

and

Gene Montes
Evan D. Johnson
Coffin Renner LLP
1011 W. 31<sup>st</sup> Street
Austin, Texas 78705
512-879-0900
512-879-0912 (fax)
gene.montes@crtxlaw.com
evan.johnson@crtxlaw.com

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Best regards,

Gene Montes

Attorney for CSWR-Texas Utility Company, LLC



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

# APPLICATION TO TRANSFER A WASTEWATER PERMIT OR CAFO PERMIT

TC	If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.
	SECTION 1. CURRENT PERMIT INFORMATION
What	is the Permit Number? <u>WQ0011589001</u>
What	is the EPA I.D. Number? TX <u>0054801</u>
What	is the Current Name on the Permit?
Count	try Squire Wastewater Treatment Facility
What	is the Customer Number (CN) for the current permittee? CN 600678098
What	is the Regulated Entity Reference Number (RN): RN <u>102078136</u>
For P	ublicly Owned Treatment Works (POTWs) Only:
a)	Does this permit require implementation of an approved pretreatment program by the
	POTW? Yes □ No ⊠
b)	Does this permit have a domestic reclaimed water authorization associated with it? NOTE: The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place. See instructions for more information. Yes $\square$ No $\boxtimes$
SECT	TION 2. FACILITY OWNER (APPLICANT) INFORMATION
<b>A.</b> W	hat is the Legal Name of the facility owner?
<u>CS</u>	WR – Texas Utility Operating Company, LLC.
<b>B.</b> W	hat is the Customer Number (CN) issued to this entity? CN <u>605844786.</u>

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

## **SECTION 3. CO-APPLICANT INFORMATION**

Complete this section only if another person or entity is required to apply as a co-permittee.

A. What is the Legal Name of the co-applicant applying for this permit?

N/A

**B.** What is the Customer Number (CN) issued to this entity? CN N/A

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

## SECTION 4. APPLICATION CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed about this application.

Application Contact First and Last Name: Enrique Chavez

Title: <u>Utility Project Manager</u> Credentials:

Company Name: CSWR-Texas Utility Operating Company, LLC

Mailing Address: <u>1630 Des Peres Rd.</u>, <u>Suite 140</u> City, State, and Zip Code: <u>Des Peres</u>, MO 63131

Phone Number: <u>314-380-8043</u> Fax Number: <u>314-763-4743</u>

E-mail Address: echavez@cswrgroup.com

### **SECTION 5. PERMIT CONTACT INFORMATION**

This is the person TCEQ will contact if additional information is needed during the term of the permit.

Permit Contact First and Last Name: Karl Stephens

Title: <u>Texas & Arkansas Regional Manager</u> Credentials:

Company Name: <u>CSWR – Texas Utility Operating Company</u>

Mailing Address: <u>1630 Des Peres Rd.</u>, <u>Suite 140</u> City, State, and Zip Code: Des Peres, MO 63131

Phone Number: <u>832-626-3570</u> Fax Number: <u>314-736-4751</u>

E-mail Address: karl@cswrgroup.com

### **SECTION 6. SITE INFORMATION**

Site Name: Country Squire Wastewater Treatment Facility

## SECTION 7. LEASE AND EASEMENT REQUIREMENTS

**A.** Landowner where the facility is or will be located:

Landowner Name: <u>The current landowner is North Orange Water and Sewer, LLC. This application is being filed concurrently with the sale, transfer, merger (STM) application at the Texas Public utility Commission (PUC). Once the STM is approved CSWR, LLC anticipates that it will ultimately become the landowner.</u>

If this individual is not the same person as the facility owner or co-applicant, attach one of the following documents:

- A lease agreement or deed recorded easement, if the facility is NOT a fixture of the land, or
- A deed recorded easement if the facility IS a fixture of the land.
- **B.** Landowner of the effluent disposal site:

Landowner Name:

If this individual is not the same person as the facility owner or co-applicant, attach a lease agreement.

**C.** For CAFOs: Attach the following records:

- Warranty Deed or Property Tax Records
- Lease Agreement (for land management units that are not owned by the facility owner or co-applicant)

Facility Size on the proof of ownership, in acres:

### **SECTION 8. TRANSFER DATE**

What is the date that the transfer of operator or ownership will occur? <u>To be transferred within 120 days from approval of the Sale Transfer or Merger (STM) by the Texas Public Utility Commission. If the STM is not approved this application is hereby withdrawn.</u>

### SECTION 9. REPORTING AND BILLING INFORMATION

**A.** Please identify the individual for receiving the reporting forms.

First and Last Name: Karl Stephens

Title: Texas & Arkansas Regional Manager Credentials:

Company Name: CSWR - Texas Utility Operating Company, LLC

Mailing Address: <u>1630 Des Peres Rd.</u>, <u>Suite 140</u> City, State, and Zip Code: <u>Des Peres, MO 63131</u>

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Phone Number: 832-626-3570 Fax Number: 314.736.4751

E-mail Address: karl@cswrgroup.com

B. Please identify the individual for receiving the annual fee invoices.

First and Last Name: Karl Stephens

Title: <u>Texas & Arkansas Regional Manager</u> Credentials:

Company Name: CSWR - Texas Utility Operating Company, LLC

Mailing Address: <u>1630 Des Peres Rd.</u>, <u>Suite 140</u> City, State, and Zip Code: <u>Des Peres</u>, <u>MO 63131</u>

Phone Number: 832-626-3570 Fax Number: 314.736.4751

E-mail Address: karl@cswrgroup.com

## **SECTION 10. DELINQUENT FEES OR PENALTIES**

Do you owe fees to the TCEQ?	$\mathrm{Yes} \; \square$	No ⊠
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Do you owe any penalties to the TCEQ? Yes  $\square$  No  $\boxtimes$ 

If you answered yes to either of the above questions, provide the amount owed, the type of fee or penalty, and an identifying number.

## TRANSFEROR SIGNATURE (Current Facility Owner)

I consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Owner Name: <u>North Orange Water ar</u>	nd Sewer, LLC
Title: Vice President, Operations	
Signature: Bufor Democracy	Date: <u>4-18-22</u>
SUBSCRIBED AND SWORN to before me	by the said work work on
this 18th day of APVI	
My commission expires on the 1444	day of February, 20 26
	Taylor STANDY
(Seal)	Notary Public
TAYLOR ELMORE NOTARY PUBLIC. STATE OF TEXAS COM. EXPIRES 02/14/2026 NOTARY ID # 13358643-0	County, Texas

## TRANSFEREE SIGNATURE (New Facility Owner)

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the owner of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

New Facility Owner: Josiah Cox, CSWR - Texas Utility Operating Company, LLC

MERANDA K. KEUBLER My Commission Expires

November 13, 2022 St. Louis County Commission #14631487 County Toxas - Missau

April 20, 2022

Texas Commission on Environmental Quality Application for Review and Processing Team MC 148 P. O. Box 13087 Austin, TX 78711-3087

Re: Application to Transfer a Wastewater Permit, TPDES Permit No. WQ0011155001 filed by CSWR –Texas Utility Company, LLC

Review and Processing Team:

Enclosed is the Application to Transfer a Wastewater Permit filed by CSWR-Texas Utility Company, LLC ("CSWR Texas") to transfer TPDES Permit No. WQ0011155001 from North Orange Water & Sewer. ("North Orange") to CSWR Texas ("Permit Transfer Application"). The current TPDES Permit No. WQ0011155001 was issued on June 25, 2021. The permit expires on June 25, 2026.

CSWR Texas filed an Application for Sale, Transfer, or Merger ("STM") of a Retail Public Utility with the Public Utility Commission of Texas ("PUCT") and this application is filed in conjunction with that application. CSWR Texas, through that application, seeks the transfer of the assets and certificate of convenience and necessity ("CCN") of North Orange to CSWR Texas. The attached Permit Transfer Application is necessary to comply with the requirements of Section 22 of the PUCT's STM application.

CSWR Texas does not seek to affect the transfer until the PUCT approves the Company's STM application and the acquisition is consummated. In the event the Company does not consummate the transaction, the enclosed Permit Transfer Application will be withdrawn.

Please let me know if you require any additional information.

The authorized representatives for this application are:

Enrique Chavez Jr., Utility Project Manager
Jay Favor, Director, Environmental Health & Safety
CSWR—Texas Utility Company, LLC
1630 Des Peres Rd., Suite 140
St. Louis, MO 63131
314-380-8537
echavez@cswrgroup.com
jfavor@cswrgroup.com

and

Gene Montes
Evan D. Johnson
Coffin Renner LLP
1011 W. 31<sup>st</sup> Street
Austin, Texas 78705
512-879-0900
512-879-0912 (fax)
gene.montes@crtxlaw.com
evan.johnson@crtxlaw.com

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Best regards,

Gene Mories

Attorney for CSWR-Texas Utility Company, LLC



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

# APPLICATION TO TRANSFER A WASTEWATER PERMIT OR CAFO PERMIT

TC	If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.
	SECTION 1. CURRENT PERMIT INFORMATION
What	is the Permit Number? <u>WQ0011155001</u>
What	is the EPA I.D. Number? TX <u>0053562</u>
What	is the Current Name on the Permit?
<u>North</u>	Orange Water & Sewer, LLC
What i	is the Customer Number (CN) for the current permittee? CN <u>600678098</u>
What i	is the Regulated Entity Reference Number (RN): RN <u>102078896</u>
For Pu	ablicly Owned Treatment Works (POTWs) Only:
a)	Does this permit require implementation of an approved pretreatment program by the
	POTW? Yes $\square$ No $\boxtimes$
	Does this permit have a domestic reclaimed water authorization associated with it? NOTE: The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place. See instructions for more information. Yes $\square$ No $\boxtimes$

## **SECTION 2. FACILITY OWNER (APPLICANT) INFORMATION**

- **A.** What is the Legal Name of the facility owner?

  <u>CSWR Texas Utility Operating Company, LLC.</u>
- B. What is the Customer Number (CN) issued to this entity? CN 605844786.
- C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

### **SECTION 3. CO-APPLICANT INFORMATION**

Complete this section only if another person or entity is required to apply as a co-permittee.

**A.** What is the Legal Name of the co-applicant applying for this permit?

N/A

**B.** What is the Customer Number (CN) issued to this entity? CN N/A

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

### SECTION 4. APPLICATION CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed about this application.

Application Contact First and Last Name: Enrique Chavez

Title: <u>Utility Project Manager</u> Credentials:

Company Name: <u>CSWR- Texas Utility Operating Company, LLC</u>

Mailing Address: <u>1630 Des Peres Rd.</u>, <u>Suite 140</u> City, State, and Zip Code: <u>Des Peres</u>, MO 63131

Phone Number: <u>314-380-8043</u> Fax Number: <u>314-763-4743</u>

E-mail Address: echavez@cswrgroup.com

### **SECTION 5. PERMIT CONTACT INFORMATION**

This is the person TCEQ will contact if additional information is needed during the term of the permit.

Permit Contact First and Last Name: <u>Karl Stephens</u>

Title: <u>Texas & Arkansas Regional Manager</u> Credentials:

Company Name: CSWR - Texas Utility Operating Company

Mailing Address: <u>1630 Des Peres Rd.</u>, <u>Suite 140</u> City, State, and Zip Code: <u>Des Peres</u>, MO 63131

Phone Number: 832-626-3570 Fax Number: 314-736-4751

E-mail Address: karl@cswrgroup.com

#### **SECTION 6. SITE INFORMATION**

Site Name: Longford Place

## **SECTION 7. LEASE AND EASEMENT REQUIREMENTS**

**A.** Landowner where the facility is or will be located:

Landowner Name: <u>The current landowner is North Orange Water & Sewer. This application is being filed concurrently with the sale, transfer, merger (STM) application at the Texas Public utility Commission (PUC). Once the STM is approved CSWR, LLC anticipates that it will ultimately become the landowner.</u>

If this individual is not the same person as the facility owner or co-applicant, attach one of the following documents:

- A lease agreement or deed recorded easement, if the facility is NOT a fixture of the land, or
- A deed recorded easement if the facility IS a fixture of the land.
- **B.** Landowner of the effluent disposal site:

Landowner Name:

If this individual is not the same person as the facility owner or co-applicant, attach a lease agreement.

C. For CAFOs: Attach the following records:

- Warranty Deed or Property Tax Records
- Lease Agreement (for land management units that are not owned by the facility owner or co-applicant)

Facility Size on the proof of ownership, in acres:

#### SECTION 8. TRANSFER DATE

What is the date that the transfer of operator or ownership will occur? <u>To be transferred within 120 days from approval of the Sale Transfer or Merger (STM) by the Texas Public Utility Commission</u>. If the STM is not approved this application is hereby withdrawn.

#### SECTION 9. REPORTING AND BILLING INFORMATION

**A.** Please identify the individual for receiving the reporting forms.

First and Last Name: Karl Stephens

Title: Texas & Arkansas Regional Manager Credentials:

Company Name: CSWR – Texas Utility Operating Company, LLC

Mailing Address: <u>1630 Des Peres Rd., Suite 140</u> City, State, and Zip Code: <u>Des Peres, MO 63131</u>

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Phone Number: <u>832-626-3570</u> Fax Number: <u>314.736.4751</u>

E-mail Address: karl@cswrgroup.com

B. Please identify the individual for receiving the annual fee invoices.

First and Last Name: Karl Stephens

Title: <u>Texas & Arkansas Regional Manager</u> Credentials:

Company Name: <u>CSWR - Texas Utility Operating Company, LLC</u>

Mailing Address: <u>1630 Des Peres Rd., Suite 140</u> City, State, and Zip Code: <u>Des Peres, MO 63131</u>

Phone Number: 832-626-3570 Fax Number: 314.736.4751

E-mail Address: karl@cswrgroup.com

## **SECTION 10. DELINQUENT FEES OR PENALTIES**

Do you owe fees to the TCEQ? Yes $\square$ No	2	Z
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Do you owe any penalties to the TCEQ? Yes  $\square$  No  $\boxtimes$ 

If you answered yes to either of the above questions, provide the amount owed, the type of fee or penalty, and an identifying number.

## TRANSFEROR SIGNATURE (Current Facility Owner)

I consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Owner Name: (Representative) North	Orange Water & Sewer, LLC
Title: Vice President, Operations	
Signature: Beford Mooney	
SUBSCRIBED AND SWORN to before me	by the said <b>DAOXI MOON</b> Jon
this 18thday of AVVI	, 2022
My commission expires on the 14th	day of <u>FCHYUAY</u> , 20 <u>Up</u>
(Seal)	Taylly HAAR W Notary Public
TAYLOR ELMORE NOTARY PUBLIC, STATE OF TEXAS COM. EXPIRES 02/14/2026 NOTARY ID #13358643-0	County, Texas

## TRANSFEREE SIGNATURE (New Facility Owner)

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the owner of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

New Facility Owner: Josiah Cox, CSWR - Texas Utility Operating Company, LLC

The state of the s	
Signature:	Date: April 19, 2022
SUBSCRIBED AND SWORN to before me	meranda e by the said <u>Kewoller</u> on
this 10th day of April	,20 <u>22</u>
My commission expires on the 1340	day of
(Seal)	WOMMAN Public
MERANDA K. KEUBLER My Commission Expires November 13, 2022	SALDUIS County, Texas Missouri

St. Louis County Commission #14631487

Title: President/CEO















