



## **Filing Receipt**

**Filing Date - 2023-09-07 10:42:15 AM**

**Control Number - 55304**

**Item Number - 10**

**DOCKET NO. 55304**

<b>APPLICATION OF TEXAS WATER UTILITIES, L.P. AND SWWC UTILITIES, INC. DBA HORNSBY BEND UTILITY COMPANY, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN TRAVIS COUNTY</b>	<b>§ § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**TEXAS WATER UTILITIES, L.P.'S RESPONSE TO COMMISSION STAFF'S  
FIRST REQUEST FOR INFORMATION**

To: Public Utility Commission of Texas (Commission), by and through its attorney of record, Markel Perkins, Legal Division, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78701

Texas Water Utilities, L.P. (TWU) files its responses to Public Utility Commission of Texas (Commission) Staff's First Request for Information (RFI) to TWU. This request was filed on August 21, 2023, after the 3:00 p.m. deadline and is treated as if filed on August 22, 2023.<sup>1</sup> This response is timely filed. Pursuant to 16 TAC § 22.144(c)(2)(F), TWU agrees and stipulates that all parties may treat the responses as if the answers were filed under oath.

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<sup>1</sup> 16 Tex. Admin. Code § 22.144(b)(2) (TAC).

Respectfully submitted,

SPENCER FANE, LLP  
816 Congress Avenue  
Suite 1200  
Austin, TX 78701  
Telephone: (512) 840-4550  
Facsimile: (512) 840-4551

William A. Faulk, III  
State Bar No. 24075674  
[cfaulk@spencerfane.com](mailto:cfaulk@spencerfane.com)



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Eleanor D' Ambrosio  
State Bar No. 24097559  
[edambrosio@spencerfane.com](mailto:edambrosio@spencerfane.com)

**ATTORNEYS FOR TEXAS WATER  
UTILITIES, L.P.**

**CERTIFICATE OF SERVICE**

I hereby 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 September 7, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.



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Eleanor D' Ambrosio

**TWU'S RESPONSE TO  
COMMISSION STAFF'S FIRST RFI**

**Staff 1-1** Under TWC § 13.244(d)(3) and 16 TAC § 24.233(a)(6), if the infrastructure is not already in place or if existing infrastructure needs repairs and improvements to provide continuous and adequate service to the requested area, a capital improvement plan is required.

Please provide the following information with consideration of the responses to Question(s) 12.A, 20, and 24.A and B on the application:

- a) If there are no proposed or required improvements, upgrades, or additional facilities necessary to provide continuous and adequate service to the requested area, please affirmatively say so; otherwise, provide the following:
- b) An itemized list of proposed or required improvements, upgrades, or additional facilities necessary for each system to provide continuous and adequate service to the requested area keyed to a map showing where such facilities will be located for service.
- c) Include in the list: the cost of each proposed or required improvement, upgrade, or additional facility, in addition to an estimated timeline for start and completion of each project (e.g., Q4 2023, Q2 2024).

**RESPONSE:** This request is the subject of a pending objection. Subject to and without waiving the filed objection, TWU is providing the following responses.

- a) There are no improvements, upgrades, or additional facilities needed or required to meet minimum Texas Commission on Environmental Quality or Public Utility Commission of Texas standards.
- b) Please see the response to Staff 1-1a.
- c) Please see the response to Staff 1-1a.

Prepared by: Counsel  
Sponsor: Brian Bahr

**DOCKET NO. 55304**

**TWU'S RESPONSE TO  
COMMISSION STAFF'S FIRST RFI**

**Staff 1-2** Provide a copy of the latest comprehensive compliance investigation report from the Texas Commission on Environmental Quality (TCEQ) for the following:

- a) Austins Colony WWTP, WQ0013138001.
- b) Austins Colony Water System, PWS ID No. 2270255.

**RESPONSE:** Please see Attachment Staff 1-2 for the requested documents.

Prepared by: Counsel  
Sponsor: Brian Bahr

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



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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 2, 2021

Mr. Tim Williford, Environmental Health and Safety Manager  
SWWC Utilities, Inc.  
1620 Grande Avenue Parkway, Ste. 140  
Pflugerville, Texas 78660

Re: Compliance Evaluation Investigation at:  
Austin's Colony Wastewater Treatment Plant, 14517 Lippincott Street, Travis County,  
Texas; Investigation No. 1736528

Dear Mr. Williford:

On March 30, 2021, Michael Tucker of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for water quality. No violations are being alleged as a result of the investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Michael Tucker in the Austin Region Office at (512) 239-7095.

Sincerely,

*Chad Ahlgren*

For

Shawn Stewart  
Water Section Manager  
Austin Region Office

SS/mwt

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 24, 2022

**CERTIFIED MAIL 9489 0090 0027 6003 3356 02**  
**RETURN RECEIPT REQUESTED**

Mr. Chuck Barry, EHS Manager  
SWWC Utilities Inc  
1620 Grand Avenue Parkway, Suite 140  
Pflugerville, Texas 78660

Re: Notice of Violation for Comprehensive Compliance Investigation at:  
Austin's Colony Public Water System (PWS) – Travis County  
RN:102678703; PWS ID No. 2270255; Investigation No. 1832179

Dear Mr. Barry:

On July 29, 2022, Devon Thomas and Jasmine Paredes of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced Public Water System (PWS) to evaluate compliance with applicable requirements for Public Water Supply. Enclosed is a summary which lists the investigation findings. In addition, a certain alleged violation was identified for which compliance documentation is required. Please submit to this office by **October 24, 2022**, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding violation.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Austin Region Office at 512-339-2929 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Austin Region Office within 10 days from the date of this letter. At that time, Mr. Shawn Stewart will schedule a violation review meeting to be conducted within 21 days of this letter.

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TCEQ Region 11 • P.O. Box 13087 • Austin, Texas 78711-3087 • 512-339-2929 • Fax 512-339-3795

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printed on recycled paper

Mr. Chuck Barry  
Page 2  
August 24, 2022

However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Devon Thomas in the Austin Region Office at 512-339-2929.

Sincerely,



Chad Ahlgren  
Water Work Leader  
Austin Region Office

CA/dt

Enclosure: Summary of Investigation Findings



## Summary of Investigation Findings

AUSTINS COLONY	Investigation # 1832179
, TRAVIS COUNTY,	Investigation Date: 07/29/2022
Additional ID(s): 2270255	

### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 822034      Compliance Due Date: 10/24/2022  
30 TAC Chapter 290.46(m)(4)

**Alleged Violation:**

Investigation: 1832179

Comment Date: 08/19/2022

Failure to keep all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids or leaks. Specifically, the tank and pumps at Pump Station No. 1, Austin's Colony Boulevard EST, Delta Post Road EST, Hunters Bend Road EST, and Well No. 3 were either actively leaking or rusted during the inspection.

**Recommended Corrective Action:** Submit compliance documentation to the TCEQ Austin Region Office on or before the compliance due date showing all leaks have been repaired or provide a corrective action plan detailing how the leaks will be repaired.

### ADDITIONAL ISSUES

**Description**

**Additional Comments**

Item #2

The system should ensure that failed Backflow Assemblies are repaired accordingly. One of the assembly reports appeared to have failed.

Item #3

A plant operations manual was provided but details were unable to be reviewed.

Item #4

Certain tank inspections were incorrectly labeled. Specifically the Austins Colony and Hunter's Bend Elevated Storage Tank inspection forms were labeled incorrectly.