

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 2, 2010

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC-105
Austin, Texas 78711-3087

Re: **TCEQ Docket No. 2010-0690-UCR.** Petition under Texas Water Code Section 13.254(a) from residents of the Redland Estates Subdivision to revoke sewer Certificate of Convenience and Necessity No. 20660 from William F. St. Clair dba Redland Estates Utilities in Angelina County.

Dear Ms. Castañuela:

Enclosed for filing with the Texas Commission on Environmental Quality (Commission) is the original plus seven copies of the following items to be filed as backup materials for a commission agenda on a date to be determined, on a request for an order revoking William F. St. Clair dba Redland Estates Utilities' Sewer CCN No. 20660:

1. Agenda Executive Summary;
2. Caption;
3. Petition for Commission order revoking William F. St. Clair dba Redland Estates Utilities' Sewer CCN No. 20660 filed by residents of Redland Estates Subdivision on January 8, 2010;
4. TCEQ Region 10 Investigation Report for Redland Estates Wastewater Treatment Plant.
5. Order of the Board of Directors of Angelina County Fresh Water Supply District No. 1;
6. The undeliverable notice letters mailed to Mr. St. Clair by the Executive Director on September 21, 2010;
7. Proposed Order.

Ms. LaDonna Castañuela, Chief Clerk
December 2, 2010
Page 2

Please do not hesitate to contact me at 239-0608 if you have any questions regarding this material. Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron Olson", with a horizontal line extending to the right.

Ron Olson
Staff Attorney
Environmental Law Division

Enclosure

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

TO: Texas Commission on Environmental Quality **DATE:** December 2, 2010
THRU: LaDonna Castañuela, Chief Clerk
FROM: Ron Olson, Staff Attorney, Environmental Law Division
SUBJECT: **TCEQ Docket No. 2010-0690-UCR.** Petition under Texas Water Code Section 13.254(a) from residents of the Redland Estates Subdivision to revoke sewer Certificate of Convenience and Necessity No. 20660 from William F. St. Clair dba Redland Estates Utilities in Angelina County; Application No. 36612-C.

DESCRIPTION OF APPLICATION

Applicant: Petition from Residents of Redland Estates Subdivision
Regulated Activity: Retail sewer utility service
Type of Application: Petition to decertify sewer Certificate of Convenience and Necessity (CCN) No. 20660.
Commission Action: Hearing regarding decertification of sewer CCN
Authority: Texas Water Code § 13.254 and 30 Texas Administrative Code § 291.113

FACTUAL BACKGROUND

William F. St. Clair dba Redland Estates Utilities (Redland Estates Utilities), sewer Certificate of Convenience and Necessity No. 20660, provides retail sewer service in Angelina County, Texas. On January 8, 2010, the residents of the Redland Estates Subdivision filed a petition to revoke the sewer CCN of Redland Estates Utilities pursuant to Section 291.113 of the Commission's rules. The Petition states that the sewer facilities have fallen in disrepair that Mr. St. Clair has abandoned the system, and that Redland Estates Utilities is no longer providing service and is incapable of providing service. This sewer system has been ordered to perform corrective action and to pay administrative penalties. However, Redland Estates Utilities has failed to pay the fines or perform the corrective actions.

The residents of Redland Estates Subdivision have approached the Angelina County Fresh Water Supply District No. 1 to request help in obtaining continuous and adequate

sewer service. On June 28, 2010 the Board of the Angelina County Fresh Water Supply District No. 1 issued an order stating that it will annex the Redland Estates Subdivision and will provide sewer service to that subdivision contingent on the cancellation of CCN No. 20660 held by Redland Estates Utilities and that the value requirements as contained in Texas Water Code Section 49.302(b) are verified by the Angelina County Appraisal District.

In order to expedite the process of obtaining continuous and adequate sewer service for the residents of Redland Estates Subdivision, this matter is brought before the Commission rather than being referred to the State Office of Administrative Hearings (SOAH). Mr. St. Clair has abandoned the sewer system and cannot be located. Referring this matter to SOAH in a situation where the utility owner would not appear, would cause further delay in the decertification of Redland Estates Utilities' CCN. The ED has attempted to locate and notify Mr. St. Clair of this petition by mailing notice letters, by certified mail, to five of his last known addresses. Most of the letters were returned as undeliverable. One letter was delivered to an address in Chico, California; however, the ED has not received a response. A single hearing in front of the Commission at Agenda would expedite the decertification process and allow the Angelina County Fresh Water Supply District No. 1 to begin providing continuous and adequate sewer service to the residents of Redland Estates Subdivision.

LEGAL AUTHORITY

The Texas Water Code prohibits a utility, a utility operated by an affected county, or a water supply corporation from rendering retail water or sewer utility service directly or indirectly to the public without first obtaining a CCN.¹ Conversely, a district, being a political subdivision, is not required to obtain a CCN to provide retail water or sewer service.² However, a district may not provide service within an area for which a retail public utility holds a CCN unless the district has a valid certificate of convenience and necessity to provide service to that area.³

The Texas Water Code and TCEQ rules allow the Commission, at any time after notice and hearing, to revoke any certificate of public convenience and necessity if it finds that the certificate holder is no longer providing service, is incapable of providing service or

¹ TEX. WATER CODE ANN. § 13.242(a) (Vernon 2006).

² A district, being a political subdivision, is a "retail public utility" under section 13.002(19) of the Texas Water Code but is not a "utility" under section 13.002(23). Therefore, the section 13.242(a) requirement that a "utility" must obtain a CCN before providing retail water or sewer utility service does not apply to a district.

³ 30 TEX. ADMIN. CODE § 291.101(c).

has failed to provide continuous and adequate service within the area covered by the certificate.⁴

The Commission may grant decertification of the CCN pursuant to Section 13.254 of the Texas Water Code after notice and a hearing. The Executive Director will mail notice of the hearing upon the setting of an Agenda date.

BASIS FOR STAFF RECOMMENDATION

The following items were considered in developing the staff's recommendation:

1. Petition from the residents of Redland Estates Subdivision.
2. TCEQ Region 10 Investigation Report for Redland Estates Wastewater Treatment Plant.
3. Order of the Board of Directors of Angelina County Fresh Water Supply District No. 1.
4. The undeliverable notice letters sent to Mr. St. Clair.

STAFF RECOMMENDATION

Based on the facts stated in the petition and in the TCEQ Region 10's Investigation Report, Staff supports the request for a Commission order to decertify Redland Estates Utilities' sewer CCN No. 20660. The utility owner has abandoned the sewer system and is no longer providing service, is incapable of providing service and has failed to provide continuous and adequate service within the area covered by the certificate. Redland Estates Utilities has failed to perform the required corrective actions necessary for it to be in compliance with the TCEQ rules. Until this CCN area is decertified, no other retail public utility can provide proper sewer service to the residents of Redland Estates Subdivision. The decertification of this area will allow the Angelina County Fresh Water Supply District No. 1 to begin providing continuous and adequate sewer service to the residents of Redland Estates Subdivision.

STAFF CONTACTS

Ron Olson, Environmental Law Division (239-0608)
Elizabeth Flores, Water Supply Division (239-6846)

⁴ TEX. WATER CODE § 13.254; 30 TEX. ADMIN. CODE § 291.113(a)

CAPTION
WILLIAM F. ST. CLAIR DBA REDLAND ESTATES UTILITIES
Application No. 36612-C

TCEQ Docket No. 2010-0690-UCR. Consideration of a petition for a Commission order revoking sewer Certificate of Convenience and Necessity No. 20660 from William F. St. Clair dba Redland Estates Utilities in Angelina County, Texas pursuant to section 13.254(a) of the Texas Water Code. The petition, filed by the residents of Redland Estates Subdivision, states that Redland Estates Utilities has failed to provide continuous and adequate sewer service. The revocation of Redland Estates Utilities' sewer CCN would allow another retail public utility to provide continuous and adequate sewer service to the Redland Estates Subdivision. (Ron Olson, Elizabeth Flores)



ZELESKEY

LAW FIRM

Timothy J. Karczewski
Of Counsel

Robert Alderman, Jr.
Jeff "Marty" Barnhill
Robert T. Cain, Jr.
R. Brandon Davis
Jack D. Hicks
Todd L. Kassaw
Erika L. Keese
Joe M. McElroy
Krystal E. Riley
Scott C. Skelton
Aimee C. Slusher
Brent L. Watkins
Judi C. Wells

January 8, 2010

VIA CMRRR NO. 7007 1490 0000 5640 0470

Ms. Tammy Benter
Texas Commission on Environmental Quality
Utility and Districts Section - MC - 1 53
P.O. Box 13087
Austin, Texas 78711-3087

In re: Certificate of Public Convenience and Necessity No. 20660 ✓
William St.Clair, Redland Estates Utilities

Dear Ms. Benter:

Included with the correspondence you, will find the Petition of the Residents of the Redland Estates Subdivision of Angelina County, Texas to Revoke Certificate of Public Convenience and Necessity No. 20660 ("Petition"). The Petition is submitted pursuant to 30 TAC §291.113. That provision reads in pertinent part as follows:

"A certificate or other order of the commission does not become a vested right and the commission at any time after notice and hearing on its own motion or on receipt of a petition may revoke or amend any certificate of public convenience and necessity with the written consent or the certificate holder or it it finds that the certificate holder has never provided, is no longer providing service, or has failed to provide continuous and adequate service in the area or part of the area covered by the certificate". (Emphasis added)

You should also be aware that the signatories to the Petition have, contemporaneous with this filing, made a request to the Board of Directors of the Angelina Fresh Water Supply District No. 1 ("District") to be annexed into that District. The request has been made so that the residents of the Redland Estates Subdivision can receive wastewater service from the District. The existence of Certificate of Public Convenience and Necessity No. 20660 has and continues to serve as an impediment to a resolution to the wastewater problems in the Redland Estates area.

RECEIVED
ENVIRONMENTAL SUPPLY
JAN 13 AM 8:01

Of Counsel

Timothy J. Karczewski
Linda O. Poland
William R. Ricks
Steve Roper
Emeritus
John D. Stover

ZELESKEY LAW FIRM PLLC

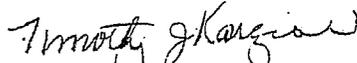
PO Drawer 1728
1616 South Chestnut
Lufkin, Texas 75902-1728
tel: 936.632.3381 fax: 936.632.6545
www.zeleskey.com

Additional offices: Nacogdoches and Livingston

Ms. Benter
January 8, 2010
Page Two

The citizens of Redland Estates respectfully request that the Texas Commission on Environmental Quality act on its Petition as quickly as possible. Should you have any questions or need further assistance, please feel free to contact me.

Sincerely,


Timothy J. Karczewski

TIK/rc
@PFDesktop\ODMA\PCDOCS\DOCS1\320132\1

cc: Mr. Kelley Holcomb
ANRA
P.O. Box 387
Lufkin, Texas 75901

Mr. Ken Awtrey
Pineywoods RCD
118 E. Hospital, Suite 103
Nacogdoches, Texas 75961

Mr. Charles Mills
108 Delmas
Lufkin, Texas 75901

PETITION OF THE RESIDENTS OF
THE REDLAND ESTATES SUBDIVISION
OF ANGELINA COUNTY, TEXAS
TO REVOKE CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
20660

HISTORY OF REDLAND ESTATES UTILITIES AND WILLIAM ST. CLAIR – Sometime in the 1970's Mr. William St. Clair (currently holder of CCN No. 20660) developed the Redland Estates Subdivision. Initially, Redland Estates subdivision consisted of approximately 30 homes with an additional 8 having been added over the years. Again, initially, the homes in Redland Estates received wastewater service from Redland Estates Utilities and William St. Clair. Sometime in the 1980's Mr. St. Clair ran out of money. As a result, the wastewater treatment plant that provided wastewater treatment for the homes within the Redland Estates Subdivision fell into disrepair. The facilities remain in a state of dilapidation and any actual treatment of wastewater flowing from the homes in Redland Estates into the Angelina River Basin is purely accidental. Eventually, one of the TCEQ's predecessor acronyms pursued enforcement against Mr. St. Clair and Redland Estates Utilities. This ultimately resulted in the Texas Attorney General obtaining a judgment against Mr. St. Clair and Redland Estates Utilities. That judgment remains unpaid and Mr. St. Clair is nowhere to be found.

Over the past several years the residents of Redland Estates Subdivision have approached several entities to request help in obtaining proper and environmentally safe wastewater service. Unfortunately, the existence of the CCN in the name of Redland Estates Utilities and Mr. St. Clair has served as a significant obstacle to solving the wastewater problems of the Redland Estates Subdivision.

REQUEST FOR TCEQ ACTION – Pursuant to 30 TAC §291.113, we the undersigned residents and property owners from the Redland Estates Subdivision, request that the TCEQ initiate action to revoke Certificate of Public Convenience and Necessity No. 20660 (CCN). The Responsible parties under the CCN, William St. Clair and Redland Estates Utilities have not provided service in over a decade, are no longer providing service and are incapable of providing service.

See Attached Signatures;

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: Patricia McCloud (Printed)

Patricia McCloud (Signature)

Address: 101 St. Clair
Lufkin, Tx. 75901

Name: Constance & Bruce Shepard (Printed)

Constance & Bruce Shepard (Signature)

Address: 302 St. Clair
Lufkin, Tx. 75901

Name: Braulio & Berenice Barera (Printed)

Braulio Barera (Signature)

Address: 601 St. Clair St
Lufkin, TX 75901

Name: _____ (Printed)

(Signature)

Address: _____

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: David Lackey (Printed)

David Lackey (Signature)

Address: 209 Tillman Rd
Leak, Va, 25901

Name: _____ (Printed)

(Signature)

Address: _____

Name: _____ (Printed)

(Signature)

Address: _____

Name: _____ (Printed)

(Signature)

Address: _____

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: BETTY LYNCH (Printed) Lot No. 156
Betty Lynch (Signature)
Address: 401 St. Clair
Lufkin TX 75901

Name: BETTY LYNCH (Printed) Lot No. 157
Betty Lynch (Signature) House
Address: 401 St. Clair
Lufkin TX 75901

Name: BETTY LYNCH (Printed) Lot No. 158
Betty Lynch (Signature)
Address: 401 St. Clair
Lufkin TX 75901

Name: Igor Lucwinko (Printed) Lot No. 195
Igor Lucwinko (Signature)
Address: 500 St Clair
Lufkin tx 75901

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: Kenneth Warren (Printed) Lot No. 150
Kenneth Warren (Signature)
Address: 209 St Clair
Lufkin 75901

Name: Kenneth Warren (Printed) Lot No. 151
Kenneth Warren (Signature)
Address: 209 St Clair
Lufkin 75901

Name: Charlie Davison (Printed) Lot No. 149
Charlie Davison (Signature)
Address: 113 St. Clair
Lufkin, Texas

Name: Alice Roberts (Printed) Lot No. 84
Alice Roberts (Signature)
Address: 103 St Clair St.
Lufkin, TX 75901

Ola Moore
Ola Moore
501 SAINT CLAIR ST
Lufkin Texas

Lot # 196

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: T J HOPSON (Printed) Lot No. 154
T J Hopson (Signature)
Address: 1309 St Clair
Lufkin, TX 75901

Name: T J HOPSON (Printed) Lot No. 155
T J Hopson (Signature)
Address: 308 St Clair
Lufkin, TX 75901

Name: Maria & Jose Carrillo (Printed) Lot No. 152
Maria Carrillo (Signature)
Address: 301 Saint Clair
Lufkin, TX 75901

Name: Maria & Jose Carrillo (Printed) Lot No. 153
Maria Carr (Signature)
Address: 301 Saint Clair
Lufkin, TX 75901

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: Robert L. Wickman (Printed) Lot No. 147
Robert L. Wickman (Signature)
Address: 110 DELMAS DR.
LUFKIN, TX 75901

Name: Terry & Donna Montes (Printed) Lot No. 92
Donna K. Montes (Signature)
Address: 121 Delmas Dr.
Lufkin, TX. 75901

Name: _____ (Printed) Lot No. _____

Address: _____

Name: _____ (Printed) Lot No. _____

Address: _____

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: José Escobedo (Printed) Lot No. 69
José Escobedo (Signature)
Address: 282 St. Clair St
Lufkin TX 75901

Name: Maria Chavez (Printed) Lot No. 65
Maria Chavez (Signature)
Address: 602 St. Clair St
Maria Chavez
Lufkin TX 75901

Name: Chandra Letras (Printed) Lot No. 146
Chandra Letras (Signature)
Address: 114 Pelham
Lufkin TX 75901

Name: Molly Mills (Printed) Lot No. 80281
Molly Mills (Signature)
Address: 110 St. Clair
Lufkin, TX 75901

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: Erige Amador H (Printed) Lot No. _____

Erige Amador H (Signature)

Address: 410 St Clair

Name: Carolyn Bethley (Printed) Lot No. _____

Carolyn Bethley (Signature)

Address: 510 Saint Clair St
Lufkin, Tx 75901

Name: Cynthia Castle (Printed) Lot No. _____

Cynthia Castle (Signature)

Address: 702 St Clair
Box 7 75901

Name: _____ (Printed) Lot No. _____

(Signature)

Address: _____

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: _____ (Printed) Lot No. 83

(Signature)

Address: _____

Name: _____ (Printed) Lot No. _____

(Signature)

Address: _____

Name: Charles Mills (Printed) Lot No. 80

Charles Mills
(Signature)

Address: 110 St. Clair
Lufkin, Tx

Name: Charles Mills (Printed) Lot No. 81

Charles Mills
(Signature)

Address: 110 St. Clair
Lufkin, Tx 75901

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: CLIFFORD N HUBBES (Printed) Lot No. 77 & 78
Clifford N Hubbes (Signature)
Address: 202 ST CLAIR
LUCKIN TX 75901

Name: Irma Vasquez (Printed) Lot No. 96
Irma Vasquez (Signature)
Address: 210 St. Clair
Lufkin TX 75901

Name: MARIA MEDINA (Printed) Lot No. _____
Maria Medina (Signature)
Address: 304 ST CLAIR
LUCKIN, TX 75901

Name: ERNESTO FDS (Printed) Lot No. _____
ER (Signature)
Address: 402 ST CLAIR

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: Jose Escobedo (Printed) Lot No. 69

Jose Escobedo (Signature)

Address: 282 St. Clair St
Lufkin TX 75901

Name: Maria Chavez (Printed) Lot No. 64

Maria Chavez (Signature)

Address: Maria Chavez
Lufkin TX 75901

Name: Chandra Letois (Printed) Lot No. 146

Chandra Letois (Signature)

Address: 114 Delmus
Lufkin TX 75901

Name: Molly Mills (Printed) Lot No. 80281

Molly Mills (Signature)

Address: 110 St. Clair
Lufkin, TX 75901

SIGNATURE PAGE FOR PETITION TO REVOKE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Name: INEZ MORPHIS (Printed) Lot No. 86

Inez Morphis (Signature)

Address: 110 Delmar
Lufkin TX 75901

Name: RAYMOND JONES (Printed) Lot No. 88

Raymond Jones (Signature)

Address: 1131 Elm
LUFKIN TX

Name: Barbara Martinez (Printed) Lot No. 148

Barbara Martinez (Signature)

Address: 103 Delmar
Lufkin, Texas 75901

Name: Jo Ann Williamson (Printed) Lot No. 90

Jo Ann Williamson (Signature)

Address: 117 Delmar
Lufkin, Texas 75901

SIGNATURE PAGE FOR PETITION FOR ANNEXATION BY
ANGELINA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

Name: Maria Carrillo (Printed) Buyers Lot No. 153
Mar Cal (Signature)
Address: 301 Saint Clair
Lufkin, Tx. 75901

Name: Maria Carrillo (Printed) Buyers Lot No. 152
Mar Cal (Signature)
Address: 301 Saint Clair
Lufkin, Tx. 75901

Name: Charlie Davison (Printed) Lot No. 149
113 St. Clair (Signature)
Address: Charlie Davison
Lufkin

Name: Alice G. Roberts (Printed) Lot No. 84
Alice G. Roberts (Signature)
Address: 103 St. Clair St.
Lufkin, TX 75901

SIGNATURE PAGE FOR PETITION FOR ANNEXATION BY
ANGELINA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

Name: RAYMOND JONES (Printed) Lot No. 88
Ray Jones (Signature)
Address: 113 DELMAS
LUFKIN TX 75901

Name: Barbara Martinez (Printed) Lot No. 148
Barbara Martinez (Signature)
Address: 108 Delmas
Lufkin, Texas

Name: J. Ann Willmon (Printed) Lot No. 90
Jo Ann Willmon (Signature)
Address: 117 Delmas
Lufkin, Tex. 75901

Name: ROBERT L. WILLMON (Printed) Lot No. 147
Robt L. Willmon (Signature)
Address: 110 DELMAS DR.
LUFKIN, TX 75901

SIGNATURE PAGE FOR PETITION FOR ANNEXATION BY
ANGELINA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

I. E. Z. MORPHIS

Name: Inez Morphis (Printed) Lot No. 86

I. H. O'Brien (Signature)

Address: 111 Delmas
Lufkin TX. 75901

Name: Terry & Donna Montes (Printed) Lot No. 92

Donna K. Montes (Signature)

Address: 121 Delmas Dr.
Lufkin, TX. 75901

Name: _____ (Printed) Lot No. _____

(Signature)

Address: _____

Name: _____ (Printed) Lot No. _____

(Signature)

Address: _____

SIGNATURE PAGE FOR PETITION FOR ANNEXATION BY
ANGELINA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

Name: Patricia McCloud (Printed)

Lot No. 83 & 85

~~107 St. Clair~~ Patricia McCloud (Signature)

Address: 101 St. Clair
Lufkin, Tx. 75901

Name: Constance & Bruce Shepard (Printed)

Lot No. 74

Constance & Bruce Shepard (Signature)

Address: 303 St. Clair
Lufkin, Tx 75901

Name: Braulio & Berenice Barrea (Printed)

Lot No. 192 & 193

Braulio Barrea (Signature)

Address: 601 St. Clair St.
Lufkin, TX 75901

Name: _____ (Printed)

Lot No. _____

(Signature)

Address: _____

SIGNATURE PAGE FOR PETITION FOR ANNEXATION BY
ANGELINA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

Name: Jose Escobedo (Printed) ~~77~~ Lot No. 69
Jose Escobedo (Signature)
Address: 282 St Clair St
Lufkin TX 75901

Name: Maria Chavez (Printed) Bayer Lot No. ^{CAN} ~~61~~ 62
Maria Chavez (Signature)
Address: 602 St Clair
Lufkin TX 75901

Name: Molly Mills (Printed) Lot No. 80-81
Molly Mills (Signature)
Address: 110 St. Clair
Lufkin, TX 75901

Name: CLIFFORD N HUGHES (Printed) Lot No. 77-78
Clifford N Hughes (Signature)
Address: 202 ST CLAIR
LUFKIN TX

SIGNATURE PAGE FOR PETITION FOR ANNEXATION BY
ANGELINA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

Name: Chandra LeFors (Printed) Lot No. 76
Chandra LeFors (Signature)
Address: 114 Delmus
Lufkin, TX 75901

Name: Tyrna Vasquez (Printed) Lot No. 76
Tyrna Vasquez (Signature)
Address: 210 St Clair
Lufkin TX 75901

Name: MARIA MEDINA (Printed) * Lot No. 71
Maria Meda (Signature)
Address: 314 ST CLAIR
LUFKIN, TX 75901

Name: ERNESTO FDR (Printed) Lot No. 77
ER (Signature)
Address: 42 - ST CLAIR

SIGNATURE PAGE FOR PETITION FOR ANNEXATION BY
ANGELINA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

Name: Emge Amador (Printed) Lot No. 68
Emge Amador (Signature)
Address: 410 St Clair
Lufkin Tex 75901

Name: Carolyn Bethley (Printed) Lot No. 64
Carolyn Bethley (Signature)
Address: 510 Saint Clair St
Lufkin, Tx 75901

Name: Cynthia Castle (Printed) Printer Lot No. 58
Cynthia Castle (Signature)
Address: 702 St Clair St
Lufkin TX 75901

Name: David Lackey (Printed) Lot No. 94
David Lackey (Signature)
Address: 209 Tillman Rd
Lufkin TX, 75901



ZELESKEY



7007 1490 0000 5640 0470

Return Service Requested



RECEIVED

JAN 12 2010

TCEQ MAIL CENTER
MM

Tammy Benter
Texas Commission on Environmental Qu
Utility and Districts Section - MC - 1 53
P.O. Box 13087
Austin, Texas 78711-3087

Texas Commission on Environmental Quality
Investigation Report
GENERIC INCIDENT PRINCIPAL
CN602295370

609 ST CLAIR STREET

RN105869416

Investigation # 879401

Incident #

Investigator: SCOTT GRIFFITH

Site Classification

DOMESTIC MINOR

Conducted: 11/22/2010 -- 11/22/2010

No Industry Code Assigned

Program(s): WASTEWATER

Investigation Type : Compliance Investigation

Location : HWY 59 N OF LUFKIN TO FM
2021 (RT) TO TILLMAN RD TO ST CLAIR
STREET

Additional ID(s) :

Address: 609 SAINT CLAIR ST;
LUFKIN, TX 75901

Activity Type : REGION 10 - BEAUMONT
WWRECONMIN - WW Recon Minor

Principal(s) :

Role

Name

RESPONDENT

GENERIC INCIDENT PRINCIPAL

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Contact

MR CHARLIE MILLS

Home (936) 639-5661

Other Staff Member(s) :

Role

Name

Investigator
QA Reviewer
Supervisor

PAMELA JONES
DOUG ROBINSON
RONALD HEBERT JR

Associated Check List

Checklist Name

EQUIPMENT MONITORING AND SAMPLING

Unit Name

Redland Estates

Investigation Comments :

INTRODUCTION:

Mr. Brian Dickey with the TCEQ water supply division contacted this office and requested a site assessment of the Redland Estates wastewater treatment system.

GENERAL FACILITY

Redland Estates has approximately 38 active connections on a collection system that discharges to an abandoned wastewater treatment plant (wwtp). The abandoned wwtp is an activated sludge plant designed to operate in the extended aeration mode. The wwtp is nonfunctional and is currently unpermitted. The wwtp is not overseen by an operator. Wastewater from the collection system is bypassing the wwtp at the head works. The wastewater discharges to an unnamed

creek; thence to the Angelina River in Segment No. 0611 of the Neches River Basin.

BACKGROUND:

Water Quality Permit No. 11745-01 was issued September 18, 1987, and expired on September 18, 1992. The permittee, Mr. William F. St. Clair, was issued a Texas Water Commission Agreed Order on April 11, 1991 (TNRCC Enf. No. 8583), for several effluent noncompliances and for failing to provide a certified wastewater operator. Due to lack of response from Mr. St. Clair, the case was referred to the Texas Office of the Attorney General (AG). The case still resides in the AG's office. A complaint investigation was conducted on January 4, 2010, please see investigation No. 789542 for additional details and background.

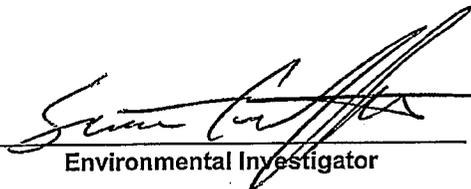
ADDITIONAL INFORMATION:

A site investigation was conducted on November 22, 2010, at the Redland Estates wastewater treatment system by field investigators Scott Griffith and Doug Robinson. The facility was entered at 12:00 hours and was exited at approximately 12:20 hours on November 22, 2010. The investigation was started at the entrance to the subdivision. All of the homes observed appeared to be occupied on St. Clare Street. The wwtp and grounds were not being maintained as evidenced by vegetation growing over and in each of the treatment units. The wooden fence serving the wwtp was deteriorated and down in many areas. At the head works to the plant, the bar screen box was overflowing and wastewater was bypassing the wwtp. Grease and rags characteristic of sewage were noted on top and adjacent to the bar screen box. The presence of a strong sewage odor was also noted at the discharge point. Evidence of erosion on west side of the plant suggests the bypass has been occurring for a long time. The aeration basin and associated air compressors are inoperable. The clarifier and return pumps are inoperable. No chlorination facilities have been provided for the effluent or chlorine contact chamber. The effluent weir is severely corroded and is delaminating. Each of the individual treatment units were filled with wastewater comingled with storm water. No effluent was observed leaving the effluent weir box. A rectangular hole was noted in the top of an exposed main line serving the wwtp at a drainage crossing approximately 100 yards upstream of the wwtp. The hole appears to have been cut into the pipe. Wastewater was not discharging at this location, to the ground at the time of the investigation, nor was there evidence of a discharge. The condition of the wastewater treatment plant and the discharge from the headworks is the same as found during the complaint investigation conducted on January 4, 2010.

Attachments:

A - Photographs

No Violations Associated to this Investigation

Signed  Date 11/30/2010
Environmental Investigator

Signed  Date 11-20-10
Supervisor

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

Maps, Plans, Sketches

Letter to Facility (specify type) : _____

Photographs

Investigation Report

Correspondence from the facility

Sample Analysis Results

Other (specify) :

Manifests

April

NOR

Texas Commission on Environmental Quality

Region 10- Beaumont



Attachment A

Redland Estates Wastewater Treatment Plant
Investigation No. 879401

Investigation Photographs

PHOTOGRAPHIC DOCUMENTATION

| | | |
|--------------------------------------|---------------------------|--------------------------------|
| Facility Name: Redland Estates WWTP | Facility County: Angelina | Investigator: Scott Griffith |
| Investigation Number: Sit Assessment | WQ Number: NA | Investigation Date: 11/22/2010 |



Intersection of Delmas St.
and St. Clair Street.



Facing North on St. Clair
St..

PHOTOGRAPHIC DOCUMENTATION

| | | |
|--------------------------------------|---------------------------|--------------------------------|
| Facility Name: Redland Estates WWTP | Facility County: Angelina | Investigator: Scott Griffith |
| Investigation Number: Sit Assessment | WQ Number: NA | Investigation Date: 11/22/2010 |



Redland Estates wwtp.
Note fence is down and
leaves/vegetation over
plant.



Influent header/bar screen
box. Note sewage debris
and discharge from header
box

PHOTOGRAPHIC DOCUMENTATION

| | | |
|--------------------------------------|---------------------------|--------------------------------|
| Facility Name: Redland Estates WWTP | Facility County: Angelina | Investigator: Scott Griffith |
| Investigation Number: Sit Assessment | WQ Number: NA | Investigation Date: 11/22/2010 |



Discharge from bar screen bypassing treatment plant.



Aeration basins.

PHOTOGRAPHIC DOCUMENTATION

| | | |
|--------------------------------------|---------------------------|--------------------------------|
| Facility Name: Redland Estates WWTP | Facility County: Angelina | Investigator: Scott Griffith |
| Investigation Number: Sit Assessment | WQ Number: NA | Investigation Date: 11/22/2010 |



Clarifier and digester.



Effluent weir box.

PHOTOGRAPHIC DOCUMENTATION

| | | |
|--------------------------------------|---------------------------|--------------------------------|
| Facility Name: Redland Estates WWTP | Facility County: Angelina | Investigator: Scott Griffith |
| Investigation Number: Sit Assessment | WQ Number: NA | Investigation Date: 11/22/2010 |



Electrical control panel and inoperable blowers.



Receiving stream with raw sewage.

**ORDER OF THE BOARD OF DIRECTORS
OF ANGELINA COUNTY FRESH WATER SUPPLY
DISTRICT NO. 1**

THE RESIDENTS OF THE REDLAND ESTATES SUBDIVISION HAVE PETITIONED THIS BOARD TO BE ANNEXED INTO ANGELINA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1.

PURSUANT TO SECTION 49.302 OF THE TEXAS WATER CODE the residents of the Redland Estates Subdivision have petitioned the Board of Directors of the Angelina County Fresh Water Supply District No. 1.

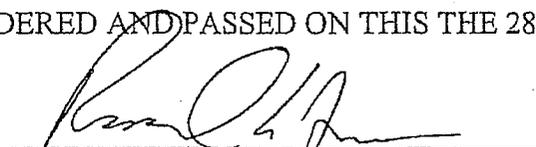
Having considered the Petition of the residents of the Redland Estates Subdivision, a copy of which is attached hereto and incorporated by reference for all purposes, this Board finds that annexation of that Subdivision is feasible and practicable, and will benefit both this District and the residents of the Subdivision, the District system is sufficient or will be sufficient to supply service to the added land without injuring land already in the District and there is a public necessity and need for the annexation and the annexation will benefit the public welfare.

Based upon the findings as stated above, we the Board of Directors of the Angelina County Fresh Water Supply No. 1 approve the annexation of the Redland Estates Subdivision contingent upon the following:

1. Certificate of Public Convenience and Necessity No. 20660 held by Mr. William F. St.Clair must first be revoked or cancelled by the Texas Commission on Environmental Quality so as to not serve as an impediment to this District obtaining funding for or providing sewer service within the newly annexed area.
2. The value requirements as contained in Texas Water Code Section 49.302(b) must be verified by the Angelina County Appraisal District.

Upon the successful completion of the two contingencies as described above, this District's Board will then call a public hearing as required by Texas Water Code Section 49.302(c) and (d).

DULY CONSIDERED AND PASSED ON THIS THE 28TH DAY OF JUNE,
2010.



Richard Jones, President



ATTEST

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 21, 2010

CERTIFIED MAIL

Mr. William F. St. Clair
2610 State HWY 32L
Chico, CA 95973-8107

Re: Petition Under Water Code Section 13.254(a) from Residents of the Redland Estates Subdivision to Revoke Certificate of Convenience and Necessity (CCN) No. 20660 from William F. St. Clair dba Redland Estates Utilities, in Angelina County, Application No. 36612-C

CN: 601579642; RN: 101195444

Dear Mr. St. Clair:

This letter is to serve as notice that a petition has been filed by the residents of Redland Estates Utilities to revoke CCN No. 20660 issued to William F. St. Clair dba Redland Estates Utilities. The petition was received on January 13, 2010, and will be placed on the Commission's agenda in the next few months.

If you have questions regarding this matter, please contact Ms. Elizabeth Flores at (512) 239-6846 or Mr. Brian Dickey at (512) 239-0963, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Team Leader
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

TB/EF/ln

cc: Mailing List

V
R
A

CERTIFIED MAIL
Mr. William F. St. Clair
107 N. Timberland Dr.
Lufkin, TX 75901-0453

CERTIFIED MAIL
Mr. William F. St. Clair
2615 Pillsbury Rd.
Chico, CA 95973-0941

CERTIFIED MAIL
Mr. William F. St. Clair
157 W I 240 Service Rd. 74
Oklahoma City, OK 73139-7835

CERTIFIED MAIL
Mr. William F. St. Clair
5350 US HWY 59 N
Lufkin, TX 75901-8528

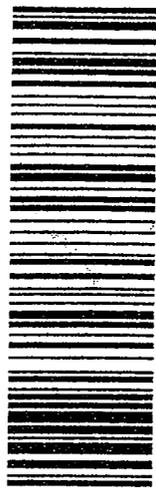
bc: TCEQ Region 10 Office
Brian Dickey, MC-153
Elizabeth Flores, MC-153

CERTIFIED MAIL

Utilities & Districts Section, MC 153
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087



RETURN SERVICE REQUESTED



91 7108 2133 3935 2011 0704



Name _____
1st Notice _____
and Notice _____

MR WILLIAM F ST CLAIR
5350 US HWY 59 N
LUFKIN TX 75901-8528

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Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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September 21, 2010

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Tammy Benter, Team Leader
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Water Supply Division
Texas Commission on Environmental Quality

TB/EF/ln

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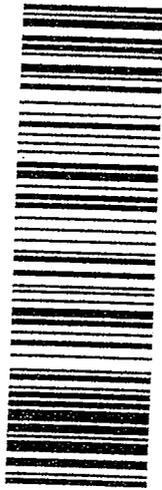
Utilities & Districts Section, MC 153
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087



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CERTIFIED MAIL



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MR WILLIAM F ST CLAIR
107 N TIMBERLAND DR
LUFKIN TX 75901-0453

ANK

Name
1st Notice
2nd Notice

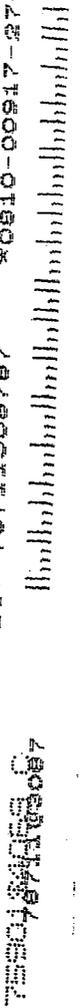


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Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



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TB/EF/lm

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Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087



RETURN SERVICE REQUESTED



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MR WILLIAM F ST CLAIR
2615 PILLSBURY RD
CHICO CA 95973-0941
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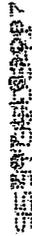
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Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 21, 2010

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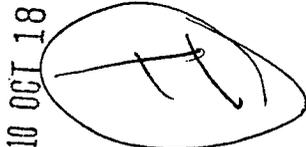
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MR WILLIAM F ST CLAIR
 157 W I 240 SERVICE RD 74
 OKLAHOMA CITY OK 73139-7835

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WATER SUPPLY DIV.

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BC: 78711308787 *0810-00915-27-42

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CERTIFIED MAIL

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 Lufkin, TX 75901-8528

bc: TCEQ Region 10 Office
 Brian Dickey, MC-153
 Elizabeth Flores, MC-153

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER granting revocation of William F. St. Clair dba Redland Estates Utilities' sewer Certificate of Convenience and Necessity No. 20660 pursuant to Texas Water Code Section 13.254; TCEQ Docket No. 2010-0690-UCR.

A petition for a Commission order revoking William F. St. Clair dba Redland Estates Utilities' sewer Certificate of Convenience and Necessity (CCN) No. 20660 in Angelina County, Texas, (Petition) was presented to the Texas Commission on Environmental Quality (TCEQ or Commission) for approval pursuant to Section 13.254 of the Texas Water Code and Title 30 of the Texas Administrative Code, Section 291.113.

On January 8, 2010, the residents of Redland Estates Subdivision filed the Petition with the Commission, which was assigned Application No. 36612-C. The Petition, filed pursuant to Section 291.113 of the Commission's rules, states that the sewer facilities have fallen in disrepair, that Mr. St. Clair has abandoned the system, and that Redland Estates Utilities is no longer providing and is incapable of providing sewer service. Notice of the Petition was sent by the Executive Director to William F. St. Clair dba Redland Estates Utilities, by certified mail, on September 21, 2010.

The Commission, at any time after notice and hearing, may revoke any certificate of public convenience and necessity if it finds that the certificate holder is no longer providing service, is incapable of providing service or has failed to provide continuous and adequate service within the area covered by the certificate. TEXAS WATER CODE § 13.254.

On _____, 2010, the Executive Director of the Commission mailed notice of the hearing date on which the Commission was to consider the Petition to the representative for the residents and to Mr. St. Clair.

The Commission held a hearing on the Petition at the _____, 2010 agenda and found the Petition had merit. The information available to the Commission

demonstrates that Redland Estates Utilities is no longer providing, and is incapable of providing, continuous and adequate sewer service to its certificated area.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

The William F. St. Clair dba Redland Estates Utilities sewer CCN No. 20660 is hereby revoked.

The Executive Director is directed to amend the official CCN service area in accordance with this Order.

The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to the parties.

If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan Shaw, Ph.D., Chairman