



Filing Receipt

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Item Number - 35

APPLICATION OF GIDEON WATER	§	PUBLIC UTILITY COMMISSION
LIMITED LIABILITY COMPANY FOR	§	
A CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN MONTGOMERY	§	
COUNTY	§	

MOTION TO ADMIT EVIDENCE

I. INTRODUCTION

On April 12, 2022, Gideon Water, LLC (Gideon) filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Montgomery County. The requested service area consists of 79 acres and 0 connections.

On May 4, 2023, Administrative Law Judge Isaac Ta (ALJ) filed Order No. 12 requiring clarification of several issues. The ALJ required a response to be filed by May 26, 2023, therefore this filing is timely.

II. MOTION TO ADMIT EVIDENCE

Gideon requests that the following evidence be admitted into the record:

- (1) Letter answering issues raised in Order No. 12.
- (2) Affidavit of Completion of Construction of Facilities
- (3) TCEQ Approval to Use Letter dated 4/21/2023
- (4) Facilities Map

III. CONCLUSION

Gideon respectfully request that the items listed above be admitted into the record of this proceeding as evidence.

Dated: May 23, 2023

Respectfully Submitted,
GIDEON WATER, LLC

/s/ Shelley Young
Shelley Young, P.E.
Engineer for Gideon Water, LLC

DOCKET NO. 53485
CERTIFICATE OF SERVICE

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 May 23, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50665

/s/ Shelley Young
Shelley Young, P.E.



WATERENGINEERS, INC.

WATER & WASTEWATER TREATMENT CONSULTANTS

17230 HUFFMEISTER ROAD, SUITE A~CYPRESS, TEXAS 77429-1643

TEL: 281-373-0500 FAX: 281-373-1113

May 23, 2023

Public Utility Commission of Texas
Central Records
1701 N. Congress, Suite 8-100
Austin, TX 78701

Re: APPLICATION OF GIDEON WATER LLC FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY IN MONTGOMERY COUNTY
DOCKET NO. 53485

Dear Public Utility Commission of Texas:

Please accept this letter as response to Order No. 12 requiring clarifications dated May 4, 2023 from Administrative Law Judge Isaac Ta (ALJ).

Item No. 1: The ALJ asked for identification of the documents and filings in the record supporting the assertion in the recommendation on final disposition that the water plant and distribution lines have all been installed. That assertion came from conversations between Mr. John Harrison and myself and had not officially been filed into the evidentiary record. I am enclosing as Attachment A, an affidavit attesting to the completion of the water plant and distribution lines for The Preserve Water System.

Item No. 2:

- (a) The ALJ asked for clarification of the water system name. It is The Preserve Water System.
- (b) The ALJ asked if the May 19, 2022 letter from the TCEQ conditionally approved the construction of the distribution system. Bullet points 9, 10 and 11 of that letter speak to the distribution system.
- (c) The ALJ asked if the TCEQ has approved the well for use as a public water supply. The well was approve for use in a letter from TCEQ dated April 21, 2023, included here as Attachment B.

Item No. 3: The ALJ asked for the parties to identify the location in the record of the executed water service agreement. No such service agreement was executed. There is common ownership between the developer and the utility and the need for such an agreement was not considered.

Item No. 4: The ALJ asked for identification of the location in the record for the estimated completion date for construction of all facilities necessary to provide full service to the requested area, keyed to a map showing where such facilities will be located. As stated in Item No. 1, all of the

facilities have already been constructed (see attached affidavit). Attachment D in the original application filing shows the plant location in the northeast corner of the development, as well as the distribution lines and flushing posts. It has been included with this filing at Attachment C for ease of location.

Please feel free to contact me if you require any additional information or if you have any questions regarding this submittal.

Sincerely,
WATERENGINEERS, INC.

Shelley Young

Shelley Young, P.E.
Project Engineer

ATTACHMENT A

NOTARIZED AFFIDAVIT OF CONSTRUCTION COMPLETION

DOCKET NO. 53485

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

AFFIDAVIT OF COMPLETION OF CONSTRUCTION OF FACILITIES

Before me, the undersigned notary, on this day personally appeared Shelley Young, P.E. After I administered an oath to Shelley Young, P.E., upon her oath, she said:

“My name is Shelley Young. I am over the age of 18, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.”

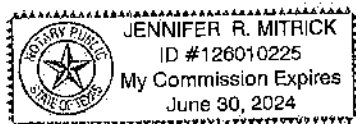
I, Shelley Young, being duly sworn, file this affidavit as the engineer and representative of Gideon Water, LLC. I attest that in such capacity, I am qualified and authorized to file and verify such affidavit, am personally familiar with the CCN application subject of Docket 53485, and the construction of the water plant and distribution system associated with this CCN. I further verify that all such statements made and matters set forth herein are true and correct.

Construction of all facilities necessary to provide full service to the requested area have been completed and paid for. The construction of the facilities is in substantial compliance with the TCEQ approved plans and specifications.

Further sayeth not

Shelley Young

Given under my hand and seal of office on May 23rd, 2023.



Jennifer R. Mitrick
Notary Public, State of Texas

ATTACHMENT B

TCEQ APPROVAL TO USE LETTER

6664-21265 filed

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



PWS_17000942_CO_20230421_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 21, 2023

Nathaniel C. Lail, P.E.
Water Engineers, Inc.
17230 Huffmeister Road
Cypress, TX 77429

Re: The Preserve Water System - Public Water System ID No. 1700942
Completion Data for Well Completion
Engineer Contact Telephone: (281) 373-0500
Plan Review Log No. P-02212023-134
Montgomery County, Texas

CN606013878 RN111491692

Dear Mr. Lail:

On February 21, 2023, the Texas Commission on Environmental Quality (TCEQ) received well completion data with your letter dated February 21, 2023. 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 well is 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. **The chemical analysis report submitted shows that the concentrations of Iron and Zinc exceed the secondary constituent level.** When drinking water that does not meet secondary constituent levels is accepted for temporary use, such acceptance is valid only until such time as water of acceptable chemical quality can be made available at reasonable cost to the area(s) in question (30 TAC Chapter 290.118(a)). Continual efforts to address these issues must be made. TCEQ may revoke this authorization at any time should public health or service come into question.
2. The requirements of TCEQ's letter dated November 18 2022, enclosed, granting exceptions to the well setback distance from a stormwater drainage swale and sanitary control easement for four neighboring properties remain in effect.
3. According to our calculations using corrosive indices, this water appears to be **slightly corrosive**. Corrosive or aggressive water could result in aesthetic problems, increased levels of toxic metals, and deterioration of household plumbing and fixtures. The system is required to conduct a study and submit an engineering report that addresses corrosivity issues particular to this water system. The report must address recommendations for treatment if necessary.

The engineering report (see attached Corrosivity Engineering Report Checklist) shall be submitted by a Professional Engineer, licensed in the State of Texas, within six months from the date of this letter to:

Craig A. Stowell, P.E.
Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

The system may choose to install corrosion control treatment in lieu of the study. If this is the case, plans and specifications must be submitted within six months from the date of this letter to the address above.

4. Upon placing the well into service, the Public Water System is required to notify the Drinking Water Inventory & Protection (DWIP) Team in writing by emailing PWSINVTN@tceq.texas.gov.
5. 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.
6. 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 consisted of the following:

- State of Texas Well Report (Tracking No. 628421);
- Well Latitude and Longitude: <Lat. 30° 11' 04.71" N; Long. 095° 47' 01.42" W;
- Driller's log (geologic log and material setting report);
- Cementing certificate;
- 36-hour pumping test results;
- Warranty deed and sanitary control easement exception;
- U. S. Geological Survey 7.5-minute map showing the well location;
- Three bacteriological sampling results showing no coliform contamination from Envirodyne on 1/16/2023, 1/17/2023, and 1/18/2023; and,

April 21, 2023

- Chemical analysis results from Envirodyne dated 2/2/2023:

Primary Contaminants		
Contaminant	MCL (mg/L)	Results
Arsenic	0.01	<0.0005
Fluoride	4.0	0.12
Nitrate	10 (as N)	0.34
Nitrite	1 (as N)	<0.05

Secondary Contaminants		
Contaminant	SCL (mg/L)	Results
Aluminum	0.2	0.125
Chloride	300	26.0
Copper	1.0	0.001
Fluoride	2.0	0.12
Iron	0.3	0.448
Manganese	0.05	0.033
pH	≥7 (Standard Unit)	7.22
Sulfate	300	5.76
Total Dissolved Solids	1,000	224
Zinc	5.0	5.05

Radionuclide Contaminants		
Contaminant	MCL	Results
Gross alpha	15 pCi/L	2.20±1.42
Beta Particle	50 pCi/L	0.985±1.66
Radium-226/228	5 pCi/L	0.495±0.267/0.410±0.0339
Uranium	30 µg/L	0.0375±0.285

Corrosive Water Parameters	
Parameter	Result (mg/L)
Alkalinity as CaCO ₃	205
Calcium as CaCO ₃	111.6
Sodium	24
Lead	<0.0005

The well completion data describes construction of the following:

- One (1) public water supply well drilled to 385 feet with 310 linear feet (lf) of 6-inch outside diameter (od) steel casing and pressure-cemented 310 lf; 42 lf of 3-inch od stainless steel slot screen, 34 lf of 3-inch od blank steel liner. The well is rated for 70 gallons per minute (gpm) yield with a 10 horsepower, 3-inch, submersible pump set at 273 feet deep. The design capacity of the pump is 70 gpm at 200 feet total dynamic head; and
- Associated valves, piping and appurtenances.

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.

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 PDWEP@tceq.texas.gov

The Preserve Water System public water system provides water treatment.

The project is located at 19556 Alford Road in Montgomery 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.

The well was approved for construction in our May 19, 2022 letter (Plan Review Log No. P-04182022-127).

Please refer to the Plan Review Team's Log No. **P-02212023-134** 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.

Nathaniel C. Lail, P.E.
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April 21, 2023

If you have any questions concerning this letter or need further assistance, please contact Vera Poe at 512-239-6988 or by email at vera.poe@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/av

Enclosure: TCEQ letter dated November 18, 2022
Corrosivity Engineering Report Checklist

cc: The Preserve Water System, Attn: David Frey, P.O. Box 1230, Pinehurst, Texas 77362-1230

Nathaniel C. Lail, P.E.

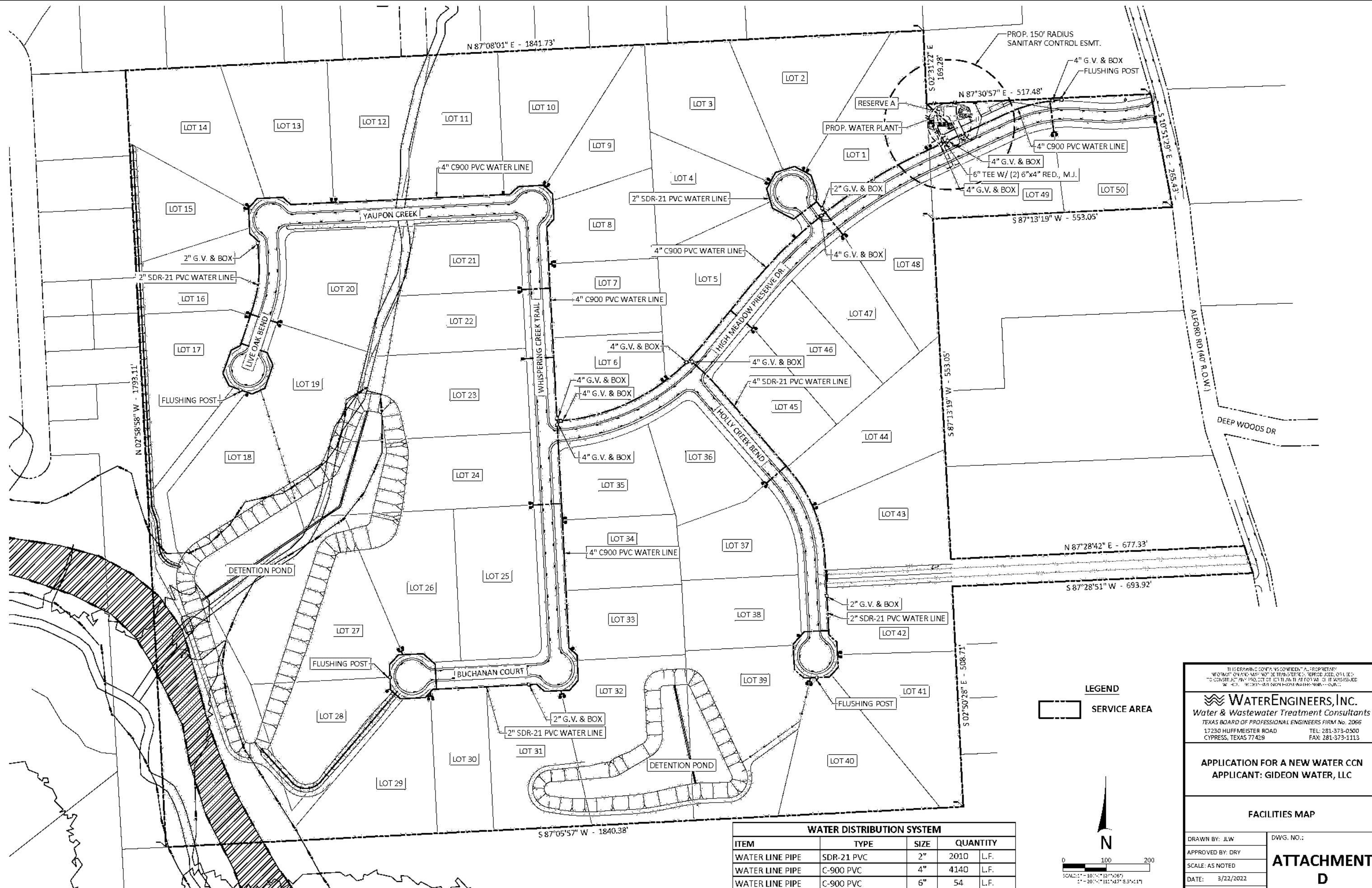
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April 21, 2023

bcc: TCEQ Central Records PWS File 1700942 (P-02212023-134/The Preserve Water System)
TCEQ Region No. 12 Office - Houston
TCEQ PWSINVEN, MC-155
TCEQ PWSCHEM, MC-155

ATTACHMENT C

FACILITIES PLAN



WATER DISTRIBUTION SYSTEM				
ITEM	TYPE	SIZE	QUANTITY	
WATER LINE PIPE	SDR-21 PVC	2"	2010	L.F.
WATER LINE PIPE	C-900 PVC	4"	4140	L.F.
WATER LINE PIPE	C-900 PVC	6"	54	L.F.

LEGEND

SERVICE AREA

N

0 100 200

SCALE: 1" = 100' (1" = 20')

THIS DRAWING CONTAINS CONFIDENTIAL, PROPRIETARY INFORMATION AND MAY NOT BE TRANSMITTED, REPRODUCED, COPIED, OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF WATERENGINEERS, INC.

WaterENGINEERS, INC.
Water & Wastewater Treatment Consultants
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM No. 2066
17230 HUFFMEISTER ROAD CYPRESS, TEXAS 77429
TEL: 281-373-0300 FAX: 281-373-1113

APPLICATION FOR A NEW WATER CCN
APPLICANT: GIDEON WATER, LLC

FACILITIES MAP

DRAWN BY: JLW
APPROVED BY: DRY
SCALE: AS NOTED
DATE: 3/22/2022
JOB No.: WPP

DWG. NO.:
ATTACHMENT D