

El'lie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, August 8, 2023 9:19 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Sewage Plant Construction in Fabens, Texans
Attachments: Mesa Del Norte Wastewater Treatment Plan.pdf

PM
H

From: Brad Patterson <Brad.Patterson@tceq.texas.gov>
Sent: Tuesday, August 8, 2023 9:02 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: Sewage Plant Construction in Fabens, Texans

From: Cassandra Urrutia <Cassandra.Urrutia@senate.texas.gov>
Sent: Monday, August 7, 2023 6:29 PM
To: Cameron Poursoltan <Cameron.Poursoltan@tceq.texas.gov>
Cc: Ferrell Fields <Ferrell.Fields@tceq.texas.gov>; Josh Amador <Josh.Amador@Tceq.Texas.Gov>; Arely Villalobos <Arely.Villalobos@senate.texas.gov>
Subject: RE: Sewage Plant Construction in Fabens, Texans

Hello Cameron,

Thank you, again, for all the information you provided to our office on the Texas Pollutant Discharge Elimination System (TPDES) in Fabens. We met with a group of constituents from the Fabens community today, and they shared with us a copy of their letter requesting a public hearing submitted to TCEQ via certified mail last Friday. Can you please confirm whether your team has received their request?

Respectfully,

Cassandra Urrutia, MPH | Legislative & District Director
Office of Texas State Senator César J. Blanco- SD 29
Cassandra.Urrutia@senate.texas.gov

From: Cameron Poursoltan <Cameron.Poursoltan@tceq.texas.gov>
Sent: Friday, August 4, 2023 9:58 AM
To: Cassandra Urrutia <Cassandra.Urrutia@senate.texas.gov>
Cc: Ferrell Fields <Ferrell.Fields@tceq.texas.gov>; Josh Amador <Josh.Amador@Tceq.Texas.Gov>
Subject: RE: Sewage Plant Construction in Fabens, Texans

Cassandra,

Just to clarify, a public meeting is an opportunity for the applicant to engage with the public and discuss aspects of a permit application. Legislative members can request these by reaching out to the Office of the Chief Clerk, typically in the form of a letter. In contrast, a contested case hearing is a legal proceeding similar to a civil trial in state district court and they are conducted by the State Office of Administrative Hearings (SOAH). Here is a document for more background. I have information on the timing to request each of these below my signature.

Best,

Cameron

Cameron Poursoltan

Legislative Liaison, Intergovernmental Relations Division
Texas Commission on Environmental Quality
(o) 512-239-3970 | (c) 512-963-9730

The public may request a public meeting, contested case hearing or comment on an application from the Notice of Receipt of Application and Intent to Obtain Permit (NORI) up to the end of the comment period.

Comment period ends at the latter of the two options: (1) 30 days after the Notice of Application and Preliminary Decision (NAPD) is published in the newspaper (if no public meeting) or (2) the end of public meeting (marks end of comment period). Hearing requests may be made from NORI to end of comment period.

After comment period TCEQ will prepare a response to comments (RTC). Commentors on applications will have an additional 30 days to make a hearing request.

The RTC and all hearing requests will be considered at Commission Agenda. The commissioners may take final action on the application or refer to SOAH.

The rules provide elected official requesting a public meeting flexibility (i.e. no specific deadline).

From: Cassandra Urrutia <Cassandra.Urrutia@senate.texas.gov>

Sent: Thursday, August 3, 2023 1:00 PM

To: Cameron Poursoltan <Cameron.Poursoltan@tceq.texas.gov>

Cc: Ferrell Fields <Ferrell.Fields@tceq.texas.gov>; Josh Amador <Josh.Amador@Tceq.Texas.Gov>

Subject: RE: Sewage Plant Construction in Fabens, Texans

Hi Cameron,

Thank you for this information. What is the deadline for hearing requests and the process an interested party would need to follow to submit one?

Is there a deadline elected officials need to meet to request a public hearing for this application?

Sincerely,

Cassandra Urrutia, MPH | Legislative & District Director
Office of Texas State Senator César J. Blanco- SD 29
Cassandra.Urrutia@senate.texas.gov

From: Cameron Poursoltan <Cameron.Poursoltan@tceq.texas.gov>
Sent: Monday, July 31, 2023 11:07 AM
To: Cassandra Urrutia <Cassandra.Urrutia@senate.texas.gov>
Cc: Ferrell Fields <Ferrell.Fields@tceq.texas.gov>; Josh Amador <Josh.Amador@Tceq.Texas.Gov>
Subject: RE: Sewage Plant Construction in Fabens, Texans

Cassandra,

Thank you for contacting us. See the details below. Please let us know if you have any questions.

Lower Valley Water District applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016296001 to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 900,000 gallons per day. The domestic wastewater treatment facility will be located at 616 Northwest Camp Street, Fabens, in El Paso County, Texas 79838. TCEQ received this application on February 13, 2023 and administrative review was completed April 2023.

First public mailed notice occurred April 2023 with published notifications occurring in May and June 2023. These published notification of the water quality application occurred in English and Spanish. The application is available for viewing and copying at Lower Valley Water District Main Office, 1557 Farm-to-Market Road 1110, Clint, Texas. The comment period for this application was initiated in April 2023 with the mailed notice.

Technical review of the application was completed June 22, 2023 and mailed to the applicant for their review (as required by 30 TAC 281.21). The applicant provided comment on the draft permit in July 2023. Those comments are currently being addressed and the draft permit will be filed with the chief clerk as soon as practicable. Once the draft permit is filed a second mailed and published public notice will occur to solicit additional public comment on the draft permit. As of July 25, 2023, Commissioner's Integrated Database indicates 1,287 public comments, no hearing requests and no public meeting requests. Most comments are an opposition petition signed by numerous people and submitted individually. Local concerns are related to proximity to residential areas in the city of Fabens.

Cameron Poursoltan

Legislative Liaison, Intergovernmental Relations Division
Texas Commission on Environmental Quality
(o) 512-239-3970 | (c) 512-963-9730

From: Cassandra Urrutia <Cassandra.Urrutia@senate.texas.gov>
Sent: Monday, July 31, 2023 11:37:51 AM
To: Ferrell Fields <Ferrell.Fields@tceq.texas.gov>
Subject: RE: Sewage Plant Construction in Fabens, Texans

Hi Ferrell,

I hope your week is off to a great start. I wanted to follow up with you on this request to see if you can assist our office in scheduling a briefing on the permitting process for this facility.

I look forward to hearing from you.

Respectfully,

Cassandra Urrutia, MPH | Legislative & District Director
Office of Texas State Senator César J. Blanco- SD 29
Cassandra.Urrutia@senate.texas.gov

From: Cassandra Urrutia
Sent: Thursday, July 27, 2023 3:01 PM
To: Ferrell Fields <Ferrell.Fields@tceq.texas.gov>
Subject: Sewage Plant Construction in Fabens, Texans

Hi Ferrell,

I hope you have been doing well. Our office has received correspondence from constituents in the Fabens, Texas area concerned about a proposed sewage plant being constructed by the Lower Valley Water District. Might TCEQ be able to provide our office with a brief on this project and where the entity is in the permitting process?

I look forward to hearing from you.

Thank you,

Office of Texas State Senator César J. Blanco- SD 29
Cassandra.Urrutia@senate.texas.gov

District Office

O: (915) 577-0029
416 N. Stanton, Ste. 700
El Paso, Texas 79925
F: (915) 577-0031

Capitol Office: GE.7

O: (512) 463-0129
P.O. Box 12068
Austin, Texas 78711

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

Cc: Commissioner Iliana Holguin
State Representative Mary Gonzalez
Senator Cesar Blanco
Abril Barraza
Javier Paz

RE: Mesa Del Norte Wastewater Treatment Plant

To whom it may concern,

We the concerned residents of the Fabens area, are in opposition of the construction of the Mesa Del Norte Wastewater Treatment Plant, proposed permit number: WQ0016296001. Our concerns are the following: Health risks, decrease in property values, and proximity to railroad tracks. For these reasons, we the concerned citizens, would like to request a public hearing over the matter.

As you may already know, we are a very disadvantaged community. Some of the biogases and airborne particles being released by wastewater treatment plants can cause respiratory illnesses and diseases. With very few clinics and very few means of transportation to seek required medical attention, it would be hard for members of the community to seek treatment for those airborne illnesses. It is very hard to say that people will not fall ill seeming that the treatment plant is being proposed to be built right next to many homes and a baseball park where many children play.

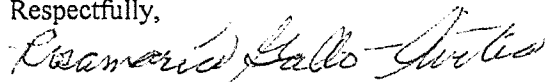
Due to the odors, smells and fumes that come from the treatment plant, property values can decrease. These smells are already motivating residents and members of the community to move to other places. Many of the disadvantaged community members cannot afford to do so and having their property values go down, will only cause a bigger disadvantage.

While train derailments are rare, we have had recent accidents and even a recent derailment that was close to the proposed location of the plant. Who is to say that having a wastewater treatment so close to a frequently used railroad track, won't cause any problems? Whether it be from derailment or even the constant vibrations that the train and railroad tracks cause. Some of these vibrations can cause raw sewage to seep out or cracks in the plant that can lead to bigger malfunctions.

We kindly request your assistance in seeking a public hearing and/or meeting to discuss our concerns. We are available at your earliest convenience to meet and we thank you for your attention to this matter. We look forward to the opportunity to meet and discuss our concerns in a productive and respectful manor. Once again, thank you. Together we can make a positive impact in our community.

Please don't hesitate to reach out to us via email or by phone at: (915) 920-9181.

Respectfully,


The Take Charge Group of Fabens

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

Cc: Commissioner Iliana Holguin
State Representative Mary Gonzalez
Senator Cesar Blanco
Abril Barraza
Javier Paz

RECEIVED
AUG 03 2023 PM 7:48:23 10:11
R. GOW H

RE: Mesa Del Norte Wastewater Treatment Plant

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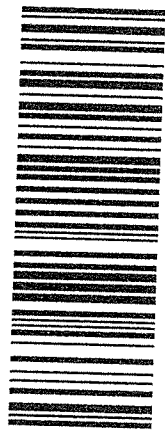
Respectfully,

Rozmaria Gallo - Anita (915) 920-9181
The Take Charge Group of Fabens

Rosa Maria Gallo-Arango
PO Box 743
Tucker, TX 75358

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By GW

Formal Report

Fabens Take Charge Group

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2024 FEB -2 PM 2:54
CHIEF CLERKS OFFICE

The Fabens community became aware the Lower Valley Water District (LVWD) applied for a Texas Commission on Environment Quality (TCEQ) Texas Pollutant Discharge Elimination System (TCEQ Permit No. WQ0016296001) for the proposed Mesa Del Norte Wastewater Treatment Plant (WWTP) permit for municipal wastewater. The WWTP will be located at the approximate location of 5th St and North Loop Drive which is in the middle of our small town. The wastewater treatment plant (WWTP) will have the capacity to process 900,000 gallons of wastewater daily. The purpose of this correspondence is to request that TCEQ Permit WQ0016296001 be denied due to the following concerns as expressed during the meeting between our community, TCEQ, and the Lower Valley Water District members dated January 16, 2024, at the Fabens ISD O'Donnell Auditorium. We voiced a loud no to the construction of the LVWD wastewater treatment plant at the Mesa del Norte location.

We, the Fabens community, is an unincorporated town that are humble but a motivated populace. We, The Fabens Take Charge Group, the voice for our community, researched the proposed LVWD WWTP to familiarize ourselves and the community leaders with data, information, and viable circuits to strategically deliver and present our concerns. To tie the fifteen hundred hard copy signatures and five hundred and twelve electronic signatures, we were able to tie those numbers to actual faces to our community. On January 16th, 2024, at the O'Donnell Auditorium, our community came forward to voice their crucial needs to Senator Blanco, community leaders, and LVWD staff. Researching the current issue at hand we discovered various TCEQ notice violations that were issued to LVWD's wastewater collection system. As the notice of violations continues adding up, we are very weary over the LVWD's ability responsively maintain of their existing wastewater collection system. We, the Fabens community, enjoy our quality of life to include a healthy environment that include clean air.

Local farmers contribute to the pristine air quality through farming practices to include pecan orchards, cotton fields, and many other agricultural fields.

The placement of the proposed LVWD's WWTP on the Mesa del Norte location will jeopardize the health, safety, and overall quality of life of the residents of Fabens. One of the biggest concerns of the proposed WWTP is the diseases caused by pathogens due to the release of numerous hazardous bioaerosols and airborne pollutants. Hydrogen Sulfide (HS₂), Carbon Dioxide (CO₂), Ammonia (NH₃), and Volatile Organic Compounds (VOCs) are some of the many highly hazardous air pollutants associated with the proposed aeration WWTP as mentioned in the draft TCEQ permit. Airborne endotoxins mainly affect the respiratory system, including a decline in lung function and increased prevalence of chronic bronchitis, asthma-like syndrome, and irritation of mucous membranes. Hydrogen Sulfide, even at low concentrations, smells like rotten eggs and can cause eye irritation, headaches, nausea, fatigue, and, in extreme cases, death. People in contact with H₂S must immediately move upwind, away from the downwind. The wind normally blows from the southwest directly towards the community, placing Fabens residents directly downwind from the proposed WWTP as per Windrose calculations. Environmental exposures such as the proposed WWTP can contribute to the overall health concerns that we could face. The Fabens community is upwind from their own EL Paso County Water Control and Improvement District #4 (EPCWCID #4) WWTP and located in a farm field area approximately one mile away from Alameda Ave (Texas Highway 20) and from the community.

Twenty five percent (25%) of our Fabens community lives below the Texas poverty line and is considered an economically disadvantaged community according to the Texas Water Development Board. Our income determines the goods we can afford, which can mean the

difference between refrigerated air or swamp coolers. Swamp coolers are typically what cools 99% of the community's homes. These swamp coolers will blow the air from the outside into our homes, which leads to the outdoor airborne humidity particles settling inside our homes. Our children, elderly, and residents with compromised immune systems will be more susceptible to the health effects from the poor air quality generated by the proposed WWTP. Fabens only has two clinics; this is not adequate to treat the entire community. Special health conditions require specialists, which can only be found in El Paso, approximately 31.8 miles away and Fabens has no public transportation to El Paso.

A property's proximity to a WWTP can be a significant factor in determining its market value. Many of Fabens homes are grandfathered down for generations, and people encounter economic circumstances that leave them unable to relocate or purchase a new home. Their impecunious circumstances and sentimental and emotional values make it difficult for them to relocate outside the town of Fabens. Many of our residents' elders already have limitations such as dwelling and language barriers, and others have been distressed, expressing that they will relocate and sell their homes and/or properties if the permit is granted. With the idea of the proposed WWTP, and lack of community inclusivity, the residents feel hopeless and seek help to voicing their concerns during this hearing process.

Do we want the future generation of our graduates to relocate their families elsewhere due to the quality of life being affected by the proposed WWTP? Installing a WWTP in a residential area lowers the quality of life and odor does not respect the buffer zone. The nearest home from the proposed WWTP will be approximately 167 yards, nearest empty property, 29 yards, post office 277 yards, UMC clinic 1079 yards, Senior Center 475 yards, and 150 yards from baseball park. LVWD letter via mail to the Fabens residents dated July 14, 2023, stated

“.....our plant is closer to the Fabens wastewater treatment processing facility than our envisioned site.” Considering Fabens existing WWTP is approximately 1760 yards away from the nearest home and LVWD’s proposed WWTP will be approximately 167 yards from nearest home, which is a direct contradiction to their statement.

Locating the proposed LVWD’s WWTP near railroad tracks may also have potential impacts. Train derailments are relatively common in the United States, with an estimated 1,000 to 3,000 incidents occurring each year. According to the Federal Railroad Administration, there are approximately 3,000 train derailments in the United States each year, which means, on average, there were about 8 train derailments daily between 1990-2021 [Federal Railroad Administration]. In 2023, there were a total of 742 train derailments recorded in The United States, as Texas has the most miles of railway and the second highest number of derailments since 1975. On October 2022, the most recent train crash with an 18-wheeler occurred in Fabens, TX, directly besides the proposed site. Train vibrations cause fissures and cracks to our homes of which the residents are called to do maintenance, sealing up the cracks cause by these vibrations.

LVWD staff stated that it will follow all TCEQ guidelines in constructing and managing the proposed WWTP. However, in October of 2023, LVWD received a TCEQ notice of violation regarding a vigorous sewage odor emitting from a lift station located on the corner of Alameda & FM 1110 in Clint, Texas. The existing lift station is visited approximately 15 times a day to remove raw sewage from its wet well because there is no wastewater collection system for the lift station to pump too. The notice of violation was for the discharge of one or more air contaminants in such concentrations and duration that could be injurious or adversely affect human health or welfare, animal life, vegetation, or property. Recently on January 24, 2024,

residents in San Elizario TX, experienced a raw sewage spill onto their neighborhood. San Elizario, TX have been dealing with back-up sewage and contamination for weeks. The populations by the borderland do not know the proper channels to call and report incidents. In addition, not being able to maintain LVWD's wastewater collection system LVWD has:

- failed to collect water distribution samples for coliform analysis,
- failed to notify the general public,
- failed to submit required quarterly reports to TCEQ,
- failed to collect lead and copper and tap samples at the required samples sites resulting in no reports to TCEQ,
- failed to mail consumer notifications regarding lead tap water monitoring results to the person served at the locations sampled,
- failed to submit to TCEQ a copy of the consumer notification,
- failed to comply with maximum contaminant level for total trihalomethanes.

LVWD was assessed a penalty for failure to meet TCEQ requirements for the above violation.

LVWD informs the community will meet TCEQ guidelines for wastewater, how can we trust them to do their due diligence? How well will they follow the required guidelines related to a WWTP when we know LVWD fails miserably to meet the minimum requirements for a lift station and their water distribution system?

LVWD claims the WWTP is in the best interest of the subdivision of Mesa Del Norte's populace, when in fact they are using them as a sole excuse to build the proposed WWTP. Mesa Del Norte residents also publicly opposed the LVWD construction adjacent to their neighborhood. Mesa del Norte is currently receiving water and wastewater services from EPCWID #4. Through our residents and open record request, we believe that LVWD statements

might be inaccurate as the city of El Paso is eastward approaching into Fabens, and their wastewater needs will be directed to the proposed WWTP. LVWD acquire many empty unpopulated lands within their legal boundaries.

LVWD claims they are forced to pay \$50.00 per credit to each active account residence in the Mesa del Norte subdivision, as the Public Utilities Commission of Texas (PUC) determined this due to out-of-district rates and fees for services. EPCWCID#4, in a formal letter, approached LVWD with alternative solutions that could allow water wastewater utility services in the Mesa Del Norte subdivision, as one of them was to have the Texas Legislature pass legislation at its next opportunity in 2023, that could adjust the jurisdictional boundaries of the respective districts, and to remove the boundaries areas from LVWD and place them unto EPCWCID#4. The alternative might have not been a good idea for LVWD since it would terminate future tax monies to the company.

We ask the LVWD to be transparent and direct the community with true facts as they try to construct their proposed WWTP in the middle of our community. We understand that investigations can be complex especially when there is a project that will affect the quality of life for this Fabens community today and into the future. As a reminder we, the Fabens Take Charge Group, are **not opposed** in building the proposed WWTP, as we understand the citizens are entitled to all services. We oppose to the WWTP location at Mesa del Norte or anywhere close to a residential area. We ask you to work diligently, meticulously, intelligently, and compassionately to redirect the location of the proposed WWTP so as not to suffocate our environmental quality of existence. Please find a viable solution by putting people first, people second and people last. Again, we oppose to the location.

Thank you.

The Take Charge! Group

Ana M. Sanchez 915-3294-210
Rosa Maria Gallo- Avitia 915-920-9181
Thomas P. Housler
Rafael Ramirez

fabenstakecharge@gmail.com

Questions

How did you determine that your proposed project is the least environmental damaging alternative?

We are confused because on the letter dated July 14th, 2023, to the Fabens community, Lower Valley Water District, stated "we are building a plant like the Fabens District Plant, but with updated features which creates Type 1 water effluent."

In reference to the second communication via Email with Lower Valley Water District who emailed on September 19th, 2023, an invite to the Fabens Community to tour the facility at Sunland Park NM?

Why was the Fabens Community invited by Lower Valley Water District to visit a Wastewater Treatment Plant in the state of New Mexico, Sunland Park. Where New Mexico follows different state requirements, procedures, and specifications according to TCEQ?

Again, from Lower Valley Water District, a letter dated July 14th, 2023, and KFOX–News The district manager stated, "The Lower Valley District will also acquire equipment for control of potential odor."

Our community toured the Fabens Wastewater treatment plant. We were there for approximately 45 minutes. As we drove away, the heavy smell of spoiled eggs remained in our car for 2 hours.

If the stench remained in the car for the rest of the day. Image our homes 24/7 for the rest of our lives.

What will be the potential odor concentration into our homes through our swamp coolers into a home that cannot move on the road with open windows?

In other words, the odor in a home bringing in foul odor 24/7 for the rest of our lives in Fabens?

Again, from Lower Valley Water District, a letter dated July 14, 2023, and KFOX – News Lower Valley Water District stated that the facility "be primarily enclosed"... "the state-of-the-art plant is going to produce very little to no odor."

This is for Lower Valley Water District; what is Lower Valley Water District's experience operating a wastewater treatment plant over 100,000 gallons?

Is it your first large-scale wastewater treatment plant that you will be experimenting with?

As stated in the Lower Valley District letter to the Fabens Residents on July 14th, 2023, "a plant like the Fabens District Plant." Also, as stated in an email dated August 19, 2023, to our group, "residents joining...on a tour of the facility in Sunland Park."

Between Fabens Wastewater Treatment Plant and your prospected model, which model is it really going to be constructed?

Is it like the Fabens wastewater treatment plant or the Sunland Park New Mexico Plant, or is there a 3rd model you reported on K-FOX?

Lower Valley Water District stated in the letter dated July 14th, 2023, indicating you will "LAND APPLY" treated water to the Lions Club field, quoting, "We also plan to re-use much of the water to provide the Lions Club with green space for their facilities, which will be in much better shape and comfortable for the children."

Have you obtained the land application permit, and will you plan to produce a treasury treatment?

Lower Valley Water District stated on K-Fox News quoting "following guidelines from TCEQ."

How well will you follow guidelines if you cannot follow the simple state requirements that Lower Valley is responsible for?

In case of plant failure, what is your emergency preparedness emergency plan?

What will be your emergency plan in the event of a derailment at the wastewater treatment site?

Lower Valley Water District letter to the Fabens Residents dated July 14, 2023 – "Regarding our plant are closer to the Fabens wastewater processing facility than our envisioned site." Considering Fabens wastewater treatment plant is 1067 yards away from the nearest home, and your wastewater treatment plant will be approximately 167 yards from the nearest home.

How accurate are your dimensions based on your letter to the public?

Continuing dumping of treated water into the San Felipe Arroyo is meant to take stormwater. Are you going to discharge treated water into an aligned channel that may contaminate Huecho Bolson aquafer?

Will you be monitoring H2S on a daily basis 24/7?

What equipment will be used to control H2S exposure to the residents?

What experience do you have dealing with H2S since this will be your first wastewater treatment plant near homes?

If residents are subjected to H2S, what procedure will you use to notify the general public?

Are you aware we have no public transportation, especially if needed for a specialist in EL Paso, due to the health hazards with the wastewater treatment plant?

Are there any danger species in the location for the proposed plant and have you contact the Texas Park and Wildlife for an investigation?

Citations/Reference

<https://censusreporter.org/>

<https://www.houseopedia.com/>

<https://www.ktsm.com/search/wordpress/>

[Fabens residents, water company clash over proposed wastewater treatment plant location | KFOX \(kfoxtv.com\)](#)

<https://www14.tceq.texas.gov/>

Federal Railroad Administration

<https://www.fehrgraham.com/>

[How does the aeration process in wastewater treatment work to consume organics? - Blog \(fehrgraham.com\)](#)

[AERATION \(mrwa.com\)](#)

Google.com

<https://usafacts.org/>

Ana Sanchez, Rosa Maria Gallo-Avita, Thomas Housler, and Rafael Ramirez provided a USB drive containing exhibits attached to their comments received on February 2, 2024.

To view the exhibits submitted:

Please contact the
Office of the Chief Clerk at:
(512) 239-3300 or chiefclk@tceq.texas.gov

or

Please visit the
Office of the Chief Clerk at:
12100 Park 35 Circle,
Building F, Suite 1101
Austin, Texas 78753

Take Charge Group
Amy Sanchez
Kosa Maria Gallo - Austin
POBox 2025
Fulsens Tx 79838

Office of the Office Clerk, U
TCEQ
POBox 13087
Austin, TX 78711-3087

CHIEF CLERKS OFFICE

2024 FEB -2 PM 2:54

QUALITY

Ana Sanchez, Rosa Maria Gallo-Avitia, Thomas Housler, and Rafael Ramirez provided a USB drive containing exhibits attached to their comments received on February 2, 2024.

To view the exhibits submitted:

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Office of the Chief Clerk at:
(512) 239-3300 or chiefclk@tceq.texas.gov

or

Please visit the
Office of the Chief Clerk at:
12100 Park 35 Circle,
Building F, Suite 1101
Austin, Texas 78753

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Wednesday, January 31, 2024 5:01 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Formal Report
Attachments: FORMAL REPORT - FABENS TAKE CHARGE GROUP.pdf

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: CHIEFCLK <chiefclk@tceq.texas.gov>
Sent: Wednesday, January 31, 2024 8:13 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: Formal Report

From: ANA SANCHEZ <fabenstakecharge@gmail.com>
Sent: Tuesday, January 30, 2024 11:08 PM
To: CHIEFCLK <chiefclk@tceq.texas.gov>
Cc: Rosamaria Gallo-Avitia <rmgalloavi@yahoo.com>
Subject: Formal Report

Subject: Submission of Formal Report

To whom it may concern,

I trust this email finds you well. I am writing to formally submit the attached formal report.
Attached to this email is the complete report in PDF format, titled Formal Report - Take Charge Group.

Due to the size limitations of email attachments, the exhibits were too large to be sent via email.
Consequently, we have mailed a certified mail package containing the necessary exhibits to your attention.

Thank you for your time and attention to this matter.

Sincerely,

Rosa Maria Gallo-Avitia 915-920-9181
Ana M. Sanchez 915-329-4210

Formal Report

Fabens Take Charge Group

The Fabens community became aware the Lower Valley Water District (LVWD) applied for a Texas Commission on Environment Quality (TCEQ) Texas Pollutant Discharge Elimination System (TCEQ Permit No. WQ0016296001) for the proposed Mesa Del Norte Wastewater Treatment Plant (WWTP) permit for municipal wastewater. The WWTP will be located at the approximate location of 5th St and North Loop Drive which is in the middle of our small town. The wastewater treatment plant (WWTP) will have the capacity to process 900,000 gallons of wastewater daily. The purpose of this correspondence is to request that TCEQ Permit WQ0016296001 be denied due to the following concerns as expressed during the meeting between our community, TCEQ, and the Lower Valley Water District members dated January 16, 2024, at the Fabens ISD O'Donnell Auditorium. We voiced a loud no to the construction of the LVWD wastewater treatment plant at the Mesa del Norte location.

We, the Fabens community, is an unincorporated town that are humble but a motivated populace. We, The Fabens Take Charge Group, the voice for our community, researched the proposed LVWD WWTP to familiarize ourselves and the community leaders with data, information, and viable circuits to strategically deliver and present our concerns. To tie the fifteen hundred hard copy signatures and five hundred and twelve electronic signatures, we were able to tie those numbers to actual faces to our community. On January 16th, 2024, at the O'Donnell Auditorium, our community came forward to voice their crucial needs to Senator Blanco, community leaders, and LVWD staff. Researching the current issue at hand we discovered various TCEQ notice violations that were issued to LVWD's wastewater collection system. As the notice of violations continues adding up, we are very weary over the LVWD's ability responsibly maintain of their existing wastewater collection system. We, the Fabens community, enjoy our quality of life to include a healthy environment that include clean air.

Local farmers contribute to the pristine air quality through farming practices to include pecan orchards, cotton fields, and many other agricultural fields.

The placement of the proposed LVWD's WWTP on the Mesa del Norte location will jeopardize the health, safety, and overall quality of life of the residents of Fabens. One of the biggest concerns of the proposed WWTP is the diseases caused by pathogens due to the release of numerous hazardous bioaerosols and airborne pollutants. Hydrogen Sulfide (H₂S), Carbon Dioxide (CO₂), Ammonia (NH₃), and Volatile Organic Compounds (VOCs) are some of the many highly hazardous air pollutants associated with the proposed aeration WWTP as mentioned in the draft TCEQ permit. Airborne endotoxins mainly affect the respiratory system, including a decline in lung function and increased prevalence of chronic bronchitis, asthma-like syndrome, and irritation of mucous membranes. Hydrogen Sulfide, even at low concentrations, smells like rotten eggs and can cause eye irritation, headaches, nausea, fatigue, and, in extreme cases, death. People in contact with H₂S must immediately move upwind, away from the downwind. The wind normally blows from the southwest directly towards the community, placing Fabens residents directly downwind from the proposed WWTP as per Windrose calculations. Environmental exposures such as the proposed WWTP can contribute to the overall health concerns that we could face. The Fabens community is upwind from their own El Paso County Water Control and Improvement District #4 (EPCWCID #4) WWTP and located in a farm field area approximately one mile away from Alameda Ave (Texas Highway 20) and from the community.

Twenty five percent (25%) of our Fabens community lives below the Texas poverty line and is considered an economically disadvantaged community according to the Texas Water Development Board. Our income determines the goods we can afford, which can mean the

difference between refrigerated air or swamp coolers. Swamp coolers are typically what cools 99% of the community's homes. These swamp coolers will blow the air from the outside into our homes, which leads to the outdoor airborne humidity particles settling inside our homes. Our children, elderly, and residents with compromised immune systems will be more susceptible to the health effects from the poor air quality generated by the proposed WWTP. Fabens only has two clinics; this is not adequate to treat the entire community. Special health conditions require specialists, which can only be found in El Paso, approximately 31.8 miles away and Fabens has no public transportation to El Paso.

A property's proximity to a WWTP can be a significant factor in determining its market value. Many of Fabens homes are grandfathered down for generations, and people encounter economic circumstances that leave them unable to relocate or purchase a new home. Their impecunious circumstances and sentimental and emotional values make it difficult for them to relocate outside the town of Fabens. Many of our residents' elders already have limitations such as dwelling and language barriers, and others have been distressed, expressing that they will relocate and sell their homes and/or properties if the permit is granted. With the idea of the proposed WWTP, and lack of community inclusivity, the residents feel hopeless and seek help to voicing their concerns during this hearing process.

Do we want the future generation of our graduates to relocate their families elsewhere due to the quality of life being affected by the proposed WWTP? Installing a WWTP in a residential area lowers the quality of life and odor does not respect the buffer zone. The nearest home from the proposed WWTP will be approximately 167 yards, nearest empty property, 29 yards, post office 277 yards, UMC clinic 1079 yards, Senior Center 475 yards, and 150 yards from baseball park. LVWD letter via mail to the Fabens residents dated July 14, 2023, stated

“.....our plant is closer to the Fabens wastewater treatment processing facility than our envisioned site.” Considering Fabens existing WWTP is approximately 1760 yards away from the nearest home and LVWD’s proposed WWTP will be approximately 167 yards from nearest home, which is a direct contradiction to their statement.

Locating the proposed LVWD’s WWTP near railroad tracks may also have potential impacts. Train derailments are relatively common in the United States, with an estimated 1,000 to 3,000 incidents occurring each year. According to the Federal Railroad Administration, there are approximately 3,000 train derailments in the United States each year, which means, on average, there were about 8 train derailments daily between 1990-2021 [Federal Railroad Administration]. In 2023, there were a total of 742 train derailments recorded in The United States, as Texas has the most miles of railway and the second highest number of derailments since 1975. On October 2022, the most recent train crash with an 18-wheeler occurred in Fabens, TX, directly besides the proposed site. Train vibrations cause fissures and cracks to our homes of which the residents are called to do maintenance, sealing up the cracks cause by these vibrations.

LVWD staff stated that it will follow all TCEQ guidelines in constructing and managing the proposed WWTP. However, in October of 2023, LVWD received a TCEQ notice of violation regarding a vigorous sewage odor emitting from a lift station located on the corner of Alameda & FM 1110 in Clint, Texas. The existing lift station is visited approximately 15 times a day to remove raw sewage from its wet well because there is no wastewater collection system for the lift station to pump too. The notice of violation was for the discharge of one or more air contaminants in such concentrations and duration that could be injurious or adversely affect human health or welfare, animal life, vegetation, or property. Recently on January 24, 2024,

residents in San Elizario TX, experienced a raw sewage spill onto their neighborhood. San Elizario, TX have been dealing with back-up sewage and contamination for weeks. The populations by the borderland do not know the proper channels to call and report incidents. In addition, not being able to maintain LVWD’s wastewater collection system LVWD has:

- failed to collect water distribution samples for coliform analysis,
- failed to notify the general public,
- failed to submit required quarterly reports to TCEQ,
- failed to collect lead and copper and tap samples at the required samples sites resulting in no reports to TCEQ,
- failed to mail consumer notifications regarding lead tap water monitoring results to the person served at the locations sampled,
- failed to submit to TCEQ a copy of the consumer notification,
- failed to comply with maximum contaminant level for total trihalomethanes.

LVWD was assessed a penalty for failure to meet TCEQ requirements for the above violation.

LVWD informs the community will meet TCEQ guidelines for wastewater, how can we trust them to do their due diligence? How well will they follow the required guidelines related to a WWTP when we know LVWD fails miserably to meet the minimum requirements for a lift station and their water distribution system?

LVWD claims the WWTP is in the best interest of the subdivision of Mesa Del Norte’s populace, when in fact they are using them as a sole excuse to build the proposed WWTP. Mesa Del Norte residents also publicly opposed the LVWD construction adjacent to their neighborhood. Mesa del Norte is currently receiving water and wastewater services from EPCWID #4. Through our residents and open record request, we believe that LVWD statements

might be inaccurate as the city of El Paso is eastward approaching into Fabens, and their wastewater needs will be directed to the proposed WWTP. LVWD acquire many empty unpopulated lands within their legal boundaries.

LVWD claims they are forced to pay \$50.00 per credit to each active account residence in the Mesa del Norte subdivision, as the Public Utilities Commission of Texas (PUC) determined this due to out-of-district rates and fees for services. EPCWCID#4, in a formal letter, approached LVWD with alternative solutions that could allow water wastewater utility services in the Mesa Del Norte subdivision, as one of them was to have the Texas Legislature pass legislation at its next opportunity in 2023, that could adjust the jurisdictional boundaries of the respective districts, and to remove the boundaries areas from LVWD and place them unto EPCWCID#4. The alternative might have not been a good idea for LVWD since it would terminate future tax monies to the company.

We ask the LVWD to be transparent and direct the community with true facts as they try to construct their proposed WWTP in the middle of our community. We understand that investigations can be complex especially when there is a project that will affect the quality of life for this Fabens community today and into the future. As a reminder we, the Fabens Take Charge Group, are **not opposed** in building the proposed WWTP, as we understand the citizens are entitled to all services. We oppose to the WWTP location at Mesa del Norte or anywhere close to a residential area. We ask you to work diligently, meticulously, intelligently, and compassionately to redirect the location of the proposed WWTP so as not to suffocate our environmental quality of existence. Please find a viable solution by putting people first, people second and people last. Again, we oppose to the location.

Thank you.

The Take Charge! Group

Ana M. Sanchez 915-3294-210
Rosa Maria Gallo- Avitia 915-920-9181
Thomas P. Housler
Rafael Ramirez
fabenstakecharge@gmail.com

Questions

How did you determine that your proposed project is the least environmental damaging alternative?

We are confused because on the letter dated July 14th, 2023, to the Fabens community, Lower Valley Water District, stated "we are building a plant like the Fabens District Plant, but with updated features which creates Type 1 water effluent."

In reference to the second communication via Email with Lower Valley Water District who emailed on September 19th, 2023, an invite to the Fabens Community to tour the facility at Sunland Park NM?

Why was the Fabens Community invited by Lower Valley Water District to visit a Wastewater Treatment Plant in the state of New Mexico, Sunland Park. Where New Mexico follows different state requirements, procedures, and specifications according to TCEQ?

Again, from Lower Valley Water District, a letter dated July 14th, 2023, and KFOX-News The district manager stated, "The Lower Valley District will also acquire equipment for control of potential odor."

Our community toured the Fabens Wastewater treatment plant. We were there for approximately 45 minutes. As we drove away, the heavy smell of spoiled eggs remained in our car for 2 hours.

If the stench remained in the car for the rest of the day. Image our homes 24/7 for the rest of our lives.

What will be the potential odor concentration into our homes through our swamp coolers into a home that cannot move on the road with open windows?

In other words, the odor in a home bringing in foul odor 24/7 for the rest of our lives in Fabens?

Again, from Lower Valley Water District, a letter dated July 14, 2023, and KFOX-News Lower Valley Water District stated that the facility "he primarily enclosed" "... the state-of-the-art plant is going to produce very little to no odor."

This is for Lower Valley Water District; what is Lower Valley Water District's experience operating a wastewater treatment plant over 100,000 gallons?

Is it your first large-scale wastewater treatment plant that you will be experimenting with?

As stated in the Lower Valley District letter to the Fabens Residents on July 14th, 2023, "a plant like the Fabens District Plant." Also, as stated in an email dated August 19, 2023, to our group, "Residents joining... on a tour of the facility in Sunland Park."

Between Fabens Wastewater Treatment Plant and your prospected model, which model is it really going to be constructed?

Is it like the Fabens wastewater treatment plant or the Sunland Park New Mexico Plant, or is there a 3rd model you reported on K-FOX?

Lower Valley Water District stated in the letter dated July 14th, 2023, indicating you will "LAND/APPLY" treated water to the Lions Club field, quoting, "We also plan to re-use much of the water to provide the Lions Club with green space for their facilities, which will be in much better shape and comfortable for the children."

Have you obtained the land application permit, and will you plan to produce a treasury treatment?

Lower Valley Water District stated on K-Fox News quoting "following guidelines from TCEQ."

How well will you follow guidelines if you cannot follow the simple state requirements that Lower Valley is responsible for?

In case of plant failure, what is your emergency preparedness emergency plan?

What will be your emergency plan in the event of a derailment at the wastewater treatment site?

Lower Valley Water District letter to the Fabens Residents dated July 14, 2023 - "Regarding our plant are closer to the Fabens wastewater processing facility than our envisioned site." Considering Fabens wastewater treatment plant is 1067 yards away from the nearest home, and your wastewater treatment plant will be approximately 167 yards from the nearest home.

How accurate are your dimensions based on your letter to the public?

Continuing dumping of treated water into the San Felipe Arroyo is meant to take stormwater. Are you going to discharge treated water into an aligned channel that may contaminate Huecho Bolson aquifer?

Will you be monitoring H2S on a daily basis 24/7?

What equipment will be used to control H2S exposure to the residents?

What experience do you have dealing with H2S since this will be your first wastewater treatment plant near homes?

If residents are subjected to H2S, what procedure will you use to notify the general public?

Are you aware we have no public transportation, especially if needed for a specialist in EL Paso, due to the health hazards with the wastewater treatment plant?

Are there any danger species in the location for the proposed plant and have you contact the Texas Park and Wildlife for an investigation?

Citations/Reference

<https://censusreporter.org/>

<https://www.houseopedia.com/>

<https://www.ksm.com/search/wordpress/>

[Fabens residents, water company clash over proposed wastewater treatment plant location | KFOX \(kfoxtv.com\)](#)

<https://www14.tced.texas.gov/>

Federal Railroad Administration

<https://www.fehrgraham.com/>

[How does the aeration process in wastewater treatment work to consume organics? - Blog \(fehrgraham.com\)](#)

AERATION (mrwa.com)

Google.com

<https://usafacts.org/>

(13)
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(210)

TCEQ Registration Form
January 16, 2024

Lower Valley Water District
Proposed Water Quality Permit Number
WQ0016296001

PLEASE PRINT

George Avitia (18)

Name:

Sasamaria Gallo Avitia

Mailing Address:

P.O. Box 743

Physical Address (if different):

City/State:

Fahens

TX

Zip:

77835

Email:

sm.gallo@wvwd.com

E-mail addresses are subject to public disclosure under the Texas Public Information Act

Phone Number:

(915) 420-4781

- Are you here today representing a municipality, legislator, agency, or group?

☒ Yes

☐ No

If yes, which one?

Lower Valley Water District

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public hearing.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public hearing.

(Written comments may be submitted at any time during the hearing)

Please give this form to the person at the information table. Thank you.

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Tuesday, October 29, 2024 3:41 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016296001
Attachments: 2024.10.28 FTCG et al. Hearing Requests.pdf

From: vmcwherter@txenvirolaw.com <vmcwherter@txenvirolaw.com>
Sent: Monday, October 28, 2024 3:41 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016296001

REGULATED ENTY NAME MESA DEL NORTE WASTEWATER TREATMENT PLANT

RN NUMBER: RN111664371

PERMIT NUMBER: WQ0016296001

DOCKET NUMBER:

COUNTY: EL PASO

PRINCIPAL NAME: LOWER VALLEY WATER DISTRICT

CN NUMBER: CN600630396

NAME: Vic McWherter

EMAIL: vmcwherter@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see the attached requests for a contested case hearing submitted on behalf of Fabens Take Charge Group, Magda Flores, Rosemaria Gallos-Avitia, Tom Housler, Maria Mendoza, Angel Ornelas, Rafael Ramirez, Ana Sanchez, Eleuterio Sanchez, and Maria Sanchez.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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info@txenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Vic McWherter

October 28, 2024

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

Via TCEQ eComments

Re: Contested Case Hearing Requests on the Application of Lower Valley Water District for Authorization of the Mesa Del Norte Wastewater Plant; Proposed TPDES Permit No. WQ0016296001.

Dear Ms. Gharis:

On behalf of Fabens Take Charge Group ("FTCG"), Magda Flores, Rosemaria Gallos-Avitia, Tom Housler, Maria Mendoza, Angel Ornelas, Rafael Ramirez, Ana Sanchez, Eleuterio Sanchez, and Maria Sanchez, I submit the following requests for a contested case hearing on the Application filed by Lower Valley Water District ("LVWD" or "Applicant") for TPDES Permit No. WQ0016296001 (the "Application"). For the reasons discussed below, these hearing requests satisfy the requirements of Chapter 55 of the TCEQ Rules. Each requester may be contacted through this firm at the address and telephone number indicated above.

I. Background

LVWD proposes to construct and operate the Mesa Del Norte Wastewater Treatment Plant (the "Plant") in very close proximity to the residents of Fabens, Texas. The Plant would eventually discharge up to 900,000 gallons per day of treated wastewater effluent into the typically dry San Felipe Arroyo that runs through Fabens. Over 1,700 letters of opposition on file with the Chief Clerk reflect overwhelming opposition to the Plant by local residents, businesses, and school districts. On January 16, 2024, one hundred and seventy-three representatives of the small community's residents were able to attend the TCEQ's public meeting and demonstrate their vehement opposition to the Plant. The map of affected landowners included in the Application

shows just how embedded the Plant would be within the Fabens community, and why the Applicant's chosen facility location is distressing to so many people.

II. FTTCG meets the group standing requirements of 30 Tex. Admin. Code § 55.205.

FTCG is a grassroots community group based in Fabens, Texas. The purposes of FTTCG include protecting the health and safety of Fabens residents, protecting the environmental quality of the Fabens community, and unifying community residents in advocacy efforts to protect and improve the quality of life in Fabens. The interests FTTCG seeks to protect in a contested case hearing are germane to the organization's purposes. 30 Tex. Admin. Code § 55.205(b)(3). FTTCG representative Ana Sanchez submitted timely oral comments and provided material on behalf of the group at the public meeting held on January 16, 2024. 30 Tex. Admin. Code § 55.205(b)(1). Each of the individual hearing requesters discussed below is a member of FTTCG, and each member's name and physical address is provided herein; furthermore, each of these identified members would otherwise have standing to request a hearing in their own right. 30 Tex. Admin. Code § 55.205(b)(2). While each identified member has the right to participate in this matter as an affected person, neither the claim asserted nor the relief requested requires the individual members to participate in the case. 30 Tex. Admin. Code § 55.205(b)(4). For these reasons, FTTCG has satisfied the requirements of 30 Tex. Admin. Code § 55.205.

III. FTTCG members are affected persons.

FTCG members reside on properties located in close proximity to the Plant, its proposed discharge point, and its discharge route. Such members would suffer the impacts of the Plant's operations in a manner that is unique and not common to the public. These members include the affected persons discussed below, who are identified as members of FTTCG for purposes of 30 Tex. Admin. Code §55.205(b)(2), and who also request a hearing in their individual capacities.

Ms. Ana Sanchez resides at 919 NE Camp Street, Fabens, Texas 79838. Her residence is within one mile of the Plant. Ms. Sanchez is concerned that she and other members of FTTCG will experience adverse effects to their health and the use and enjoyment of their property because of nuisance odors. The odor problem will be exacerbated because many community members, such as Ms. Sanchez, do not have air conditioning; instead, they rely on evaporative coolers (or "swamp coolers") which draw air directly into homes from the outside. Furthermore, Ms. Sanchez asserts

that the location of the Plant—so close to homes (including hers), schools, a medical clinic, and a senior citizen center—creates an unacceptably high risk of exposing the public to nuisance conditions. Such siting is inconsistent with the intent and purposes of 30 Tex. Admin. Code Chapter 309, Subchapter B. She has concerns about whether she and her community will be adequately protected in the event of an emergency. In addition, Ms. Sanchez has concerns about contamination of surface water and groundwater, including a concern about whether the characteristics of the proposed discharge route are suitable to channel discharged effluent and mitigate potential contamination. Also, LVWD's aggregate compliance history for all existing facilities should be given consideration. On October 24, 2023, LVWD was issued a notice of violation for operations at its Clint Sanitary Sewer Lift Station facilities (RN106011406) and cited for odor conditions and the discharge of air contaminants in such concentrations and duration that could be injurious or adversely affect human health or welfare, animal life, vegetation, or property. LVWD has also had compliance problems at other facilities related to failing to maintain collection lines and failing to collect samples. Such violations raise concerns regarding the Applicant's ability to comply with the proposed draft permit.

In both her individual capacity and as a representative of FTCTG, Ms. Ana Sanchez raised these issues in formal comments and materials provided at the TCEQ's public meeting, and her concerns remain unresolved. (RTC Issue Nos. 1, 3, 5, and 6.). As discussed more fully below, the interests and issues raised by Ms. Sanchez are protected by the law under which the Application will be considered. 30 Tex. Admin. Code § 55.203(c)(1). There is a reasonable relationship between the interests claimed by Ms. Sanchez and the regulated activity. 30 Tex. Admin. Code § 55.203(c)(3). Because of her location, the Plant is likely to have an impact on Ms. Sanchez's health, safety, and use and enjoyment of property. 30 Tex. Admin. Code § 55.203(c)(4). Ms. Ana Sanchez is an affected person.

Ms. Magda Flores resides at 113 NE Davis, Fabens, Texas 79838. Based on estimates provided by FTCTG, her residence is located approximately 786 yards from the Plant. Ms. Flores is concerned that she will be adversely affected by nuisance odors. Ms. Flores is further concerned that prior notices of violation issued to LVWD call into question the Applicant's ability to comply with this proposed permit. Ms. Flores raised these issues in formal comments made at the TCEQ's public meeting, and her concerns remain unresolved. (RTC Issue Nos. 3 and 6). As discussed more

fully below, the interests and issues raised by Ms. Flores are protected by the law under which the Application will be considered. 30 Tex. Admin. Code § 55.203(c)(1). There is a reasonable relationship between the interests claimed by Ms. Flores and the regulated activity. 30 Tex. Admin. Code § 55.203(c)(3). Because of her location, the Plant is likely to have an impact on Ms. Flores's health, safety, and use and enjoyment of property. 30 Tex. Admin. Code § 55.203(c)(4). Ms. Magda Flores is an affected person.

Ms. Rosamaria Gallo-Avitia resides at 401 Eubanks Street Northwest, Fabens, Texas 79838. Based on estimates provided by FTCTG, her residence is located approximately 276 yards or less from the Plant. Ms. Gallos-Avitia has concerns regarding nuisance odor conditions. Furthermore, she asserts that the location of the Plant—so close to homes (including hers), schools, a medical clinic, and a senior citizen center—creates an unacceptably high risk of exposing the public to nuisance conditions. Such siting is inconsistent with the intent and purposes of 30 Tex. Admin. Code Chapter 309, Subchapter B. She has concerns about whether she and her community will be adequately protected in the event of an emergency. Ms. Gallo-Avitia raised these issues in formal comments made at the TCEQ's public meeting, and her concerns remain unresolved. (RTC Issue Nos. 1 and 3). As discussed more fully below, the interests and issues raised by Ms. Gallo-Avitia are protected by the law under which the Application will be considered. 30 Tex. Admin. Code § 55.203(c)(1). There is a reasonable relationship between the interests claimed by Ms. Gallo-Avitia and the regulated activity. 30 Tex. Admin. Code § 55.203(c)(3). Because of her location, the Plant is likely to have an impact on Ms. Gallo-Avitia's health, safety, and use and enjoyment of property. 30 Tex. Admin. Code § 55.203(c)(4). Ms. Gallo-Avitia is an affected person.

Mr. Thomas P. Housler resides at 108 Minera, Fabens, Texas 79838. Based on estimates provided by FTCTG, his residence is located approximately 223 yards from the Plant. Mr. Housler has concerns regarding nuisance odor conditions. Furthermore, he asserts that the location of the Plant—so close to homes (including his), schools, a medical clinic, and a senior citizen center—creates an unacceptably high risk of exposing the public to nuisance conditions. Such siting is inconsistent with the intent and purposes of 30 Tex. Admin. Code Chapter 309, Subchapter B. He has concerns about whether he and his community will be adequately protected in the event of an emergency. Mr. Housler raised these issues in formal comments made at the TCEQ's public

meeting, and his concerns remain unresolved. (RTC Issue Nos. 1 and 3). As discussed more fully below, the interests and issues raised by Mr. Housler are protected by the law under which the Application will be considered. 30 Tex. Admin. Code § 55.203(c)(1). There is a reasonable relationship between the interests claimed by Mr. Housler and the regulated activity. 30 Tex. Admin. Code § 55.203(c)(3). Because of his location, the Plant is likely to have an impact on Mr. Housler's health, safety, and use and enjoyment of property. 30 Tex. Admin. Code § 55.203(c)(4). Mr. Thomas Housler is an affected person.

Ms. Maria Mendoza resides at 16172 Mesa Rocks Street, Fabens, Texas 79838. The property where she resides is shown as ID8 on the affected landowners list and, according to estimates provided by FTCTG, her residence is located approximately 81 yards or less from the Plant. Ms. Mendoza is concerned that nuisance odor conditions will adversely affect her family's health and the use and enjoyment of their property. Furthermore, Ms. Mendoza asserts that the location of the Plant—so close to homes (including hers), schools, a medical clinic, and a senior citizen center—creates an unacceptably high risk of exposing the public to nuisance conditions. Such siting is inconsistent with the intent and purposes of 30 Tex. Admin. Code Chapter 309, Subchapter B. She has concerns about whether she and her community will be adequately protected in the event of an emergency. In addition, Ms. Sanchez has concerns about contamination of surface water and groundwater, including a concern whether the characteristics of the proposed discharge route are suitable to channel discharged effluent and mitigate potential contamination. Ms. Mendoza raised these issues in formal comments made at the TCEQ's public meeting, and her concerns remain unresolved. (RTC Issue Nos. 1, 3, and 5). As discussed more fully below, the interests and issues raised by Ms. Mendoza are protected by the law under which the Application will be considered. 30 Tex. Admin. Code § 55.203(c)(1). There is a reasonable relationship between the interests claimed by Ms. Mendoza and the regulated activity. 30 Tex. Admin. Code § 55.203(c)(3). Because of her location, the Plant is likely to have an impact on Ms. Mendoza's health, safety, and use and enjoyment of property. 30 Tex. Admin. Code § 55.203(c)(4). Ms. Maria Mendoza is an affected person.

Mr. Angel Ornelas resides at 16197 Metalico Street, Fabens, Texas 79838. Mr. Ornelas's property is shown as ID19 on the affected landowners list and, according to estimates provided by FTCTG, his residence is located approximately 86 yards or less from the Plant. Mr. Ornelas has

concerns regarding nuisance odor conditions. Furthermore, he asserts that the location of the Plant—so close to homes (including his), schools, a medical clinic, and a senior citizen center—creates an unacceptably high risk of exposing the public to nuisance conditions. Such siting is inconsistent with the intent and purposes of 30 Tex. Admin. Code Chapter 309, Subchapter B. He has concerns about whether he and his community will be adequately protected in the event of an emergency. Mr. Ornelas raised these issues in formal comments made at the TCEQ's public meeting, and his concerns remain unresolved. (RTC Issue Nos. 1 and 3). As discussed more fully below, the interests and issues raised by Mr. Ornelas are protected by the law under which the Application will be considered. 30 Tex. Admin. Code § 55.203(c)(1). There is a reasonable relationship between the interests claimed by Mr. Ornelas and the regulated activity. 30 Tex. Admin. Code § 55.203(c)(3). Because of his location, the Plant is likely to have an impact on Mr. Ornelas's health, safety, and use and enjoyment of property. 30 Tex. Admin. Code § 55.203(c)(4). Mr. Angel Ornelas is an affected person.

Mr. Rafael Ramirez resides at 148 CC Camp Road, Fabens, Texas 79838. Based on estimates provided by FTCEG, this residence is located approximately 890 yards from the Plant. Mr. Ramirez is concerned that nuisance odor conditions will adversely affect his health, safety, and the use and enjoyment of his property. Mr. Ramirez raised this concern in formal comments made at the TCEQ's public meeting, and his concern remains unresolved. (RTC Issue No. 3). As discussed more fully below, the interests and issues raised by Mr. Ornelas are protected by the law under which the Application will be considered. 30 Tex. Admin. Code § 55.203(c)(1). There is a reasonable relationship between the interests claimed by Mr. Ornelas and the regulated activity. 30 Tex. Admin. Code § 55.203(c)(3). Because of his location, the Plant is likely to have an impact on Mr. Ornelas's health, safety, and use and enjoyment of property. 30 Tex. Admin. Code § 55.203(c)(4). Mr. Rafael Ramirez is an affected person.

Mr. Eleuterio Sanchez and Ms. Maria Sanchez reside at 1013 Oak View Street, Fabens, Texas 79838, approximately one mile from the Plant. These requesters are concerned that nuisance odor conditions and the environmental impact of the plant's discharge on surface water and groundwater will adversely affect their health and the use and enjoyment of their property. They raised these issues in formal comments made at the TCEQ's public meeting, and their concerns remain unresolved. (RTC Issue No. 3 and 5). As discussed more fully below, the interests and

issues raised by Eleuterio Sanchez and Maria Sanchez are protected by the law under which the Application will be considered. 30 Tex. Admin. Code § 55.203(c)(1). There is a reasonable relationship between the interests claimed and the regulated activity. 30 Tex. Admin. Code § 55.203(c)(3). Because of their location, the Plant is likely to have an impact on the requesters' health, safety, and use and enjoyment of property. 30 Tex. Admin. Code § 55.203(c)(4). Mr. Eleuterio Sanchez and Ms. Maria Sanchez are affected persons.

IV. The concerns of FTCG and its identified members and individual requesters are relevant and material disputed issues that were raised in the requesters' timely formal comments.

Collectively, FTCG and the affected persons identified above (the "Requesters") request that the Commission refer the following issues to the State Office of Administrative Hearings for a contested case hearing:

- (1) Whether the draft permit is adequately protective to prevent nuisance odor conditions.
- (2) Whether the draft permit is adequately protective of surface water and groundwater quality.
- (3) Whether the location of the Plant minimizes the possibility of contaminating water in the state and minimizes the possibility of exposing the public to nuisance conditions under the Plant Siting Location Standards of 30 Tex. Admin. Code Chapter 309, Subchapter B.
- (4) Whether the draft permit should be denied or modified in consideration of Applicant's compliance history.
- (5) Whether the draft permit and engineering design plans for the proposed facility will include adequately protective emergency preparedness provisions in compliance with Chapter 217 requirements.

Nuisance Odors (RTC Issue No.3).

The issue of nuisance odor prevention is relevant and material to the Commission's decision on this permit application. The TCEQ Rules require municipal wastewater discharge permits to contain an effective nuisance odor abatement plan, and for permittees to maintain operations in a manner to comply with all applicable requirements, including the prevention of nuisance odor conditions. 30 Tex. Admin. Code §§ 309.13, 217.38, and 217.3(b)(4). The Requesters raised concerns about nuisance odor conditions in timely formal comments, and the issue remains unresolved and disputed.

Surface Water and Groundwater Quality (Issue Nos. 1 and 5).

The issue of protection of surface water and groundwater is relevant and material to the Commission's decision on this application. Under Tex. Water Code Chapter 26 and 307 of the TCEQ Rules, the Commission is charged with protecting water quality in a manner consistent with public health and enjoyment. 30 Tex. Admin. Code § 307.1. Also, one of the purposes of Chapter 309 of the TCEQ Rules is to condition the issuance of a permit on the selection of a plant site location that minimizes the possibility of contaminating water in the state. 30 Tex. Admin. Code § 309.10(b). The Requesters raised concerns about the protection of surface water and groundwater quality in timely formal comments, and the issue remains unresolved and disputed.

Plant Siting Location Standards (RTC Issue No. 1).

Issues related to the Plant's location are relevant and material to the Commission's decision on this application. As stated in 30 Tex. Admin. Code § 309.10(b), the purpose of Chapter 309, Subchapter B, Location Standards, is to condition issuance of a permit on selection of a site that minimizes the possibility of contamination and minimizes the possibility of exposing the public to nuisance conditions. Also, under 30 Tex. Admin. Code § 309.12, the Commission can consider whether the identified discharge route, as an operational feature of the Plant, has the bed, banks, and capacity to channel treated wastewater properly and minimize contamination. While Chapter 309, Subchapter B establishes minimum standards for the location of domestic wastewater treatment facilities, the Commission is not compelled to find the selected site is suitable and issue a permit simply because the minimum standards may be met. *See* 30 Tex. Admin. Code §§ 309.10(a) and 309.14(b). In their formal comments, the Requesters raised concerns that the Plant's location will expose the public to nuisance conditions and impair water quality. These issues remain unresolved and disputed.

Compliance History (RTC Issue No. 6).

Issues related to LVWD's compliance history are relevant and material to the Commission's decision on this application. Consideration of compliance history is statutorily required for the issuance of wastewater discharge permits. Tex. Water Code § 26.0281. As required by Tex. Water Code § 5.754, the Commission has rules that further address the use of compliance history in agency decisions. Under 30 Tex. Admin. Code § 60.3(a)(1)(B), when deciding whether to issue a permit, the Commission shall evaluate the person's aggregate compliance history and classification, especially considering patterns of environmental compliance. Also, 30 Tex. Admin.

Code § 60.3(a)(4)(B)(i) provides that the Commission shall consider compliance history when considering the issuance of a permit to discharge effluent comprised primarily of sewage or municipal waste. In their formal comments, the Requesters questioned whether LVWD has the ability or willingness to comply with the provisions of this permit, given its prior documented violations for other operations. These issues remain unresolved and disputed.

Emergency Preparedness (RTC Issue No. 1).

Issues related to emergency preparedness are relevant and material to the Commission's decision. TCEQ Rules, Chapter 217 contain various requirements for design and engineering features to protect public health, safety, and welfare in the event of an emergency. These provisions include, without limitation, 30 Tex. Admin. Code § 217.36.

V. Summary

Fabens Take Charge Group, Magda Flores, Rosemaria Gallos-Avitia, Tom Housler, Maria Mendoza, Angel Ornelas, Rafael Ramirez, Ana Sanchez, Eleuterio Sanchez, and Maria Sanchez have met the legal requirements for establishing affected person status and requesting a contested case hearing. FTCTG and the individual affected persons respectfully request a contested case hearing on the issues discussed above.

Respectfully submitted,

/s/ Vic McWherter

Vic McWherter

State Bar No. 00785565

vmcwherter@txenvirolaw.com

Marisa Perales

State Bar No. 24002750

marisa@txenvirolaw.com

PERALES, ALLMON & ICE, P.C.

1206 San Antonio Street

Austin, Texas 78701

512-469-6000 (t) | 512-482-9346 (f)

TCEQ Registration Form
January 16, 2024

Lower Valley Water District
Proposed Water Quality Permit Number

Magda WQ0016296001

PLEASE PRINT

Name: *Magda Flor*

Mailing Address: *Box 91*

Physical Address (if different): *113 NE Davis*

City/State: *Fabens* Zip: *79838*

Email: *magconflo@aol.com*

E-mail addresses are subject to public disclosure under the Texas Public Information Act

Phone Number: *(915) 764 8223*

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? *Take Charge*

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public hearing.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public hearing.

(Written comments may be submitted at any time during the hearing)

Please give this form to the person at the information table. Thank you.

TCEQ Registration Form
January 16, 2024

Lower Valley Water District
Proposed Water Quality Permit Number
WQ0016296001

PLEASE PRINT

Name: THOMAS HOUSLER

Mailing Address: PO Box 1468 FABENS TX 79838

Physical Address (if different): 108 MINERA, FABENS TX 79838

City/State: FABENS TX Zip: 79838

Email: _____

****E-mail addresses are subject to public disclosure under the Texas Public Information Act****

Phone Number: () _____

• Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? TAKE CHARGE

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public hearing.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public hearing.

(Written comments may be submitted at any time during the hearing)

Please give this form to the person at the information table. Thank you.

16

TCEQ Registration Form
January 16, 2024

Lower Valley Water District
Proposed Water Quality Permit Number
WQ0016296001

PLEASE PRINT

Name: Maria Mendloza

Mailing Address: P.O. Box 1625 Fabens TX 79538

Physical Address (if different): 16172 Mesa Rock St

City/State: Fabens TX Zip: 79538

Email: jovimari.mendloza430@gmail.com

****E-mail addresses are subject to public disclosure under the Texas Public Information Act****

Phone Number: (915) 275-4341

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public hearing.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public hearing.

(Written comments may be submitted at any time during the hearing)

Please give this form to the person at the information table. Thank you.

TCEQ Registration Form
January 16, 2024

Lower Valley Water District
Proposed Water Quality Permit Number
WQ0016296001

PLEASE PRINT

Name: Angel Dorneles

Mailing Address: P.O. Box 1554

Physical Address (if different): No P.O. Box 1554

City/State: Fabens TX Zip: 79834

Email: dorneles@vabornet.com

****E-mail addresses are subject to public disclosure under the Texas Public Information Act****

Phone Number: (915) 373 1687

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public hearing.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public hearing.

(Written comments may be submitted at any time during the hearing)

Please give this form to the person at the information table. Thank you.

TCEQ Registration Form
January 16, 2024

Lower Valley Water District
Proposed Water Quality Permit Number
WQ0016296001

PLEASE PRINT

Name: Rafael Ramirez

Mailing Address: PO Box 680

Physical Address (if different): _____

City/State: Fabens, TX Zip: 78838

Email: _____

E-mail addresses are subject to public disclosure under the Texas Public Information Act

Phone Number: (_____) _____

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Group

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public hearing.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public hearing.

(Written comments may be submitted at any time during the hearing)

Please give this form to the person at the information table. Thank you.

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Thursday, May 11, 2023 12:39 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016296001

From: rafatona@aol.com <rafatona@aol.com>
Sent: Thursday, May 11, 2023 11:01 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016296001

REGULATED ENTY NAME MESA DEL NORTE WASTEWATER TREATMENT PLANT

RN NUMBER: RN111664371

PERMIT NUMBER: WQ0016296001

DOCKET NUMBER:

COUNTY: EL PASO

PRINCIPAL NAME: LOWER VALLEY WATER DISTRICT

CN NUMBER: CN600630396

NAME: Rafael R Ramirez

EMAIL: rafatona@aol.com

COMPANY: N/A

ADDRESS: PO BOX 680 148 CC Camp Rd
FABENS TX 79838-0680

PHONE: 9156370874

FAX:

COMMENTS: I am requesting that the above permit be denied due to the following concerns: 1. The proximity of the sewer processing plant is about 200 feet from the nearest homes. 2. The plant would be about .6 miles from the Fabens ISD schools. This would require school evacuations during plant malfunction 3. The wind direction will blow the plant odors to the town, especially during malfunctions. 4. The proximity of the railroad tracks is of concern because of the ground vibrations. 5. The local hospital is 0.4 mile from the plant. Due to these concerns, I am requesting that the permit be denied!

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Friday, July 12, 2024 8:32 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Additional Public Comment- WQ0016296001
Attachments: Report West Texas County Courier.pdf

From: ANA SANCHEZ <fabenstakecharge@gmail.com>
Sent: Friday, July 12, 2024 8:22 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Re: Additional Public Comment- WQ0016296001

Good Morning,
Please disregard my last email and accept for filing the attached report.

Thank you

Ana Sanchez
9153294210

On Thu, Jul 11, 2024 at 7:01 AM ANA SANCHEZ <fabenstakecharge@gmail.com> wrote:

To whom it may concern,

Attached please find a report to be filed as a public comment under permit number WQ0016296001.

Thank you for your time and attention to this matter.

To whom it may concern,

07/11/2024

Residents of the Lower water Valley District (LVWD) have recently expressed significant concerns regarding a series of unpleasant sewage spills affecting their area. This report aims to summarize the residents' frustrations and question the district's ability to manage more significant projects, such as the proposed Mesa del Norte Wastewater Treatment Plant in the town of Fabens.

- **Unresolved Sewage Spills:** The recent sewage spills have caused considerable distress among LVWD residents. The spills have not only been an environmental hazard but have also impacted their daily lives and health.
- **Questionable Management:** The inability of the LVWD to effectively manage these relatively minor issues raises serious questions about their capability to handle more significant, more complex projects.

The current situation in LVWD casts doubt on the proposed management of the Mesa del Norte Wastewater Treatment Plant in Fabens TX. If LVWD cannot effectively address and resolve minor issues, we question their ability to manage a critical facility that will have significant implications for our community's health and environment.

The continuing concerns raised by LVWD residents are valid and highlight a broader issue of management and accountability. These issues must be transparent.

Attached please find the West Texas County Courier

1973
51
Years
2024

WEST TEXAS COUNTY COURIER

VOL. 51, No. 28

SERVING ANTHONY, VINTON, CANUTILLO, EAST MONTANA, HORIZON, SOCORRO, CLINT, FABENS, SAN ELIZARIO AND TORNILLO

JULY 11, 2024

NEWSBRIEFS

Diversity

With hate crimes on the rise, the personal-finance website WalletHub has released its report on 2024's Most Diverse Cities in America, as well as expert commentary, to identify the places where people have the most unique blend of perspectives, which brings social and economic benefits. To determine the places in the U.S. with the most mixed demographics, WalletHub compared the profiles of more than 500 of the largest cities across five major diversity categories: socioeconomic, cultural, economic, household and religious. El Paso was ranked 253rd in the report. Other stats:

- Murfreesboro, TN has the highest income diversity, which is two times higher than in Hockessin, DE, the city with the lowest.
- Germantown, MD has the highest racial and ethnic diversity, which is four times higher than in Laredo, TX, the city with the lowest.
- South Valley, NM has the highest occupational diversity, which is 3.2 times higher than in Cambridge, MA, the city with the lowest.

"The most diverse cities demonstrate diversity in many dimensions – not just in race and gender but also everything from residents' languages and birthplaces to their job types and household sizes. These cities blend together a multitude of different perspectives, helping people to better understand the world around them and become more empathetic. This exchange of ideas also tends to increase the economic success of diverse cities. The most diverse cities overall are a trio of Maryland towns close to Washington, D.C.: Gaithersburg, Silver Spring, and Germantown. These Maryland cities have some of the most diversity when it comes to race, language and educational attainment. However, individual cities across the country stand out in different categories. For example, South Valley, NM, has the most occupational diversity, while St. Louis has the most religious diversity."

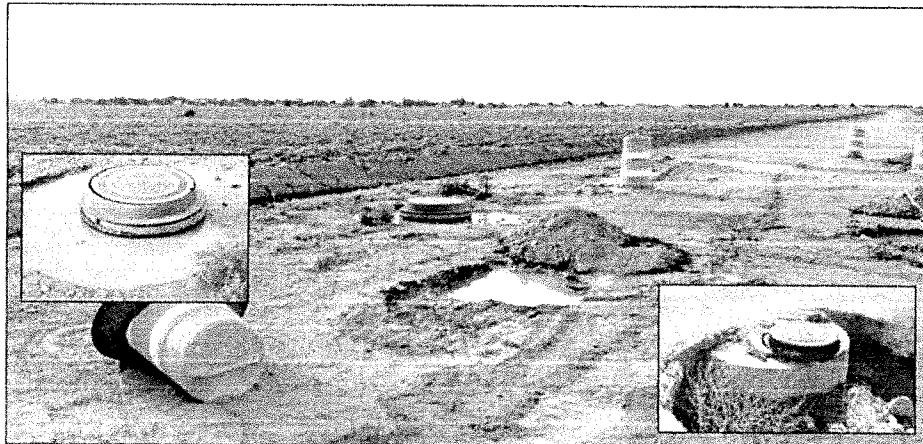
– Cassandra Huppe
WalletHub Analyst

Visit <https://wallethub.com/edu/most-diverse-cities/12690> for the full report.

– Diana Polk

Bible study is a postgraduate course in the richest library of human experience.

– Quilps & Quotes



SLOPPY – This Lower Valley Water District manhole drain sits near the fields behind Bovee Road in the City of Socorro. Socorro residents allege the ground around the manhole has eroded from the frequent overflow spills. Homes are in the background behind the cotton field. The inset at left is the same manhole from different angle. The inset at right is the same manhole earlier this year.

Socorro residents upset with Lower Valley Water District over sewage spills

By Alfredo Vasquez
Special to the Courier

LOWER VALLEY – Socorro residents who live along Bovee Road are at a loss as to what to do about the stench that emanates from the sewer manholes that are located a stone's throw away from their property. They allege that the Lower Valley Water District (LVWD) is doing nothing to mitigate the problem.

The Bovee residents contend that the noxious odors are the result of the frequent spills that spew from the LVWD sewer line manholes located along the fields behind their homes. "The problem is that the sewage water overflows from the manholes, and it stinks all of the time out here and

attracts a lot of flies," alleged Eugene Trujillo, a Bovee Road resident. "Also, the manholes are adjacent to drain pipes that are near Socorro Middle School. Can you imagine all those kids having to smell that odor when they are eating lunch at school. This has been going on for months, and the Lower Valley Water District is doing nothing about it," he added.

LVWD, created as a municipal utility district in 1986, is located in the southeastern portion of El Paso County. According to its website, LVWD provides potable water, sewer, septic system, and sanitation services while striving for the highest quality of product and service to all of its customer base and that they attend to the precept that safe drinking water is a vital, protected and conserved

resource for a higher quality of life.

Also, the website states that LVWD is constantly applying for funding from local, state, and federal agencies in an effort to construct adequate water and wastewater systems for the 210 square miles within its boundaries. And in May, its customers narrowly approved a \$35 million bond issue to allow the water district to expand its services throughout the communities of Socorro, San Elizario, Clint, Sparks, Sand Hills, and outlying colonies.

LVWD is run by a board of directors which consists of five members who are elected by the district's taxpaying residents every four years with staggered terms. Current board members are Rosalinda Vigil, president; David

See SPILLS, Page 2



LABELED – LVWD officials reported that LVWD has a contract with Deployed Resources that allows its septic hauling tanker trucks to transfer wastewater into the water district's sewer system. As many as seven trucks per day transfer their loads into LVWD's manholes that are located near Tanton Road in the City of Socorro, according to LVWD officials. The truck above has registration DOT1394916.

Spills

From Page 1

Carrasco, vice president; Henry Trujillo, secretary/treasurer; David Estrada, director; Rod Chavez, director; and the General Manager is Gerald (Jerry) Grijalva.

Socorro resident and community activist Jesse J. Montelongo insists that the sewage water overflows behind Bovee Road are a result of the wastewater that is being dumped by septic hauler tanker trucks into the manholes located near Tanton Road, which is on the other side of Alameda Avenue from Bovee Road, about a mile away.

Montelongo alleges that the septic haulers are transferring so much wastewater into the LVWD sewer system that it is flooding the underground drain pipes and causing the excess wastewater to spew out of control along the manholes behind Bovee Road because the manholes are not properly secured. He said that some of the manholes simply have lids from 40-gallon barrels covering the manholes with a pile of rocks placed on top of them.

Imelda Caster, LVWD administrative assistant, acknowledged that as many as seven septic hauling tanker trucks transfer their wastewater into LVWD's sewer system every day. She said that LVWD has a contract with Deployed Resources trucking company that allows the haulers to transfer their wastewater into its sewer system.

Montelongo said that he filed a complaint dated June 6, 2024 with LVWD concerning the septic haulers' transferring loads into the manholes near Tanton Road. He said that he was not satisfied with the response he got from the water district four days later.

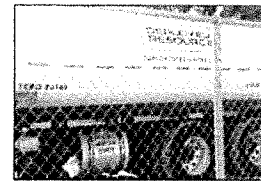
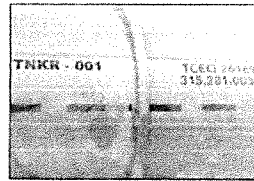
Montelongo said that he received a letter

from the El Paso City/County Environmental Services, Air Quality Program that stated in part, "Although we did not confirm any violations applicable to air quality requirements, it does not mean that there are not conditions and times when there are incidents at a source that could constitute violations of the Texas Clean Air Act and the Texas Commission on Environmental Quality (TCEQ) rules and regulations." The letter was signed by Al Melero, a code compliance supervisor.

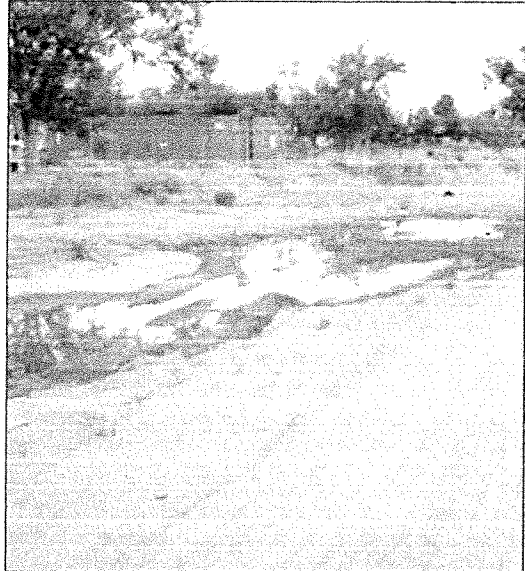
Montelongo said that he tried to get the compliance supervisor to inspect not just the Tanton manholes but also the Bovee Road manholes, but he was told that he was the only one who filed a complaint so only his residence was being inspected.

LVWD General Manager Gerald (Jerry) Grijalva elaborated that the manholes near Tanton Road, where the septic haulers are transferring their wastewater were sealed after each dump, and that there had not been a spillage at that site in over a year. He related that in 2023 there had been a wastewater overflow there but that it was promptly reported to TCEQ and subsequently cleaned up. However, he also did not mention the sewage spillage that occurs behind the Bovee Road, until a major overflow of sewage water burst out of those manholes on June 27th, the day Chris Trujillo, Eugene's son and a farmer, was working the fields behind his dad's home.

Chris said that he works the Bovee Road farmland owned by Hilley Farms and that on June 27th he arrived in the early morning with his tractor and found part of the field covered in sewage water. "The sewer water

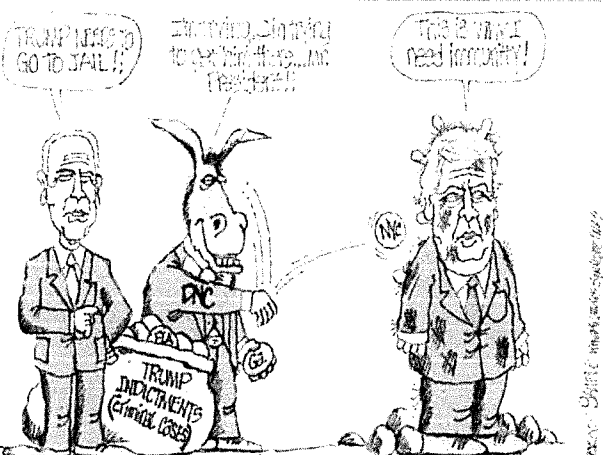
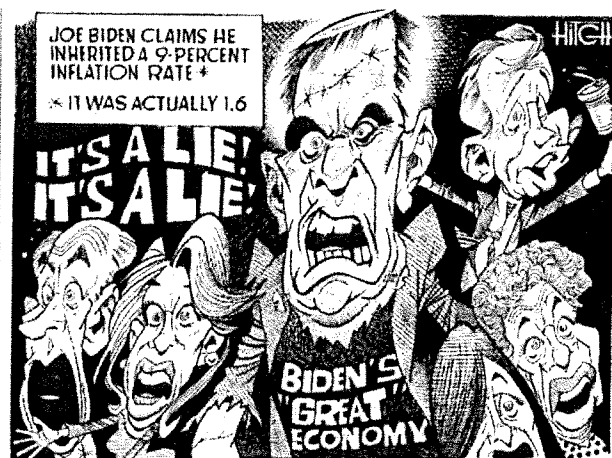
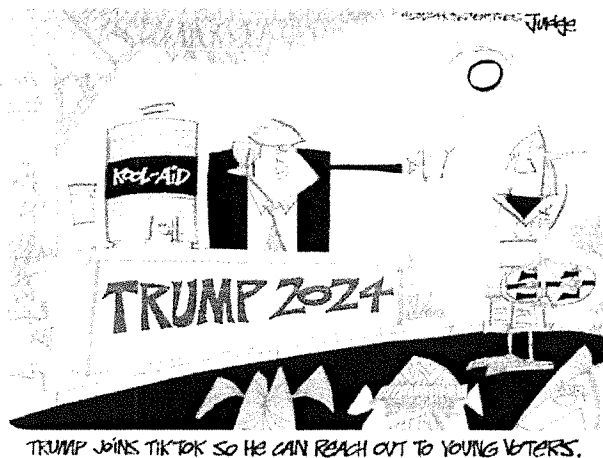


PROPERLY MARKED - The septic hauling tanker trucks are registered with the Texas Commission on Environmental Quality (TCEQ), as noted on the tankers that are transferring wastewater into the LVWD drain located near Tanton Road.



MUDDY ROAD - Sewage overflow from a LVWD manhole puddled up on Bovee Road on June 27.

See SPILLS, Page 3



Spills

From Page 2

had overflowed from the manholes and saturated part of the cottonfield, the ditch roads, and it made a real mess. My tractor almost got stuck in the sludge and I had to walk through it. The smell made me nauseous; I almost threw up. I videotaped the

whole mess," Chris stated. He also alleges that the problem stems from the constant septic haulers' dumping at the Tanton manhole site.

Meanwhile, Caster was immediately notified of the spillage and a crew was sent to clean up the area. Chris T., who was still there when they came to inspect the sewage overflow, said that all they did was throw some dirt on it and placed orange traffic barrels around

the affected area. "That is all they have done," he exclaimed.

Grijalva commented that the incident behind Bovee Road had nothing to do with the septic haulers' wastewater transfers. He blamed it on the pumps at the lift station, specifically Lift Station #5. He said that the pumps had given out and consequently backed up the wastewater and caused the overflow

at the manholes behind Bovee Road. "We are in the process of requesting for bids to rehabilitate the pumps at the lift station, which will take some time and should be able to start the work by October," he stated. "You have to remember that we inherited these lift station pumps 30 years ago, and we will have to upgrade almost

See SPILLS, Page 5

Notification of Nondiscrimination in Career and Technical Education Programs at Clint Independent School District for 2024-2025 School Year

1) Clint Independent School District offers career and technical education programs in Agriculture, Food, and Natural Resources; Architecture and Construction; Arts, AV Technology and Communications; Business, Marketing, and Finance; Health Science; Hospitality and Tourism; Human Services; Law and Public Service; Manufacturing; Science, Technology, Engineering, and Math; Transportation, Distribution, and Logistics. Admission to these programs is based on current enrollment in the Clint ISD and completion of any necessary prerequisites.

2) It is the policy of Clint ISD not to discriminate on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis in its vocational programs, services, or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

3) It is the policy of Clint ISD not to discriminate on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of Education amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

4) Clint ISD will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

5) For information about your rights or grievance procedures, contact the Title IX Coordinator, Rene Chavez at 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4061 and/or Section 504 Coordinator, Rodrigo Hernandez, Assistant Director Special Education, at 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4031.

Notificación de no Discriminar en los Programas Educativos de Carrera y Tecnica Clint ISD por el año escolar del 2024-2025

1) El distrito escolar independiente de Clint ofrece programas de educación técnica y carreras en las áreas de Agricultura, Comida y Recursos Naturales; Arquitectura y Construcción; Artes; Tecnología Audio/Visual y Comunicaciones; Negocio, Mercadotecnia y Finanzas; Ciencias de Salubridad; Hospitalidad y Turismo; Servicios Humanos; Leyes y Servicio Público; Manufactura; Ciencia, Tecnología, Ingeniería y Matemáticas; Transportación, Distribución y Logística. El ingreso a estos programas será basado en el número de estudiantes matriculados en el distrito escolar de Clint y se deberá cumplir con los requisitos necesarios de ingreso a estos programas.

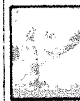
2) El Distrito Escolar de Clint no discrimina por razones de raza, religión, color, origen nacional, sexo, género, edad o discapacidad al proveer servicios de educación, actividades, y programas, incluyendo programas vocacionales, de acuerdo con el Título VI del Acta de Derechos Civiles de 1964, y enmienda; Título IX de las Enmiendas Educativas de 1972; Sección 504 del Acta de Rehabilitación de 1973, enmienda.

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4) El Distrito Escolar Independiente de Clint tomara pasos para asegurar que la falta de ingles no sea un obstaculo para la admision y participacion en todos los programas vocacionales, y educativos.

5) Para mas informacion de sus derechos y procedimiento de agravios, puede ponerse en contacto con el coordinador de Titulo IX, Rene Chavez, en 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4061 y/o el Coordinador de la Sección 504, Rodrigo Hernandez, Subdirector/a de Educación Especial, en 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4031.

WTCC 07-11-24



Moments in time

THE HISTORY CHANNEL

• On July 8, 1918, Ernest Hemingway was working as an ambulance driver for the American Red Cross while serving on the Italian front in World War I when he was struck by an Austrian mortar shell as he handed out chocolate to soldiers in a dugout.

• On July 9, 1993, British forensic scientists announced a positive identification of the remains of Russia's last czar, Nicholas II, his wife, Czarina Alexandra, and three of their daughters. Mitochondrial DNA was used on the family's bones, which had been excavated from a mass grave near Yekaterinburg two years earlier.

• On July 10, 1985, conservation group Greenpeace's flagship, the Rainbow Warrior, sank in New Zealand's Auckland Harbor after French agents in diving gear planted a bomb on the vessel's hull. The ship had been preparing for a protest voyage to a French nuclear test site in the South Pacific.

• On July 11, 2005, Hurricane Dennis blasted onto the East Coast near Pensacola Beach with a storm surge of 15 feet.

wiping out power for over 1 million in Florida and Alabama, with Mississippi also being declared a disaster zone along with those two states. The hurricane had already hit Cuba, the Dominican Republic and Haiti earlier in the week, causing 21 fatalities and massive property damage.

• On July 12, 1967, race riots broke out in Newark, New Jersey, after a Black cab driver was arrested and beaten by police. The riots resulted in 24 deaths, 1,100 wounded, 1,300 people arrested and property losses in excess of \$5 million. The violence was believed to have been triggered by a number of factors, including rumors that the cabbie had died and charges that the police involved were brutally racist, along with poor mayoral leadership.

• On July 13, 1920, the U.S. Post Office banned customers from mailing children and animals. While it's hard to believe such a ruling would even be necessary, officials wisely decreed it so after several cases involving parents dispatching a child and one person posting a skunk!

• On July 14, 1953, Egyptian politician Rawya Aleya became the first female parliamentarian in the Arab world.

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WEST TEXAS COUNTY COURIER

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Thought for the Day: "In any given moment we have two options: to step forward into growth or step back into safety."

– Abraham Maslow

Spills

From Page 3

all of them," he added.

Grijalva explained that LVWD is the only water district in El Paso County that will accept septic haulers' wastewater transfers into its sewer system. He asserted that LVWD stepped up to allow the wastewater transfers because El Paso Water does not allow septic haulers to use its sewer system for such transfers.

El Paso Water spokesperson Denise Parra said that EPWater does not allow septic haulers' wastewater transferring loads into its system because their officials do not know what is in it. EPWater's treated wastewater is cleaned and treated to use for irrigation and industrial purposes, to replenish the aquifer or returned to the environment. The wastewater from the Bustamante Plant will eventually be source water for the new Advanced Water Purification Facility that will take the water through several phases of filtration and purification to transform it into drinking water.

Grijalva, on the other hand, said that the water being put into its water system is gray water – that is bath water, laundry water, and such. He said that every septic hauler's wastewater load is visually

Archives: www.wtxcc.com

Public Notice Clint Independent School District 504 Child Find

Pursuant to Section 504 of the Rehabilitation Act of 1973, the District has a duty to identify, refer, evaluate and if eligible, provide a free, appropriate public education to disabled students. For additional information about the rights of parents of eligible children, or for answers to any questions you might have about identification, evaluation and placement into Section 504, please contact the Clint District's Section 504 Coordinator, Rodrigo Hernandez, Assistant Director Special Education, at 926-4031, or mail at 14521 Horizon Blvd., Horizon City, Texas 79928.

Aviso de Identificación de Estudiantes Incapacitados bajo la Sección 504

Bajo la Sección del Decreto de Rehabilitación de 1973, el Distrito Escolar está obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a los estudiantes incapacitados que califican bajo esta ley. Si usted desea mas información sobre los derechos de padres de niños incapacitados, o si tiene preguntas sobre la identificación, evaluación, y colocación de niños en el programa de Sección 504, favor de ponerse en contacto con la Coordinadora de 504 del Distrito Escolar Independiente de Clint, Rodrigo Hernandez, Subdirector/a de Educación Especial, al numero 926-4031, o por correo a la siguiente dirección: 14521 Horizon Blvd., Horizon City, Texas 79928.

WTCC: 07-11-24

Public Notice

San Elizario Independent School District 504 Child Find

Pursuant to Section 504 of the Rehabilitation Act of 1973, the District has a duty to identify, refer, evaluate and if eligible, provide a free, appropriate public education to disabled students. For additional information about the rights of parents of eligible children, or for answers to any questions you might have about identification, evaluation and placement into Section 504, please contact the District's Section 504 Coordinator, April Marioni, at 872-3926, or mail at P.O. Box 920, San Elizario, Texas 79849.

Aviso de Identificación de Estudiantes Incapacitados Bajo la Sección 504

Bajo la Sección del Decreto de Rehabilitación de 1973, el Distrito Escolar está obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a los estudiantes incapacitados que califican bajo esta ley. Si usted desea mas información sobre los derechos de padres de niños incapacitados, o si tiene preguntas sobre la identificación, evaluación, y colocación de niños en el programa de Sección 504, favor de ponerse en contacto con la Coordinadora de 504 del Distrito Escolar Independiente de San Elizario, April Marioni, al numero 872-3926, o por correo a la siguiente dirección: P.O. Box 920, San Elizario, Texas 79849.

WTCC: 07-11-24

See SPILLS, Page 7

Classified Ads

LEGAL

VILLAGE OF VINTON, TX

NOTICE OF PUBLIC HEARINGS

Public hearings will be held at 6:30pm on Tuesday, July 23, 2024 during the Planning & Zoning Commission Meeting, and on Tuesday, August 6, 2024 during the Regular Council Meeting at Vinton Village Hall, 436 E. Vinton Road, Vinton, Texas.

The purpose of the public hearings is to allow any interested persons to appear and testify regarding the following items:

A request to amend the Unified Development Code to allow tenting and bakeries in Town Center zoning.

Citizens unable to attend this meeting may submit their views and proposals to Andrea Nichole Carnillo, Village Administrator at the City Hall. Persons with disabilities

that wish to attend this meeting should contact City Hall at (915)886-5104 to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact City Hall at least two days before the meeting so that appropriate arrangements can be made.

MEETING WILL BE HELD IN PERSON, BUT THE PUBLIC CAN ACCESS THE MEETING THROUGH THE ZOOM PLATFORM AT THE FOLLOWING URL:

LINK: <https://us02web.zoom.us/j/25200231417?pwd=VWRDZDZlR3ZHR3F3VjUuL3ZlWTB6dDZ09>

THE VILLAGE PROVIDES TOWN OF W A Y COMMUNICATION FOR MEMBERS OF THE PUBLIC TO COMMUNICATE WITH THE COMMISSION DURING THE PUBLIC HEARING BY CALLING THE FOLLOWING NUMBER: +1 346 248 7799 AND THEN DIAL IN

THE MEETING ID 252 002 3141 AND PASSCODE: 12345 FOLLOWED BY THE POUND SIGN (#). THE MEETING WILL OPEN AT 6:25 PM ON EACH OF THE MEETING DATES SO THAT PEOPLE MAY START JOINING. THE MEETING WILL START AT 6:30 PM.

Andrea N. Carrillo
Village
Administrator

WTCC: 07-11-24

LEGAL

VILLAGE OF VINTON, TX

NOTICE OF PUBLIC HEARINGS

A public hearing will be held at 6:30 p.m. on Tuesday, July 30th, 2024, during the Planning & Zoning Commission Meeting at the Vinton Village Hall, 436 E. Vinton Rd., Vinton, Texas.

A second public hearing will be held at 6:30 p.m. on Tuesday, August 6th, 2024, during the City Council Meeting at the

Vinton Village Hall, 436 E. Vinton Rd, Vinton, Texas.

The purpose of the public hearings is to allow any interested persons to appear and testify regarding the following proposed items:

1) A request for a combination plat of Tract 1C1, 1C2, 2B1, 2B and 4D, Laura EM Mundy Survey No. 233, Abstract No. 10053, Village of Vinton Texas (also known as 8000 Levens Rd. and 581 Vinton Rd.)

2) A request to rezone Xpress Fuel One9 Subdivision Lot 1, Block 1 to Town Center zoning.

3) A request for a Special Use permit on Xpress Fuel One9 Subdivision Lot 1, Block 1 for the purpose of establishing a gasoline station and a truck stop.

Citizens unable to attend this meeting may submit their views and proposals to Andrea Nichole Carnillo, Village Administrator at the

City Hall. Persons with disabilities that wish to attend this meeting should contact City Hall at (915)886-5104 to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact City Hall at least two days before the meeting so that appropriate arrangements can be made.

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THROUGH THE ZOOM PLATFORM AT THE FOLLOWING URL:

LINK: <https://us02web.zoom.us/j/25200231417?pwd=VWRDZDZlR3ZHR3F3VjUuL3ZlWTB6dDZ09>

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Andrea N. Carrillo
Village
Administrator

WTCC: 07-11-24

Clint Independent School District Public Notification of Nondiscrimination

It is the policy of Clint ISD not to discriminate on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

For information about your rights or grievance procedures, contact the district's Title IX Coordinator Rene Chavez at 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4000 and/or Section 504 Coordinator, Rodrigo Hernandez, Assistant Director Special Education, at 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4031.

Notificación Pública de Prácticas No-Desdiscriminatorias

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Para información sobre sus derechos o procedimientos para quejas, comuníquese con el Coordinador del Título IX, Rene Chavez, en 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4000 y/o el Coordinador de la Sección 504, Rodrigo Hernandez, Subdirector/a de Educación Especial, en 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4031.

WTCC: 07-11-24

An amazing thing happening in MLB – and nobody knows

By Steve Escajeda

Special to the Courier

Many young sports fans know that when it comes to popularity, there is no sport that rivals football in this country.

I guess it's safe to say that the NBA is a distant second to the National Football League.

What young people may not know is that at one time in this country, boxing, horseracing and even professional wrestling were more popular than pro football – way more popular.

And at one time, the king of professional sports, our national pastime, was professional baseball.

Yes, that sport that many young fans today compare to the excitement of watching grass grow, was the king of athletic competition.

Guys like Babe Ruth and Willie Mays and Mickey Mantle and Joe DiMaggio and Ty Cobb and Bob Gibson and Ted Williams and Stan Musial and Bob Feller and Hank Aaron and on and on, were the names everybody knew.

Even in the 1970s guys like Pete Rose and Reggie Jackson and Carl Yastrzemski and Johnny Bench and Lou Brock and Willie Stargell and Tom Seaver were household names.

But Major League Baseball started to go downhill in popularity soon after that and it's never recovered. And to be honest, it's not hard to see why.

While other sports were adjusting to the changing technology of the times, baseball decided to remain a dinosaur. And we all know what happened to them.

Football and basketball and even hockey included the technological advancements into their game and made it fun for the young fans who were into this new instant-gratification video-game world.

The old folks may not like it that much, but the old and being slowly phased out, the young fans are

inheriting the TV and streaming ratings numbers.

But like your grandpa, that keeps complaining that there is nothing like the old days, or your grandma that still calls you to help her work the VHS machine she's still rocking, baseball refused to embrace the quicker-paced twenty-first century.

Now don't get me wrong, MLB has made some changes in the last couple years by adding a pitch clock to speed up games, they've limited timeouts and times pitchers can throw to first base, but they still do one thing worse than all the other leagues – they don't know how to market their players.

Of the names I mentioned earlier, even young people can say, "I've heard of that guy."

Of the casual fans out there, how many MLB players can you mention off the top of your head right now? That's what I thought.

But everybody can mention at least these two, Aaron Judge and Shohei Ohtani.

The Yankees' Aaron Judge set the American League record with 62 home runs just two years ago and was named the MVP.

Ohtani, now with the L.A. Dodgers, has won two of the last three American League MVPs and is a top-notch starting pitcher as well.

They are undoubtedly, the two most marketable players in the game.

And at the moment, they are in a monumental battle to see which will be named MVP this year. But MLB has done a horrible job of putting out the message.

Even Caitlin Clark and the WNBA is starting to get more recognition than these two pro baseball players.

Here is how each player ranks in the American League as of last Sunday, scoring runs: 2nd Ohtani (72), 4th

Judge (70); hits: 4th Ohtani (108), 10th Judge (100); batting average: 4th Ohtani (.316), 6th Judge (.312); doubles: 8th Judge (23), 10th Ohtani (22); Homeruns: 1st Judge (32), 2nd Ohtani (28); runs batted in: 1st Judge (83), 5th Ohtani (65); total bases: 1st Judge (221), 2nd Ohtani (220); on base-slugging: 1st Judge (1.118), 2nd Ohtani (1.045).

Then throw in the fact that they play in the two biggest markets in the country, New York and Los Angeles.

These two players should be highlighted every single night, but MLB seems to be trying its best to keep this spectacular rivalry a secret.

This could be Bird-Magic, Ali-Frazier, Ohio State-Michigan, Hulk Hogan-Andre the Giant, Coke-Pepsi, but it's barely a blip on the radar.

Pro baseball will soon fall behind the WNBA and soccer... and it's their own fault.

Senior moment By Matilda Charles

Beware the pepper

Oh my goodness. There's an electric stove that turns itself on, with the heating elements spontaneously getting hot! Or the temperature changes all by itself!

And there is a garden tiller that, due to a faulty instruction manual, can come apart with the tines posing a laceration hazard when the machine is used.

And there is a vinegar cleaning solution that's so caustic there is a risk of chemical burns in consumers.

These warnings come courtesy of the Consumer Product Safety Commission (www.cpsc.gov/recalls).

In the case of the stove, the manufacturer is stepping up with a free inspection and repair.

The manufacturer of the tiller is sending out new assembly instructions.

The remedy for the caustic vinegar cleaning solution, however, is less than satisfactory. The response is to stop using it and send away for a new warning label to paste on the bottle.

Other recent recalls on the CPSC website include defective crib bumpers that can obstruct breathing, a pool drain cover that can entrap swimmers, a smoke and carbon

monoxide detector that doesn't work, kids' pajamas that are a burn hazard and eyelid wipes for dogs that are full of bacteria.

So many defective products! And without product safety alerts we might never know, until someone we know gets hurt.

A few hints:

- Before you buy a product, check online for any safety alerts

- Save your receipts when you buy products, especially those that are complicated enough to come with a user manual. Tape the receipt inside the front cover of the manual or keep a folder of receipts for products you purchase.

- To stay safe, sign up for product recall alerts. Besides the CPSC website, check www.recalls.gov for an even wider selection of product types and, foodsafety.gov for food alerts. Right now they have a salmonella alert for black pepper.

Black pepper? Who would have suspected something was wrong with pepper...

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Super Crossword

CABINET-MAKING

ACROSS

1 Cha cha's cousin

6 Chain-swinging dog

11 Honeycomb unit

15 Molar point

19 Ring around a

lagoon

20 Sag down

21 Medley

22 Concerning

23 Basketball

guarding strategy

25 Not dependent on

eyesight

27 U.S. Navy petty

officers

28 What a moving

body has

30 Massey of movies

33 Lith was one until

1991

34 Run for a long

football pass

35 Gym class

42 Sis and aces

43 Remind of "Fired

Up"

44 Decorative ariel

cover

45 Put an ... (cease)

47 Higher-ranking

49 Baller garb

50 Emergency

removal, for short

52 Construction order

56 Commentaries

collectively

58 Transaction of

business via e-devices

61 Volcano in Japan

63 ... Jose

64 "Luck Be a Lady"

composer Frank

65 Enmer

69 Vision contrasted

with a desk job

73 To be in

74 Betty

76 Mao ... tung

77 Investments for

label rights

79 Nickname for

Michigan

83 Egg nog spice

86 Typed (in)

89 Trail run

90 Supplies with a

staff

92 Oyster's prize

93 Cars for VIPs

95 Big attache

97 "Auld Lang ..."

98 Police alert for

short

101 Flight travel

105 Arab leaders

107 Really cold

108 Sparkly crown

109 Fitting rebuke

114 Composer Jean-

Philippe

116 Possess with

shallow passion

115 Eight U.S. ones

are featured in this

puzzle

122 Fishing spoil

123 Eternally

124 Verduogo of

"Paranoid Sai"

125 Art film, often

126 Water swirl

127 Maple fluids

128 First-string athletic

group

129 Ceases

DOWN

1 Labyrinthine

2 Dip ... in the water

3 Part of MSG

4 Ugly blotches

5 Nickname for Yale

University

6 Adobe life stuffs

7 Sooner than

8 Honky ... music

9 Mozart's ... Fan

"Tune"

10 Loses one's

inhibitions

11 Iran ... Affair

12 Race created by

H.G. Wells

13 "The Mord Squad"

cop

14 Armor for one

15 Scouted before a

nest

16 Loam shark

17 Put on, as a play

18 Corals, e.g.

24 Can's eldest

26 Submitted by the

deadline, say

29 PC panic button

31 Seagoing Austr

32 Egg white protein

35 Prone to be

perhaps

36 Acronym for many

vacuum cleaner filters

37 Banks shilly

38 Outer Prefex

39 Paint crudely

40 Audio equipment

brand

41 With a variety of

tuos

46 Like suno stars

48 Ring official

50 Israeli carrier

51 ... cava

53 Once, quarterly

54 PC brand

55 Poetry

57 Part of Babylonia

59 Dot in the sea

60 Era of "Happy

Days"

62 Custodial worker

65 Stare stupidly

66 Double-need

woodwind

67 In a lazy way

68 Inventive

70 Salt Lake City

athletes

71 Admin. acs

72 "A..." (Adieu!)

75 Press release

packet

78 Have dinner

80 Hawk's home

81 "Famous" cooker

guy

82 Pool cover

84 Bible division

85 Polite request

beginner

86 Cube creator Rubik

87 Valley

91 Agra dress

94 Blunders

95 "Got a guess?"

96 Onset

98 Reach for the sky

99 Gave a buzz

100 Ballyhatched

102 Choir platform

103 Behave

104 Partner of Athos

and Porthos

106 Rome's home

110 Joe in a mug

111 Lone Star sch

112 Ancient Brit

113 Duel sword

115 Prefix that's the

opposite of 38 Down

116 "Take ... from me"

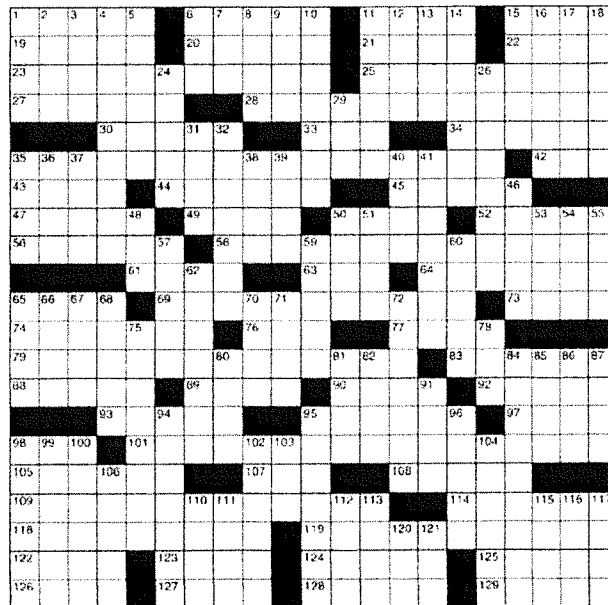
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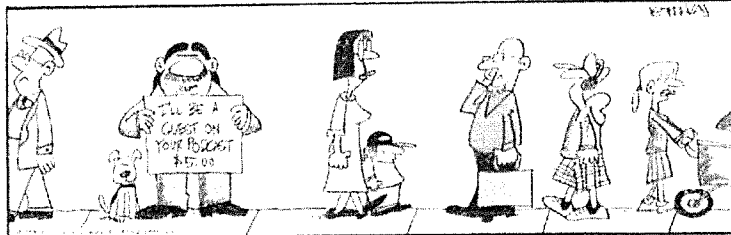
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Answer Page 4

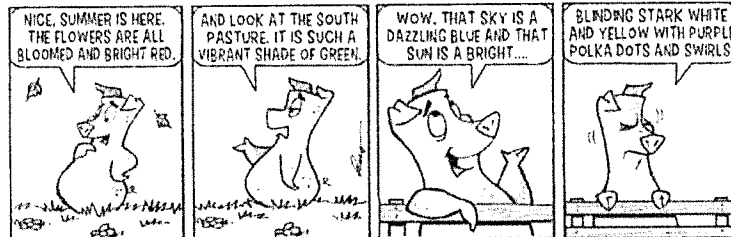


Comix

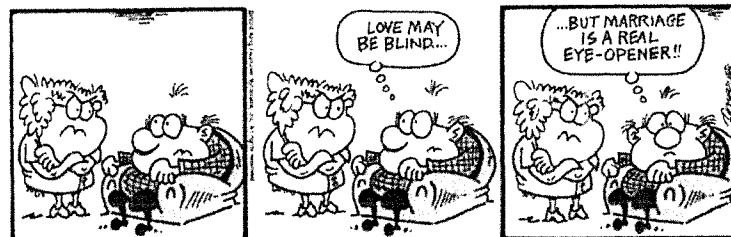
OUT ON A LIMB By Gary Kopervas



AMBER WAVES By Dave T. Phipps



THE SPATS By Jeff Pickering



TIGER By Bud Blake



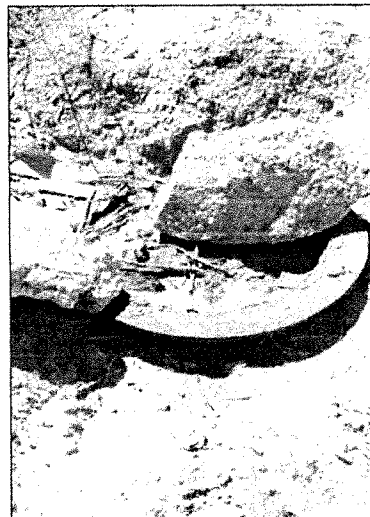
Spills

From Page 5

inspected before being dumped into its sewer system to ensure it is gray water. The wastewater then goes to its lift stations, where it is treated then sent through its sewer pipes to EP Water's Bustamante wastewater treatment plant.

In the meantime, to address Bovee Road residents' concerns about the sewage seepage that keeps occurring behind their homes, Grijalva said that they will monitor the lift stations 24 hours a day and work to do a better job of securing the manholes behind Bovee Road.

Montelongo and the Trujillo's are not convinced that this will alleviate the sickening situation. "They have to stop allowing the septic haulers to use LVWD's sewer system for their wastewater dumping," Montelongo demanded. Chris wants to know who authorized this "sham" of a deal. "Why weren't Socorro residents told about this deal in the first place?" he questioned.



MAKE SHIFT — This LVWD manhole located behind Bovee Road is secured simply with a barrel lid and rocks placed on top of it.

Meds usually safe after expiration date

DEAR DR. ROACH: I recently tested positive for COVID using an expired home test, and I self-isolated for five days. I also realized every Tylenol, antihistamine, DayQuil, NyQuil and allergy pill that I had was past its expiration date. Some were only expired by a few months, but most were expired by two to four years. I guess I don't get sick often. My question is: Before I dispose of these, how effective are they, and are any of them dangerous to use? — K.L.



to
Your
good
health
Dr. Keith
Roach

Drug manufacturers are required to make expiration dates, and they guarantee that the drugs are what they say they are and are effective until a certain date (at least if they are properly stored in a cool and dark area). This does not necessarily mean that they become ineffective or dangerous after expiring, and many drugs have been proven to maintain efficacy for years or decades after the printed expiration date.

A military study found that 90% of drugs are still effective 15 years after expiration. It is rare for a drug to become dangerous; however, the tetracycline class of antibiotics is one where toxicity has been found.

In general, if a drug is a few months to a year past its expiration date, it is probably OK. (Liquid drugs, nitroglycerin and insulin are notable exceptions.) But at some point, you have to ask yourself whether it is worth the small risk of the medicine being less effective, especially for inexpensive over-the-counter (OTC) drugs.

Also, COVID test kits may have an extended expiration date. The Food and Drug Administration maintains a list at [tinyurl.com/COVIDTestKitExpire](https://www.fda.gov/oc/COVIDTestKitExpire).

DEAR DR. ROACH: Can you comment on N-acetyl cysteine (NAC), an OTC supplement for psychiatric illness? I am interested in its safety and effectiveness and whether there are any side effects or cautions when taking it. Also, what is the safe daily dosage, and how long does it take for benefits to occur? — L.B.

NAC has been intravenously used for many years in medicine as a specific antidote to acetaminophen toxicity. It is also used via inhalation to thin out thick mucus so that it can be coughed out. As you say, several recent studies have looked at its effectiveness with a variety of mental health issues, including depression, obsessive-compulsive disorder, and cannabis use disorder. Although there is a risk of a severe allergic response when used intravenously, it is generally safe when used orally. Some studies have looked at the effectiveness of NAC by itself, while others looked to see whether NAC can improve outcomes in combination with the standard treatments.

Although the literature is mixed, I say that there is promise with this treatment. When I recommend it, it is most commonly with patients who do not want to use the standard treatments or who want the lowest possible dosage. The dose used in most studies is 1-3 grams daily.

In one well-done study that looked at adults with major depression, the group who combined NAC with the standard treatment showed superiority over those who received the standard treatment alone. The difference was seen after 20 weeks of treatment. Not all studies showed a benefit.

I want to emphasize that an OTC supplement, no matter how promising, is not a substitute for medical care, especially psychiatric care. If you have a mental health issue, ask your mental health provider about NAC.

Dr. Roach regrets that he is unable to answer individual questions, but will incorporate them in the column whenever possible. Readers may email questions to ToYourGoodHealth@med.cornell.edu. ©2024 North America Synd., Inc. All Rights Reserved.



Moore Texas by Roger MOORE

July 12, 1912: Katherine Stinson gets her pilot's license. In spite of being an accomplished and famous pilot, she is rejected by the military because of her gender in WWII.

CryptoQuip

This is a simple substitution cipher in which each letter used stands for another. If you think that X equals O, it will equal O throughout the puzzle. Solution is accomplished by trial and error.

Clue: F equals T

Z'P OIYMPYAUCE FZMOV YR
WJNZIS IY TJMOOM JIV FWAU
UFMASSCZIS RZIJITZJCCE.
Z IOOV J NYTJFZYII

Answer Page 4

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Weekly SUDOKU

by Linda Thistle

	9			5				1
6				3			4	
		8				9		2
3					7			5
		4	5			1		
	1			9				6
		5		1			4	
7					5	6		
	3		6					7

Place a number in the empty boxes in such a way that each row across, each column down and each small 9-box square contains all of the numbers from one to nine.

DIFFICULTY THIS WEEK: ♦♦

♦ Moderate ♦♦ Challenging

Answer Page 4

♦♦♦ HOO BOY!

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Benefits and health care for female vets



by Freddy Groves

The VA health care signed up over 53,000 female veterans in the past year, the biggest enrollment increase ever for women. But it's not just the VA chasing the numbers... the VA has the services and facilities to provide the care female veterans need.

Among other things, female veterans under age 40 who had toxin exposure have access to breast cancer screenings and mammograms. (Breast cancer is a presumptive under the PACT Act.) In addition, screenings can be scheduled for colon, lung, skin and cervical cancers.

General health screenings can include blood pressure, diabetes, osteoporosis, as well as the whole array of standard immunizations such as flu, tetanus, Covid and more.

Reproductive and maternity care services are also available, with maternity care being handled by a coordinator who offers support for care within and outside of VA health care.

Female veterans also have a special call center. Call 1-855-VA-WOMEN (1-855-829-6636) Monday through Friday, 8 a.m. to 10 p.m. and Saturday, 8 a.m. to 6:30 p.m. There is also an online chat.

The call center can point you in the right direction for a wide variety of questions: enrolling in VA health care, what care options are available near you, eligibility, disability ratings, benefits including education and home loans, and more.

Their help extends to reporting harassment at VA, complaints about medical staff at VA, infertility services and help for military sexual trauma.

If you don't know where to start, begin with the call center. Or call your closest facility and ask for the Women Veterans Program

Manager. Every VA medical facility has one.

For a long list of the services available for female veterans, go to www.womenshealth.va.gov/WOMENSHEALTH/overview.asp.

If you're a female veteran who hasn't connected with the VA, either for health care or benefits, consider contacting the call center or the WVP manager at the closest facility and getting started.

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• My best tip for the beach? A laundry basket and a bungee cord. I put my cooler, bags and sand toys in the basket and pull it along the sand using the bungee. It has worked for me many times – and it's so convenient to keep things corralled in! Here's more tips on beach vacationing. – JoAnn

• Must-haves at the beach: Zipper-top bags for trash and clothespins to clip a napkin down so it won't blow away!

• "Freeze bottles of water (take out a sip or two to allow the ice to expand) and juice boxes or pouches before you head out to the beach (or anytime you're taking a cooler). They will act as ice packs to keep food and snacks cool, and double as refreshing beverages along the way!" – A.A. in Florida

• "My eyesight started to falter a few years ago, and I had found that my glasses slipped and were uncomfortable during seaside trips. I dearly love to read, and have since discovered audiobooks, or books on tape. I download them to a digital music player and can listen all day if I like. It also allows me to people-watch and even doze off! I am almost 80, so I can do that if I feel like it!" – R.A. in Connecticut

• "I bring a thin nylon bag to the beach in case I go shopping or collect shells, etc. It folds and zips down really small, so it takes up no room, but has come in handy most times that I've gone to the shore." – T.T. in New York

Send your tips to Now Here's a Tip, 628 Virginia Drive, Orlando, FL 32803. ©2024 King Features Synd., Inc.

GO FIGURE!

The idea of Go Figure is to arrive at the figures given at the bottom and right-hand columns of the diagram by following the arithmetic signs in the order they are given (that is, from left to right and top to bottom). Use only the numbers below the diagram to complete its blank squares and use each of the nine numbers only once.

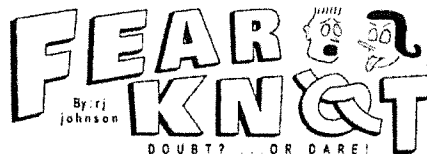
DIFFICULTY: ♦♦

♦ Moderate ♦♦ Difficult

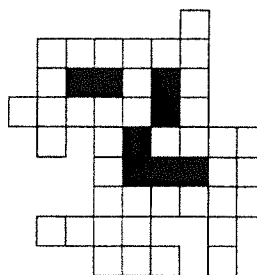
♦♦♦ GO FIGURE!

Answer Page 4

	-		x		= 27			
-		+		-				
	+		+		= 19			
÷		x		÷				
	+		÷		= 5			
=		=		=				
1		30		1				
1	2	3	4	5	6	7	8	9



OEG
♥ HOSTER
♥ IGDL E
EDGR
♥ ORINGE
♥ OTG
NOTI
♥ ERTSE
♥ DGO
♥ NAGERD
♥ RNWGO
OHRE



Answer Page 4

Unscramble these twelve letter strings to form each into an ordinary word (ex. HAGNEC becomes CHANGE). Prepare to use only ONE word from any marked (♥) letter string as each unscrambles into more than one word (ex. ♥RATHE becomes HATER or EARTH or HEART). Fit each string's word either across or down to knot all twelve strings together.

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Thursday, July 11, 2024 10:23 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Additional Public Comment- WQ0016296001
Attachments: Report 07.11.2024.pdf

From: ANA SANCHEZ <fabenstakecharge@gmail.com>
Sent: Thursday, July 11, 2024 8:01 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Additional Public Comment- WQ0016296001

To whom it may concern,

Attached please find a report to be filed as a public comment under permit number WQ0016296001.

Thank you for your time and attention to this matter.

To whom it may concern,

Residents of the Lower water Valley District (LVWD) have recently expressed significant concerns regarding a series of unpleasant wage spills affecting their area. This report aims to summarize the residents' frustrations and question the district's ability to manage more significant projects, such as the proposed Mesa del Norte Wastewater Treatment Plant in the town of Fabens.

- **Unresolved Wage Spills:** The recent wage spills have caused considerable distress among LVWD residents. The spills have not only been an environmental hazard but have also impacted their daily lives and health.
- **Questionable Management:** The inability of the LVWD to effectively manage these relatively minor issues raises serious questions about their capability to handle more significant, more complex projects.

The current situation in LVWD casts doubt on the proposed management of the Mesa del Norte Wastewater Treatment Plant in Fabens TX. If LVWD cannot effectively address and resolve minor issues, we question their ability to manage a critical facility that will have significant implications for our community's health and environment.

The continuing concerns raised by LVWD residents are valid and highlight a broader issue of management and accountability. These issues must be transparent.

Attached please find the West Texas County Courier

NEWSBRIEFS

Diversity

With hate crimes on the rise, the personal-finance website WalletHub has released its report on 2024's Most Diverse Cities in America, as well as expert commentary, to identify the places where people have the most unique blend of perspectives, which brings social and economic benefits. To determine the places in the U.S. with the most mixed demographics, WalletHub compared the profiles of more than 500 of the largest cities across five major diversity categories: socioeconomic, cultural, economic, household and religious. El Paso was ranked 253rd in the report. Other stats:

- Murfreesboro, TN has the highest income diversity, which is two times higher than in Hockessin, DE, the city with the lowest.
- Germantown, MD has the highest racial and ethnic diversity, which is four times higher than in Laredo, TX, the city with the lowest.
- South Valley, NM has the highest occupational diversity, which is 3.2 times higher than in Cambridge, MA, the city with the lowest.

"The most diverse cities demonstrate diversity in many dimensions – not just in race and gender but also everything from residents' languages and birthplaces to their job types and household sizes. These cities blend together a multitude of different perspectives, helping people to better understand the world around them and become more empathetic. This exchange of ideas also tends to increase the economic success of diverse cities. The most diverse cities overall are a trio of Maryland towns close to Washington, D.C.: Gaithersburg, Silver Spring, and Germantown. These Maryland cities have some of the most diversity when it comes to race, language and educational attainment. However, individual cities across the country stand out in different categories. For example, South Valley, NM, has the most occupational diversity, while St. Louis has the most religious diversity."

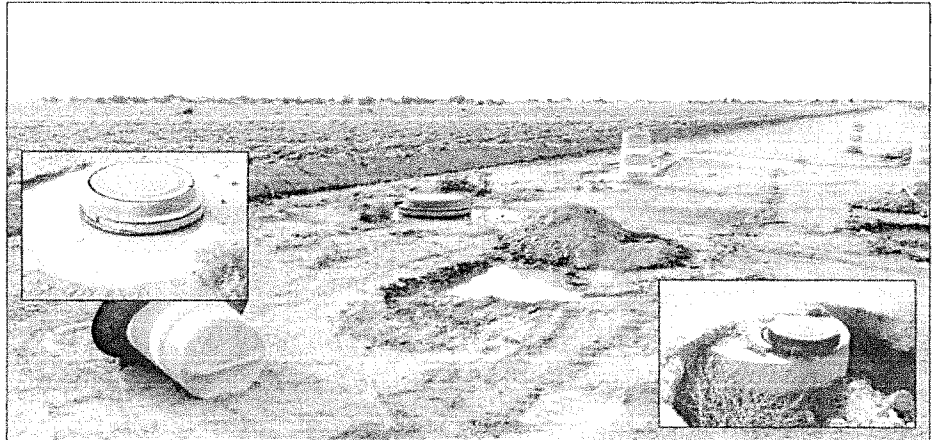
– Cassandra Happe
WalletHub Analyst

Visit <https://wallethub.com/edu/most-diverse-cities/12690> for the full report.

– Diana Polk

Bible study is a postgraduate course in the richest library of human experience.

– Quips & Quotes



– Photos for the story by Jesse J. Montalongo and Chris Trujillo

SLOPPY – This Lower Valley Water District manhole drain sits near the fields behind Bovee Road in the City of Socorro. Socorro residents allege the ground around the manhole has eroded from the frequent overflow spills. Homes are in the background behind the cotton field. The inset at left is the same manhole from different angle. The inset at right is the same manhole earlier this year.

Socorro residents upset with Lower Valley Water District over sewage spills

By Alfredo Vasquez
Special to the Courier

LOWER VALLEY – Socorro residents who live along Bovee Road are at a loss as to what to do about the stench that emanates from the sewer manholes that are located a stone's throw away from their property. They allege that the Lower Valley Water District (LVWD) is doing nothing to mitigate the problem.

The Bovee residents contend that the noxious odors are the result of the frequent spills that spew from the LVWD sewer line manholes located along the fields behind their homes. "The problem is that the sewage water overflows from the manholes, and it stinks all of the time out here and

attracts a lot of flies," alleged Eugene Trujillo, a Bovee Road resident. "Also, the manholes are adjacent to drain pipes that are near Socorro Middle School. Can you imagine all those kids having to smell that odor when they are eating lunch at school. This has been going on for months, and the Lower Valley Water District is doing nothing about it," he added.

LVWD, created as a municipal utility district in 1986, is located in the southeastern portion of El Paso County. According to its website, LVWD provides potable water, sewer, septic system, and sanitation services while striving for the highest quality of product and service to all of its customer base and that they attend to the precept that safe drinking water is a vital, protected and conserved

resource for a higher quality of life.

Also, the website states that LVWD is constantly applying for funding from local, state, and federal agencies in an effort to construct adequate water and wastewater systems for the 210 square miles within its boundaries. And in May, its customers narrowly approved a \$35 million bond issue to allow the water district to expand its services throughout the communities of Socorro, San Elizario, Clint, Sparks, Sand Hills, and outlying colonias.

LVWD is run by a board of directors which consists of five members who are elected by the district's taxpaying residents every four years with staggered terms. Current board members are Rosalinda Vigil, president; David

See SPILLS, Page 2



LABELED – LVWD officials reported that LVWD has a contract with Deployed Resources that allows its septic hauling tanker trucks to transfer wastewater into the water district's sewer system. As many as seven trucks per day transfer their loads into LVWD's manholes that are located near Tanton Road in the City of Socorro, according to LVWD officials. The truck above has registration DOT1394916.

Spills

From Page 1

Carrasco, vice president; Henry Trujillo, secretary; treasurer; David Estrada, director; Rod Chavez, director; and the General Manager is Gerald (Jerry) Grijalva.

Socorro resident and community activist Jesse J. Montelongo insists that the sewage water overflows behind Bovee Road are a result of the wastewater that is being dumped by septic hauler tanker trucks into the manholes located near Tanton Road, which is on the other side of Alameda Avenue from Bovee Road, about a mile away.

Montelongo alleges that the septic haulers are transferring so much wastewater into the LVWD sewer system that it is flooding the underground drain pipes and causing the excess wastewater to seep out of control along the manholes behind Bovee Road because the manholes are not properly secured. He said that some of the manholes simply have lids from 40-gallon barrels covering the manholes with a pile of rocks placed on top of them.

Imelda Caster, LVWD administrative assistant, acknowledged that as many as seven septic hauling tanker trucks transfer their wastewater into LVWD's sewer system every day. She said that LVWD has a contract with Deployed Resources trucking company that allows the haulers to transfer their wastewater into its sewer system.

Montelongo said that he filed a complaint dated June 6, 2024 with LVWD concerning the septic haulers' transferring loads into the manholes near Tanton Road. He said that he was not satisfied with the response he got from the water district four days later.

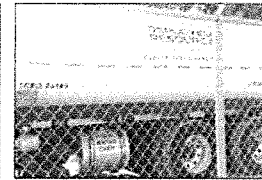
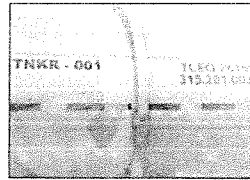
Montelongo said that he received a letter

from the El Paso City/County Environmental Services, Air Quality Program that stated in part, "Although we did not confirm any violations applicable to air quality requirements, it does not mean that there are not conditions and times when there are incidents at a source that could constitute violations of the Texas Clean Air Act and the Texas Commission on Environmental Quality (TCEQ) rules and regulations." The letter was signed by Al Melero, a code compliance supervisor.

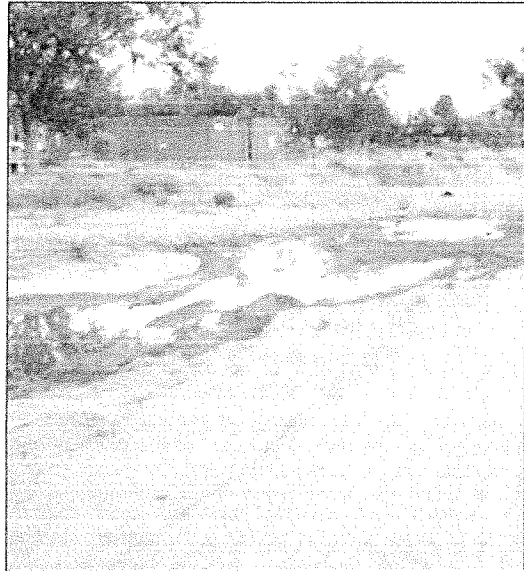
Montelongo said that he tried to get the compliance supervisor to inspect not just the Tanton manholes but also the Bovee Road manholes, but he was told that he was the only one who filed a complaint so only his residence was being inspected.

LVWD General Manager Gerald (Jerry) Grijalva elaborated that the manholes near Tanton Road, where the septic haulers are transferring their wastewater were sealed after each dump, and that there had not been a spillage at that site in over a year. He related that in 2023 there had been a wastewater overflow there but that it was promptly reported to TCEQ and subsequently cleaned up. However, he also did not mention the sewage spillage that occurs behind the Bovee Road, until a major overflow of sewage water burst out of those manholes on June 27th, the day Chris Trujillo, Eugene's son and a farmer, was working the fields behind his dad's home.

Chris said that he works the Bovee Road farmland owned by Hilley Farms and that on June 27th he arrived in the early morning with his tractor and found part of the field covered in sewage water. "The sewer water

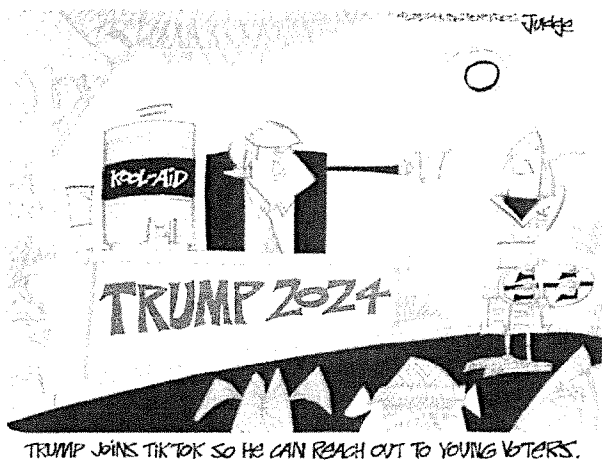


PROPERLY MARKED – The septic hauling tanker trucks are registered with the Texas Commission on Environmental Quality (TCEQ), as noted on the tankers that are transferring wastewater into the LVWD drain located near Tanton Road.

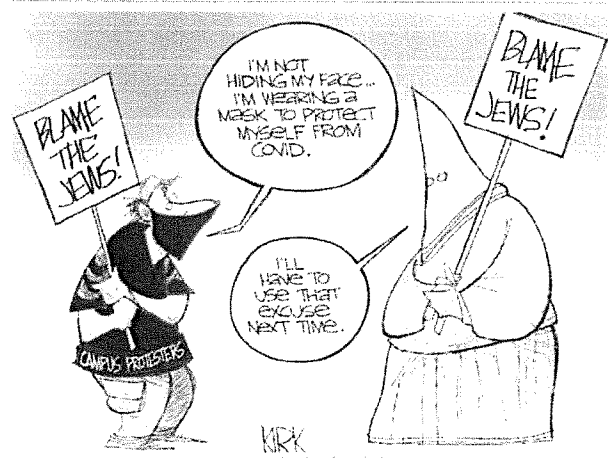
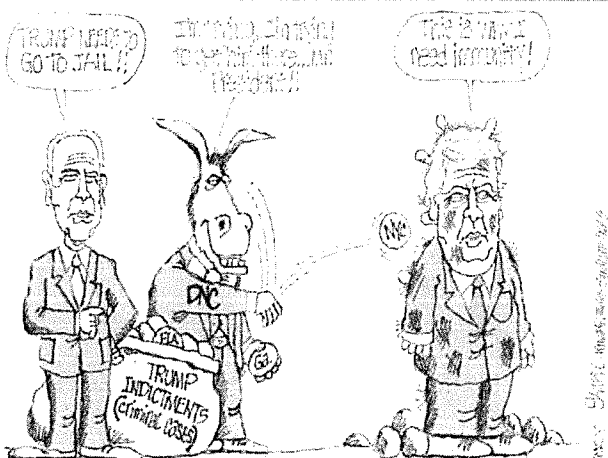
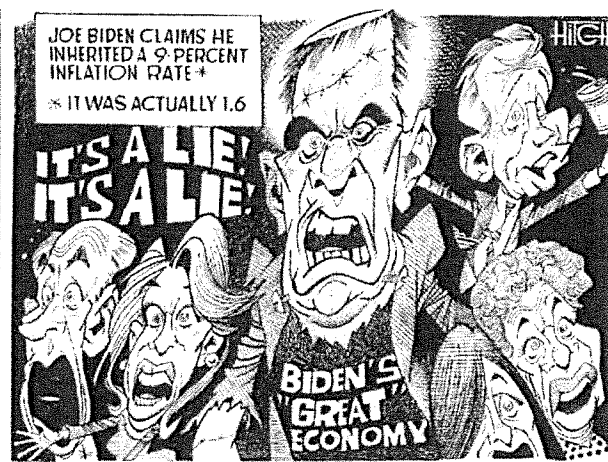


MUDDY ROAD – Sewage overflow from a LVWD manhole puddled up on Bovee Road on June 27.

See SPILLS, Page 3



TRUMP JOINS TIKTOK SO HE CAN REACH OUT TO YOUNG VOTERS.



Spills

From Page 2

had overflowed from the manholes and saturated part of the cottonfield, the ditch roads, and it made a real mess. My tractor almost got stuck in the sludge and I had to walk through it. The smell made me nauseous; I almost threw up. I videotaped the

whole mess," Chris stated. He also alleges that the problem stems from the constant septic haulers' dumping at the Tanton manhole site.

Meanwhile, Caster was immediately notified of the spillage and a crew was sent to clean up the area. Chris T., who was still there when they came to inspect the sewage overflow, said that all they did was throw some dirt on it and placed orange traffic barrels around

the affected area. "That is all they have done," he exclaimed.

Grijalva commented that the incident behind Bovee Road had nothing to do with the septic haulers' wastewater transfers. He blamed it on the pumps at the lift station, specifically Lift Station #5. He said that the pumps had given out and consequently backed up the wastewater and caused the overflow

at the manholes behind Bovee Road. "We are in the process of requesting for bids to rehabilitate the pumps at the lift station, which will take some time and should be able to start the work by October," he stated. "You have to remember that we inherited these lift station pumps 30 years ago, and we will have to upgrade almost

See SPILLS, Page 5

Notification of Nondiscrimination in Career and Technical Education Programs at Clint Independent School District for 2024-2025 School Year

1) Clint Independent School District offers career and technical education programs in Agriculture, Food, and Natural Resources; Architecture and Construction; Arts, A/V Technology and Communications; Business, Marketing, and Finance; Health Science; Hospitality and Tourism; Human Services; Law and Public Service; Manufacturing; Science, Technology, Engineering, and Math; Transportation, Distribution, and Logistics. Admission to these programs is based on current enrollment in the Clint ISD and completion of any necessary prerequisites.

2) It is the policy of Clint ISD not to discriminate on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis in its vocational programs, services, or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

3) It is the policy of Clint ISD not to discriminate on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of Education amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

4) Clint ISD will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

5) For information about your rights or grievance procedures, contact the Title IX Coordinator, Rene Chavez at 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4061 and/or Section 504 Coordinator, Rodrigo Hernandez, Assistant Director Special Education, at 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4031.

Notificación de no Discriminar en los Programas Educativos de Carrera y Técnica Clint ISD por el año escolar del 2024-2025

1) El distrito escolar independiente de Clint ofrece programas de educación técnica y carreras en las áreas de Agricultura, Comida y Recursos Naturales; Arquitectura y Construcción; Artes; Tecnología Audio/Visual y Comunicaciones; Negocio, Mercadotecnia y Finanzas; Ciencias de Salubridad; Hospitalidad y Turismo; Servicios Humanos; Leyes y Servicio Público; Manufactura; Ciencia, Tecnología, Ingeniería y Matemáticas; Transportación, Distribución y Logística. El ingreso a estos programas será basado en el número de estudiantes matriculados en el distrito escolar de Clint y se deberá cumplir con los requisitos necesarios de ingreso a estos programas.

2) El Distrito Escolar de Clint no discrimina por razones de raza, religión, color, origen nacional, sexo, género, edad o discapacidad al proveer servicios de educación, actividades, y programas, incluyendo programas vocacionales, de acuerdo con el Título VI del Acta de Derechos Civiles de 1964, y enmienda; Título IX de las Enmiendas Educativas de 1972; Sección 504 del Acta de Rehabilitación de 1973, enmienda.

3) El Distrito Escolar de Clint no discrimina por razones de raza, religión, color, origen nacional, sexo, género, edad, discapacidad, o cualquier otra base en sus prácticas de empleo, de acuerdo con el Título VI del Acta de Derechos Civiles de 1964, y enmienda; Título IX de las Enmiendas Educativas de 1972; la Acta de discriminación por edad de 1975, enmienda; y la Sección 504 del Acta de Rehabilitación de 1973, enmienda.

4) El Distrito Escolar Independiente de Clint tomara pasos para asegurar que la falta de ingles no sea un obstaculo para la admision y participacion en todos los programas vocacionales, y educativos.

5) Para mas informacion de sus derechos y procedimiento de agravios, puede ponerse en contacto con el coordinador de Título IX, Rene Chavez, en 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4061 y/o el Coordinador de la Sección 504, Rodrigo Hernandez, Subdirector/a de Educación Especial, en 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4031.

WTCC: 07-11-24



Moments in time

THE HISTORY CHANNEL

• On July 8, 1918, Ernest Hemingway was working as an ambulance driver for the American Red Cross while serving on the Italian front in World War I when he was struck by an Austrian mortar shell as he handed out chocolate to soldiers in a dugout.

• On July 9, 1993, British forensic scientists announced a positive identification of the remains of Russia's last czar, Nicholas II, his wife, Czarina Alexandra, and three of their daughters. Mitochondrial DNA was used on the family's bones, which had been excavated from a mass grave near Yekaterinburg two years earlier.

• On July 10, 1985, conservation group Greenpeace's flagship, the Rainbow Warrior, sank in New Zealand's Auckland Harbor after French agents in diving gear planted a bomb on the vessel's hull. The ship had been preparing for a protest voyage to a French nuclear test site in the South Pacific.

• On July 11, 2005, Hurricane Dennis blasted onto the East Coast near Pensacola Beach with a storm surge of 15 feet.

wiping out power for over 1 million in Florida and Alabama, with Mississippi also being declared a disaster zone along with those two states. The hurricane had already hit Cuba, the Dominican Republic and Haiti earlier in the week, causing 21 fatalities and massive property damage.

• On July 12, 1967, race riots broke out in Newark, New Jersey, after a Black cab driver was arrested and beaten by police. The riots resulted in 24 deaths, 1,100 wounded, 1,300 people arrested and property losses in excess of \$5 million. The violence was believed to have been triggered by a number of factors, including rumors that the cabbie had died and charges that the police involved were brutally racist, along with poor mayoral leadership.

• On July 13, 1920, the U.S. Post Office banned customers from mailing children and animals. While it's hard to believe such a ruling would even be necessary, officials wisely decreed it so after several cases involving parents dispatching a child and one person posting a skunk!

• On July 14, 1953, Egyptian politician Rawya Ateya became the first female parliamentarian in the Arab world.

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WEST TEXAS COUNTY COURIER

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Letters must not be more than 250 words in length. They should be dated, must be signed and have an address and daytime phone number. Only the name and city will be printed with the letter. The West Texas County Courier reserves the right to edit or reject letters to the editor or other submitted material it considers inappropriate.

AD DEADLINE:

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Homesteader
Est. 1973
News, Inc.

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5	+	6	+	8	=	19
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Spills

From Page 3

all of them," he added.

Grijalva explained that LVWD is the only water district in El Paso County that will accept septic haulers' wastewater transfers into its sewer system. He asserted that LVWD stepped up to allow the wastewater transfers because El Paso Water does not allow septic haulers to use its sewer system for such transfers.

El Paso Water spokesperson Denise Parra said that EPWater does not allow septic haulers' wastewater transferring loads into its system because their officials do not know what is in it. EPWater's treated wastewater is cleaned and treated to use for irrigation and industrial purposes, to replenish the aquifer or returned to the environment. The wastewater from the Bustamante Plant will eventually be source water for the new Advanced Water Purification Facility that will take the water through several phases of filtration and purification to transform it into drinking water.

Grijalva, on the other hand, said that the water being put into its water system is gray water – that is bath water, laundry water, and such. He said that every septic hauler's wastewater load is visually

See SPILL, Page 7

Archives: www.wtxcc.com

Public Notice

Clint Independent School District 504 Child Find

Pursuant to Section 504 of the Rehabilitation Act of 1973, the District has a duty to identify, refer, evaluate and if eligible, provide a free, appropriate public education to disabled students. For additional information about the rights of parents of eligible children, or for answers to any questions you might have about identification, evaluation and placement into Section 504, please contact the Clint District's Section 504 Coordinator, Rodrigo Hernandez, Assistant Director Special Education, at 926-4031, or mail at 14521 Horizon Blvd., Horizon City, Texas 79928.

Aviso de Identificación de Estudiantes Incapacitados bajo la Sección 504

Bajo la Sección del Decreto de Rehabilitación de 1973, el Distrito Escolar esta obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a los estudiantes incapacitados que califican bajo esta ley. Si usted desea mas información sobre los derechos de padres de niños incapacitados, o si tiene preguntas sobre la identificación, evaluación, y colocación de niños en el programa de Sección 504, favor de ponerse en contacto con la Coordinadora de 504 del Distrito Escolar Independiente de Clint, Rodrigo Hernandez, Subdirector/a de Educación Especial, al numero 926-4031, o por correo a la siguiente dirección: 14521 Horizon Blvd., Horizon City, Texas 79928.

WTCC: 07-11-24

Public Notice

San Elizario Independent School District 504 Child Find

Pursuant to Section 504 of the Rehabilitation Act of 1973, the District has a duty to identify, refer, evaluate and if eligible, provide a free, appropriate public education to disabled students. For additional information about the rights of parents of eligible children, or for answers to any questions you might have about identification, evaluation and placement into Section 504, please contact the District's Section 504 Coordinator, April Marioni, at 872-3926, or mail at P.O. Box 920, San Elizario, Texas 79849.

Aviso de Identificación de Estudiantes Incapacitados Bajo la Sección 504

Bajo la Sección del Decreto de Rehabilitación de 1973, el Distrito Escolar esta obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a los estudiantes incapacitados que califican bajo esta ley. Si usted desea mas información sobre los derechos de padres de niños incapacitados, o si tiene preguntas sobre la identificación, evaluación, y colocación de niños en el programa de Sección 504, favor de ponerse en contacto con la Coordinadora de 504 del Distrito Escolar Independiente de San Elizario, April Marioni, al numero 872-3926, o por correo a la siguiente dirección: P.O. Box 920, San Elizario, Texas 79849.

WTCC: 07-11-24

Classified Ads

LEGAL

VILLAGE OF VINTON, TX

NOTICE OF PUBLIC HEARINGS

Public hearings will be held at 6:30pm on Tuesday, July 23, 2024 during the Planning & Zoning Commission Meeting, and on Tuesday, August 5, 2024 during the Regular Council Meeting at Vinton Village Hall, 436 E. Vinton Road, Vinton, Texas.

The purpose of the public hearings is to allow any interested persons to appear and testify regarding the following items:

A request to amend the Unified Development Code to allow fertilizer and bakeries in Town Center zoning.

Citizens unable to attend this meeting may submit their views and proposals to Andrea Nichole Carrillo, Village Administrator at the City Hall. Persons with disabilities

that wish to attend this meeting should contact City Hall at (915)886-5104 to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact City Hall at least two days before the meeting so that appropriate arrangements can be made.

MEETING WILL BE HELD IN PERSON, BUT THE PUBLIC CAN ACCESS THE MEETING THROUGH THE ZOOM US PLATFORM AT THE FOLLOWING URL:

LINK: <https://us02web.zoom.us/j/25200231417?pwd=VWRDZDlFRjZHRjFjVjUuL3ZLWTB6d0R3>

THE VILLAGE PROVIDES TOWN-WAY COMMUNICATION FOR MEMBERS OF THE PUBLIC TO COMMUNICATE WITH THE COMMISSION DURING THE PUBLIC HEARING BY CALLING THE FOLLOWING NUMBER: +1 346 248 7799 AND THEN DIAL IN

THE MEETING ID 252 002 3141 AND PASSCODE: 12345 FOLLOWED BY THE POUND SIGN (#). THE MEETING WILL OPEN AT 6:25 PM ON EACH OF THE MEETING DATES SO THAT PEOPLE MAY START JOINING. THE MEETING WILL START AT 6:30 PM.

Andrea N. Carrillo
Village Administrator

WTCC: 07-11-24

LEGAL

VILLAGE OF VINTON, TX

NOTICE OF PUBLIC HEARINGS

A public hearing will be held at 6:30 p.m. on Tuesday, July 30th, 2024, during the Planning & Zoning Commission Meeting at the Vinton Village Hall, 436 E. Vinton Rd., Vinton, Texas.

A second public hearing will be held at 6:30 p.m. on Tuesday, August 6th, 2024, during the City Council Meeting at the

Vinton Village Hall, 436 E. Vinton Rd., Vinton, Texas. The purpose of the public hearings is to allow any interested persons to appear and testify regarding the following proposed items:

- 1) A request for a combination plat of Tract 1C1, 1C2, 2B1, 2B and 4D, Laura EM Mundy Survey No. 233, Abstract No. 10053, Village of Vinton Texas (also known as 8000 Loyena Rd. and 581 Vinton Rd.)

- 2) A request to rezone Xpress Fuel One9 Subdivision Lot 1, Block 1 to Town Center zoning.

- 3) A request for a Special Use permit on Xpress Fuel One9 Subdivision Lot 1, Block 1 for the purpose of establishing a gasoline station and a truck stop.

Citizens unable to attend this meeting may submit their views and proposals to Andrea Nichole Carrillo, Village Administrator at the

City Hall. Persons with disabilities that wish to attend this meeting should contact City Hall at (915)886-5104 to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact City Hall at least two days before the meeting so that appropriate arrangements can be made.

Citizens unable to attend this meeting may submit their views and proposals to Andrea Nichole Carrillo, Village Administrator at the City Hall. Persons with disabilities that wish to attend this meeting should contact City Hall at least two days before the meeting so that appropriate arrangements can be made.

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THROUGH THE ZOOM US PLATFORM AT THE FOLLOWING URL:

LINK: <https://us02web.zoom.us/j/25200231417?pwd=VWRDZDlFRjZHRjFjVjUuL3ZLWTB6d0R3>

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Andrea N. Carrillo
Village Administrator

WTCC: 07-11-24

Clint Independent School District Public Notification of Nondiscrimination

It is the policy of Clint ISD not to discriminate on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

For information about your rights or grievance procedures, contact the district's Title IX Coordinator Rene Chavez at 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4000 and/or Section 504 Coordinator, Rodrigo Hernandez, Assistant Director Special Education, at 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4031.

Notificación Pública de Prácticas No-Desriminatorias

El Distrito Escolar de Clint no discrimina por razones de raza, religión, color, origen nacional, sexo, género, edad, discapacidad, o cualquier otra base de acuerdo con el Título VI del Acta de Derechos Civiles de 1964, y enmienda; Título IX de las Enmiendas Educativas de 1972; y la Sección 504 del Acta de Rehabilitación de 1973, enmienda.

Para información sobre sus derechos o procedimientos para quejas, comuníquese con el Coordinador del Título IX, Rene Chavez, en 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4000 y/o el Coordinador de la Sección 504, Rodrigo Hernandez, Subdirector/a de Educación Especial, en 14521 Horizon Boulevard, El Paso, Texas, 79928, 915-926-4031.

WTCC: 07-11-24

An amazing thing happening in MLB – and nobody knows

By Steve Escajeda
Special to the Courier

Many young sports fans know that when it comes to popularity, there is no sport that rivals football in this country.

I guess it's safe to say that the NBA is a distant second to the National Football League.

What young people may not know is that at one time in this country, boxing, horseracing and even professional wrestling were more popular than pro football – way more popular.

And at one time, the king of professional sports, our national pastime, was professional baseball.

Yes, that sport that many young fans today compare to the excitement of watching grass grow, was the king of athletic competition.

Guys like Babe Ruth and Willie Mays and Mickey Mantle and Joe DiMaggio and Ty Cobb and Bob Gibson and Ted Williams and Stan Musial and Bob Feller and Hank Aaron and on and on, were the names everybody knew.

Even in the 1970s guys like Pete Rose and Reggie Jackson and Carl Yastrzemski and Johnny Bench and Lou Brock and Willie Stargell and Tom Seaver were household names.

But Major League Baseball started to go downhill in popularity soon after that and it's never recovered. And to honest, it's not hard to see why.

While other sports were adjusting to the changing technology of the times, baseball decided to remain a dinosaur. And we all know what happened to them.

Football and basketball and even hockey included the technological advancements into their game and made it fun for the young fans who were into this new instant-gratification video-game world.

The old folks may not like it that much, but the old and being slowly phased out, the young fans are

inheriting the TV and streaming ratings numbers.

But like your grandpa, that keeps complaining that there is nothing like the old days, or your grandma that still calls you to help her work the VHS machine she's still rocking, baseball refused to embrace the quicker-paced twenty-first century.

Now don't get me wrong, MLB has made some changes in the last couple years by adding a pitch clock to speed up games, they've limited timeouts and times pitchers can throw to first base, but they still do one thing worse than all the other leagues – they don't know how to market their players.

Of the names I mentioned earlier, even young people can say, "I've heard of that guy."

Of the casual fans out there, how many MLB players can you mention off the top of your head right now? That's what I thought.

But everybody can mention at least these two, Aaron Judge and Shohei Ohtani.

The Yankees' Aaron Judge set the American League record with 62 home runs just two years ago and was named the MVP.

Ohtani, now with the L.A. Dodgers, has won two of the last three American League MVPs and is a top-notch starting pitcher as well.

They are undoubtedly, the two most marketable players in the game.

And at the moment, they are in a monumental battle to see which will be named MVP this year. But MLB has done a horrible job of putting out the message.

Even Caitlin Clark and the WNBA is starting to get more recognition that these two pro baseball players.

Here is how each player ranks in the American League as of last Sunday, scoring runs: 2nd Ohtani (72), 4th

Judge (70); hits: 4th Ohtani (108), 10th Judge (100); batting average: 4th Ohtani (.316), 6th Judge (.312); doubles: 8th Judge (23), 10th Ohtani (22); Homeruns: 1st Judge (32), 2nd Ohtani (28); runs batted in: 1st Judge (83), 5th Ohtani (65); total bases: 1st Judge (221), 2nd Ohtani (220); on base-slugging: 1st Judge (1.118), 2nd Ohtani (1.045).

Then throw in the fact that they play in the two biggest markets in the country, New York and Los Angeles.

These two players should be highlighted every single night, but MLB seems to be trying its best to keep this spectacular rivalry a secret.

This could be Bird-Magic, Ali-Frazier, Ohio State-Michigan, Hulk Hogan-Andre the Giant, Coke-Pepsi, but it's barely a blip on the radar.

Pro baseball will soon fall behind the WNBA and soccer... and it's their own fault.

Senior moment By Matilda Charles

Beware the pepper

Oh my goodness. There's an electric stove that turns itself on, with the heating elements spontaneously getting hot! Or the temperature changes all by itself!

And there is a garden tiller that, due to a faulty instruction manual, can come apart with the tines posing a laceration hazard when the machine is used.

And there is a vinegar cleaning solution that's so caustic there is a risk of chemical burns in consumers.

These warnings come courtesy of the Consumer Product Safety Commission (www.cpsc.gov/recalls).

In the case of the stove, the manufacturer is stepping up with a free inspection and repair.

The manufacturer of the tiller is sending out new assembly instructions.

The remedy for the caustic vinegar cleaning solution, however, is less than satisfactory. The response is to stop using it and send away for a new warning label to paste on the bottle.

Other recent recalls on the CPSC website include defective crib bumpers that can obstruct breathing, a pool drain cover that can entrap swimmers, a smoke and carbon

monoxide detector that doesn't work, kids' pajamas that are a burn hazard and eyelid wipes for dogs that are full of bacteria.

So many defective products! And without product safety alerts we might never know, until someone we know gets hurt.

A few hints:

• Before you buy a product, check online for any safety alerts.

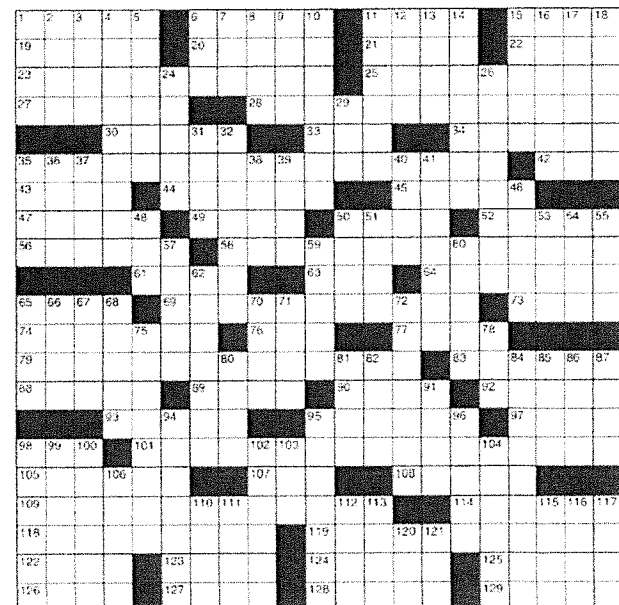
• Save your receipts when you buy products, especially those that are complicated enough to come with a user manual. Tape the receipt inside the front cover of the manual or keep a folder of receipts for products you purchase.

• To stay safe, sign up for product recall alerts. Besides the CPSC website, check www.recalls.gov for an even wider selection of product types and, foodsafety.gov for food alerts. Right now they have a salmonella alert for black pepper.

Black pepper? Who would have suspected something was wrong with pepper.

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Super Crossword



CABINET-MAKING

ACROSS

1. Cha cha's cousin
6. Chain sewing dog chains
11. Honeycomb unit
15. Molar point
19. Ring around a lagoon
20. Sag down
21. Medieval
22. Concerning
23. Basketball guarding strategy
25. Not dependent on eyesight
27. U.S. Navy petty officers
28. What a moving body has
30. Massey of movies
33. Lith: was one until 1991
34. Run for a long football pass
35. Gym class
47. Sis and aives
48. Remini of "Fred Up"
49. Decorative wheel cover
49. Put an... (cease)
49. Higher ranking
50. Ballet garb
50. Emergency removal, for short
52. Construction grider
52. Commence's

DOWN

58. Transaction of business via e-devices
61. Volcano in Japan
63. Jose
64. "Luck Be a Lady" composer Frank
65. Emer
69. Work contrasted with a desk job
73. To be in
74. Belly
76. Mad...tug
77. Investments for later yrs
79. Nickname for Michigan
83. Egg nog spice
86. Typed (vt)
89. Trail run
90. Supplies with a staff
92. Oyster's prize
93. Cars for VIPs
95. Big arteries
97. "Auld Lang..."
98. Police alert for short
101. Flight travel
105. Arab leaders
107. Really cold
108. Sparking
109. Fisting rebuttal
114. Composer Jean-Philippe
116. Possess with shallow passion

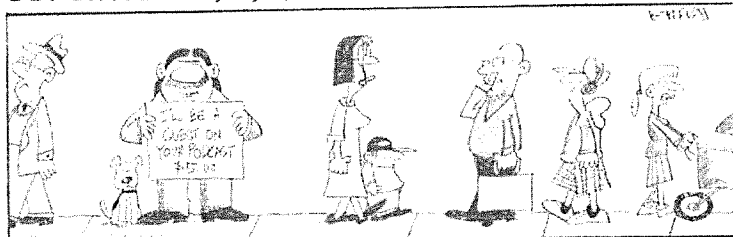
115. Eight U.S. ones are featured in this puzzle
122. Fishing spool
123. Eternally
124. Verduco of "Panama Hat"
125. Art film, often
126. Water swirl
127. Maple fluids
128. First-string athletic group
129. Ceases

13. Corais, e.g.
24. Car's eldest
26. Submitted by the deadline, say
29. PC panel button
31. Seagang. Abbr.
32. Egg white protein
35. Prone to be, perhaps
36. Acronym for many vacuum cleaner filters
37. Barks shrilly
38. Outer. Prefix
39. Paint crudely
40. Audio equipment brand
41. With a variety of hues
46. Like sumo stars
48. Ring official
50. Israeli carrier
51. cava
53. Once, quantity
54. PC brand
55. Peltre
57. Part of Babylonia
59. Out in the sea
60. Era of "Happy Days"
62. Custodial worker
65. Stare stupidly
66. Double-read acronym
67. In a lazy way
68. Inventive
70. Salt Lake City athletes
71. Admin. abbr.
72. "A..." (Adapted)
75. Press release packet
78. Have dinner
80. Hawk's home
81. "Furious" cookie guy
82. Pool cover
84. Bible division
85. Poetic request
86. Cube creator Rubik
87. Valley
91. Agra dress
94. Blunders
95. "Got a guess?"
96. Onset
98. Reach for the sky
99. Gave a buzz
100. Bellyached
102. Chor platforms
103. Believe
104. Partner of Athos and Porthos
106. Rome's home
110. Joe in a mug
111. Lone Star sch.
112. Ancient Brit
113. Duel sword
115. Prefix that's the opposite of 38-Down
116. "Take..." from me!
117. Functions
120. Comedian Gaster
121. Aries symbol

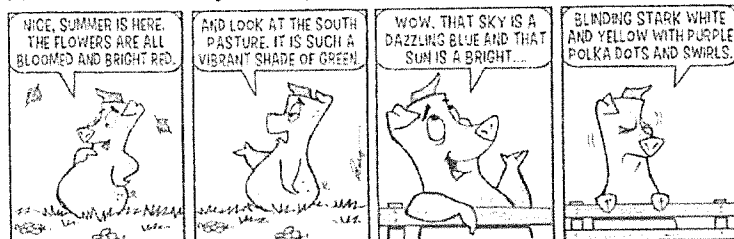
Answer Page 4

Comix

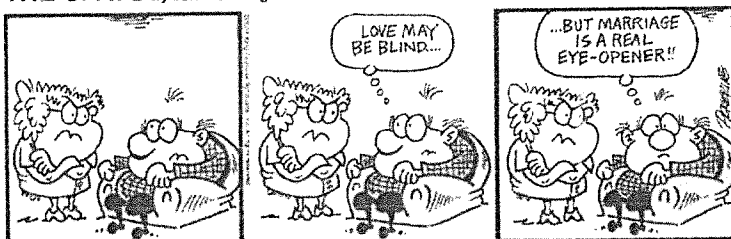
OUT ON A LIMB By Gary Kopervas



AMBER WAVES By Dave T. Phipps



THE SPATS By Jeff Pickering



TIGER By Bud Blake



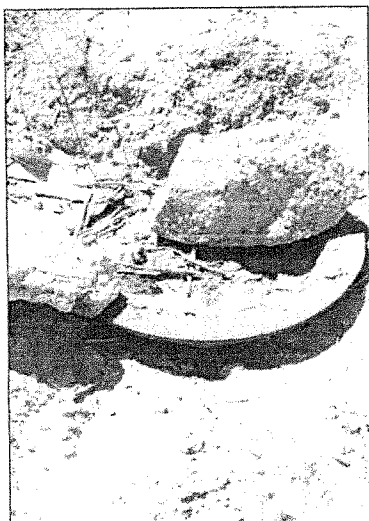
Spills

From Page 5

inspected before being dumped into its sewer system to ensure it is gray water. The wastewater then goes to its lift stations, where it is treated then sent through its sewer pipes to EP Water's Bustamante wastewater treatment plant.

In the meantime, to address Bovee Road residents' concerns about the sewage seepage that keeps occurring behind their homes, Grijalva said that they will monitor the lift stations 24 hours a day and work to do a better job of securing the manholes behind Bovee Road.

Montelongo and the Trujillo's are not convinced that this will alleviate the sickening situation. "They have to stop allowing the septic haulers to use LVWD's sewer system for their wastewater dumping," Montelongo demanded. Chris wants to know who authorized this "sham" of a deal. "Why weren't Socorro residents told about this deal in the first place?" he questioned.



MAKE SHIFT - This LVWD manhole located behind Bovee Road is secured simply with a barrel lid and rocks placed on top of it.

Meds usually safe after expiration date

DEAR DR. ROACH: I recently tested positive for COVID using an expired home test, and I self-isolated for five days. I also realized every Tylenol, antihistamine, DayQuil, NyQuil and allergy pill that I had was past its expiration date. Some were only expired by a few months, but most were expired by two to four years. I guess I don't get sick often. My question is: Before I dispose of these, how effective are they, and are any of them dangerous to use? - K.L.



Drug manufacturers are required to make expiration dates, and they guarantee that the drugs are what they say they are and are effective until a certain date (at least if they are properly stored in a cool and dark area). This does not necessarily mean that they become ineffective or dangerous after expiring, and many drugs have been proven to maintain efficacy for years or decades after the printed expiration date.

A military study found that 90% of drugs are still effective 15 years after expiration. It is rare for a drug to become dangerous; however, the tetracycline class of antibiotics is one where toxicity has been found.

In general, if a drug is a few months to a year past its expiration date, it is probably OK. (Liquid drugs, nitroglycerin and insulin are notable exceptions.) But at some point, you have to ask yourself whether it is worth the small risk of the medicine being less effective, especially for inexpensive over-the-counter (OTC) drugs.

Also, COVID test kits may have an extended expiration date. The Food and Drug Administration maintains a list at tinyurl.com/COVIDTestKitExpire.

DEAR DR. ROACH: Can you comment on N-acetyl cysteine (NAC), an OTC supplement for psychiatric illness? I am interested in its safety and effectiveness and whether there are any side effects or cautions when taking it. Also, what is the safe daily dosage, and how long does it take for benefits to occur? - L.B.

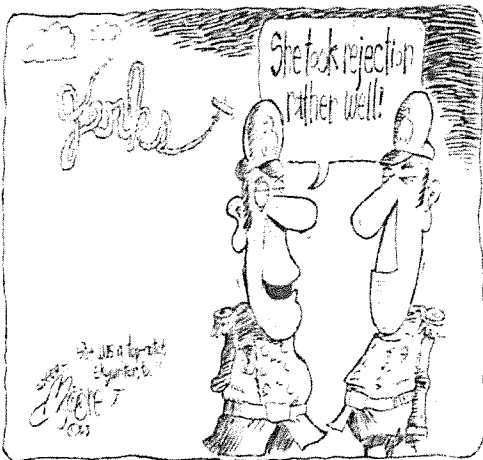
NAC has been intravenously used for many years in medicine as a specific antidote to acetaminophen toxicity. It is also used via inhalation to thin out thick mucus so that it can be coughed out. As you say, several recent studies have looked at its effectiveness with a variety of mental health issues, including depression, obsessive-compulsive disorder, and cannabis use disorder. Although there is a risk of a severe allergic response when used intravenously, it is generally safe when used orally. Some studies have looked at the effectiveness of NAC by itself, while others looked to see whether NAC can improve outcomes in combination with the standard treatments.

Although the literature is mixed, I say that there is promise with this treatment. When I recommend it, it is most commonly with patients who do not want to use the standard treatments or who want the lowest possible dosage. The dose used in most studies is 1-3 grams daily.

In one well-done study that looked at adults with major depression, the group who combined NAC with the standard treatment showed superiority over those who received the standard treatment alone. The difference was seen after 20 weeks of treatment. Not all studies showed a benefit.

I want to emphasize that an OTC supplement, no matter how promising, is not a substitute for medical care, especially psychiatric care. If you have a mental health issue, ask your mental health provider about NAC.

Dr. Roach regrets that he is unable to answer individual questions, but will incorporate them in the column whenever possible. Readers may email questions to ToYourGoodHealth@med.cornell.edu. ©2024 North America Synd., Inc. All Rights Reserved.



Moore Texas by Roger Moore

July 12, 1912: Katherine Stinson gets her pilot's license. In spite of being an accomplished and famous pilot, she is rejected by the military because of her gender in WWII.

CryptoQuip

This is a simple substitution cipher in which each letter used stands for another. If you think that X equals O, it will equal O throughout the puzzle. Solution is accomplished by trial and error.

Clue: F equals T

Z'P OIYMPYAUCE FZMOV YR
WJNZIS IY TJMOOM JIV FWAU
UFMASSCZIS RZIJITZJCCE.
Z IOOV J NYTJFZYII

Answer Page 4

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Weekly SUDOKU

by Linda Thistle

	9			5				1
6			3			4		
		8			9		2	
3					7		5	
	4	5				1		
	1			9				6
		5		1			4	
7					5	6		
	3		6					7

Place a number in the empty boxes in such a way that each row across, each column down and each small 9-box square contains all of the numbers from one to nine.

DIFFICULTY THIS WEEK: ♦♦

♦ Moderate ♦♦ Challenging

Answer Page 4

♦♦♦ HOO BOY!

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Benefits and health care for female vets

VETERANS POST

by Freddy Groves

The VA health care signed up over 53,000 female veterans in the past year, the biggest enrollment increase ever for women. But it's not just the VA chasing the numbers... the VA has the services and facilities to provide the care female veterans need.

Among other things, female veterans under age 40 who had toxin exposure have access to breast cancer screenings and mammograms. (Breast cancer is a presumptive under the PACT Act.) In addition, screenings can be scheduled for colon, lung, skin and cervical cancers.

General health screenings can include blood pressure, diabetes, osteoporosis, as well as the whole array of standard immunizations such as flu, tetanus, Covid and more.

Reproductive and maternity care services are also available, with maternity care being handled by a coordinator who offers support for care within and outside of VA health care.

Female veterans also have a special call center. Call 1-855-VA-WOMEN (1-855-829-6636) Monday through Friday, 8 a.m. to 10 p.m. and Saturday, 8 a.m. to 6:30 p.m. There is also an online chat.

The call center can point you in the right direction for a wide variety of questions: enrolling in VA health care, what care options are available near you, eligibility, disability ratings, benefits including education and home loans, and more.

Their help extends to reporting harassment at VA, complaints about medical staff at VA, infertility services and help for military sexual trauma.

If you don't know where to start, begin with the call center. Or call your closest facility and ask for the Women Veterans Program

Manager. Every VA medical facility has one.

For a long list of the services available for female veterans, go to www.womenshealth.va.gov/WOMENSHEALTH/overview.asp.

If you're a female veteran who hasn't connected with the VA, either for health care or benefits, consider contacting the call center or the WVP manager at the closest facility and getting started.

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• My best tip for the beach? A laundry basket and a bungee cord. I put my cooler, bags and sand toys in the basket and pull it along the sand using the bungee. It has worked for me many times – and it's so convenient to keep things corralled in! Here's more tips on beach vacationing. – JoAnn

• Must-haves at the beach: Zipper-top bags for trash and clothespins to clip a napkin down so it won't blow away!

• 'Freeze bottles of water (take out a sip or two to allow the ice to expand) and juice boxes or pouches before you head out to the beach (or anytime you're taking a cooler). They will act as ice packs to keep food and snacks cool, and double as refreshing beverages along the way!' – A.A. in Florida

• 'My eyesight started to falter a few years ago, and I had found that my glasses slipped and were uncomfortable during seaside trips. I dearly love to read, and have since discovered audiobooks, or books on tape. I download them to a digital music player and can listen all day if I like. It also allows me to people-watch and even doze off! I am almost 80, so I can do that if I feel like it!' – R.A. in Connecticut

• 'I bring a thin nylon bag to the beach in case I go shopping or collect shells, etc. It folds and zips down really small, so it takes up no room, but has come in handy most times that I've gone to the shore.' – T.T. in New York

Send your tips to Now Here's a Tip, 628 Virginia Drive, Orlando, FL 32803 ©2024 King Features Synd., Inc.

GO FIGURE!

The idea of Go Figure is to arrive at the figures given at the bottom and right-hand columns of the diagram by following the arithmetic signs in the order they are given (that is, from left to right and top to bottom). Use only the numbers below the diagram to complete its blank squares and use each of the nine numbers only once.

DIFFICULTY: ★★

★ Moderate ★★ Difficult

★★ GO FIGURE!

Answer Page 4

	-		x			= 27		
-		+		-				
	+		+			= 19		
÷		x		÷				
	+		÷			= 5		
=		=		=				
1		30		1				
1	2	3	4	5	6	7	8	9

FEAR KNOT

OEG

♥ HOSTER

♥ IGDL E

EDGR

♥ ORINGE

♥ OTG

NOTI

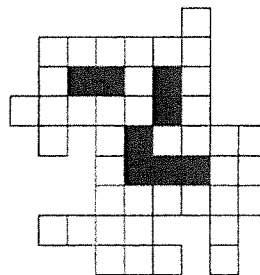
♥ ERTSE

♥ DGO

♥ NAGERD

♥ RNWGO

OHRE



Answer Page 4

Unscramble these twelve letter strings to form each into an ordinary word (ex. HAGNEC becomes CHANGE). Prepare to use only ONE word from any marked (♥) letter string as each unscrambles into more than one word (ex. ♥RATHE becomes HATER or EARTH or HEART). Fit each string's word either across or down to knot all twelve strings together.

17

TCEQ Registration Form
January 16, 2024

Lower Valley Water District
Proposed Water Quality Permit Number
WQ0016296001

PLEASE PRINT

Name: Ana Sanchez

Mailing Address: PO Box 2651

Physical Address (if different): _____

City/State: Fabens **Zip:** 79838

Email: mayte07bravo@gmail.com / FabensTakeCharge@gmail.com
E-mail addresses are subject to public disclosure under the Texas Public Information Act

Phone Number: (915) 3294210

• Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No
If yes, which one? Fabens

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public hearing.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public hearing.
(Written comments may be submitted at any time during the hearing)

Please give this form to the person at the information table. Thank you.

RECEIVED

JAN 16 2024

AT PUBLIC MEETING

Ana Sanchez submitted a USB drive containing petitions and resolutions at the January 16, 2024, Public Meeting.

To view the petitions and resolutions submitted:

Please contact the
Office of the Chief Clerk at:
(512) 239-3300 or chiefclk@tceq.texas.gov

or

Please visit the
Office of the Chief Clerk at:
12100 Park 35 Circle,
Building F, Suite 1101
Austin, Texas 78753

PUC DOCKET NO. 49367

SOAH DOCKET NO. 473-19-5831.WS

PETITION BY OUT OF DISTRICT	§	PUBLIC UTILITY COMMISSION
RATEPAYERS APPEALING THE	§	
WATER RATES ESTABLISHED BY	§	OF TEXAS
THE EL PASO WATER CONTROL	§	
AND IMPROVEMENT DISTRICT NO. 4	§	

SETTLEMENT AGREEMENT

This document memorializes the settlement between the Mesa del Norte Ratepayers ("Ratepayers") and the El Paso County Water Control and Improvement District No. 4 ("District") of an appeal of out-of-district rates charged by the District. The parties agree that they have voluntarily come to this agreement and that this document and the attached Exhibit A contains all agreed-to terms.

1. Effective January 1, 2020, the rate differential between Ratepayers and in-district customers ("rate differential") will be 1.4.
2. This rate differential of 1.4 will remain in effect for four years from January 1, 2020, or until the date the Ratepayers are fully served with water and wastewater by Lower Valley Water District, whichever is earlier.
3. No rate increases for Ratepayers will be made based on the 2015 Willdan rate study, including any annual 5% rate increase.
4. By January 1, 2020, the District will provide a \$160 credit to each of the Ratepayers' accounts.
5. Contemporaneously with the execution of this Agreement, the District will execute an addendum to the November 2019 Interlocal Agreement between the District and the Lower Valley Water District with the language attached to this document as Exhibit A. The

Addendum to the Interlocal Agreement will be executed by the District by November 28, 2019. The parties understand that this Addendum will be subject to agreement by the Lower Valley Water District.

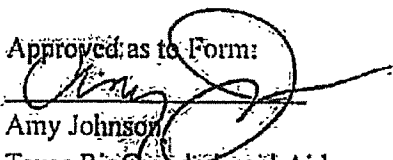
6. Ratepayers will withdraw their petition within five days of the full execution of both this Agreement and the Addendum to Interlocal Agreement.

[THIS SPACE INTENTIONALLY LEFT BLANK – SIGNATURES ON FOLLOWING PAGES]

Elsa Rivera for MDN Ratepayers

Date:

Approved as to Form:


Amy Johnson

Texas Rio Grande Legal Aid
Counsel for MDN Residents

Date: 11-12-19

By: Magda C. Flores Dated: 11/19/19
Magda C. Flores
President, Board of Directors
El Paso County Water Control & Improvement District No. 4

Attest: Thelma Quinones
Thelma Quinones
Secretary, Board of Directors
El Paso County Water Control & Improvement District No. 4

Approved as to Form:

Andrew S. "Drew" Miller
Andrew S. "Drew" Miller
General Counsel
El Paso County Water Control & Improvement District No. 4

THE STATE OF TEXAS § ADDENDUM TO INTERLOCAL AGREEMENT BETWEEN
 § THE LOWER VALLEY WATER DISTRICT AND THE EL
COUNTY OF EL PASO § PASO COUNTY WATER CONTROL AND
 § IMPROVEMENT DISTRICT NO. 4 RELATING TO THE
 § PROVISION OF WATER AND WASTEWATER SERVICES
 § TO THE MESA DEL NORTE SUBDIVISION
 §

This addendum to the November 2019 Interlocal Agreement ("Agreement") is entered into by and between the Lower Valley Water District ("LVWD") and the El Paso County Water Control and Improvement District No. 4 (the "Fabens District").

WHEREAS LVWD and the Fabens District agreed to a November 2019 Interlocal Agreement in which LVWD agreed to pay \$50 multiplied by the number of active water connections within the Mesa del Norte subdivision per month to Fabens in exchange for Fabens posting a \$50 credit to each of those active accounts pursuant to the terms of the Agreement; and

WHEREAS the residents of Mesa del Norte subdivision (MDN Residents) pay taxes to LVWD and out-of-district rates for water and wastewater to Fabens District which are higher than in-district rates and have been higher since 2011.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, and intending to be bound hereby, LVWD and the Fabens District agree as follows:

1.1 MDN Residents shall continue to pay out-of-district rates to the Fabens District for the delivery of water and wastewater, until such time as LVWD can assume service.

1.2 MDN Residents shall continue to pay taxes to LVWD during the time that the Fabens District provides water and wastewater services to MDN Residents.

1.3 MDN Residents shall have the legal right to receive a monthly credit to their water utility bills as described in Sections 2.1-2.4 of the Agreement. Sections 3.7 and 3.8 of the Agreement do not bar the MDN Residents' legal right to bring an enforcement action to receive these credits.

1.4 MDN Residents shall have the legal right to demand that LVWD pay all amounts due to Fabens District as described in Section 1.2 of the Agreement. Sections 3.7 and 3.8 of the Agreement do not bar the MDN Residents' legal right to bring an enforcement action to demand that LVWD pay the payments due to Fabens District.

AGREED TO AS FOLLOWS:

LOWER VALLEY WATER DISTRICT

By: _____
Rosalinda Vigil
President, Board of Directors
Lower Valley Water District

Dated: _____

Attest: _____
Henry Trujillo
Secretary, Board of Directors
Lower Valley Water District

Approved as to Form:

Steven J. Blanco
General Counsel
Lower Valley Water District

EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

By: Magda C. Flores Dated: 11/19/19
Magda C. Flores
President, Board of Directors
El Paso County Water Control & Improvement District No. 4

Attest: Thelma Quinones
Thelma Quinones
Secretary, Board of Directors
El Paso County Water Control & Improvement District No. 4

APPROVED AS TO FORM:

Andrew S. "Drew" Miller
ANDREW S. "DREW" MILLER
GENERAL COUNSEL
EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4



2

EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4
P.O. BOX 3880 117 E. MAIN ST. FABENS, TX 79838-3880
(915) 764-2212 FAX (915) 764-4840

BOARD OF DIRECTORS REGULAR MEETING
Tuesday, October 22, 2019 at 6:00 P.M.
BOARD ROOM @ 117 EAST MAIN ST., IN FABENS, TEXAS

The El Paso County W.C.I.D. #4 will convene as posted to consider and/or take action on the following agenda items: (Items do not have to be taken in the same order as shown on this meeting notice.)

AGENDA

1. Call meeting to order.
2. Roll Call and Determination of Quorum.
3. Pledge of Allegiance.
4. Take up, consider and take action on meeting agenda.
5. Take up, consider and take action on Regular Meeting Minutes for September 24, 2019.
6. Audience comments on Agenda items: 3-minute speaking time limit per agenda item.
7. Audience comments: 3-minute speaking time limit per person.
8. Presentation and discussion by Mr. Hernandez with the United States Census.
9. Take up, consider and take action to have Bixler & Company L.L.P. conduct the District's 2019 Financial Audit.
10. Take up, consider and take action on annual Simplified Employee Pension (SEP) matching percent for year 2020.
11. Take up, consider and take action to purchase property.
12. Take up, consider and take action to Remodel Office.
13. Take up, consider and take action to amend Policy for Public Comments on Agenda Items.
14. Take up, consider and take action regarding a possible interlocal agreement between the District and the Lower Valley Water District (LVWD) regarding payments to be made by LVWD to the District with respect to the accounts of Mesa del Norte customers."
15. Take up, consider and take action regarding the following matter: Petition by Out of District Ratepayers Appealing the Water Rates Established by the El Paso County Water Control and Improvement District No. 4, PUC Docket No. 49367, SOAH Docket No. 479 19 5831 WS.
16. Kemp Smith Update.
17. CDM Smith Update.
18. General Manager Report.
19. Executive Session.

Meeting to be closed under the following Texas Government Code of the Open Meetings Act for discussion as follows:

- A. Attorney Consultation Code 551.071
- B. Real Property Code 551.072
- C. Personnel Matters Code 551.074

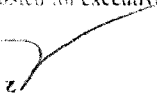
Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.

20. Return to open session for possible discussion and action on executive session item(s).
21. Board member availability for the November 26, 2019 Regular Meeting.
22. Adjourn.

I, the undersigned authority, hereby certify that the above Notice of Meeting of the Board of Directors of the El Paso County Water Control & Improvement District No. 4 is a correct copy of the Notice and that I posted the Notice at the Fabens Post Office and at the District Office Bulletin Board located at 117 E. Main Street, Fabens, Texas 79838, and provided a notice to the El Paso County Clerk for posting in accordance with the Texas Open Meetings Act as required by law.

In this Notice of Open Meeting, the posting of an agenda item as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate to discuss the matter in executive session. If during the discussion of any agenda item, a matter is raised that is appropriate for discussion in executive session the Board may, as permitted by law, adjourn into executive session to deliberate on the matter.

The posting of an agenda item as a matter of law to be discussed in executive session is not intended to limit or require discussion of that matter in executive session. The Board may discuss in open session any matter for which notice has been given in this Notice of Open Meeting, including an agenda item posted for executive session. In no event, however, will the board take action on any agenda item in executive session.


ity Water Control & Improvement District #4
ager



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

Regular Meeting
October 22, 2019

6. Audience comments on Agenda Items: 3-minute speaking time limit per agenda item.
No audience comments.

7. Audience comments: 3-minute speaking time limit per person.
No audience comments.

8. Presentation and discussion by Mr. Hernandez with the United States Census.
Discussion: Mr. Hernandez was not present.

9. Take up, consider and take action to have Bixler & Company L.L.P. conduct the District's 2019 Financial Audit.

Discussion: Mr. Ramirez is requesting the Board's approval to contract Bixler & Company L.L.P. to conduct the District's 2019 Financial Audit. Mr. Ramirez notified the Board that Bixler & Company's specialty is water and wastewater.

Motion made by Mr. Martinez to approve to contract Bixler & Company L.L.P. to conduct the District's 2019 Financial Audit.

Seconded by Ms. Olivas.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			
Ms. Laura Olivas	X			

Motion: Passed

10. Take up, consider and take action on annual Simplified Employee Pension (SEP) matching percent for year 2020.

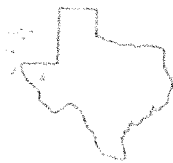
Discussion: Mr. Ramirez stated the Simplified Employee Pension (SEP) has been 5% for the past years. He recommended keeping the same percentage for the year 2020.

Motion made by Mr. Martinez to maintain the Simplified Employee Pension at 5% percent for the year 2020.

Seconded by Ms. Olivas.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			
Ms. Laura Olivas	X			

Motion: Passed



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212

117 E. MAIN ST.
FAX (915) 764-4840

FABENS, TX 79838-3880

Regular Meeting
October 22, 2019

14. Take up, consider and take action regarding a possible interlocal agreement between the District and the Lower Valley Water District (LVWD) regarding payments to be made by LVWD to the District with respect to the accounts of Mesa del Norte customers.

Discussion: This item was discussed in Executive Session under Attorney Consultation Code 551.071

Motion made by Mr. Martinez to authorize Board President to enter into an interlocal agreement with the Lower Valley Water District as presented by the District's General Counsel and attached to the minutes or one that is substantially similar and which is, in the judgement of the Board President in consultation with the District's General Manager and its General Counsel in the best interest of the District.

Seconded by Ms. Quiñonez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			
Ms. Laura Olivas	X			

Motion: Passed

15. Take up, consider and take action regarding the following matter: Petition by Out of District Ratepayers Appealing the Water Rates Established by the El Paso County Water Control and Improvement District No.4, PUC Docket No. 49367, SOAH Docket No. 479 19 5831 WS.

Discussion: This item was discussed in Executive Session under Attorney Consultation Code 551.071.

Mr. Drew Miller provided an update regarding the November 12, 2019 Mediation Hearing.

No action required for this item.

16. Kemp Smith Update.

Discussion: This item was discussed in Executive Session under Attorney Consultation Code 551.071.

Refer to item #14 and #15

No action required for this item.

17. CDM Smith Update.

Discussion:

- Mr. Juarez provided an update on the RO Project. Mr. John Perkins from USDA RD did not accept the final walk through. One of the valves of the RO is not functioning correctly. He will return once the RO is working properly.
- Mr. Juarez is still pending quotes for Cypress Well #6. He will present them at the next board meeting.

No action required for this item.

18. General Manager Report.

Discussion:

- The collection rate for September 2019 was 99% with 32 cut-offs and 12 remain unpaid.
- Mr. Ramirez would like to go paperless with the board meeting packages. He would like to issue I-pads to all Board Members.
- The District will be working on the 2020 Budget and Mr. Ramirez would like to have the Board Members involved in the budget training.

Agenda item #14:

Rationale- Lower Valley Water District is asking for Our Board to approve a interlocal agreement between both Districts regarding payments they want to make to each Mesa Del Norte customer. (To be discussed under Executive session with Mr. Drew Miller).

Reviewed +.
Attached is the sample interlocal agreement. = Mr. Miller DISCUSSED proposed
INTER-LOCAL Agreement.

AND Mediation that will
take place 1/7/12-19.

Judge Henderson = SOAH.

Judges.

THE STATE OF TEXAS § INTERLOCAL AGREEMENT BETWEEN THE
§ LOWER VALLEY WATER DISTRICT AND THE EL
COUNTY OF EL PASO § PASO COUNTY WATER CONTROL AND
§ IMPROVEMENT DISTRICT NO. 4 RELATING TO
§ THE PROVISION OF WATER AND WASTEWATER
§ SERVICES TO THE MESA DEL NORTE
§ SUBDIVISION

This Interlocal Agreement ("Agreement") is entered into by and between the Lower Valley Water District ("LVWD") and the El Paso County Water Control and Improvement District No. 4 (the "Fabens District").

WHEREAS, the Interlocal Cooperation Act, Section 791.001, *et seq.*, of the Texas Government Code, allows local governments to increase their efficiency and effectiveness by authorizing them to contract with one another to perform governmental functions and services;

WHEREAS, LVWD and the Fabens District, local governments as defined in the Interlocal Cooperation Act, have the authority to enter this Agreement, and have each entered into this Agreement by the action of their respective governing bodies in the appropriate manner prescribed by law;

WHEREAS, both LVWD (a municipal utility district of the State of Texas created under Article XVI, § 59, of the Texas Constitution, and exercising the rights, powers, privileges, and functions set forth in its enabling statutes, as well as the rights, powers, privileges, and functions of such districts as set forth in Chapters 49 and 54, Texas Water Code), and the Fabens District (a water control and improvement district of the State of Texas created under Article XVI, § 59, of the Texas Constitution, and exercising the rights, powers, privileges, and functions set forth in its enabling statutes, as well as the rights, powers, privileges and functions of such districts as set forth in Chapter 49 and 51, Texas Water Code), are authorized to operate, manage and maintain water and wastewater infrastructure, and provide water and wastewater services, inside and outside of their respective boundaries;

WHEREAS, under Chapter 49, Texas Water Code, a district is authorized to establish, maintain, revise, charge and collect rates, fees, and other charges for services and facilities that provide service to areas outside the district that may be higher than those charged for comparable service to users within the district.

WHEREAS, the Mesa del Norte subdivision is located within the boundaries of LVWD, and outside of the boundaries of the Fabens District;

WHEREAS, the Fabens District currently provides water and wastewater services to residents within the Mesa del Norte Subdivision, and charges those residents out-of-district rates and fees for those services;

WHEREAS, LVWD is currently unable to provide wastewater services to the residents within the Mesa del Norte Subdivision:

WHEREAS, the Fabens District intends to transfer ownership of the water and sewer lines in the Mesa del Norte subdivision to LVWD, as well as the responsibility for operation and maintenance of those lines and the providing of water and wastewater services to the Mesa del Norte residents when LVWD is prepared to provide both water and wastewater services; and

WHEREAS, the purpose of this Agreement is to increase the efficiency and effectiveness of local governments and enable the residents of the Mesa del Norte Subdivision to pay less for water and wastewater services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, and intending to be bound hereby, LVWD and the Fabens District agree as follows:

1.0 Obligations, Rights and Duties of LVWD

1.1 By no later than five working days following the effective date of this agreement, LVWD shall pay an initial payment of **\$47,400** to the Fabens District (which is \$50 multiplied by the number of active water connections within the MdN subdivision as of the effective date of this agreement, multiplied by five [for the months of June, July, August, September, and October]).¹

1.2 By no later than the November 5, 2019, and thereafter by no later than the 5th of the month in each month following November 2019, and for as long as this agreement is in effect, LVWD shall pay a monthly payment to the Fabens District which shall be **\$50 multiplied by the number of active connections within the MdN subdivision**.

1.3 If the Fabens District fails to notify LVWD of the number of active connections in any given month pursuant to Paragraph 2.2 of this agreement, LVWD shall presume that the number of active connections for that month is the number that was used for the prior month.

¹ There are currently 192 active water connections within the Mesa del Norte subdivisions. The amount of the initial payment has been reduced from \$48,000 (\$50 x 192 x 5) to \$47,400 to account for several customers who have had an active water connection for a period that was shorter than the immediately preceding five months.

2.0 Obligations, Rights and Duties of the Fabens District

2.1 Within five working days of the receipt of the initial payment made under section 1.1 of this agreement, the Fabens District shall post a \$250 credit to each active account for residents of the MdN subdivision. For any account that has not been active for the immediately previous five months, the payment to that account will be reduced by \$50 times the number of months that that account has not been active during the immediately previous five months.

2.2 On the first working day of each month during the time that this agreement is in effect, the Fabens District shall provide notification to LVWD as to the number of currently active water connections in the Mesa del Norte subdivision. If the Fabens District does not provide notification under this provision in any given month, LVWD is to assume that the number of active water connections in the Mesa del Norte subdivision has not changed from the previous month.

2.3 Except as set forth in Paragraph 2.4 of this agreement, within five working days of the receipt of any monthly payment made by LVWD under section 1.2 of this agreement, the Fabens District shall post a \$50 credit to each active account for residents of the MdN subdivision.

2.4 If any payment received by the Fabens District pursuant to Paragraph 1.1 or 1.2 of this agreement is insufficient to cover the credits to accounts required to be made by the Fabens District under Paragraphs 2.1 and 2.3 of this agreement, the Fabens District shall reduce the amount credited to each customer proportionally so as to provide equal credits to all active Mesa del Norte customers. If no initial payment is received by the Fabens District pursuant to Paragraph 1.1, or if no monthly payment is received by the Fabens District pursuant to Paragraph 1.2 of this agreement for any given month, the Fabens District shall not credit the account of any MdN customers in that month.

2.5 To the extent there is any surplus remaining after credits have been made to MdN customers under Paragraphs 2.1 and 2.3 of this agreement, the Fabens District shall return that surplus to LVWD by payment to be made by no later than the 25th of the month in which the surplus accrues.

3.0 General Provisions

3.1 Effective Date and Term: This Agreement shall become effective upon the date of execution by the last of the Parties and terminates when the Fabens District transfers ownership of the water and sewer lines in the Mesa del Norte subdivision and the responsibility for operation and maintenance of those lines and the providing of water and wastewater services to the Mesa del Norte residents to LVWD. This agreement may be terminated prior to that occurrence only upon mutual agreement of the Parties set forth in writing.

3.2 Payment: Any payment required under this agreement shall be accomplished by electronic bank transfer or check made payable upon an account held by the paying District.

3.3 Notification: Any notification required to be provided under this agreement shall be sent by email or first-class USPS Mail to:

Notification to LVWD shall be sent to:

General Manager
Lower Valley Water District
1557 FM Road 1110
Clint, TX 79836
Email: gm@lvwd.org

Notification to the Fabens District shall be sent to:

General Manager
El Paso County Water Control & Improvement District No. 4
P.O. Box 3880
Fabens, TX 79838-3880
Email: gm@epcwcid.com

3.4 Dispute Resolution: A dispute arising under this Agreement may be submitted to alternative dispute resolution in accordance with § 791.015 of the Interlocal Cooperation Act.

3.5 The Fabens District and LVWD will comply with the provisions of this Agreement and provide to each other any information that may be required to support this Agreement.

3.6 Each Party to this Agreement will be responsible for its own actions in satisfying its obligations under this Agreement.

3.7 Each Party reserves, and does not waive, its respective rights of immunity and similar rights and does not waive its rights under applicable statutes. No provision of this Agreement that imposes an obligation or restriction on any Party that is not permitted by applicable law shall be enforceable.

3.8 By entering this Agreement, the Parties do not intend to create any obligations, express or implied, other than those set forth herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

3.9 The laws of the State of Texas shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the Parties and performance under it.

3.10 Any alterations, variations, modifications or waivers of provisions of this Agreement shall only be valid if executed as an amendment to this Agreement.

3.11 This Agreement constitutes the entire agreement between the Parties relating to the terms and conditions of the Agreement. Unless expressly stated, this Agreement confers no rights on any person(s) or business entity(s) that is not a party hereto. This Agreement shall not be construed against or unfavorably to any Party because of such Party's involvement in the preparation of this Agreement.

AGREED TO AS FOLLOWS:

LOWER VALLEY WATER DISTRICT

By: _____
Rosalinda Vigil
President, Board of Directors
Lower Valley Water District

Dated: _____

Attest: _____
Henry Trujillo
Secretary, Board of Directors
Lower Valley Water District

Approved as to Form:

Steven J. Blanco
General Counsel, Lower Valley Water District

EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

By: _____ Dated: _____
Magda C. Flores
President, Board of Directors
El Paso County Water Control & Improvement District No. 4

Attest:  _____
Thelma Quinonez
Secretary, Board of Directors
El Paso County Water Control & Improvement District No. 4

Approved as-to-Form:

Andrew S. "Drew" Miller

General Counsel , El Paso County Water Control & Improvement District No. 4



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

h200@gte.net

Wastewater Service Agreement Mesa Del Norte Subdivision

The Subdivider has paid the Utility the sum of \$ 0, which sum represents the total costs of the tap fees, capital recovery charges, and other fees associated with connecting the individual lots in the Subdivision to the utility's wastewater collection and treatment system. The Subdivider's contractor will be responsible for installing the subdivision's wastewater infrastructure up to each lot's property line.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by El Paso County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the **Utility** warrants that he or she is authorized to sign this Agreement on behalf of the Utility.

By affixing his or her signature to this Agreement, the person signing for the **Subdivider** warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on April 21, 2008.

The Utility: El Paso County Water Control & Improvement District No. 4

By: Geri de la Torre

Printed Name: GERI DE LA TORRE

Office or Position: INTERIM GENERAL MANAGER

Date: April 21, 2008

The Subdivider: Mesa Del Norte Subdivision

By: Le Lois Lutch

Printed Name: Le Lois Lutch

Office or Position: Owner

Date: 4/21/08

Regular Meeting
September 19, 2006

Motion made by Ms. Alvillar to consider the request for water and sewer service for the Mesa Del Norte Subdivision contingent upon the availability of water and wastewater service outside District boundaries to new applicants.

Seconded by Mr. Artalejo.

<u>Vote:</u>	<u>Aye</u>	<u>Nav</u>	<u>Abstain</u>	<u>Other</u>
Mr. M Aguirre	<u>X</u>	—	—	_____
Ms. A. Alvillar	<u>X</u>	—	—	_____
Mr. A. Artalejo	<u>X</u>	—	—	_____
Ms. M. Flores	<u>X</u>	—	—	_____
Mr. M. Laird	<u>X</u>	—	—	_____

Motion: Passed

9. Take up, consider and take action to acquire a debit card for business related expenses.

Discussion: Mr. Terrazas informed the Board that he and Ms. Garcia met with officers of the First National Bank of Fabens to discuss obtaining a credit card for travel and training purposes. They were told that the First National Bank of Fabens offers debit cards only. Ms. Garcia recommended setting up a separate checking account at the bank solely for this purpose with a limit of \$5,000.00. The card will remain in the office safe at all times and only Mr. Terrazas or Ms. Garcia would be authorized to charge business related expenses on it. Ms. Flores asked what the District's liability on the card would be and Ms. Garcia said she would check on this.

Motion made by Ms. Flores to acquire a debit card for business-related expenses and to establish a separate bank account not to exceed \$5,000.00.

Seconded by Ms. Alvillar.

<u>Vote:</u>	<u>Aye</u>	<u>Nav</u>	<u>Abstain</u>	<u>Other</u>
Mr. M Aguirre	<u>X</u>	—	—	_____
Ms. A. Alvillar	<u>X</u>	—	—	_____
Mr. A. Artalejo	<u>X</u>	—	—	_____
Ms. M. Flores	<u>X</u>	—	—	_____
Mr. M. Laird	<u>X</u>	—	—	_____

Motion: Passed

10. Take up, consider and take action to cast a vote for TML Intergovernmental Risk Pool Board of Trustee Members.

Discussion: Mr. Terrazas explained that TML is the company that carries our workmen's compensation and liability insurance. They have sent a ballot for the District Board to vote for one TML Board of Trustee Member for each of the four available Places.

Motion made by Ms. Flores to cast a vote for TML Intergovernmental Risk Pool Board of Trustee Members by each member submitting to the General Manager their votes and the General Manager submits the final votes.

Seconded by Ms. Alvillar.

<u>Vote:</u>	<u>Aye</u>	<u>Nav</u>	<u>Abstain</u>	<u>Other</u>
Mr. M Aguirre	<u>X</u>	—	—	_____
Ms. A. Alvillar	<u>X</u>	—	—	_____
Mr. A. Artalejo	<u>X</u>	—	—	_____
Ms. M. Flores	<u>X</u>	—	—	_____
Mr. M. Laird	<u>X</u>	—	—	_____

Motion: Passed

**AGREEMENT ON TCEQ VARIANCE AND CONDITIONS FOR FINAL
ACCEPTANCE OF WATER AND WASTEWATER FACILITIES**

This Agreement is made on the date last entered and is between El Paso County Water Control & Improvement District No. 4 ("District No. 4"), Lower Valley Water District ("LVWD") and Mesa del Norte, Ltd. ("Mesa del Norte"), and is as follows:

Recitals

WHEREAS, Mesa del Norte has developed and constructed a subdivision in El Paso County known as Mesa del Norte; and,

WHEREAS, Mesa del Norte and District No. 4 entered a Development Agreement (attached as Exhibit A), prior to construction of the subdivision, which agreed upon terms for the construction of the water delivery and sewer collection system ("system") within the Mesa del Norte subdivision, and the terms for conveyance of the system to District No. 4, for the purpose of provision of water and wastewater services to the lots within the subdivision; and

WHEREAS, on February 11, 2011, District No. 4 and Mesa Del Norte executed an Addendum to the Development Agreement (attached as Exhibit B), which described the terms for a partial acceptance of the system as contemplated in the Development Agreement, and on February 22, 2011 the District No. 4 Board of Directors did approve partial acceptance of the system; and

WHEREAS, the remaining water and wastewater lines in Mesa del Norte subdivision were not included in the partial acceptance because portions of the wastewater lines did not meet the slope requirements of Texas Administrative Code §217.53 (1)(A); and

WHEREAS, following engineering review of the construction of the wastewater lines that do not meet regulatory slope requirements by District No. 4 and LVWD, Mesa del Norte intends to apply to the Texas Commission on Environmental Quality ("TCEQ") for a variance that, if granted, will allow for the wastewater lines with inadequate slope to be in compliance with state regulation; and

WHEREAS, District No. 4 intends to finally accept ownership, operation and maintenance of the remaining water delivery and wastewater collection lines in Mesa del Norte subdivision, and to provide water and wastewater service to the residences in the subdivision, but also intends to transfer ownership, operation and maintenance of the system and the provision of water and wastewater services to LVWD at some point in the future when LVWD is prepared to provide such service; and

WHEREAS, due to the inadequate slopes of the lines, in order for the system to function and for the District No. 4 and LVWD to be able to operate, maintain, and repair the system, District No. 4 and LVWD desire that Mesa del Norte agree to certain ongoing obligations; and

WHEREAS, District No. 4 and LVWD are willing to finally accept all of the water and wastewater lines in Mesa del Norte subdivision if the TCEQ grants a variance for the wastewater lines and Mesa del Norte agrees to perform certain ongoing obligations; and,

year from the date of the Letter of Final Acceptance. The warranty of facilities, as described in Paragraph 1 of the Addendum to the Development Agreement, is hereby modified to conform to the ten-year period described in this provision. After the 24th month of the term of this Facilities Agreement, Mesa del Norte shall have the right to notify District No. 4 and LVWD that it desires to meet and confer regarding whether it is reasonably necessary for Mesa del Norte to continue to provide maintenance on an annual basis and/or to perform jetting of wastewater lines as provided in paragraph 3.b. below. Upon service of the notice described above District No. 4 and LVWD shall meet and confer with Mesa del Norte within a 60-day time period. In this connection, District No. 4 or LVWD, whichever entity then owns and maintains the wastewater lines, shall have the right, in the exercise of reasonable judgment, to make the determination that it is or is not necessary for Mesa del Norte to continue to provide maintenance bonds and/or to perform jetting of wastewater lines. Should either the bond or jetting requirement be determined to continue, following the initial request to meet and confer, Mesa del Norte has the right to request the same meet and confer procedure every twenty-four months through the ten-year term.

3) Failure to renew the bond not less than 30 days before the expiration of any 12 month term of the bond shall constitute an event of default under the bond and the District No. 4, or LVWD, will be entitled to make full demand on the bond and to collect in full under the bond.

4) Failure to maintain the jetting of the wastewater lines required by paragraph 3(b) below shall constitute a defect under the bond, and District No. 4, or LVWD, shall be able to draw the costs to correct the defect from the bond up to the full amount thereof.

b. **Jetting of Wastewater Lines.** Unless sooner terminated as provided below, for a period of 10 years from the date of acceptance, Mesa del Norte shall, at its expense, cause critical points of the wastewater system to be jetted. The points to be jetted have been identified by the District No. 4 Engineer and Staff and are described on Exhibit D. District No. 4 or LVWD, whichever entity is then maintaining the wastewater system in Mesa del Norte, may revise the critical points as the need to do so becomes apparent through operation of the wastewater lines. Jetting will take place monthly using water from the non-potable water standpipe. If the standpipe is unavailable, the water shall be taken from the fire hydrant or any other facility designated by District No. 4. Mesa del Norte, or its designated jetting contractor, will give District No. 4 or LVWD at least 24-hr notice of the date and time that jetting will commence. Notice to District No. 4 will be given either telephonically by calling (915) 764-2212 or by email to the General Manager at gm@epowcid4.com and the Field Manager at mmadrid@epowcid4.com. Notice to the LVWD will be given either telephonically by calling (915) 791-4480 or by email to the General Manager at fernle@lvwd.org and the Engineer at saui@lvwd.org. This obligation shall terminate if the obligation to perform jetting of wastewater lines in this is terminated as provided in paragraph 3.a.(2).

c. **Transfer of Easements.** Mesa Del Norte will transfer to District No. 4 and LVWD, prior to the final acceptance, all of its rights in and to the those areas set forth on the

9. **Notices.** All notices shall be in writing and shall be sent by U.S. Mail, certified, return receipt requested, to the addresses shown below, or by facsimile to the telephone number shown below. Mailed notices shall be deemed served when deposited in the United States mail, postage prepaid and addressed as shown below. Notices sent by facsimile shall be deemed served when sent.

If to District No. 4:

General Manager
P.O. Box 3880
Fabens, TX 79838-3880
Fax: (915) 764-4840

With a copy to:
Sarah Faust
Andrew S. "Drew" Miller
Kemp Smith LLP
816 Congress Ave., Ste. 1150
Austin, TX 78701-2443
Fax: (512) 320-5431

If to LVWD:

General Manager
Lower Valley Water District
P.O. Box 909
Clint, TX 79836
Fax: (915) 791-4400

With a copy to:
Steve Blanco
Blanco Ordonez & Wallace, PC
5715 Cromo Drive
El Paso, TX 79912
Fax: (915) 845-5555

If to Mesa del Norte:

General Manager
Mesa del Norte, Ltd.
P.O. Box 57
Fabens, TX 79838
Fax: (915) _____

With a copy to:
Bryan Hall
Beck & Hall PC
5915 Silver Springs, Bldg. 4
El Paso, TX 79912
Fax: (915) 544-1620

9. **Governing Law:** This Agreement shall be construed and interpreted in accordance with the laws of the State of Texas.

**El Paso County Water Control and
Improvement District No. 4**

By: _____
Name: _____

EXHIBIT A.

DEVELOPMENT AGREEMENT

STATE OF TEXAS

§

EL PASO COUNTY

§

This is a Development Agreement executed as of the 21 day of April, 2008, between the El Paso County Water Control & Improvement District #4 (the "District"), a municipal operation in the county of El Paso, and the Owner/Developer (the "Owner") Mesa del Norte, Ltd.

WHEREAS, Owner has requested the opportunity to install water and sewer mains in Owner's new subdivision known as Mesa del Norte an addition to the County of El Paso, Texas, and connect the water and sewer mains to the District's existing water and sewer mains.

WHEREAS, section 212.071, et seq., of the Local Government Code authorized municipalities to enter into a contract with a Developer of a subdivision or land in the municipality to construct public improvements related to development without complying with the competitive sealed bidding procedure of Chapter 252 of the Local Government Code;

NOW, THEREFORE, for and in consideration of the mutual covenants set forth herein, the parties agree as follows:

SECTION 1 - SYSTEM DESIGN

- A. The Owner will design the system and bear all charges associated with the design of the system. Owner must submit a full set of subdivision plans for written approval by the District Engineer and submission to the District's General Manager. Before the final design is approved by the District's Engineer and released for construction, the Owner must submit one set of Final subdivision plans (the "Plans"), including Phasing, if any, as approved by the District Engineer. Once the District's Engineer has review and approved the final utility Plans, and the design review and other fees and fees assessed by other entities through the District have been paid, the District will execute the Development Agreement. The Owner will construct the Facilities under the supervision of the District's Engineer strictly in accordance with the Plans.
- B. These Plans include the following Facilities:
 - a. Water Distribution system showing mains and sizes thereof, location in street, location of valves, fire hydrants, water taps, and other information.

water rights previously belonging to the property have been removed, the Owner shall acquire the water rights and assign those rights to the District.

SECTION 3 - INSURANCE AND CHANGES IN THE WORK

The Owner will enter into a construction contract for this work with a utility contractor who is experienced in performing similar water and sewer construction. The Contractor and all independent contractors shall be required in the construction contract(s) to hold the District harmless from any damages or claims which may arise during construction. The Owner's contractor shall execute a hold harmless agreement, attached hereto as Exhibit B, which shall become part of this Development Agreement. The Owner agrees to integrate this Development Agreement into his construction contract and require expressly in the construction contract that the contractor will be bound to comply with the provision hereof. The Owner and his contractor will confirm that they are familiar, and will fully comply, with the additional insurance and other requirements set forth on Exhibit C, which is attached to and made a part of this contract for all purposes. The District shall be provided with a copy of the Insurance Certificate evidencing coverage for the full term of the Project and shall be named as an additional insured on the General Liability policy. Notwithstanding anything in the Agreement to the contrary, Owner agrees and represents that his contractor will be so bound; that Owner remains responsible for additional work on the facilities at the site as may be required by the District due to changes in the work or for other reasons determined by the District to be necessary in order to ensure that the work is constructed satisfactorily and in accordance with the terms of this contract.

The Owner has engaged the following Contractor for this work:

Bain Construction

Contractor's Name

14160 Blair Dr., Horizon City, TX 79928

Address

915-852-8620

Phone Number

SECTION 4 - COORDINATION OF CONSTRUCTION

The Owner is responsible for coordinating construction with the District's Engineer. The District is entitled to inspect and observe the work at all times. It is understood that the responsibility for confirming the work to the Plans is the sole responsibility of the Owner. The fact that the District has inspected the work at any stage shall not be deemed to be acceptance or approval by the District of the work performed. Approval and acceptance of the work shall be effective only

Owner has paid for all labor and materials; that there are no outstanding claims relating to the work; and that all debts with the District have been paid. The Owner must include a specific Release of Liens from its Contractor and all sub contractors with the signed conveyance form.

The District Engineer, or his designated field representative, will make a final inspection of the work. Once the work is found to be in compliance with all terms of this contract and acceptable to the District for inclusion into its system, the District will issue a Letter of Final Acceptance of the Facilities. The District will then set meters upon a request to activate service, allow sewer services to be connected by others, and admit water to the system. The Owner or his Contractor may, at the discretion of the District, install water services of 3/4 inch size, subject to the approval of the District and in accordance with its standards. In no event, however, is the Owner or his Contractor to install any service larger than 3/4 inch. No meters will be installed until the system has been bacteriologically and pressure tested and a Letter of Final Acceptance has been issued.

In the event Owner determines to sell lots in the subdivision prior to Final Acceptance of the Facilities to the District, Owner agrees to include a provision in the sales contract stating that the Facilities have not yet been finally accepted by the District and that services will not be activated until such Final Acceptance has occurred.

SECTION 7 -- PARTIAL ACCEPTANCE

When Partial Acceptance of a facility is agreed upon between the District and the Owner, it is understood and agreed that the one year Warranty period will not begin until Final Acceptance of all facilities to be installed under this Development Agreement.

The Developer shall submit a letter of request to the District and shall include a highlighted map of the areas to be conditionally accepted with the number of linear feet, valve to valve, to be conveyed to the District. The Owner shall also provide the address for each requested water meter. Upon approval by the District, the District's Engineer or his authorized field representative, will certify that portion of line as acceptable for inclusion to the District's system and shall issue a Partial Conditional Completion Certificate indicating the facilities and addresses of water services accepted. The Developer shall deliver a Conveyance and a Partial Release of Liens and the District will issue a partial Conditional Acceptance Letter. The Developer may then authorize his agents or assigns to contact Customer Service to request a water meter.

SECTION 8 -- ONE YEAR WARRANTY

- A. Owner represents and warrants to the District that all work was performed strictly in accordance with the Plans, and as otherwise

SECTION 9 -- DEFAULT

In the event Owner or his contractor fail to comply with the provisions hereof, the District may take such actions to which it may be entitled by law or equity, including, but not limited to: stopping the work; seeking specific performance of this Contract; or suing for damages.

SECTION 10 -- INDEPENDENT CONTRACTOR/INDEMNIFICATION

A. INDEPENDENT CONTRACTOR

The Owner, for himself, his Contractor, shall operate as an independent Contractor, not subject to the direct or continuous supervision and control of the District. The parties agree that in no event shall the Owner or his Contractor be deemed to be an agent, officer, or employee of the District.

B. INDEMNIFICATION

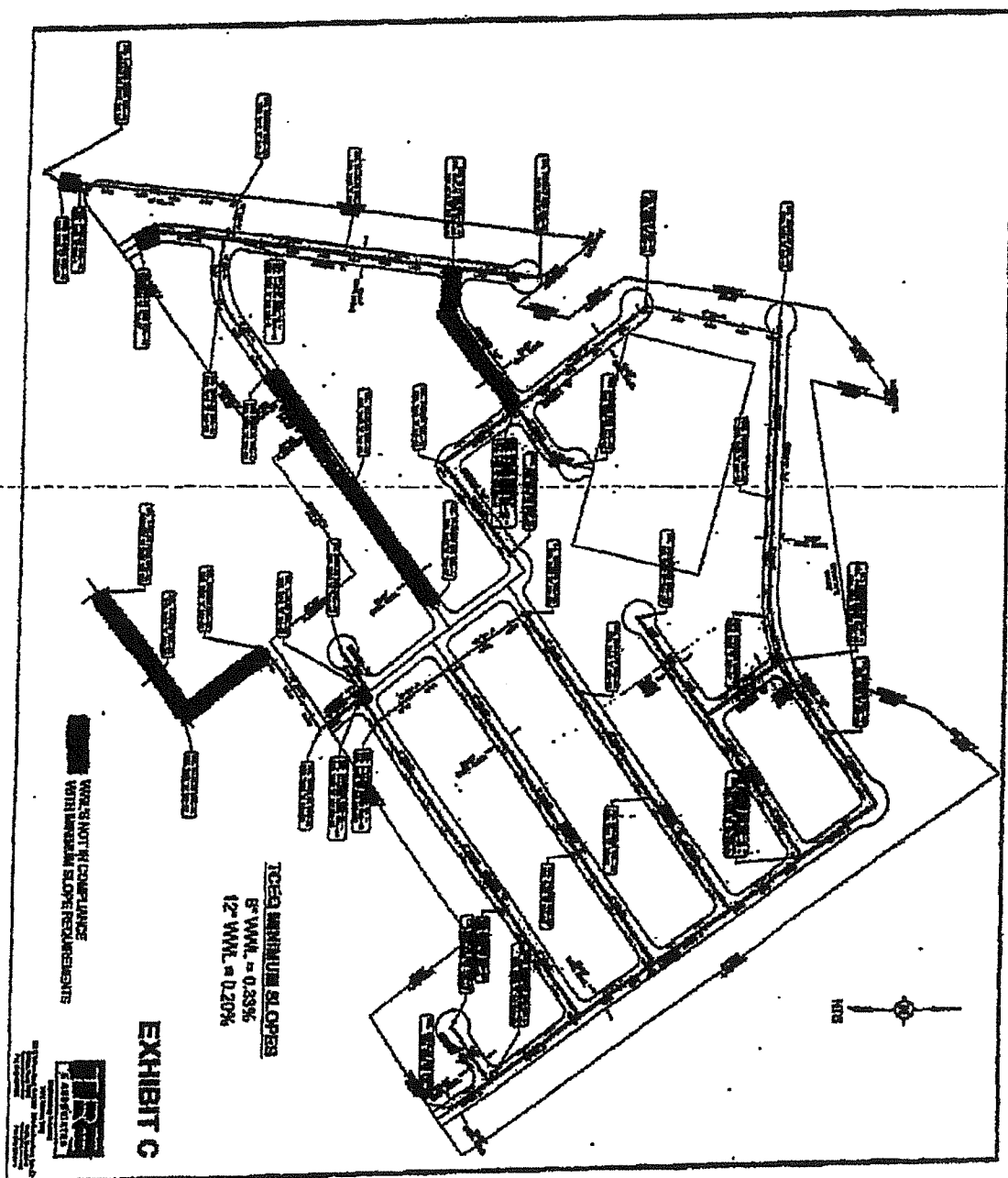
The Owner, for himself, his Contractor, sub contractors, officers, agents, employees, and representatives, hereby indemnifies and holds harmless the District, its officers, agents, and employees from and against all claims, damages, losses, and expenses (including attorneys fees, expert fees, and overhead) in any way arising out of or resulting from their performance under this Contract, including the construction of the Facilities by the Contractor, any sub contractor, anyone directly or indirectly employed by the Contractor, or anyone for whose acts the Contractor or sub contractor may be liable, including any claims, damages, losses, or expenses resulting in injury or death.

SECTION 11 -- TITLE

Owner represents that it currently holds title, or has presented evidence that it has entered into a contract to purchase and obtain title, to the property in exactly the same manner in which it signs this Agreement. The terms and provisions thereof shall be binding upon, and inure to the benefit of, the parties hereto and their successors, assigns, heirs, and personal representatives.

SECTION 12 -- ASSIGNABILITY

The Owner shall not assign any interest in this Agreement (whether by assignment or novation) without the prior written consent of the District.



IN WITNESS WHEREOF THE EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #4 has caused this Agreement to be executed by its General Manager and by the Owner, or by their duly authorized representatives on this 21 day of April, 2008.

OWNER

Mesa Del Norte LTD
Company Name

Leibis Lutch
Authorized Signature

Leibis Lutch
Type or Print Name and Title

April 21, 2008
Date

P.O. Box 1230
Owner's Address

(915) 764-4120
Phone Number

(915) 764-4120
Fax Number

EL PASO COUNTY WATER
CONTROL & IMPROVEMENT
DISTRICT #4

Geni de la Torre
INT. General Manager

April 21, 2008
Date

M. de la Torre
Board President

4-23-08
Date

2. District Costs Associated the Development Agreement and this Addendum

Owner agrees to pay for engineering and legal services associated with the Development Agreement and this Addendum that have been incurred by the District and submitted to the Owner on the invoice set forth in Exhibit B attached to this Addendum. No Partial Acceptance Letter shall be issued until this invoice is paid by the Owner.

The signatories to this agreement represent that they have full authority to bind their respective parties on whose behalf they sign.

IN WITNESS HEREOF THE EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT No. 4 has caused this Addendum to Development Agreement to be executed by its General Manager and by the Owner, or by their duly authorized representatives on this 11th day of February, 2011.

MESA DEL NORTE, LTD

Lepois Lujan
Lepois Lujan

2-11-11
date

P.O. Box 57, FABENS TX 79838
address

915-764-4120
Telephone Number

915-764-6870
Fax Number

EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4.

Gerí de la Torre
General Manager

date

THE STATE OF TEXAS § INTERLOCAL AGREEMENT BETWEEN THE
 § LOWER VALLEY WATER DISTRICT AND THE EL
COUNTY OF EL PASO § PASO COUNTY WATER CONTROL AND
 § IMPROVEMENT DISTRICT NO. 4 RELATING TO
 § THE PROVISION OF WATER AND WASTEWATER
 § SERVICES TO THE MESA DEL NORTE
 § SUBDIVISION

This Interlocal Agreement ("Agreement") is entered into by and between the Lower Valley Water District ("LVWD") and the El Paso County Water Control and Improvement District No. 4 (the "Fabens District").

WHEREAS, the Interlocal Cooperation Act, Section 791.001, *et seq.*, of the Texas Government Code, allows local governments to increase their efficiency and effectiveness by authorizing them to contract with one another to perform governmental functions and services;

WHEREAS, LVWD and the Fabens District, local governments as defined in the Interlocal Cooperation Act, have the authority to enter this Agreement, and have each entered into this Agreement by the action of their respective governing bodies in the appropriate manner prescribed by law;

WHEREAS, both LVWD (a municipal utility district of the State of Texas created under Article XVI, § 59, of the Texas Constitution, and exercising the rights, powers, privileges, and functions set forth in its enabling statutes, as well as the rights, powers, privileges, and functions of such districts as set forth in Chapters 49 and 54, Texas Water Code), and the Fabens District (a water control and improvement district of the State of Texas created under Article XVI, § 59, of the Texas Constitution, and exercising the rights, powers, privileges, and functions set forth in its enabling statutes, as well as the rights, powers, privileges and functions of such districts as set forth in Chapter 49 and 51, Texas Water Code), are authorized to operate, manage and maintain water and wastewater infrastructure, and provide water and wastewater services, inside and outside of their respective boundaries;

WHEREAS, under Chapter 49, Texas Water Code, a district is authorized to establish, maintain, revise, charge and collect rates, fees, and other charges for services and facilities that provide service to areas outside the district that may be higher than those charged for comparable service to users within the district.

WHEREAS, the Mesa del Norte subdivision is located within the boundaries of LVWD, and outside of the boundaries of the Fabens District;

WHEREAS, the Fabens District currently provides water and wastewater services to residents within the Mesa del Norte Subdivision, and charges those residents out-of-district rates and fees for those services;

WHEREAS, LVWD is currently unable to provide wastewater services to the residents within the Mesa del Norte Subdivision;

WHEREAS, the Fabens District intends to transfer ownership of the water and sewer lines in the Mesa del Norte subdivision to LVWD, as well as the responsibility for operation and maintenance of those lines and the providing of water and wastewater services to the Mesa del Norte residents when LVWD is prepared to provide both water and wastewater services; and

WHEREAS, the purpose of this Agreement is to increase the efficiency and effectiveness of local governments and enable the residents of the Mesa del Norte Subdivision to pay less for water and wastewater services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, and intending to be bound hereby, LVWD and the Fabens District agree as follows:

1.0 Obligations, Rights and Duties of LVWD

1.1 By no later than five working days following the effective date of this agreement, LVWD shall pay an initial payment of \$47,400 to the Fabens District (which is \$50 multiplied by the number of active water connections within the MdN subdivision as of the effective date of this agreement, multiplied by five [for the months of June, July, August, September, and October]).¹

1.2 By no later than the November 5, 2019, and thereafter by no later than the 5th of the month in each month following November 2019, and for as long as this agreement is in effect, LVWD shall pay a monthly payment to the Fabens District which shall be \$50 multiplied by the number of active connections within the MdN subdivision.

1.3 If the Fabens District fails to notify LVWD of the number of active connections in any given month pursuant to Paragraph 2.2 of this agreement, LVWD shall presume that the number of active connections for that month is the number that was used for the prior month.

¹ There are currently 192 active water connections within the Mesa del Norte subdivisions. The amount of the initial payment has been reduced from \$48,000 ($\$50 \times 192 \times 5$) to \$47,400 to account for several customers who have had an active water connection for a period that was shorter than the immediately preceding five months.

2.0 Obligations, Rights and Duties of the Fabens District

2.1 Within five working days of the receipt of the initial payment made under section 1.1 of this agreement, the Fabens District shall post a **\$250** credit to each active account for residents of the MdN subdivision. For any account that has not been active for the immediately previous five months, the payment to that account will be reduced by \$50 times the number of months that that account has not been active during the immediately previous five months.

2.2 On the first working day of each month during the time that this agreement is in effect, the Fabens District shall provide notification to LVWD as to the number of currently active water connections in the Mesa del Norte subdivision. If the Fabens District does not provide notification under this provision in any given month, LVWD is to assume that the number of active water connections in the Mesa del Norte subdivision has not changed from the previous month.

2.3 Except as set forth in Paragraph 2.4 of this agreement, within five working days of the receipt of any monthly payment made by LVWD under section 1.2 of this agreement, the Fabens District shall post a \$50 credit to each active account for residents of the MdN subdivision.

2.4 If any payment received by the Fabens District pursuant to Paragraph 1.1 or 1.2 of this agreement is insufficient to cover the credits to accounts required to be made by the Fabens District under Paragraphs 2.1 and 2.3 of this agreement, the Fabens District shall reduce the amount credited to each customer proportionally so as to provide equal credits to all active Mesa del Norte customers. If no initial payment is received by the Fabens District pursuant to Paragraph 1.1, or if no monthly payment is received by the Fabens District pursuant to Paragraph 1.2 of this agreement for any given month, the Fabens District shall not credit the account of any MdN customers in that month.

2.5 To the extent there is any surplus remaining after credits have been made to MdN customers under Paragraphs 2.1 and 2.3 of this agreement, the Fabens District shall return that surplus to LVWD by payment to be made by no later than the 25th of the month in which the surplus accrues.

3.0 General Provisions

3.1 **Effective Date and Term:** This Agreement shall become effective upon the date of execution by the last of the Parties and terminates when the Fabens District transfers ownership of the water and sewer lines in the Mesa del Norte subdivision and the responsibility for operation and maintenance of those lines and the providing of water and wastewater services to the Mesa del Norte residents to LVWD. This agreement may be terminated prior to that occurrence only upon mutual agreement of the Parties set forth in writing.

3.2 **Payment:** Any payment required under this agreement shall be accomplished by electronic bank transfer or check made payable upon an account held by the paying District.

3.3 Notification: Any notification required to be provided under this agreement shall be sent by email or first-class USPS Mail to:

Notification to LVWD shall be sent to:

General Manager
Lower Valley Water District
1557 FM Road 1110
Clint, TX 79836
Email: ggrijalva@lvwd.org

Notification to the Fabens District shall be sent to:

General Manager
El Paso County Water Control & Improvement District No. 4
P.O. Box 3880
Fabens, TX 79838-3880
Email: gma@epcwcid.com

3.4 Dispute Resolution: A dispute arising under this Agreement may be submitted to alternative dispute resolution in accordance with § 791.015 of the Interlocal Cooperation Act.

3.5 The Fabens District and LVWD will comply with the provisions of this Agreement and provide to each other any information that may be required to support this Agreement.

3.6 Each Party to this Agreement will be responsible for its own actions in satisfying its obligations under this Agreement.

3.7 Each Party reserves, and does not waive, its respective rights of immunity and similar rights and does not waive its rights under applicable statutes. No provision of this Agreement that imposes an obligation or restriction on any Party that is not permitted by applicable law shall be enforceable.

3.8 By entering this Agreement, the Parties do not intend to create any obligations, express or implied, other than those set forth herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

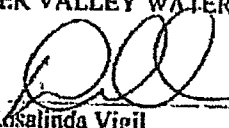
3.9 The laws of the State of Texas shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the Parties and performance under it.

3.10 Any alterations, variations, modifications or waivers of provisions of this Agreement shall only be valid if executed as an amendment to this Agreement.

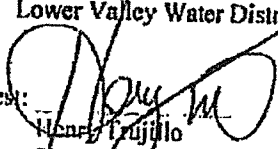
3.11 This Agreement constitutes the entire agreement between the Parties relating to the terms and conditions of the Agreement. Unless expressly stated, this Agreement confers no rights on any person(s) or business entity(s) that is not a party hereto. This Agreement shall not be construed against or unfavorably to any Party because of such Party's involvement in the preparation of this Agreement.

AGREED TO AS FOLLOWS:

LOWER VALLEY WATER DISTRICT

By: 
Rosalinda Vigil
President, Board of Directors
Lower Valley Water District

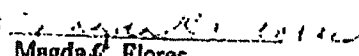
Dated: 10-30-19

Attest: 
Henry Trujillo
Secretary, Board of Directors
Lower Valley Water District

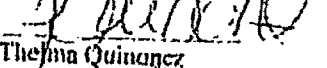
Approved as to Form:

Steven J. Blanco
General Counsel, Lower Valley Water District

EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

By: 
Magda C. Flores
President, Board of Directors
El Paso County Water Control & Improvement District No. 4

Dated: 11/1/19

Attest: 
Thelma Quinonez
Secretary, Board of Directors
El Paso County Water Control & Improvement District No. 4

3.11 This Agreement constitutes the entire agreement between the Parties relating to the terms and conditions of the Agreement. Unless expressly stated, this Agreement confers no rights on any person(s) or business entity(s) that is not a party hereto. This Agreement shall not be construed against or unfavorably to any Party because of such Party's involvement in the preparation of this Agreement.

AGREED TO AS FOLLOWS:


LOWER VALLEY WATER DISTRICT

By: _____
Rosalinda Vigil
President, Board of Directors
Lower Valley Water District

Dated: _____

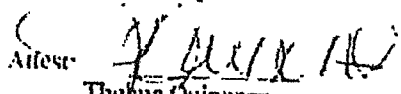
Attest:
Henry Trujillo
Secretary, Board of Directors
Lower Valley Water District

Approved as to Form:

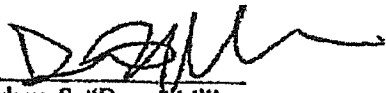

Steven J. Blanco
General Counsel, Lower Valley Water District

EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

By: _____ Dated: _____
Magda C. Flores
President, Board of Directors
El Paso County Water Control & Improvement District No. 4

Attest: 
Theima Quinonez
Secretary, Board of Directors
El Paso County Water Control & Improvement District No. 4

Approved as to Form: -



Andrew S. "Drew" Miller

General Counsel, El Paso County Water Control & Improvement District No. 4

THE STATE OF TEXAS § ADDENDUM TO INTERLOCAL AGREEMENT BETWEEN
 § THE LOWER VALLEY WATER DISTRICT AND THE EL
COUNTY OF EL PASO § PASO COUNTY WATER CONTROL AND
 § IMPROVEMENT DISTRICT NO. 4 RELATING TO THE
 § PROVISION OF WATER AND WASTEWATER SERVICES
 § TO THE MESA DEL NORTE SUBDIVISION
 §

This addendum to the November 2019 Interlocal Agreement ("Agreement") is entered into by and between the Lower Valley Water District ("LVWD") and the El Paso County Water Control and Improvement District No. 4 (the "Fabens District").

WHEREAS LVWD and the Fabens District agreed to a November 2019 Interlocal Agreement in which LVWD agreed to pay \$50 multiplied by the number of active water connections within the Mesa del Norte subdivision per month to Fabens in exchange for Fabens posting a \$50 credit to each of those active accounts pursuant to the terms of the Agreement; and

WHEREAS the residents of Mesa del Norte subdivision (MDN Residents) pay taxes to LVWD and out-of-district rates for water and wastewater to Fabens District which are higher than in-district rates and have been higher since 2011.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, and intending to be bound hereby, LVWD and the Fabens District agree as follows:

1.1 MDN Residents shall continue to pay out-of-district rates to the Fabens District for the delivery of water and wastewater, until such time as LVWD can assume service.

1.2 MDN Residents shall continue to pay taxes to LVWD during the time that the Fabens District provides water and wastewater services to MDN Residents.

1.3 MDN Residents shall have the legal right to receive a monthly credit to their water utility bills as described in Sections 2.1-2.4 of the Agreement. Sections 3.7 and 3.8 of the Agreement do not bar the MDN Residents' legal right to bring an enforcement action to receive these credits.

1.4 MDN Residents shall have the legal right to demand that LVWD pay all amounts due to Fabens District as described in Section 1.2 of the Agreement. Sections 3.7 and 3.8 of the Agreement do not bar the MDN Residents' legal right to bring an enforcement action to demand that LVWD pay the payments due to Fabens District.

AGREED TO AS FOLLOWS:

LOWER VALLEY WATER DISTRICT

By: _____
Rosalinda Vigil
President, Board of Directors
Lower Valley Water District

Dated: _____

Attest: _____
Henry Trujillo
Secretary, Board of Directors
Lower Valley Water District

Approved as to Form:

Steven J. Blanco
General Counsel
Lower Valley Water District

COPY

EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

By: Magda C. Flores Dated: 11/19/19
Magda C. Flores
President, Board of Directors
El Paso County Water Control & Improvement District No. 4

Attest: Thelma Quinones
Thelma Quinones
Secretary, Board of Directors
El Paso County Water Control & Improvement District No. 4

APPROVED AS TO FORM:

Andrew S. "Drew" Miller
ANDREW S. "DREW" MILLER
GENERAL COUNSEL
EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

COPY

3

Mesa Del Norte
P.O. Box 1230
Fabens, Texas 79838
(915) 764-4120
(915) 764-3382
(915) 764-2234

January 17, 2002

El Paso County Water Control
and Improvement District #4
117 E. Main St.
P.O. Box 3880
Fabens, Texas 79838

Dear Board Members,

The Mesa Del Norte Subdivision is requesting water and waste water services to our out of district subdivision. The property is located adjacent to North West Fifth Street and North Loop and up to the airport property line. The property is approximately 90 acres; there will be approximately 325 lots.

I know that the district is in the process of upgrading the district water and waste water plants. However, with the request of the district's approval, we are willing to wait until the district can provide the water and waste water services to our area at out of district rates.

If approved for services by the district we can go to your District Engineer for design of water and waste water lines to meet the district needs. Legal description of property is as follows: Tract 1, HD Camp Survey #405-A El Paso County Blk. 1-San Elizario Grant: Tract 1A Blk 1 San Elizario Grant El Paso County. Thank you.

Sincerely,


Bobby Perez

MESA DEL NORTE SUBDIVISION
P.O. BOX 57
FABENS, TX 79838

From: Mesa Del Norte Subdivision
P.O. Box 57
Fabens, TX 79838

To: El Paso County Water & Control Improvement District #4
Fabens, TX 79838

Subject: Request for sewer and water for Mesa Del Norte Subdivision

August 4, 2006

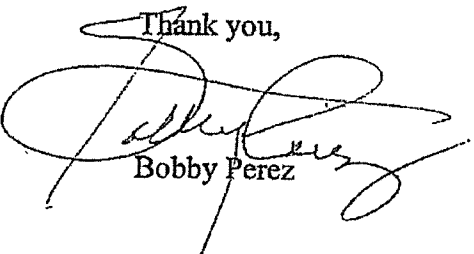
Dear Water Board Members:

Mesa Del Norte Subdivision located parallel to 5th NW St, Fabens, TX would like to request sewer and water for their subdivision. Calderon Engineering conducted a preliminary analysis of the 90 acres included in this property. Based on the analysis, there will be approximately 300 residential lots (10,000 square ft each.). The property will be subdivided in four phases. As each phase is completed, a new phase will open until all lots have been sold. As the developers, Mesa Del Norte will incur all of the infrastructure costs necessary to meet state and water district requirements.

Once completed, it is expected that the subdivision will generate at least \$300,000 in revenue for the district. If given the opportunity, Mesa Del Norte will be an asset to the Fabens water district.

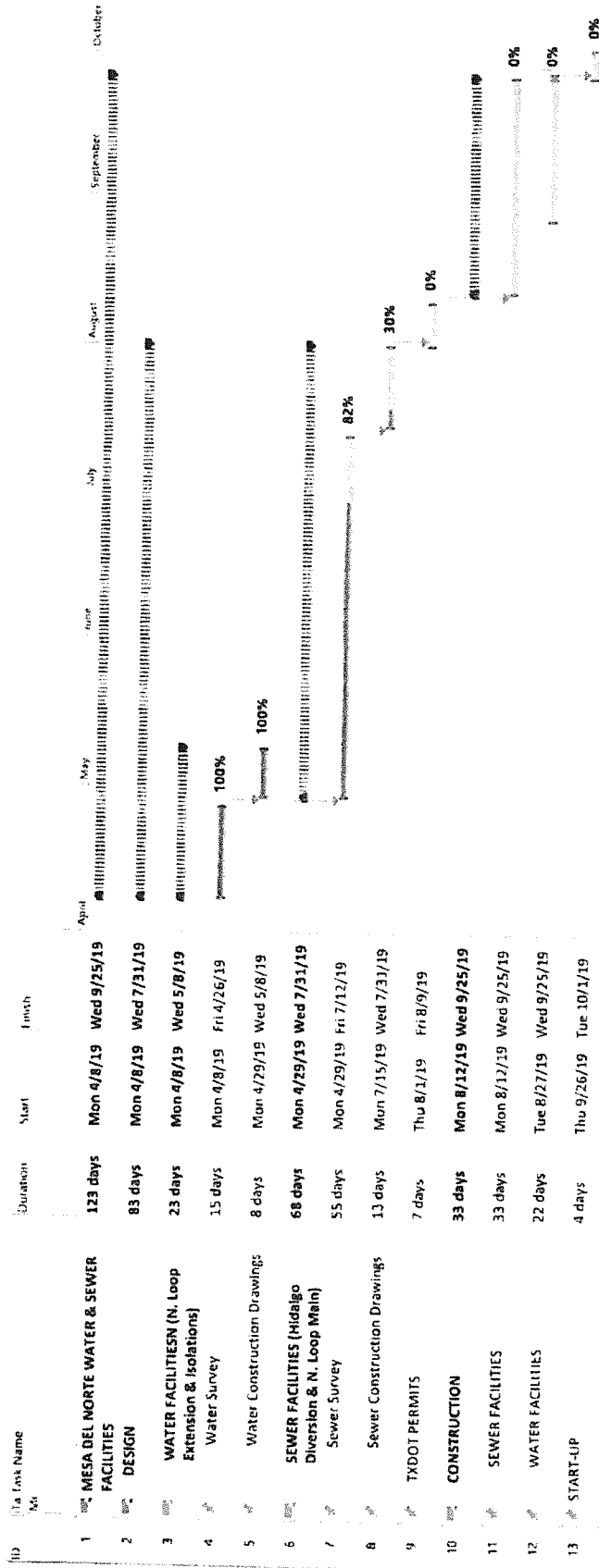
Your time and consideration in this matter is greatly appreciated. A map of the property has been enclosed. If you have any questions, please feel free to contact me (915) 490-4640.

Thank you,



Bobby Perez

Cc: Reese Lutich
Lelois Lutich



Task	Split	Milestone	Summary	Project Summary				Manual Task				Start-only				Deadline			
				Inactive Task	Inactive Milestone	Inactive Summary		Duration-only	Manual Summary	Review	External Milestone	Start-only	Finish-only	External Task	External Milestone	Deadline	Progress	Manual Progress	
Project Mesa Del Norte Project Schedu																			
Date: Wed 7/3/19																			



LEGEND

- PROPOSED MANHOLE
- PROPOSED SANITARY SEWER LINE
- PROPOSED FORCE MAIN
- ▨ PROPOSED CONSTRUCTION AREA
- ▨ PROPOSED CASING

- PROPOSED LIFT STATION
- PROPOSED STAND PIPE AREA
- EXISTING MANHOLE
- EXISTING SEWER LINE

SCALE: 1" = 150'

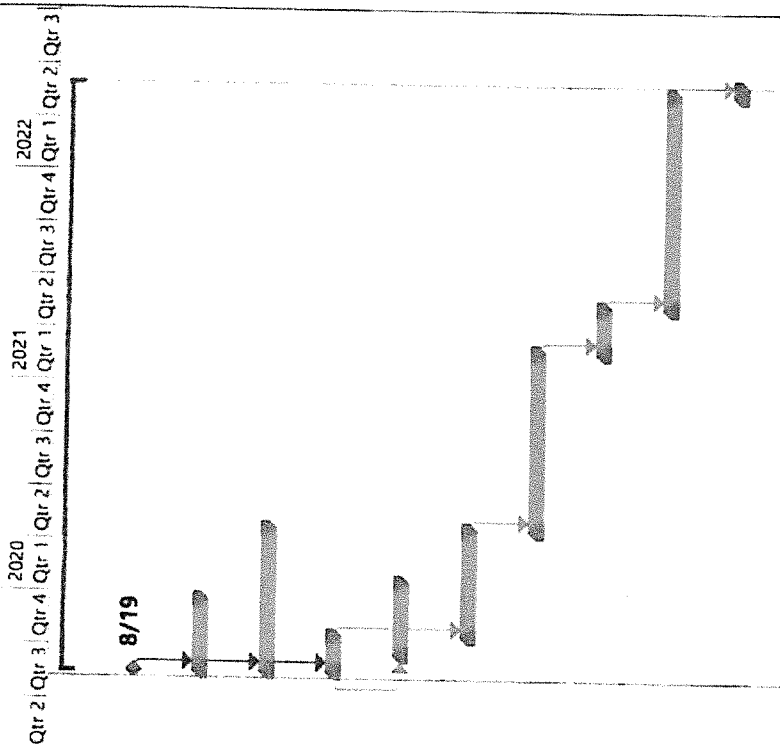
OPTION 2

MESA DEL NORTE
PHASE II

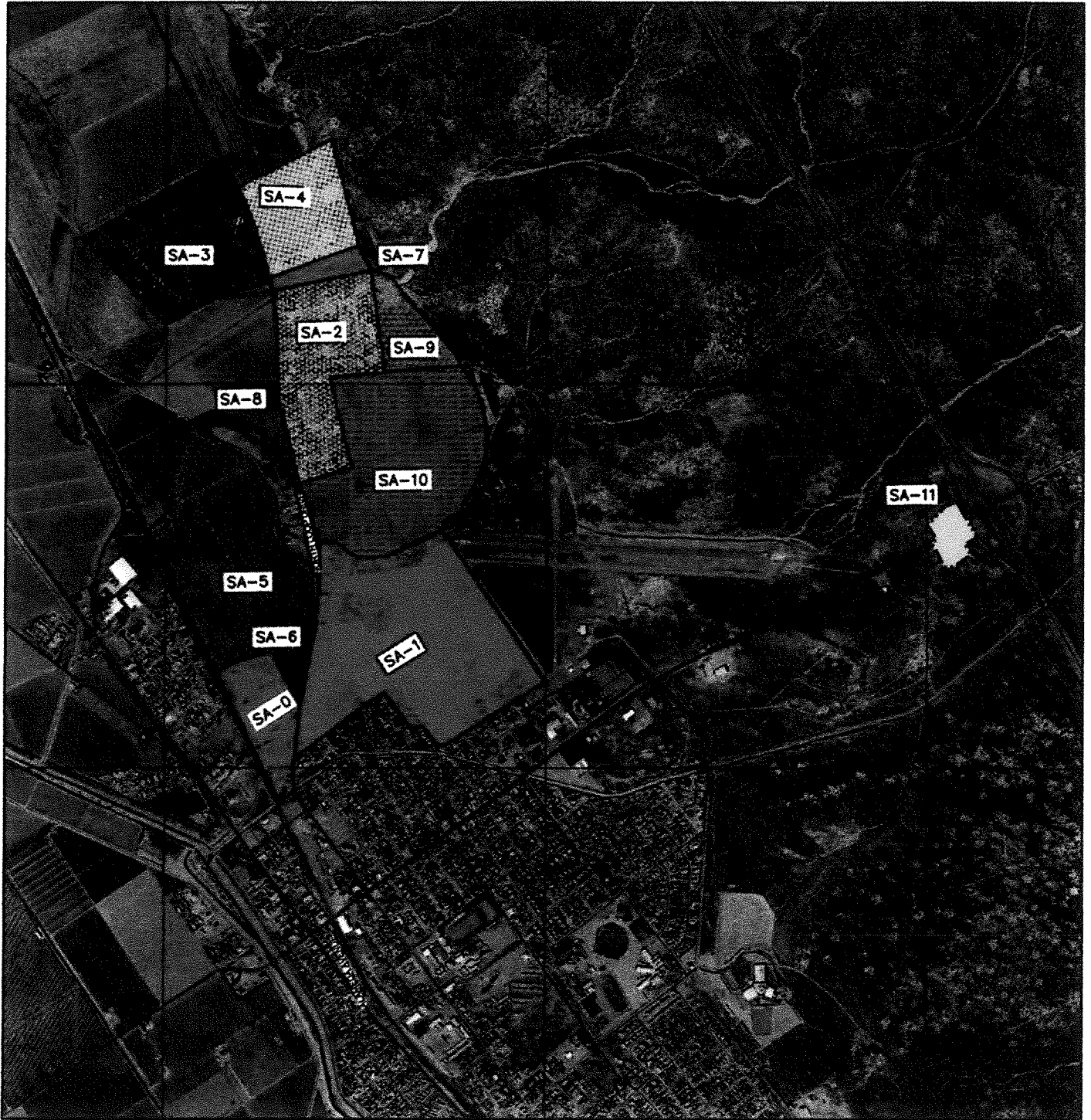
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Attachment B

ID	Task Name	Start	Duration	Finish
1	MESA DEL NORTE WWTP FACILITIES		726 days	Mon 5/30/22
2	Project Kick-Off	8/19/19 Mon	1 day	Mon 8/19/19
3	Engineering Report	8/19/19 Mon	88 days	Thu 12/19/19
4	Environmental Report & Agency Coordination	8/20/19 Tue	176 days	Tue 4/21/20
5	Supplementary Survey & Metes & Bounds	8/20/19 Tue	44 days	Fri 10/18/19
6	Land Acquisition	8/20/19 Thu	88 days	Mon 1/20/20
7	Design	9/19/19 Mon	132 days	Tue 4/21/20
8	TCEQ/EPA Permit Review & Approval Process	10/21/19 Wed	220 days	Tue 2/23/21
9	Bidding & Award	4/22/20 Wed	55 days	Tue 5/11/21
10	Construction	2/24/21 Wed	264 days	Mon 5/16/22
11	Plant Commissioning	5/12/21 Tue	10 days	Mon 5/30/22



Project: MesaDelNorteWWTP - Date: Thu 8/8/19	Task	Inactive Summary	External Tasks
	Split	Manual Task	External Milestone
	Milestone	Duration-only	Deadline
	Summary	Manual Summary Rollup	Progress
	Project Summary	Manual Summary	Manual Progress
	Inactive Task	Start-only	
	Inactive Milestone	Finish-only	





EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

(915) 764-2212

117 E. MAIN ST.

FAX (915) 764-4840

FABENS, TX 79838-3880

BOARD OF DIRECTORS SPECIAL MEETING

TUESDAY, July 12, 2022 at 6:00 P.M.

117 EAST MAIN ST., IN FABENS, TEXAS

Zoom Meeting Link: <https://us02web.zoom.us/j/7098341122?pwd=N09xcTFNUTDBScDAXSnBxUT09>

The El Paso County W.C.I.D. #4 will convene as posted to consider and/or take action on the following agenda items: (Items do not have to be taken in the same order as shown on this meeting notice.)

AGENDA

1. Call meeting to order.
2. Roll Call and Determination of Quorum.
3. Pledge of Allegiance.
4. Take up, consider and take action on meeting agenda.
5. Take up, consider and take action on Meeting minutes from May 24, 2022.
6. Public Comments on Agenda Items- Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public Comment at Board Meetings, adopted on August 27, 2019:
7. Introduction and Discussion with Mr. Rodrigo Estrada from Congressman Tony Gonzales's Office.
8. Take up, consider and take action on 2021 El Paso County Water Control & Improvement District No. 4 Financial Audit as presented by Pena, Briones, McDaniel & Co.
9. Take up, consider and take action on request of Lower Valley Water District (LVWD) to develop an Interlocal Agreement for the District to accept and treat wastewater from certain areas within LVWD.
10. Take up, consider and take action on adopting Resolution No. 2022- 01 and Order for the Board of Directors of the El Paso County WCID #4 calling for the election of 3 Board Members to the Board of Directors of the District, to be held on November 8, 2022 and providing for matters incidental to the holding of said election in accordance with applicable laws.
11. Kemp Smith Update.
12. CDM Smith Update.
13. General Manager Report.
14. Public comments on issues of general concern - Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public Comment at Board Meetings, adopted on August 27, 2019:
15. Executive Session.

Meeting to be closed under the following Texas Government Code of the Open Meetings Act for discussion as follows:

- A. Attorney Consultation Code 551.071
- B. Real Property Code 551.072
- C. Personnel Matters Code 551.074

Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting

16. Return to open session for possible discussion and action on executive session item(s).
17. Board member availability or date change for the August 23, 2022 Regular Meeting.
18. Adjourn.

I, the undersigned authority, hereby certify that the above Notice of Meeting of the Board of Directors of the El Paso County Water Control & Improvement District No. 4 is a correct copy of the Notice and that I posted the Notice at the Fabens Post Office and at the District Office Bulletin Board located at 117 E. Main Street, Fabens, Texas 79838, and provided a notice to the El Paso County Clerk for posting in accordance with the Texas Open Meetings Act as required by law.

In this Notice of Open Meeting, the posting of an agenda item as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate to discuss the matter in executive session. If during the discussion of any agenda item, a matter is raised that is appropriate for discussion in executive session the Board may, as permitted by law, adjourn into executive session to deliberate on the matter.

The posting of an agenda item as a matter of law to be discussed in executive session is not intended to limit or require discussion of that matter in executive session. The Board may discuss in open session any matter for which notice has been given in this Notice of Open Meeting, including an agenda item posted for executive session. In no event, however, will the board take action on any agenda item in executive session.


Jose Ramirez

El Paso County Water Control & Improvement District #4
General Manager



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4
P.O. BOX 3880 117 E. MAIN ST. FABENS, TX 79838-3880
(915) 764-2212 FAX (915) 764-4840

SPECIAL MEETING MINUTES
Tuesday, July 12, 2022

1. Call Meeting to Order.

President Juana Gutierrez called meeting to order at 6:00 p.m.

2. Roll-Call & Determination of Quorum.

		<u>Present</u>	<u>Absent</u>	<u>Comments</u>
Ms. Juana Gutierrez	President	X		
Ms. Thelma Quifonez	Vice President		X	
Ms. Magda C. Flores	Secretary	X		
Mr. Jorge Carrasco	Member	X		
Mr. Samuel Madrid	Member	X		

District Staff:

Mr. Jose Ramirez.	General Manager
Ms. Patty Cruz	Office Manager
Ms. Romie Martinez	Inventory Control Manager
Mr. Israel Martinez	Field Manager

Consultants:

Mr. Sergio Estrada	Kemp Smith
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Visitors:

Mr. Rafael Ramirez	Ms. Teresa Jo May
Mr. Gustavo Gallo	Ms. Jeanette Ribail
Mr. Martin Madrid	Mr. Ruben Corral
Ms. Alicia Carrillo	Mr. Alexander Cadet
Mr. Rey Pena	Mr. Rodrigo Estrada

3. Pledge of Allegiance.

4. Take up, consider and take action on meeting agenda.

Discussion: No discussion.

Motion made by Ms. Flores to approve meeting agenda.

Seconded by Mr. Madrid.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Ms. T. Quifonez				
Ms. M. Flores	X			
Mr. J. Carrasco	X			
Mr. S. Madrid	X			

Motion: Passed

5. Take up, consider and take action on Regular Meeting Minutes from May 24, 2022.

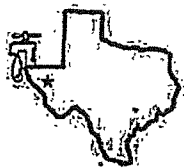
Discussion: No discussion.

Motion made by Mr. Madrid to approve Regular Meeting Minutes from May 24, 2022.

Seconded by Ms. Flores.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Ms. T. Quifonez				
Ms. M. Flores	X			



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

Special Meeting
July 12, 2022

Mr. J. Carrasco

Mr. S. Madrid

Motion: Passed

6. Public Comments on Agenda Items-Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public Comments at Board Meetings, adopted on August 27, 2019.
N/A

7. Introduction and Discussion with Mr. Rodrigo Estrada from Congressman Tony Gonzales's Office.
Discussion: Mr. Rodrigo Estrada introduced himself to the Board and updated them on funding opportunities available to the water district.

8. Take up, consider and take action on 2021 El Paso County Water Control & Improvement District No. 4 Financial Audit as presented by Peña, Briones, McDaniel & Co.

Discussion: Mr. Pena presented the 2021 El Paso County Water Control & Improvement District No.4 Financial Audit to the Board.

Motion made by Ms. Flores to approve the 2021 El Paso County Water Control & Improvement District No.4 Financial Audit as presented.

Seconded by Mr. Carrasco.

Vote:	Aye	Nay	Abstain	Other
Ms. J Gutierrez	X			
Ms. T. Quifonez				
Ms. M. Flores	X			
Mr. J. Carrasco	X			
Mr. S. Madrid	X			

Motion: Passed

9. Take up, consider and take action on request of Lower Valley Water District (LVWD) to develop an Interlocal Agreement for the District to accept and treat wastewater from certain areas within LVWD.

Discussion: Discussed in Executive Session.

Motion made by Ms. Flores to authorize the executive director to meet with Lower Valley Water District to obtain additional information regarding Lower Valley Water District's proposal for an interlocal agreement to accept and treat wastewater from certain areas within LVWD.

Seconded by Mr. Carrasco.

Vote:	Aye	Nay	Abstain	Other
Ms. J Gutierrez	X			
Ms. T. Quifonez				
Ms. M. Flores	X			
Mr. I Martinez	X			
Mr. J. Carrasco	X			

Motion: Passed

10. Take up, consider and take action on adopting Resolution No. 2022-01 and Order for the Board of Directors of El Paso County WCID #4 calling for the election of 3 Board Members to the Board of Directors of the District, to be held on November 8, 2022 and providing for matters incidental to the holding of said election in accordance with applicable laws.

Discussion: Mr. Ramirez reminded the board that every election year the board must approve a resolution calling for election.

Motion made by Ms. Flores to approve resolution as presented.

Seconded by Mr. Madrid.

Vote:	Aye	Nay	Abstain	Other
Ms. J Gutierrez	X			



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212



117 E. MAIN ST.
FAX (915) 764-4840



FABENS, TX 79838-3880

Special Meeting
July 12, 2022

Ms. T. Quiñonez
Ms. M. Flores
Mr. I Martinez
Mr. J. Carrasco

X			
X			
X			

Motion: Passed

11. Kemp Smith Update

N/A

12. CDM Smith Update

N/A

13. General Manager Update

1. Collection rate for May was 97%, 64 cut offs and 2 remain unpaid.
2. Finance Department—No update
3. Purchasing and Warehousing Department—No update
4. Field Services Department—No update
5. Due to shortage of staff, Fabens ISD is not meeting the requirements of the Veterans' Park Interlocal Agreement. On section 5.3 of the 2017 interlocal agreement between the El Paso County, Fabens ISD and EPCWCID#4, it states that the School District will maintain the grounds to include mowing grass and trimming shrubs. On section 5.4, it states that the School District will remove garbage and pick up trash. The support services director has mentioned several times that they will be addressing their Board of Directors to approve the termination of their duties to the Veterans' Park. Superintendent Vigil has scheduled a meeting with County Parks director and us to discuss the interlocal agreement.
We are currently using our staff to provide these services to the Veterans' Park. We have met with Commissioner Holguin to address this issue and to see if the El Paso County can take over the park with a long-term lease such as the current one for the swimming pool property (pool property is on a 40-year lease at a rate of \$1.00/year).
We will bring the revised interlocal agreement from the County to the Board of Directors for approval.
6. We have submitted a grant application to County of El Paso for a design of a solar energy farm. If we get awarded this 100% grant, it will be to design a solar farm large enough to produce electricity to pay for our entire electric bill for our facilities, the School District's, and the County buildings here in Fabens. After the design we will start applying for grants to build the solar farm. We are proposing to build the solar farm on university land which is leased by the School District. We will bring to you all the proposed agreement between all the entities involved.
7. We are currently working on a grant from the Bureau of Reclamation (Water Smart Grant) to replace all the remaining existing meters to digital meters and will also include the system to communicate with the office. This grant is a 50/50 match in which we are asking for just under \$500,000.00 in grant funds. We will have to pay out of pocket around \$300,000.00. The remaining \$200,000.00 will be in-kind services.

The total amount that we will have to pay out of pocket, including the \$177,378.14 (\$210,000.00 was budgeted) from this year is \$475,436.36. The total cost that was calculated on the PER is \$1,060,420.00; a savings of \$584,983.64.

We will need to have a special Board meeting in the next two weeks to adopt a required grant resolution.

14. Public comments on issues of General Concern—Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public Comment at Board Meetings, adopted on August 27, 2019.

N/A



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

Special Meeting
July 12, 2022

15. Executive Session.

Meeting to be closed under the following Texas Government Code of the Open Meeting Act for discussion as follows:

A. Attorney Consultation Code 551.071

Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.

Board convened into Executive Session at 6:20 p.m.

Time in Executive Session 1 hour 2 minutes.

From 6:20 p.m. to 7:22 p.m.

Motion made by Ms. Flores to enter executive session.

Seconded by Mr. Carrasco

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J. Gutierrez	X			
Ms. T. Quiñonez				
Ms. M. Flores	X			
Mr. I. Martinez	X			
Mr. J. Carrasco	X			

Motion: Passed

16. Return to open session at 7:22 p.m. for possible discussion and action on Executive Session item(s).

Motion made by Ms. Flores to return from executive session.

Seconded by Mr. Madrid

17. Board member availability for the August 23, 2022, Regular Meeting

All board members present are available for the August 23, 2022, Regular Meeting.

18. Motion to adjourn.

Discussion: No discussion.

Motion made by Ms. Flores to adjourn.

Seconded by Mr. Madrid

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J. Gutierrez	X			
Ms. T. Quiñonez				
Ms. M. Flores	X			
Mr. J. Carrasco	X			
Mr. S. Madrid	X			

Motion: Passed

Meeting Adjourned at 7:34 p.m.

Ms. M. Flores
Signature

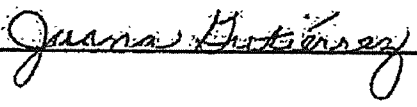


8/23/2022
Date Approved

EL PASO COUNTY W.C.I.D. #4

SPECIAL BOARD MEETING

SIGN IN SHEET

MEETING DATE: Tuesday, July 12, 2022

BOARD MEMBERS		
NAME (PLEASE PRINT)		SIGNATURE
Juana Gutierrez	EPCWCID #4 Board President	
Thelma Quinonez	EPCWCID #4 Vice-President	
Magda Flores	EPCWCID #4 Secretary	
Jorge Carrasco	EPCWCID #4 Board Member	
Samuel Madrid	EPCWCID #4 Board Member	



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

BOARD OF DIRECTORS REGULAR MEETING

TUESDAY, August 23, 2022 at 6:00 P.M.

117 EAST MAIN ST., IN FABENS, TEXAS

Zoom Meeting Link: <https://us02web.zoom.us/j/7098341122?pwd=N09xeTFNUTDBScDAXSnBxUT09>

The El Paso County W.C.I.D. #4 will convene as posted to consider and/or take action on the following agenda items: (Items do not have to be taken in the same order as shown on this meeting notice.)

AGENDA

1. Call meeting to order.
2. Roll Call and Determination of Quorum.
3. Pledge of Allegiance.
4. Take up, consider and take action on meeting agenda.
5. Take up, consider and take action on Special Meeting minutes from July 12, 2022.
6. Take up, consider and take action on Special Meeting minutes from July 19, 2022.
7. Public Comments on Agenda Items- Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public Comment at Board Meetings, adopted on August 27, 2019:
8. Take up, consider and take action on contracting with the El Paso County Elections Department to hold General Directors Elections on November 08, 2022.
9. Take up, consider and take action on 2022 Proposed Tax Rate
10. Take up, consider and take action on possible change to the Certificate of Deposit maturity period.
11. Take up, consider and take action on request of Lower Valley Water District (LVWD) to develop an Interlocal Agreement for the District to accept and treat wastewater from certain areas within LVWD.
12. Take up, consider and take action on Resolution #2022-3, Signatory for loans and grants from USDA.
13. Kemp Smith Update.
14. CDM Smith Update.
15. General Manager Report.
16. Public comments on issues of general concern - Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public Comment at Board Meetings, adopted on August 27, 2019:
17. Executive Session.

Meeting to be closed under the following Texas Government Code of the Open Meetings Act for discussion as follows:

- A. Attorney Consultation Code 551.071
- B. Real Property Code 551.072
- C. Personnel Matters Code 551.074

Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting

18. Return to open session for possible discussion and action on executive session item(s).
19. Board member availability or date change for the September 27, 2022 Regular Meeting.
20. Adjourn.

I, the undersigned authority, hereby certify that the above Notice of Meeting of the Board of Directors of the El Paso County Water Control & Improvement District No. 4 is a correct copy of the Notice and that I posted the Notice at the Fabens Post Office and at the District Office Bulletin Board located at 117 E. Main Street, Fabens, Texas 79838, and provided a notice to the El Paso County Clerk for posting in accordance with the Texas Open Meetings Act as required by law.

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Jose Ramirez

El Paso County Water Control & Improvement District #4
General Manager



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880 117 E. MAIN ST. FABENS, TX 79838-3880
(915) 764-2212 FAX (915) 764-4840

REGULAR MEETING MINUTES Tuesday, August 23, 2022

1. Call Meeting to Order.

President Juana Gutierrez called meeting to order at 6:07 p.m.

2. Roll Call & Determination of Quorum.

		<u>Present</u>	<u>Absent</u>	<u>Comments</u>
Ms. Juana Gutierrez	President	X		
Ms. Thelma Quifonez	Vice President	X		
Ms. Magda C. Flores	Secretary	X		
Mr. Jorge Carrasco	Member		X	
Mr. Samuel Madrid	Member		X	

District Staff:

Ms. Patty Cruz Office Manager
Mr. Israel Martinez Field Manager
Ms. Laura Olivas Office Clerk

Consultants:

Mr. Horacio Juarez CDM Smith
Mr. Andrew Miller Kemp Smith
Mr. Sergio Estrada Kemp Smith

Visitors:

Mr. Luz Marquez Mr. Gus Gallo
Mr. Esteban Olivas Mr. Jason Olmos
Mr. Joaquin Mendoza

3. Pledge of Allegiance.

4. Take up, consider and take action on meeting agenda.

Discussion: No discussion.

Motion made by Ms. Flores to approve meeting agenda.

Seconded by Ms. Quifonez.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Ms. T. Quifonez	X			
Ms. M. Flores	X			
Mr. J. Carrasco				
Mr. S. Madrid				

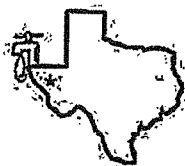
Motion: Passed.

5. Take up, consider and take action on Special Meeting Minutes for July 12, 2022.

Discussion: No discussion.

Motion made by Ms. Flores to approve Special Meeting Minutes for July 12, 2022.

Seconded by Ms. Gutierrez.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

Regular Meeting Minutes
August 23, 2022

Vote:

Ms. J Gutierrez
Ms. T. Quiñonez
Ms. M. Flores
Mr. J. Carrasco
Mr. S. Madrid

Aye

Nay

Abstain

Other

X

X

X

Absent July 12, 2022

Motion: Passed.

6. Take up, consider and take action on Special Meeting Minutes for July 19, 2022.

Discussion: No discussion.

Motion made by Ms. Flores to approve Special Meeting Minutes for July 19, 2022.

Seconded by Ms. Gutierrez.

Vote:

Ms. J Gutierrez
Ms. T. Quiñonez
Ms. M. Flores
Mr. J. Carrasco
Mr. S. Madrid

Aye

Nay

Abstain

Other

X

X

X

Motion: Passed.

7. Public comments on Agenda Items- Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public comment at Board Meetings, adopted on August 27, 2019.

N/A

8. Take up, consider and take action on contracting with the El Paso County Elections Department to hold General Directors Elections on November 08, 2022.

Discussion: Ms. Cruz asked the board to approve contracting with the El Paso County Elections Department to hold General Directors Elections on November 08, 2022 at an estimated cost of \$13,808.30.

Motion made by Ms. Flores to approve contract with the El Paso County Elections Department to hold General Directors Elections on November 08, 2022.

Seconded by Ms. Quiñonez.

Vote:

Ms. J Gutierrez
Ms. T. Quiñonez
Ms. M. Flores
Mr. J. Carrasco
Mr. S. Madrid

Aye

Nay

Abstain

Other

X

X

X

Motion: Passed.

9. Take up, consider and take action on 2022 Proposed Tax Rate

Discussion: Ms. Cruz presented the proposed 2022 Tax Rate and requested the board approve the 2022 Proposed Tax Rate.

Motion made by Ms. Flores to adopt the Proposed Tax Rate of 0.0157857% for 2022.

Seconded by Ms. Quiñonez.

Vote:

Ms. J Gutierrez
Ms. T. Quiñonez
Ms. M. Flores
Mr. J. Carrasco
Mr. S. Madrid

Aye

Nay

Abstain

Other

X

X

X

Motion: Passed.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

(915) 764-2212

117 E. MAIN ST.

FAX (915) 764-4840

FABENS, TX 79838-3880

Regular Meeting Minutes

August 23, 2022

10. Take up, consider and take action on possible change to the Certificate of Deposit maturity period.

Discussion: Ms. Cruz presented the options on the maturity period of the Certificate of Deposit as well as the related interest rates.

Motion made by Ms. Flores to continue maturity period at 12 months for the Certificate of Deposit.

Seconded by Ms. Quiñonez.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	<u>X</u>			
Ms. T. Quiñonez	<u>X</u>			
Ms. M. Flores	<u>X</u>			
Mr. J. Carrasco				
Mr. S. Madrid				

Motion: Passed.

11. Take up, consider and take action on request of Lower Valley Water District (LVWD) to develop an Interlocal Agreement for the District to accept and treat wastewater from certain areas within LVWD.

Discussion: Mr. Miller and Mr. Juarez presented the pros and cons to the board of entering an interlocal agreement with Lower Valley Water District to accept and treat wastewater from certain areas within LVWD. After further discussion the board decided to enter executive session.

Motion made by Ms. Flores to reject Lower Valley Water District's request to develop an interlocal agreement for the District to accept and treat wastewater from certain areas within LVWD and to authorize that a letter be sent to LVWD informing them of the District's decision.

Seconded by Ms. Quiñonez.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	<u>X</u>			
Ms. T. Quiñonez	<u>X</u>			
Ms. M. Flores	<u>X</u>			
Mr. J. Carrasco				
Mr. S. Madrid				

Motion: Passed.

12. Take up, consider and take action on Resolution #2022-3, Signatory for loans and grants from USDA.

Discussion: Mr. Juarez addressed the board regarding Resolution #2022-3 and informed the board the Signatory is a requirement for acquiring loans and grants from USDA.

Motion made by Ms. Flores to approve Resolution #2022-3.

Seconded by Ms. Quiñonez.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	<u>X</u>			
Ms. T. Quiñonez	<u>X</u>			
Ms. M. Flores	<u>X</u>			
Mr. J. Carrasco				
Mr. S. Madrid				

Motion: Passed.

**13. Kemp Smith Update
N/A**

**14. CDM Smith Update
N/A**



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
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FABENS, TX 79838-3880

Regular Meeting Minutes
August 23, 2022

15. General Manager Update N/A

16. Public comments on issues of general concern -- Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public comment at Board Meetings, adopted on August 27, 2019.

Mr. Luz Marquez spoke about a petition requesting the removal of Mr. Ramirez. He also questioned the rehiring of a previous employee.

17. Executive Session.

Meeting to be closed under the following Texas Government Code of the Open Meeting Act for discussion as follows:

A. Attorney Consultation Code 551.071

Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.

Board convened into Executive Session at 6:42 p.m.

Time in Executive Session 49 minutes.

From 6:42 p.m. to 7:31 p.m.

Motion made by Ms. Flores to enter executive session.

Seconded by Ms. Gutierrez.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J. Gutierrez	X			
Ms. T. Quifonez	X			
Ms. M. Flores	X			
Mr. J. Carrasco				
Mr. S. Madrid				

Motion: Passed.

18. Return to open session at 7:31 p.m. for possible discussion and action on Executive Session item(s).

Motion made by Ms. Flores to return to open session.

Seconded by Ms. Quifonez.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J. Gutierrez	X			
Ms. T. Quifonez	X			
Ms. M. Flores	X			
Mr. J. Carrasco				
Mr. S. Madrid				

Motion: Passed.

19. Board member availability for the September 27, 2022 Regular Meeting

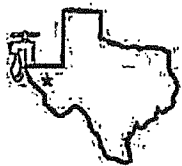
All board members present are available for the September 27, 2022, meeting.

20. Motion to adjourn.

Discussion: No discussion.

Motion made by Ms. Flores to adjourn.

Seconded by Ms. Quifonez.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

Regular Meeting Minutes
August 23, 2022

Vote:

Ms. J. Gutierrez
Ms. T. Quiñonez
Ms. M. Flores
Mr. J. Carrasco
Mr. S. Madrid

Aye

Nay

Abstain

Other

X			
X			
X			

Motion: Passed.

Meeting Adjourned at 7:40 p.m.

Margie C. Flores
Signature

9/12/22
Date Approved



5
ANDREW S. "DREW" MILLER
drew.miller@kempsmith.com
512 320-5466

March 26, 2019

Via email: Sblanco@bomwlaw.com

Mr. Steven J. Blanco
Blanco Ordonez Mata & Wechsler, P.C.
5715 Cromo Drive
El Paso, Texas 79912

Re: Mesa del Norte

Dear Mr. Blanco:

I am writing on behalf of El Paso County Water Control & Improvement No. 4 ("Fabens District") and in response your letter to me (dated March 11, 2019) regarding the above-referenced matter. Please note that by this letter, I also acknowledge receipt of the letter from Senator Rodriguez and Representative Gonzalez, addressed to you and me, dated March 12, 2019, concerning the same matter. The Fabens District and I have considered the letter from Senator Rodriguez and Representative Gonzalez in formulating this response.

As an initial matter, I note that while you state that Lower Valley Water District ("LVWD") "will be in a position to provide the required water and wastewater services [to Mesa del Norte] not more than (90) ninety days from the date of this letter," you offer no other details regarding *how* it is that LVWD will provide those services or how it will be able to do so within that timeframe. The letter from Senator Rodriguez and Representative Gonzalez, however, provides additional information on the subject, stating: "LVWD is working with El Paso Water to establish a contract and accept waste for a temporary 'pump and haul' service."

While we hope that this idea has potential to move us toward what I believe are our mutual goals (*i.e.*, the permanent transfer of the providing of water and wastewater services to Mesa del Norte from the Fabens District to LVWD), we have some questions and concerns, in light of the little we know so far.

First, has a contract between LVWD and EP Water (as mentioned in the letter from Senator Rodriguez and Representative Gonzalez) been finalized and executed? Is it still being worked on? Please advise as to the status of any such contract or discussions/negotiations? If there is such a contract, please provide us with a copy. (Any such contract, of course, would be public information.)

Second, there are technical issues related to this proposal that will need to be addressed. We calculate (assuming the use of a typical vactor truck or trucks) that roughly 18 truck trips per

221 N. Kansas St.
Suite 1700
El Paso, TX 79901
915 533-4424
Kempsmith.com

919 Congress Ave.
Suite 1305
Austin, TX 78701
512 320-5466
Kempsmith.com

3800 E. Lohman Ave.
Suite C
Las Cruces, NM 88011
575 527-0023
Kempsmith.com

Mr. Steve Blanco
March 26, 2019
Page 3

Respectfully submitted,

KEMP SMITH LLP

By: 
Andrew S. "Brew" Miller

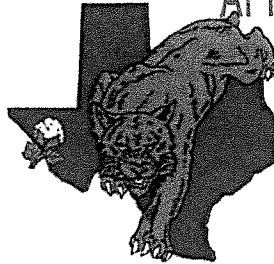
cc: Magda Flores
Mike Terrazas
Senator Jose Rodriguez
Representative Mary Gonzalez
Shushma Smith
Caroline Plapinger
Gerald Grijalva
J.P Urban -- Executive Director, Public Utility Commission of Texas
Amy Johnson

RECEIVED

JAN 16 2024

AT PUBLIC MEETING

**RESOLUTION in Solidarity with the
Take Charge Group of Fabens**



**Fabens ISD
Board of
Trustees**

WHEREAS, Fabens Independent School District recognizes the shared value that bind our community; and

WHEREAS, being in an unincorporated area with minimal community governmental structures; and

WHEREAS, this district's limited tax funds are necessary to adequately fund and strengthen our schools; and

WHEREAS, property values would decrease with the placement of a wastewater treatment facility within the community; and

WHEREAS, having a wastewater treatment plant located within our community could cause health issues for our students, schools, and families; and

WHEREAS, placement of the Mesa Del Norte Wastewater Treatment Plant will jeopardize the health, safety, and overall quality of life for the residents of Fabens; and

WHEREAS, the Mesa Del Norte Wastewater Treatment Plant would not provide service for the residents of Fabens, it stands to reason the facility should not be placed within our community.

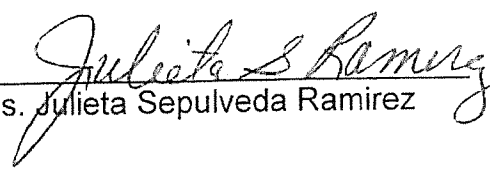
THEREFORE BE IT RESOLVED that the Fabens Independent School District stands in unity and mutual support of the Take Charge Group of Fabens in opposition to the construction of a wastewater plant within the community.

Adopted this day, the 15th of November, 2023

Board President:


Ms. Sylvia Gonzales

Board Secretary:


Ms. Julieta Sepulveda Ramirez

RECEIVED

JAN 16 2024

AT PUBLIC MEETING

RESOLUTION IN SOLIDARITY WITH THE TAKE CHARGE GROUP OF FABENS

WHEREAS, Tornillo ISD serves a community akin to Fabens, dedicated to serving students and families in an unincorporated area; and

WHEREAS, Tornillo ISD advocates for the welfare and well-being of the families and residents served; and

WHEREAS, the learning community of Tornillo relies on services such as health care, dining and other life essentials from the community of Fabens; and

WHEREAS, having a wastewater treatment plant located within the Fabens community could cause health issues for students, schools, and families; and

WHEREAS, placement of the Mesa Del Norte Wastewater Treatment Plant will potentially jeopardize the health, safety, and overall quality of life for the residents of Fabens as well as for the residents of Tornillo.

THEREFORE BE IT RESOLVED that the Tornillo Independent School District stands in solidarity and mutual support of the Take Charge Group of Fabens in opposition to the construction of a wastewater treatment plant within the Fabens community.

Adopted this day

Nov 30, 2013

Board President

Board Secretary



OTZ LOGISTICS LLC
919 NE CAMP ST
FABENS TX 79838
OTZLOGISTICS@GMAIL.COM
915-329-4210

January 2nd, 2024

Subject: Letter of Support – Standing in Unity with Take Charge Group

To whom it may concern,

I trust this letter finds you in good health. As a local business owner and resident of our community, I express my support for the work being done by Take Charge Group. This letter aims to seek assistance in addressing the wastewater sewer plant. This matter dramatically concerns me and many others in our community. The location of the wastewater treatment plant will not only hurt my business but can affect many others in our town.

As an individual with asthma has heightened my sensitivity to environmental factors, including air quality. That is one of the many reasons I decided to reside and create my business in the town of Fabens and away from city limits.

Thank you for your attention in the important matter.

Sincerely

Eduardo Ortiz

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

197 Via Bella Place
El Paso Texas, 79928
(915)261-2819



**ROOFING
CONSTRUCTION**

Licensed & Bonded | Locally Owned

January 2nd, 2024

Subject: Letter of Support

To whom it may concern,

I trust this letter finds you well. I am writing to express my wholehearted support for the Take Charge Group. The Take Charge Group is committed to fostering positive change and addressing the critical issues that our community might face with the proposed wastewater treatment plant.

As a Fabens High School Alumna, Fabens property owner, and business owner, I support and stand in unity with the take charge group against the location of the wastewater treatment plant in Fabens, TX.

Thank you for your time and attention to this matter.

Sincerely

Rocio Lopez Bravo

RECEIVED

JAN 16 2024

AT PUBLIC MEETING

Dear Take Charge Group

On behalf of the Carrero's Produce & Grocery as a local business, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

Sincerely,

Emmanuel H 79938
11941 PUEBLO SARENO
W. PASO TX 79936

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

Querido Take Charge Group,

En nombre de _____ como negocio local,
presentamos esta carta de apoyo uniendonos al Grupo Take Charge de Fabens en oposicion a la
"ubicacion" de la constrecion de la Planta de Tratamiento de Aguas Residuales Mesa Del Norte.

Sinceramente,

Dear Take Charge Group

On behalf of the Levy's Mexican Restaurant as a local business, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

Sincerely,

Paula M.
220 main st Fabens TX
PORT 971 Tornillo TX

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

Querido Take Charge Group,

En nombre de _____ como negocio local, presentamos esta carta de apoyo uniendonos al Grupo Take Charge de Fabens en oposicion a la "ubicacion" de la constrecion de la Planta de Tratamiento de Aguas Residuales Mesa Del Norte.

Sinceramente,

Dear Take Charge Group

On behalf of the AN Finance as a local business, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

Sincerely,



900 N. Fabens Sp1
PO Box 1338
Fabens TX 79838

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

Querido Take Charge Group,

En nombre de _____ como negocio local, presentamos esta carta de apoyo uniendonos al Grupo Take Charge de Fabens en oposicion a la "ubicacion" de la constrccion de la Planta de Tratamiento de Aguas Residuales Mesa Del Norte.

Sinceramente,

Dear Take Charge Group

On behalf of the _____, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

Sincerely,

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

Querido Take Charge Group,

En nombre de Menas Restaurant, presentamos esta carta de apoyo uniéndonos al Grupo Take Charge de Fabens en oposición a la "ubicación" de la construcción de la Planta de Tratamiento de Aguas Residuales Mesa Del Norte.

Sinceramente,

Maria E. Guerrero
320 E. MAIN
(915) 765-1039

Dear Take Charge Group

On behalf of the _____ as a local business, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

Sincerely,

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

Querido Take Charge Group,

En nombre de Eli's Kitchen / Eli's Tortillas como negocio local, presentamos esta carta de apoyo uniendónos al Grupo Take Charge de Fabens en oposicion a la "ubicacion" de la constrccion de la Planta de Tratamiento de Aguas Residuales Mesa Del Norte.

Sinceramente,

E.V.G.

321 NW Fussell St.

(915) 355-1857

Dear Take Charge Group

On behalf of the Julio's Grocery Store as a local business, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

Sincerely,

DeAnna Chacon

DeAnna Chacon

805 N.W. G Avenue, Fabens, TX 79838

(915) 2696872

RECEIVED

JAN 16 2024

AT PUBLIC MEETING

Querido Take Charge Group,

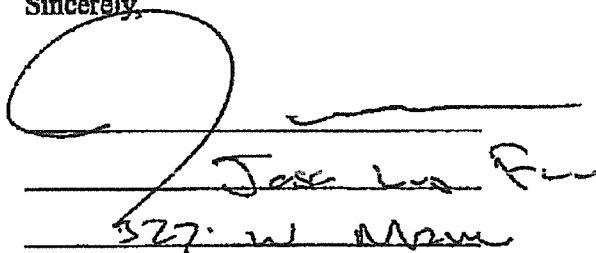
En nombre de _____ como negocio local, presentamos esta carta de apoyo uniendonos al Grupo Take Charge de Fabens en oposicion a la "ubicacion" de la constrecion de la Planta de Tratamiento de Aguas Residuales Mesa Del Norte.

Sinceramente,

Dear Take Charge Group

On behalf of the FABENS Fierro as a local business, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

Sincerely,


Jose Luis Fierro
327 W. Main

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

Querido Take Charge Group,

En nombre de _____ como negocio local, presentamos esta carta de apoyo uniendonos al Grupo Take Charge de Fabens en oposicion a la "ubicacion" de la constrccion de la Planta de Tratamiento de Aguas Residuales Mesa Del Norte.

Sinceramente,

Dear Take Charge Group

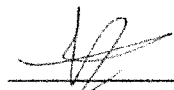
On behalf of the _____ as a local business, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

Querido Take Charge Group,

En nombre the Don Pancho Tortilleria como negocio local, presentamos esta carta de apoyo uniendonos al Grupo Take Charge de Fabens en oposicion a la "ubicacion" de la contruccion de la planta de Tratamiento de Aguas Residuales Mesa de Norte.

Sinceramente,



315 E Main Fabens Tx 79838
915-505-1919

Dear Take Charge Group

On behalf of the Marlene's Beauty Salon as a local business, we submit this letter of support standing in unity with the Take Charge Group of Fabens in opposition of the "location" of the construction of the Mesa Del Norte Wastewater Treatment Plant.

Margarita Martinez
915-862-5308 - 915-974-0196
P.O. Box 401

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

Querido Take Charge Group,

En nombre the Fabens Quick Lube como negocio local, presentamos esta carta de apoyo uniendonos al Grupo Take Charge de Fabens en oposicion a la "ubicacion" de la contruccion de la planta de Tratamiento de Aguas Residuales Mesa de Norte.

Sinceramente,

Joe Solis
(915) 491-4638
P.O. Box 3137

RECEIVED
JAN 16 2024
AT PUBLIC MEETING

A wastewater treatment plant NOT in our TOWN!



The placement of the Mesa Del Norte Wastewater Treatment Plant will jeopardize the health, safety, and overall quality of life. This plant will be servicing a very small part of Fabens but it's really to service homes OUTSIDE of our town. The nearest home to the proposed water sewer treatment plant is 254 feet. The wind blows from the southwest toward town, so any odors will spread to most of the town. The proximity to the railroad track is of concern for the ground vibrations.

Numerous studies have indicated that the perception of living near a wastewater treatment plant **can lead to a decline in property values.**

Fabens, TX, is an unincorporated area with minimal government structure.

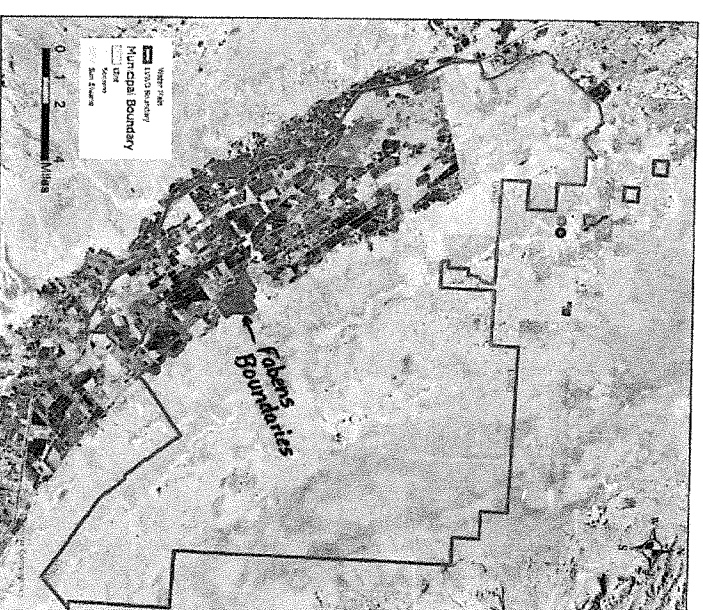
Fabens TX

Our town boasts a unique distinction, the gift of cleaner air without pollution. Local farmers contribute to the pristine air quality of our pecan trees, cotton fields, and many other agricultural harvesting fields. Fabens is known for its unique and innovative local business that contributes to the town's character.

Local businesses or startups can contribute to the town's character, drawing people from all over Texas and the USA.

Our local harvest honey and Cattlemen's Steak House named one of the top 10 best in America and where many famous movies have been filmed, not just in our local steak house but in our town due to its distinct architecture, buildings and land, a total of 13 movies have been filmed including "The Getaway" "Glory Road." We are also part of the San Felipe Park and off-roading park.

Please review the map of the Lower Valley Water District Boundaries vs Fabens Boundaries



We are not against the Wastewater Treatment Plant but it's location.

Join us January 16th, 2024
at 7 PM

Thank you

FABENS COMMUNITY
MEETING WITH

SENATOR CESAR BLANCO

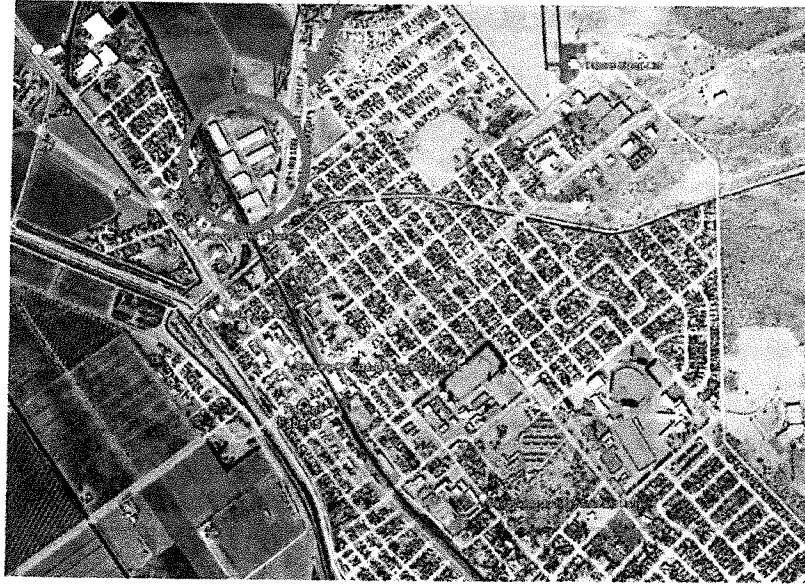
WHEN: JANUARY 16, 2024
AT 7:00 PM

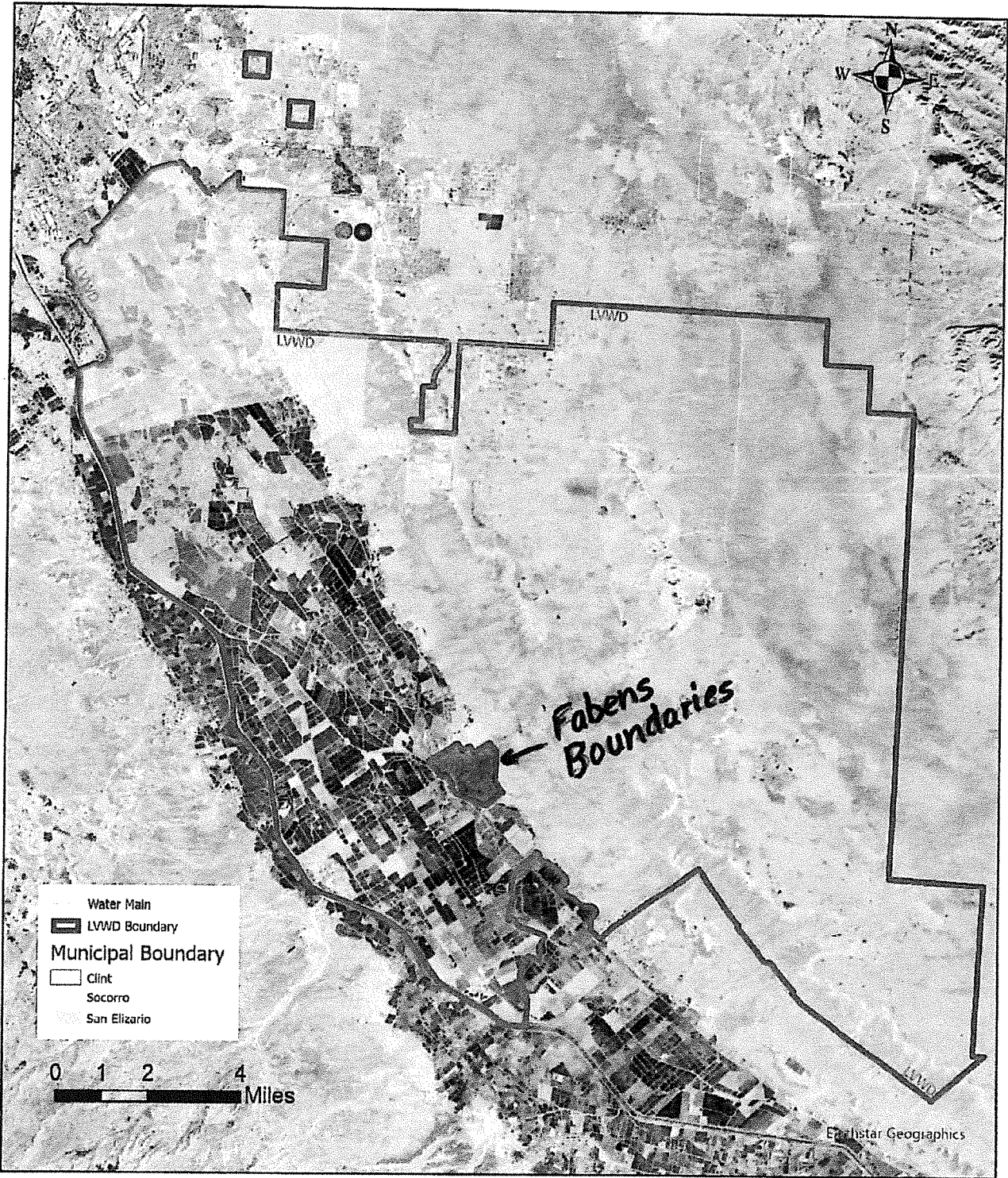
WHERE: FABENS
O'DONNELL AUDITORIUM

<https://www.change.org/fabenstakecharge>

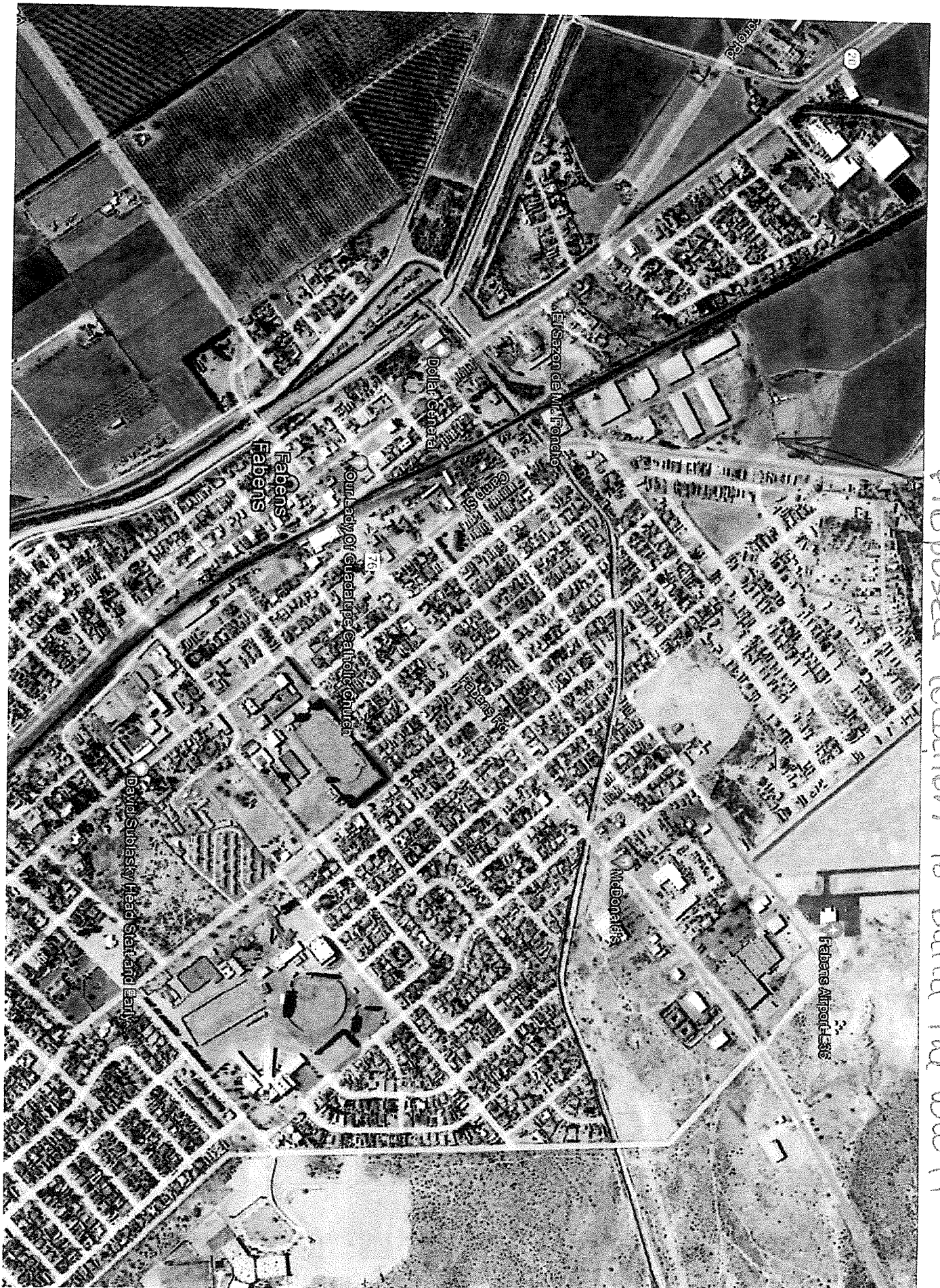
Regarding Lower Valley Wastewater
Treatment Plant.

Fabenstakecharge@gmail.com





Proposed location to build the WUWTP



RECEIVED

JAN 16 2024

AT PUBLIC MEETING

I'm going to sing the Poverty Prose.

It's been said to be humble shouldn't be an identifying factor.

We at Fabens are **HHHumble**. You clearly saw as you drove in.

So let's dump on Fabens Litterally!

We have united and organized neighborhood groups to forward our petition against the Lower Valley Water District regarding the proposed WWTP location. We have submitted 1500 opposing hard copy signatures plus 460+ electronic signatures and counting; tonight we are here in accord with this very purpose to voice our major concern one of many against the LOCATION of this LVWD WWTP. We further adhere to the language of decorum's proper behavior and treat everyone with dignity and respect. Like Benito Juarez said " El derecho al respeto ajeno es la paz" "The right to respect for others is peace."

Our Agenda includes

- Advocate for our community Fabens/Residents
- Language Barriers
- Education Barriers
- Economic Disadvantage
- Income Barriers

In Fabens we have 25.5%, a population that is below the poverty line and in TX. The poverty threshold is \$29,500.

- Swamp coolers blow hot smelly air from the outside INTO our homes
- Which makes the airborne humidity particles settle inside our homes.

Our credentials are that we are residents who researched, researched and researched the effects of locating the WWTP right in the middle of our community.

Lower Valley Water District letter dated July 14, 2023, to the Fabens Residents via postal mail.

Question 1

How did LVWD determined the proposed project is the least environmental viable alternative?

Question 2

How many sites did LVWD consider before selecting the CalCot Location?

Letter from LVWD to Fabens Residents 07/14/2023

Letter from WPCWCID #3 06/06/2022

Stem 3 -A

The letter dated July 14th, 2023 to the Fabens community, is confusing because Lower Valley Water District, stated “we are building a plant like the Fabens District Plant, but with updated features which creates Type 1 water effluent.”

What does all this have to do with the location of the plant?

Stem 3-B

In reference to the second communication via Email with Lower Valley Water District, emailed on September 19th, 2023, The Fabens community received an invitation to tour the facility at Sunland Park NM?

Question 3

Why was the Fabens Community invited by Lower Valley Water District to visit a Wastewater Treatment Plant in Sunland Park NM?

What does existing plant in Sundland Park NM have to do with the location of LVWD plant?

New Mexico Envorinmental Department has its own state requirements, procedures, and has nothing to do with TCEQ?

LVWD Letter to Fabens Residents	07/14/2023
Email from FM to RMG-A	09/09/2023

Stem 4

Again, from Lower Valley Water District, a letter dated July 14th, 2023, and KFOX–
News

The letter stated, “The Lower Valley District will also acquire equipment for
control of potential odor.”

Our community toured the Fabens Wastewater treatment plant. We were there
for approximately 45 minutes. As we drove away, the smell of rotten eggs
remained in our vehicle for 2 hours.

If the stench remained in the car for 2 hours, imagine the stench in our homes
24/7 for the rest of our lives.

Question 4

What will be the potential odor concentration into our homes through our
swamp coolers with open windows?

LVWD Letter to Fabens Residents
K-FOX NEWS VIDEO

07/14/2023
01/10/2024

-

Item 5 Enclosed Facility?

Again, from Lower Valley Water District, a letter dated July 14, 2023, and KFOX – News we learned that Lower Valley Water District stated that the facility "be primarily enclosed"... "the state-of-the-art plant is going to produce very little to no odor."

Question 5

What is Lower Valley Water District's experience operating an enclosed wastewater treatment plant over 100,000 gallons?

What is Lower Valley Water District's experience operating odor control equipment for over 100,000 gallons?

Is it your first large-scale wastewater treatment plant that you will be experimenting with?

Stem 6

As stated in the Lower Valley District letter to the Fabens Residents on July 14th, 2023, "a plant like the Fabens District Plant." Also, as stated in an email dated August 19, 2023 to our group, for "residents join... a tour of the facility in Sunland Park." This is confusion.

Question 6

Between Fabens Wastewater Treatment Plant and your proposed plan design, which design is really going to be constructed?

Will the design be like the Fabens wastewater treatment plant or the Sunland Park New Mexico Plant, or a different design that was reported on K-FOX?

Item 7

Lower Valley Water District stated in the letter dated July 14th, 2023, indicating you will "LAND APPLY" treated waste water to the Lions Club field, quoting, "We also plan to re-use much of the water to provide the Lions Club with green space for their facilities, which will be in much better shape and comfortable for the children. "

Question 7

Has the owner of the Lions Club field agreed to watering with this effluent water?

Have you obtained the TCEQ land application permit, and will this require a tertiary treatment?

LVWD 07/14/2023

Stem 8 -1

City of El Paso Environmental Services Department Investigation Report from 10/13/2023 #1936696

- Air compliant investigation, strong sewage odor emitting from lift station on corner of Alameda/ FM Road 1110 Clint and lift station receiving 15 sewage trucks on a daily basis.

Notice of Violation – Discharge of any source whatsoever of one or more air contaminants or combination thereof, in such concentration and such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property or as, interfere with the normal use and enjoyment of animal life, vegetation or property.

Stem 8-2

Notice of Violations to Lower Valley Water District from the Texas Commission on Environmental Control (TECQ) Docket No. 2016-0641-PWS.

Lower Valley Water District owns and operates a public water supply located at 800 West Main Street in Fabens, El Paso County, Texas. The facility provides water for consumption, has approximately 55 services connections, and serves at least 25 people per day for at least 60 days.

Violations

- I. Lower Valley Water District failed to collect route distribution water samples for coliform analysis and failed to provide public notification for 4 months.
- II. Lower Valley Water District failed to submit DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter.
- III. Respondent failed to collect lead and copper tap samples at the required five samples sites. Have the samples analyze and report results to the Executive Director and failed to provide public notification and submit a copy of the public notification to the Executive Director.
- IV. Lower Valley Water District failed to mail consumer notifications of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumers notification.

- V. Failure to comply with maximum contaminant level for total (TTHM) trihalomethanes - TTHM is a result of reaction between the chloride used for disinfecting tap water and natural organic matter of water.
- a. TTHM linked to damage to the liver, kidneys, and central nervous system, fatigue, skin sores and many more.
 - b. Slightly increase the risk of cancer such as bladder, colon, rectal and reproductive outcomes
 - i. According to The U.S. Department of Health and Human health Services (DHHS)

Lower Valley Water District was assessed a penalty as set forth in Conclusion of Law No. 8 for violations of state statues of rules of the TCEQ. Additionally we found 13 more notice of vilations.

Question 8

Lower Valley Water District stated on K-Fox News quoting "following guidelines from TCEQ."

What TCEQ guidelines is the LVWD following?

How well will you follow guidelines for a wasterwater treatment if they cannot follow the simple guideline for a simple?

K-FOX NEWS

Stem 9

Train Derailments are relatively common in the United States, with an estimated 1,000 to 3,000 incidents occurring each year. According to the Federal Railroad Administration, there are approximately 3,000 train derailments in the United States each year, which means that on average, there are about 8 train derailments daily between 1990-2021.

- October 2022, the most recent train crash with an 18-wheeler
 - See Video
- Train Vibrations cause fissures.
- Electricity Stoppage issues
 - Most recent January 11, 2024 – Numerous power outages throughout the County
 - January 11, 2024 – wind speed 35-45 mph and gusts of 65 mph

We are concerned about the computerized monitoring systems.

Question 9-1

In case of plant failure, what is your emergency preparedness plan?

Question 9-2

What will be your emergency plan in the event of a train derailment at the wastewater treatment site?

What precautions is LVWD taking to prevent damage to high-level train vibrations?

Stem 10-1

Distances

Installing a plant in residential area lowers the quality of life and odor does not respect the buffer zone.

- I. Nearest Home – 160 yards**
- II. Nearest Property 29.33 yards**
- III. Post Office - 277 yards**
- IV. UMC Clinic – 1079 yards**
- V. Fabens ISD nearest school – 1105 yards**
- VI. Senior Center – 475.2 yards**

Stem 10-2

Lower Valley Water District letter to the Fabens Residents dated July 14, 2023 – "Regarding our plant is closer to the Fabens wastewater processing facility than our envisioned site." Considering Fabens wastewater treatment plant is 1067 yards away from the nearest home, and your wastewater treatment plant will be approximately 167 yards from the nearest home, which is a direct contradiction to the statement date by the LVWD.

Question 10

How accurate are your measurements based on your letter to the public?

Question 11

Do you intend to dump treated water into the San Felipe Arroyo that is meant to take stormwater only?

Are you going to discharge treated water into an unlined channel that may contaminate Huecho Bolson aquafer?

Stem 12

Biggest concern are the diseases by pathogens and Hydrogen Sulfide (H₂S)

H₂S can start to form sulfuric acid in lift stations and wastewater treatment plants, which will destroy or weaken cement and steel structures. H₂S smells like rotten eggs even in low concentration.

Low levels of H₂S can cause:

- Nausea
- Eye Irritation
- Headaches
- Breathing Problems
- Fatigue

We have residents with chronic respiratory illnesses including our elders and children. Our town only has two clinics, that is not enough to treat the community. Special conditions require specialist, which can only be found in El Paso, and we have no public transportation to El Paso. In the past you have had isolate spills that CLEARLY have violated TCEQ requirements.

People who come in contact with H₂S must immediately move upwind.

Nearest Home – 160 yards

Nearest Property 29.33 yards

Wind normally blows from the southwest towards town, and Fabens residents will be directly downwind from the Lower Valley Water District Plant in accordance with Windrose calculations. Fabens residents are upwind from the Fabens sewer water treatment plant and away from the community.

Question 12

- I. Will you be monitoring H₂S on a daily basis 24/7?
- II. What equipment will be used to control H₂S exposure to the residents?
- III. What experience do you have dealing with H₂S since this will be your first wastewater treatment plant near homes?
- IV. If residents are subjected to H₂S, what procedure will you use to notify the general public?

Stem 13

Alameda is a busy commute, both driving and walking, where Fabens residents and students walk to and from school and local employment.

Question 13

Are you aware we have no public transportation, especially if needed for a specialist in EL Paso, due to the health hazards with the wastewater treatment plant?

Stem 14 - Endangered Species

Texas Parks and Wildlife protects all endangered wildlife in Texas.

Question 14

Are there any endangered species in the location for the proposed plant and have you contacted the Texas Park and Wildlife for an investigation?



July 14, 2023

Greetings.

Please consider this letter as sharing our vision regarding your concern over our plans to construct a wastewater treatment plant on the property which was formerly the SWIG Compress in Fabens. We must first address an explanation of events, which led to our seeking Texas Commission on Environmental Quality (TCEQ) approval for this plant.

We initially began by being approached by the area State Senator Jose Rodriguez at the time to address Mesa del Norte resident action against the El Paso County Water Control and Improvement District No. 4 (Fabens Water District). The Fabens Water District currently provides water and wastewater services to Mesa Del Norte Residents, which are not residents within that district. They belong to our district, but until both water and sewer services are provided by us, by mutual agreement, they are afforded these services. The residents recently filed legal proceedings against the Fabens Water District for charging excessive out of district rates for water and wastewater service.

When asked to address the issue, we agreed to temporarily provide the Fabens water district \$50 each month per Mesa Del Norte account to defray the high fee being charged to these residents. We also approached the Fabens Water District for a contract with our district for wastewater treatment services to these residents as we attempted to reclaim these accounts. The Fabens Water District refused.

The need to provide water and wastewater services to our customers in Mesa Del Norte, residential development expansion within the area requiring wastewater services, and having no other alternative, required that we submit a request for TCEQ approval of a wastewater processing plant in that area. We are building a plant like the Fabens District Plant, but with updated features which creates Type I water effluent. The effluent is of adequate quality for watering fruit bearing crops. The water will follow the same reuse route on El Paso County Water Improvement District drains, which are currently used by the Fabens Water District. The Lower Valley Water District will also acquire equipment for control of potential odor. The plant exceeds any distance requirements by the TCEQ regarding proximity to residences by at least twice the TCEQ required distance. Frankly, many of the Fabens residents levying their concerns regarding our plant are closer to the Fabens wastewater processing facility than our envisioned site. We also plan to reuse much of the effluent to water to provide the Lions Club with green space for their facilities, which will be in much better shape and comfortable for the children who will use the recreational facility.

We hope this letter helps to explain our commitment to our customers in the area, our plans for a state-of-the-art facility, and our plans for providing for the recreation needs of area residents.


Gerald Grijalva, General Manager

BOARD MEMBERS

Rosalinda Vigil
President

David Carrasco
Vice-President

Henry Trujillo
Secretary / Treasurer

David Estrada
Director

Rod Chavez
Director

Gerald Grijalva
General Manager





May 19, 2022

El Paso County Water Improvement District No. 4
117 Main Street
Fabens, Texas 79838

Attn: Ms. Jenny Gutierrez, President

BOARD MEMBERS

Rosalinda Vigil
President

David Carrasco
Vice-President

Henry Trujillo
Secretary / Treasurer

David Estrada
Director

Rod Chavez
Director

Gerald Grijalva
General Manager

Dear Ms. Gutierrez,

As you may know, the Lower Valley Water District (LVWD) has been experiencing significant, rapid population growth within the limits of our Certificate of Convenience and Necessity (CCN) boundaries as identified by the Texas Commission on Environmental Quality (TCEQ). This letter is to advise you that we will entertain an interlocal agreement with your District to process our anticipated wastewater discharge at a mutually agreed cost. We are asking for a formal response to this request.

In anticipation of continued population expansion at the fringes of the LVWD, we have commenced the evaluation and planning phase for constructing a Decentralized Wastewater Treatment Plant (WWTP) strategically located and hydraulically suitable to economically provide treatment for our service area near your district.

The proposed WWTP would be constructed at the LVWD "CALCOT" property and would treat wastewater from the *Mesa Del Norte Subdivision*, *Lourdes Subdivision*, *El Conquistador Subdivision* and adjacent developed and undeveloped areas as depicted in the attached exhibit. The estimated flows, number of trains, and operating capacity are summarized below and estimated through 2040:

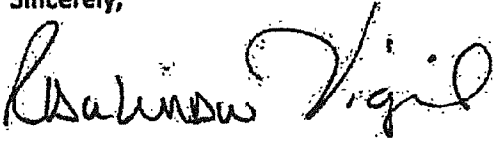
Parameter	2022	2023	2024	2025	2030	2035	2040
Plant Flow, gpd	143,660	190,648	214,141	237,635	247,610	264,035	281,510
Train Capacity, gpd	125,000	125,000	125,000	125,000	125,000	125,000	125,000
Number of Trains	2	2	2	3	3	3	3
Permit Capacity, gpd	250,000	250,000	250,000	375,000	375,000	375,000	375,000
Operating Capacity %	57%	76%	86%	63%	66%	70%	75%

If there is any interest in treating this wastewater under the existing CCN boundaries, and if EPCWID No. 4 may be agreeable to accepting the wastewater flows, we would meet with your Board, staff, and legal counsel as necessary to assess the available capacity within your WWTP for accepting anticipated future flows from our service area and to discuss terms of the agreement.



We appreciate your consideration and await your response. Please feel free to contact the LVWD General Manager, Gerald Grijalva if you have any questions or require any additional information. The LVWD is readily awaiting a meeting request from EPCWID No. 4 to address this issue further.

Sincerely,



Rosalinda Vigil
President





June 21, 2022

El Paso County Water Improvement District No. 4
117 Main Street
Fabens, Texas 79838

Attn: Ms. Jenny Gutierrez, President

BOARD MEMBERS

Rosalinda Vigil
President

David Carrasco
Vice-President

Henry Trujillo
Secretary / Treasurer

David Estrada
Director

Rod Chavez
Director

Gerald Grijalva
General Manager

Dear Ms. Gutierrez,

First and foremost, I would like to thank you for your response to our initial letter.

In response to your questions, we offer the following. The LVWD is interested in entering an Interlocal Agreement with El Paso County Water Improvement District No. 4 (EPCWID#4) to allow the wastewater flows (present and projected) from the areas identified in our previous letter to be treated by your wastewater treatment plant. The LVWD has contracted with an engineering consultant that is in the process of preparing the necessary technical documents (i.e., reports, permits, plans, etc.) to support the construction of a new wastewater treatment plant in the LVWD's "CALCOT" property. If both Districts come to Terms, the design and construction of the wastewater treatment plant will discontinue. The Interlocal agreement coordinated by our respective legal counsel will be perpetual and based on periodically renewed commitments by each district as stipulated in the agreement.

As part of the terms of the Interlocal Agreement, the LVWD will agree to design and construct any facilities (pipeline, lift stations, etc.) necessary to convey the wastewater flows from our CCN service areas to your treatment plant. Should the plant require upgrades in the future to accept and treat the projected flows, the LVWD is prepared to assist the EPCWID#4 in soliciting state or federal funding in support of any expansion improvements.

Again, we appreciate your consideration and will await your response to schedule a sit-down meeting to discuss this at greater detail. Please do not hesitate to contact our General Manager, Gerald Grijalva, if you have any questions or comments.

Sincerely,

Rosalinda Vigil
President





EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4
P.O. BOX 3880 117 E. MAIN ST. FABENS, TX 79838-3880
(915) 764-2212 FAX (915) 764-4840

August 29, 2022

Mr. Gerald Grijalva
General Manager
Lower Valley Water District
1557 FM Road 1110
P.O. Box 909
Clint, Texas 79836

Dear Mr. Grijalva:

I am writing in response to the letters from Ms. Rosalinda Vigil, President of the Board of Directors of the Lower Valley Water District (LVWD) addressed to the El Paso County Water Control and Improvement District No. 4 (EPCWCID#4), dated May 19, 2022, and June 21, 2022.

Summary of LVWD's Request

Those letters state that LVWD is interested in entering into an interlocal agreement with EPCWCID#4 to have "present and projected wastewater flows" from certain areas treated by EPCWCID#4's wastewater treatment plant. These areas at issue are depicted on a map attached to your May 19, 2022 letter and include: the Mesa del Norte,¹ Lourdes, and El Conquistador subdivisions, and "developed and undeveloped areas" adjacent to those subdivisions. All of these areas lie *outside* of EPCWCID#4's jurisdictional boundaries, and inside LVWD's jurisdictional boundaries. You further suggest that such an arrangement be "perpetual."

EPCWCID#4's Response and Explanation

After careful consideration, and based on consultations with, and upon the advice and recommendations of the District's General Counsel, the District Engineer, and me, EPCWCID#4 has decided to decline pursuing any such agreement. We will endeavor to explain this decision below.

The Texas Legislature established EPCWCID#4 as a political subdivision of the State of Texas and has defined its boundaries.² EPCWCID#4 takes its responsibility to provide water and wastewater services to customers and properties located within its jurisdictional boundaries very seriously. When the Legislature defined EPCWCID#4's boundaries, it did so purposefully and with good reasons.

¹ EPCWCID#4 currently provides both water and wastewater services to the Mesa del Norte subdivision.

² See TEX. SPEC. DIST. LOCAL LAWS CODE § 9048.003; Acts of 2011, 82nd Leg. R.S., ch. 268, § 1.



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FABENS, TX 79838-3880

EPCWCID#4 has worked diligently to undertake long-range planning to provide water and wastewater services to its constituents (within its jurisdictional boundaries), to secure adequate funding for the infrastructure needed to provide those services, to comply with state law in connection with the delivery of those services (including statutes and regulations governing public water supply, wastewater treatment and effluent discharge), and to operate pursuant to sound financial policies in order to protect our constituents' resources.

It is true that EPCWCID#4 *may* provide water and wastewater services to areas and customers outside of its jurisdictional boundaries,³ and at times during its 70-year history, EPCWCID#4 has occasionally agreed to do so. However, EPCWCID#4 is under no obligation whatsoever to provide services to areas and customers outside of its boundaries.

A key problem with an arrangement such as that which you have proposed is that it is open ended, both in terms of duration and required capacity/number of customers. It is unclear how many customers would need to be served, particularly in the undeveloped areas. Further, we understand from speaking with you, that assuming EPCWCID#4 agrees to accept and treat wastewater from the currently identified areas, in the future, LVWD is likely to ask EPCWCID#4 to accept wastewater from (or provide other services to) additional areas, also outside of EPCWCID#4's boundaries. Moreover, although you say that such an arrangement would be "perpetual," it is reasonable to assume that sometime in the future, LVWD (perhaps governed by an entirely different board of directors) might decide to withdraw from the agreement and begin to provide wastewater treatment for these areas. Such a situation is rife with both short and long-range uncertainties which would make planning difficult, if not impossible.

Also, in our experience, providing services to out-of-district customers has been, and may continue to be, problematic. For example, in 2019, EPCWCID#4 was forced to defend its rate structure in an expensive and time-consuming appeal brought by out-of-district customers before the Public Utility Commission of Texas (PUCT). Amounts charged for *wholesale* water and wastewater services, including charges made pursuant to a contract, may also be subject to appeals before the Public Utility Commission and/or the Texas Commission on Environmental Quality initiated by the recipient of such services. We wish to avoid the potential for such conflict. Accordingly, and as a general matter, we believe that it is better for EPCWCID#4 to serve primarily in-district customers. In-district customers pay taxes (as opposed to only fees) in support of the services that they receive. They also have a voice in how their water district is operated (including the setting of rates) through their elected board members.

EPCWCID#4 has always focused on serving its in-district customers (and not on providing out-of-district or wholesale services). EPCWCID#4 wants to continue that focus. To agree to a proposal such as the one you suggest would transform EPCWCID#4 from a district that focuses on providing retail water and wastewater services to in-district customers into a district for which

³ See, e.g., TEX. WATER CODE § 49.215.



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a significant percentage of its resources and capacity would be devoted to providing *wholesale* service to *out-of-district* areas and customers. EPCWCID#4 does not wish to undertake that transformation.

Possible Alternative Solutions

We agree that the situation regarding the areas that you have identified is unique and presents challenges. These challenges are rooted in the fact that although the areas that you identify lie within LVWD's jurisdictional boundaries, LVWD is unable to provide wastewater service to these areas.

The following are some alternative approaches or solutions that could allow water and wastewater utility services to be provided to the identified areas, thus enabling and promoting development in those areas:

1. Legislative Boundary Changes

An obvious solution is to have the Texas Legislature pass legislation at its next opportunity (in 2023) that would adjust the jurisdictional boundaries of our respective districts so as to remove one or more of the areas in question from LVWD and place them into EPCWCID#4.

2. Procedures under the Texas Water Code

The Texas Water Code (including Chapter 49 of that code) contains provisions that may be used to move areas currently within LVWD into EPCWCID#4. These provisions include (but are not necessarily limited to):

- Tex. Water Code § 49.303 (allowing a district to exclude land) and related provisions (*id.*, §§ 49.304, .305, .306, .307) (providing procedures and grounds for doing so);
- Tex. Water Code §§ 49.3075, .3076 (providing for the exclusion of land from a district for failure to provide sufficient services);
- Tex. Water Code § 49.301 (allows owners of land – whether or not contiguous with the boundary of a district – to petition the board of a district to request that land be included in that district); and
- Tex. Water Code § 49.302 (allows for a defined area of land – whether or not contiguous with the boundary of a district – to be added to a district by a petition to that district of less than all the landowners of that area)



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We hope that you understand the reasoning behind our decision, and that our decision does not lead to tension or hard feelings. We also hope that our respective districts can continue to be good neighbors.

Very truly yours,

Jose Ramirez
General Manager
El Paso County Water Control & Improvement
District #4



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212

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EL PASO, TX 79838-3880

August 21, 2019

Lower Valley Water District
1557 FM Road 110
P.O. Box 909
Clint, Texas 79836

Dear Mr. Grijalva:

I am in receipt of your letter dated August 12, 2019, addressed to the Board of Directors, General Manager, and staff of the El Paso County Water Control & Improvement District No. 4 ("EPCWCID#4"), regarding the Mesa del Norte subdivision.

Thank you for your update regarding the timeline for when the Lower Valley Water District (LVWD) is expected to be able to provide wastewater service to the Mesa del Norte subdivision. Please continue to keep us posted as your efforts and progress continues.

You have proposed that EPCWCID#4 and LVWD negotiate and enter into an interlocal agreement that would allow LVWD to begin providing water service to Mesa del Norte while EPCWCID#4 continues to treat the wastewater from Mesa del Norte.

As you may know, residents of the Mesa del Norte subdivision have initiated a formal contested case proceeding before the Public Utility Commission of Texas ("PUC"), challenging the rates that EPCWCID#4 charges to these residents. EPCWCID#4 is focused on responding to and defending its rates in that proceeding. On the advice of our attorney, EPCWCID#4 is not prepared to consider your proposal (or similar proposals) until that rate proceeding before the PUC is resolved. We hope that you will understand.

Given this situation and these limitations, please let me know if we can assist in any other way.

Yours truly,


Jose Ramirez
General Manager

cc: El Paso County WCID #4 Board Members
Andrew S. "Drew" Miller, District Attorney



August 12, 2019

El Paso County Water Control
and Improvement District No. 4
117 E. Main St.
P.O. Box 3880
Fabens, Texas 79838-3880

BOARD MEMBERS

Rosalinda Vigil
President

David Carrasco
Vice-President

Henry Trujillo
Secretary /
Treasurer

David Estrada
Director

Rod Chavez
Director

Gerald Grijalva
General Manager

Dear Members of the Fabens Board of Directors, General Manager, and Staff;

I humbly request your assistance regarding delivery of sanitary sewer service to the Mesa Del Norte subdivision subsequent to our October 1, 2019 changeover of service from your District to ours.

Please take some time to review the timeline in attachment A, which was agreed upon by both the Lower Valley (LVWD) and El Paso County Water Control and Improvement District No. 4 (EPCWCID#4) staff to enable the switch from your District to ours. The timeline, which was mutually deemed reasonable at its creation in June has been met by many unavoidable land and easement acquisition delays, which could not have been predicted. The effect to our sewage management plans was sweeping.

The District is asking EPCWCID#4 to consider that water service for the residents of Mesa Del Norte be transferred to LVWD as scheduled on October 1, 2019. The LVWD will have the water infrastructure completed within this time frame to enable the transfer.

As for the sanitary sewer infrastructure, the LVWD is requesting for additional time to design, secure permitting through the Texas Commission on Environmental Quality and construct a decentralized package plant to be located on nearby Fabens Lion's Club property as documented in attachment B. During this time frame LVWD would like to enter into a formal interlocal agreement with EPCWCID#4 for treating the Mesa Del Norte subdivision wastewater.

We're asking for the interlocal agreement to be initiated on October 1, 2019 and continue until we have a functional treatment facility in place or May 30, 2022, at the latest. Our intended treatment facility and timeline is described on Attachment C. The LVWD agrees to pay out-of-district sewer rates, provide a three-month security deposit, and furnish sewage flow meter readings for the Mesa Del Norte subdivision to EPCWCID#4 at the established interval. The LVWD also agrees to provide backup consolidated water meter readings upon request.

The LVWD has tremendously appreciated meeting and accepting the input from your staff regarding this project. The EPCWCID#4 staff has been very accommodating on this project, and we hope to someday be able to reciprocate. We are willing to meet with and provide any documentation and presentations required of us to promote this request.



The LVWD would greatly appreciate your assistance with this issue, and I look forward to a response hopefully to discuss the way forward.

Sincerely,



Jerry Grijalva, General Manager
ggrijalva@lvwd.org
1557 FM 1110 Clint, Texas 79836
Main (915) 791-4480 ext. 1100
Cell (915) 892-4586



Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: **Public Water System/Supply Registration 0710154**

For: **LOWER VALLEY WATER DISTRICT (RN101454007 ...)**

No physical location description on file.

Registration Status: **ACTIVE**

Held by: **Lower Valley Water District (CN600630396 ...)** View 'Issued To' History ...

OWNER

Mailing Address: Not on file

Notice of Violations Current TCEQ Rules

NOV Date	Status	Citation/Requirement Provision	Allegation	Classification	Self Reporting Indicator
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) (Not applicable to CH)	Failure to maintain adequate records of the accuracy of the manual disinfectant residual analyzer.	MODERATE	NO
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(m) ; 30 TAC Chapter 290, SubChapter D 290.46(m)(4) (Not applicable to CH)	Failure to maintain good housekeeping practices to ensure good working condition and general appearance of the system's facilities and equipment.	MODERATE	NO
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(m)(1) ; 30 TAC Chapter 290, SubChapter D 290.46(m)(1) (A) (Not applicable to CH)	Failure to inspect the interior of the water storage tank.	MODERATE	NO
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.46(l) (Not applicable to CH)	Failure to identify and flush all dead-end mains in a monthly interval or as needed.	MODERATE	NO
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.45(a)(1) (Not applicable to CH)	Failure to determine the total capacities for public water	MODERATE	NO

			systems and the capacities at individual pump stations and pressure planes which serve portions of the system.		
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.45(b) ; 30 TAC Chapter 290, SubChapter D 290.45(f) (Not applicable to CH)	Failure to have readily available the system equipment capacities.	MODERATE	NO
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(v) (Not applicable to CH)	Failure to provide logs and maintenance records for the emergency power generator.	MODERATE	NO
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.44(h) (Not applicable to CH)	Failure to utilize correct BPAT form (TCEQ-20700).	MODERATE	NO
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.38(41) ; 30 TAC Chapter 290, SubChapter D 290.43(e) (Not applicable to CH)	Failure to maintain in good repair and to prevent intruder passage fence at the potable water storage tanks.	MODERATE	NO
11/30/2018	RESOLVED	30 TAC Chapter 290, SubChapter D 290.43(c) (Not applicable to CH)	Failure to maintain the tank overflow in good working condition.	MODERATE	NO

Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: **Wastewater Permit WQ0004295000**

For: **LOWER VALLEY WATER DISTRICT (RN103015137 ...)**

12400 GATEWAY BLVD E, EL PASO

Permit Status: **EXPIRED**

Held by: **LOWER VALLEY WATER DISTRICT (CN600630396 ...)** View 'Issued To' History ...

OWNER Since 07/02/2005 View Compliance History ...

Mailing Address: PO BOX 909 CLINT, TX 79836 -0909

Notice of Violations Current TCEQ Rules

NOV Date	Status	Citation/Requirement Provision	Allegation	Classification	Self Reporting Indicator
03/05/2021	RESOLVED	30 TAC Chapter 312, SubChapter G 312.142(a)	Failure to apply for a sludge transporter registration with the Texas Commission on Environmental Quality prior to transporting biosolids/sewage sludge, water treatment residuals, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste regulated under this subchapter.	MODERATE	NO
03/05/2021	RESOLVED	30 TAC Chapter 327 327.3(b)	Failure to notify the Texas Commission on Environmental Quality that a reportable discharge had occurred within 24 hours of the discovery of the discharge.	MODERATE	NO
03/05/2021	RESOLVED	2D TWC Chapter 26, SubChapter A 26.121(a)(1)	Failure to prevent the unauthorized discharge of sewage into or adjacent to any water in the state.	MODERATE	NO

AIR CP_106011406_CP_20231013_Investigation_1936696_

City of El Paso Environmental Services Department Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

Customer: RED CLIFF INC.
Customer Number: CN603734815

**Regulated Entity Name: CLINT SANITARY SEWER LIFT STATION
FACILITIES**

Regulated Entity Number: RN106011406

Investigation # 1936696

Incident Numbers

411100

Investigator: NAOMI CASTRO

Site Classification

Conducted: 10/13/2023 -- 10/13/2023

No Industry Code Assigned

**Program(s): AIR QUALITY NON PERMITTED
AIR NEW SOURCE PERMITS**

Investigation Type: Compliance Investigation

**Location: IT IS ON THE SOUTH WEST CORNER OF
ALAMEDA (STATE ROAD 20) AND FM ROAD 1110.
IN CLINT TEXAS**

Additional ID(s):

Address: ,

Local Unit: CITY OF EL PASO LOCAL PROGRAM

**Activity Type(s): AIRCOMPL - AIR CMPL - AIR
COMPLAINT INV**

Principal(s):

Role	Name
RESPONDENT	RED CLIFF INC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY CONTACT	GENERAL MANAGER	MR JERRY GRIJALVA	Office (915) 791-4480 x. 1100 Office (915) 791-4486
REGULATED ENTITY MAIL CONTACT	GENERAL MANAGER	MR JERRY GRIJALVA	Office (915) 791-4486 Office (915) 791-4480 x. 1100

Other Staff Member(s):

Role	Name
QA Reviewer	AL MELERO
Supervisor	AL MELERO
Investigator	ROBERT GILLIAM

10/13/2023 Inv. # - 1936696

Page 2 of 3

Associated Check List**Checklist Name**

AIR COMPLAINT INVESTIGATION

Unit Name

106011406

Investigation Comments:**Introduction**

- On October 13, 2023, Naomi Castro and Al Melero, Investigators with the City of El Paso Environmental Services, Air Quality Program conducted an onsite odor complaint investigation the Clint Sanitary Sewer Lift Station Facilities located on the corner of Alameda Ave. and FM Road 1110, Clint, Texas. The investigation was in response to a complaint of a strong sewage odor emitting from lift station.

The focus of the complaint investigation was to determine compliance with Texas Commission on Environmental Quality (TECQ) Rules, specifically 30 TAC 101.4, General Nuisance Rules. Investigator Castro followed policies and procedures as described in the TCWQ's Odor Complaint Investigation Procedures (September 18, 2007).

Daily Narrative**Investigation**

On October 12, 2023, an e-mail was forwarded by the TCEQ of a complainant alleging a strong sewage odor coming from a lift station, complainant states commercial entities are disposing waste at lift station.

- On October 13, 2023, Naomi Castro and Al Melero arrived at the site. The investigation began with surveillance of the perimeter, a strong sewage odor was detected in the area of the lift station. Investigators made contact with Frank Almanza, Lower Valley Water District employee, Mr. Almanza stated that the lift station is receiving about 15 sewage trucks on a daily basis. Sewage trucks are dropping off waste from septic tanks into a manhole at the lift station, investigators witnessed a truck drop off sewage at the time of the investigation.

Conclusion

A strong sewage odor was detected in the area at the time of this investigation. Investigators will contact complainant to explain the situation and inform of action to be taken moving forward. A Notice of Violation will be issued to Lower Valley Water District for causing a nuisance condition as defined in Title 30 of the Texas Administrative Code (TAC), Chapter 101.4.

The Local Air Quality Program has not received other odor complaints from this area.

Additional Information**Notice of Violation**

- Failure to comply with the general nuisance rule which states: A discharge of any source whatsoever of one or more air contaminants or combination thereof, in such concentration and such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

On October 13, 2023, the City of El Paso Environmental Services Department, Air Quality Program, conducted an odor complaint investigation at the Clint Sanitary Sewer Lift Station Facilities located on the corner of Alameda Ave. and FM Road 1110, Clint, Texas.

Recommended Action

Clint Sanitary Sewer Lift Station Facilities must take appropriate steps to mitigate odors from the sewage waste that is being disposed of in manhole at the site.

10/13/2023 Inv. # - 1936696

Page 3 of 3

NOV Date 10/20/2023 Method WRITTEN

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

Track Number: 858965

Compliance Due Date: 11/20/2023

Violation Start Date: 10/13/2023

30 TAC Chapter 101.4

Alleged Violation:**Investigation: 1936696**

Comment Date: 10/17/2023

Failure to comply with the general nuisance rule which states: A discharge of any source whatsoever of one or more air contaminants or combination thereof, in such concentration and such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

Recommended Corrective Action: Lower Valley Water District must take appropriate steps to mitigate odors coming from the Clint Sanitary Sewer Lift Station Facilities located on the corner of Alameda Ave. and FM Road 1110, Clint, Texas.

Signed



Environmental Investigator

Date

10.17.2023

Signed



Supervisor

Date

10/20/2023

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

___ Maps, Plans, Sketches

✓ Letter to Facility (specify type): NOV

___ Photographs

Investigation Report

___ Correspondence from the facility

___ Sample Analysis Results

✓ Other (specify):

___ Manifests

Electronic attachments

___ Notice of Registration

List of Attached files

TCEQ CR Query - Regulated Entity Information.pdf



Environmental Services

MAYOR
Oscar Leeser

HAND DELIVERY

October 24, 2023

CITY COUNCIL

District 1
Brian Kennedy

District 2
Alexsandra Anello

District 3
Cassandra Hernandez

District 4
Joe Molinar

District 5
Isabel Salcido

District 6
Art Fierro

District 7
Henry Rivera

District 8
Chris Canales

**TO: Mr. Jerry Grijalva General Manager
Lower Valley Water District
1557 FM Road 1110
Clint, Texas 79836**

**FROM: City of El Paso, Environmental Services
Air Quality Program
701 Pendale Road
El Paso, Texas 79907**

SUBJECT: Certified Mail: 91 7199 9991 7030 7440 3240

Notice of Violation Letter and Summary of Investigation Findings

RN: 106011406

CCEDS Investigation No. 1936696

**INTERIM
CITY MANAGER**
Cary Westin


Receiving Name

10.24.2023
Date


Air Quality Program Investigator

10.24.2023
Date

**Environmental Services – Air Quality Program
701 Pendale Road El Paso, Texas 79907
Office: (915) 212-6208**



DELIVERING EXCEPTIONAL SERVICES



Environmental Services

MAYOR
Oscar L. Cisneros

October 20, 2023

CERTIFIED MAIL 91 7199 9991 7030 7440 3240
RETURN RECEIPT REQUESTED

CITY COUNCIL

District 1
Brian Kennedy

District 2
Alexandria Anello

District 3
Cassandra Hernandez

District 4
Joe Molinar

District 5
Isabel Salcido

District 6
Art Fierro

District 7
Henry Rivets

District 8
Chris Candel

CITY MANAGER
Johnny Gonzalez

Lower Valley Water District
Mr. Jerry Grijalva General Manager
1557 FM Road 1110
Clint, TX 79836

Re: **Notice of Violation** for Odor Complaint Investigation at:

Clint Sanitary Sewer Lift Station Facilities
Corner of Alameda Ave. and FM Road 1110
Clint, TX

Regulated Entity No. 106011406

Investigation No. 1936696

Dear Mr. Grijalva,

On October 13, 2023, Naomi Castro from the City of El Paso Environmental Services - Air Quality program, conducted an investigation of the above-referenced facility to determine compliance with the Texas Commission on Environmental Quality (TCEQ) Rules, specifically 30TAC 101.4. General Nuisance Rules. Enclosed is a **Summary of Investigation Findings**.

During the investigation, an outstanding alleged violation was documented that requires compliance documentation. Please submit to this office by **November 20, 2023**, a response letter describing corrective action necessary to achieve compliance for the violation with **Tracking No. 858965**. A compliance due date will be determined after the Air Quality Program reviews your response letter.

Ellen Smyth, P.E. – Chief Transit and Field Operations Officer
Environmental Services Department | 7968 San Paulo | El Paso, TX 79907
O: (915) 212-6000 | Email: ESmythEA@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES



Environmental Services

MAYOR
Ricardo Lopez

Mr. Jerry Grijalva
October 20, 2023
Page 2

CITY COUNCIL

District 1
Brian Kennedy

District 2
Alexandria Anello

District 3
Cassandra Hernandez

District 4
Joe Molinar

District 5
Isabel Salido

District 6
Art Friero

District 7
Henry Rivera

District 8
Chris Torres

CITY MANAGER
Tommy Gonzalez

In the listing of the alleged violation, 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 the TCEQ website at <http://www.tceq.state.tx.us> 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 TCEQ Region Office at (915) 834-4949 or the Central Office Publications Ordering Team at (512) 239-0028.

The Air Quality Program appreciates your assistance in this matter. Please note that the Legislature has granted the City of El Paso Local Air Quality Program enforcement powers, which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the City's Environment. 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 Air Quality Program office within 10 days from the date of this letter. At that time, you may contact me at the number below to schedule a violation review meeting. The meeting will be conducted within 21 days from the date of this letter. However, be advised that if you decide to participate in the violation review process, the Air Quality Program 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 me at (915) 212-6208 or meleroax@elpasotexas.gov

Sincerely,

Al Melero
Air Quality Program Supervisor
Environmental Services, Air Quality Program

Enclosures: Summary of Investigation Findings

Ellen Smyth, P.E. – Chief Transit and Field Operations Officer
Environmental Services Department | 7968 San Paulo | El Paso, TX 79907
O: (915) 212-6000 | Email: SmythEA@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES

City of El Paso Environmental Services Department Summary of Investigation Findings

CLINT SANITARY SEWER LIFT STATION FACILITIES

Investigation #

1936696

Investigation Date: 10/13/2023

, EL PASO COUNTY,

Additional ID(s):

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

Track No: 858965

Compliance Due Date: 11/20/2023

30 TAC Chapter 101.4

Alleged Violation:

Investigation: 1936696

Comment Date: 10/17/2023

Failure to comply with the general nuisance rule which states: A discharge of any source whatsoever of one or more air contaminants or combination thereof, in such concentration and such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

Recommended Corrective Action: Lower Valley Water District must take appropriate steps to mitigate odors coming from the Clint Sanitary Sewer Lift Station Facilities located on the corner of Alameda Ave. and FM Road 1110, Clint, Texas.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LOWER VALLEY WATER
DISTRICT
RN101185676

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2016-0641-PWS-E

On **SEP 06 2017**, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lower Valley Water District (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

L. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 800 West Main Street in Fabens, El Paso County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 55 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. During a record review conducted on April 11, 2016 through April 29, 2016, TCEQ staff documented that the Respondent did not to collect routine distribution water samples for coliform analysis for the months of October 2015 through January 2016 and did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect routine distribution water samples for the months of October and November 2015.

3. During a record review conducted on April 11, 2016 through April 29, 2016, TCEQ staff documented that the Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the fourth quarter of 2015.
4. During a record review conducted on April 11, 2016 through April 29, 2016, TCEQ staff documented that the Respondent did not collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2013 through December 31, 2015 monitoring period and did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples for the January 1, 2013 through December 31, 2015 monitoring period. Specifically, the Respondent only collected four of the five required lead and copper tap samples.
5. During a record review conducted on April 11, 2016 through April 29, 2016, TCEQ staff documented that the Respondent did not mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the January 1, 2013 through December 31, 2015 monitoring period.
6. During a record review conducted on April 11, 2016 through April 29, 2016, TCEQ staff documented that the Respondent did not provide the public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the maximum contaminant level for total trihalomethanes ("TTHM") for the fourth quarter of 2014 and the first, second and fourth quarters of 2015. Specifically, public notifications were due April 13, 2015, June 22, 2015, August 19, 2015 and February 7, 2016 respectively, but were not provided.
7. The Executive Director recognizes that by July 13, 2016, the Respondent began submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to collect routine distribution water samples for coliform analysis and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect routine distribution water samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.033(d).

3. As evidenced by Finding of Fact No. 3, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
4. As evidenced by Finding of Fact No. 4, the Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples, in violation of 30 TEX. ADMIN. CODE §§ 290.117(c)(2)(C) and (i)(1) and 290.122(c)(2)(A) and (f).
5. As evidenced by Finding of Fact No. 5, the Respondent failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
6. As evidenced by Finding of Fact No. 6, the Respondent failed to provide the public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the maximum contaminant level for TTHM, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f).
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of \$4,176 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Pursuant to TEX. WATER CODE § 7.067, \$4,176 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 8 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only

the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lower Valley Water District, Docket No. 2016-0641-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP as set forth in Section II, Paragraph 8. The amount of \$4,176 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin complying with applicable coliform monitoring requirements by conducting routine coliform monitoring and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six months of compliant monitoring and reporting;
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - iii. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper tap samples, having the samples analyzed, and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon one compliant annual monitoring period;
 - iv. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;

- v. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested for the most recent monitoring period in which lead samples were collected, and mail to the Executive Director to the addresses listed in Ordering Provision No. 3.d a sample copy of the consumer notification and certification that consumer notification was distributed, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - vi. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
 - vii. Provide public notifications regarding the failure to comply with the maximum contaminant level for TTHM for the fourth quarter of 2014 and the first, second and fourth quarters of 2015, the failure to collect routine distribution water samples for the months of October and November 2015, and the failure to collect lead and copper tap samples for the January 1, 2013 through December 31, 2015 monitoring period, and provide a copy of the public notifications to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.ii and 3.a.iv through 3.a.vii;
 - c. Within 225 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.i; and
 - d. Within 410 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.iii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and

may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Bryan W. Shaw
For the Commission

9-11-17
Date

Pamela Marie J.
For the Executive Director

7/31/17
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

3/21/17
Date

Jack Alayyan
Name (Printed or typed)
Authorized Representative of
Lower Valley Water District

General Manager
Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Order.

☐ If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2016-0641-PWS-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Lower Valley Water District
Payable Penalty Amount:	\$4,176
SEP Offset Amount:	\$4,176
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Water Development Board
Project Name:	<i>Water-Level Recorder Data in Every Texas County</i>
Location of SEP:	Statewide, with Preference for El Paso County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Water Development Board** for the *Water-Level Recorder Data in Every Texas County* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to purchase, install, and maintain automatic water-level recorders in unused wells in the remaining one hundred sixty-six (166) counties. The Third-Party Administrator shall give preference to installing water-level recorders initially in counties in which there are 1) no existing automatic water-level recorder wells, 2) no groundwater conservation district, or 3) groundwater conservation districts that do not have the staff and/or the financial ability to install an automatic water-level recorder. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Lower Valley Water District
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The groundwater stored within Texas' minor and major aquifers is an important natural resource that is relied upon to meet the water supply demands of Texans across the state. Many factors affect the availability of this resource including drought and increased demand. This Project will provide statewide comprehensive real-time groundwater level data to Texas counties, cities, groundwater conservation districts, water supply companies, and individual well owners. The availability of this comprehensive data will promote awareness of the effects of drought on Texas' aquifers and assist in groundwater management planning and use throughout the state.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Water Development Board SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Water Development Board
Attention: Manager
Groundwater Monitoring Section
P.O. Box 13231
Austin, Texas 78711-3231

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Lower Valley Water District
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ.** Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**Lower Valley Water District
Agreed Order - Attachment A**

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 12, 2017

FIRST CLASS MAIL

Jack Alayyan, General Manager
Rosalinda Vigil, President
Lower Valley Water District
1557 Farm-to-Market Road 1110
Clint, Texas 79836

RE: Lower Valley Water District
TCEQ Docket No. 2016-0641-PWS-E; Registration No. 0710095
Agreed Order Assessing Administrative Penalties and Requiring Certain Actions

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Texas Commission on Environmental Quality's Enforcement Division at (512) 239-2545 or the Litigation Division at (512) 239-3400. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Office of the Chief Clerk at (512) 239-3319.

Sincerely,

Bridget C. Bohac

Bridget C. Bohac
Chief Clerk

BCB/lg

Enclosure

cc: Ryan Byer, Enforcement Coordinator, TCEQ Enforcement Division
Stuart Beckley, SEP Coordinator, TCEQ Enforcement Division

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TCEQ Formulario de Registro

LETRA IMPRESA POR FAVOR

Nombre: Eleuterio Sanchez

Dirección Postal: P.O. Box 2651

Dirección domiciliaria (si es diferente): 1013 Oak View

Ciudad/Estado: fabens Código Postal: 79838

****Esta información está sujeta a divulgación pública bajo la Ley de Información Pública de Texas.****

Correo Electrónico: Teyo01 Sanchez@yahoo.com

Teléfono: (915) 329-3705

• ¿Está usted representando a una municipalidad, legislador, agencia o grupo? ☒ Sí ☐ No

Si sí, ¿cuál? fabens

☐ Por favor agrégueme a la lista de correo.

☒ Deseo proporcionar *COMENTARIOS ORALES* formales en la reunión pública de esta noche.

☐ Deseo proporcionar *COMENTARIOS POR ESCRITO* formales en la reunión pública de esta noche.

(Comentarios por escrito pueden ser sometidos en cualquier momento durante la reunión)

Favor de entregar este formulario a la persona en la mesa de información. Gracias.

21

TCEQ Formulario de Registro

LETRA IMPRESA POR FAVOR

Nombre: Maria Sanchez

Dirección Postal: P.O. Box 2651

Dirección domiciliaria (si es diferente): 1013 Oak View

Cuidad/Estado: Fabens TX Código Postal: 79838

****Esta información está sujeta a divulgación pública bajo la Ley de Información Pública de Texas.****

Correo Electrónico: _____

Teléfono: (915) 258, 8914

- ¿Está usted representando a una municipalidad, legislador, agencia o grupo? ☐ Sí ☒ No

Si sí, ¿cuál? _____

☐ Por favor agréguese a la lista de correo.

☒ Deseo proporcionar *COMENTARIOS ORALES* formales en la reunión pública de esta noche.

☒ Deseo proporcionar *COMENTARIOS POR ESCRITO* formales en la reunión pública de esta noche.

(Comentarios por escrito pueden ser sometidos en cualquier momento durante la reunión)

Si

Favor de entregar este formulario a la persona en la mesa de información. Gracias.