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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 2, 2009

TO: Persons on the attached mailing list.

RE: Glidden Fresh Water Supply District No. 1 and the City of Columbus
TCEQ Docket No. 2009-1599-UCR

Enclosed is a copy of an emergency order issued by the Commission regarding the above-referenced matter.

Should you have any questions, please contact Melissa Schmidt of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3317.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/ms

Enclosure

MAILING LIST
for
Glidden Fresh Water Supply District No. 1 and the City of Columbus
TCEQ Docket No. 2009-1599-UCR

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TCEQ DOCKET NO. 2009-1599-UCR

IN THE MATTER OF AN	§	BEFORE THE
EMERGENCY ORDER	§	
CONCERNING GLIDDEN FRESH	§	
WATER SUPPLY DISTRICT (FWSD)	§	TEXAS COMMISSION ON
NO. 1 AND THE CITY OF	§	
COLUMBUS IN COLORADO	§	
COUNTY, TEXAS	§	ENVIRONMENTAL QUALITY

EMERGENCY ORDER

On October 1, 2009, the Texas Commission on Environmental Quality (Commission) considered the application of Glidden FWSD No. 1 for an Emergency Order under Texas Water Code § 13.041(d)(2) and 30 Texas Administrative Code § 291.14(a)(2). The parties made the subject of this Order are Glidden FWSD No. 1 (Glidden) and the City of Columbus (Columbus). The Commission has jurisdiction to consider this matter and the following Findings of Fact and Conclusions of Law are appropriate:

FINDINGS OF FACT

1. Glidden, P.O. Box 85, Columbus, Texas 78934, is a fresh water supply district that owns and operates a wastewater collection system serving approximately 245 connections in Colorado County, Texas. Glidden is a retail public utility as defined by Texas Water Code § 13.002(19). The only provider for wastewater service currently available to Glidden is Columbus.
2. Columbus, P.O. Box 87, Columbus, Texas 78934, is a municipal corporation that owns and operates a wastewater treatment and collection system in Colorado County, Texas. Columbus holds sewer CCN No. 20128 and is a retail public utility as defined by Texas Water Code § 13.002(19).
3. Under a contract that expired January 27, 2009, Columbus provided wholesale sewer service to Glidden. The cities have been attempting to renegotiate the contract, but a final agreement has not been reached. A wholesale rate appeal concerning the contract is

currently pending at the State Office of Administrative Hearings (SOAH), TCEQ Docket No. 2009-0120-UCR, SOAH Docket No. 582-09-2555.

4. On February 6, 2009, Glidden and Columbus entered into a temporary contract under which Glidden would pay Columbus \$7,000 per month for wholesale sewer service. The expiration date of the contract is October 1, 2009.
5. By letter dated September 25, 2009, Columbus notified Glidden that it would discontinue sewer service when the temporary contract expired on October 1, 2009.
6. On September 29, 2009, Glidden filed a petition with the Commission requesting the Commission to issue an emergency order requiring Columbus to continue providing wastewater service to Glidden. Glidden alleges that Columbus has indicated that it intends to prevent the piping of Glidden's wastewater to Columbus' wastewater treatment plant by sealing the pipe with concrete. Glidden also alleges that alternative options are not available for treatment of Glidden's wastewater at this time.
7. Columbus is located in close proximity to Glidden and is capable of providing sewer service to Glidden through existing lines.

CONCLUSIONS OF LAW

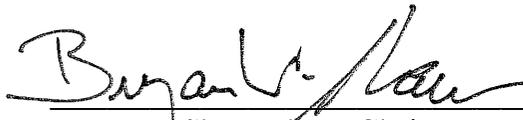
1. Texas Water Code § 13.002(21) defines "service" as "any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under this chapter to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities."
2. The Commission may issue an emergency order under Texas Water Code § 13.041(d)(2) to compel a retail public utility to provide an emergency interconnection with a neighboring retail public utility for the provision of temporary sewer service for not more than 90 days if service discontinuance or serious impairment in service is imminent or has occurred.
3. Under Texas Water Code § 13.041(e), the Commission may establish reasonable compensation for temporary sewer service provided through an emergency interconnection ordered under Texas Water Code § 13.041(d)(2).
4. Columbus is a retail public utility as defined in Texas Water Code § 13.002(19) and holds a sewer CCN. Columbus has notified Glidden that the discontinuance of sewer service is imminent. The Commission may therefore compel Columbus to provide an emergency interconnection with Glidden for temporary sewer service pursuant to Texas Water Code § 13.041(d)(2).

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

1. This Order shall become final and effective on the date issued, October 1, 2009.
2. Columbus shall continue to provide continuous and adequate sewer service to Glidden.
3. Columbus shall be authorized to charge Glidden for the cost of sewer service according to the rates and conditions set out in the "Interim agreement for sewer treatment services" entered into by Glidden and Columbus on February 6, 2009, until the parties reach an agreement for interim service, interim rates are set by the Commission or an Administrative Law Judge, the Commission takes final action on Glidden's rate appeal, a new contract establishing new rates is agreed to by both parties, or this order expires, whichever occurs first. If the final rates approved by the Commission in Glidden's appeal of Columbus' decision affecting the amount paid for sewer service (TCEQ Docket No. 2009-0120-UCR) differ from the rates charged under the authority of this Order or if the parties enter into a new contract that establishes different rates, the difference shall be subject to refund or surcharge, as applicable.
4. This Order shall expire in 90 days, unless extended.
5. The provisions of this Order shall apply to and be binding upon Glidden and Columbus. Glidden and Columbus shall give notice of this Order to personnel who maintain day-to-day control over the operations referenced in this Order.
6. The Chief Clerk of the Commission shall forward a copy of this Order to all parties.
7. 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 this Order.

Issue Date: **OCT 01 2009**

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., Chairman