

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team

DATE: June 1, 2022

SUBJECT: Williams Brothers Construction Co., Inc.
WRTP No. 13831
CN600520019, RN111461679
Application No. 13831 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bessies Creek, Brazos River Basin
Waller County

The application and partial fees were received on March 18, 2022. Additional information and fees were received on May 12, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 1, 2022. Mailed notice to the downstream water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154(a).

All fees have been paid and the application is sufficient for filing.

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 1, 2022

Mr. Marcus B. Anderson, P.E.
P.O. Box 66428
Houston, TX 77266-6428

VIA E-MAIL

RE: Williams Brothers Construction Co., Inc.
WRTP No. 13831
CN600520019, RN111461679
Application No. 13831 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bessies Creek, Brazos River Basin
Waller County

Dear Mr. Anderson:

This acknowledges receipt, on May 12, 2022, of additional information and fees in the amount of \$21.62 (Receipt No. M217221, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 1, 2022. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



13-MAY-22 04:32 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M217221	843240		BS00094797	13-MAY-22	-\$21.62
	WUP	13831	051322	N	D2802682		
WATER USE PERMITS		WILLIAMS BROTHERS CONSTRUCTIO N COMPANY INC	VHERNAND	CK			
Total (Fee Code):							-\$21.62
Grand Total:							-\$3,192.47

RECEIVED

MAY 18 2022

Water Availability Division

Williams Brothers Construction Co.

INCORPORATED
3800 MILAM AT SOUTHWEST FREEWAY
HOUSTON

TELEPHONE (713) 522-9821
FAX (713) 520-5247

P.O. BOX 66428
HOUSTON, TEXAS 77266-6428



May 10, 2022

Texas Commission on Environmental Quality

Water Rights Permitting Team

MC-160

12100 Park 35 Circle

Austin, Texas 78753

Attn: Dr. Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

RE: Williams Brothers Construction Co., Inc.
WRTP 13831
CN600520019
RN111461679
Application No. 13831 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bessies Creek, Brazos River Basin Waller County

Dear Dr. Beerman:

Enclosed please find the additional information you requested to complete WRTP 13831

1. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms.

RECEIVED

MAY 12 2022

Water Availability Division

Dr. Lillian E. Beerman, Ph.D.

Application No. 13831

May 10, 2022

Page 2

The applicant will pump water out of Bessies Creek using it for industrial activities associated with the construction of TxDOT highway project on TxDOT ROW. A screen will be provided at the end of the suction hose to prevent / avoid impingement and entrainment of aquatic organisms.

2. Provide written evidence that Mr. Marcus B. Anderson is authorized to sign the application for Williams Brothers Construction Co., Inc.

See enclosed letter.

3. Remit fees in the amount of \$21.62 as described in your letter.

See enclosed check.

If you have any questions regarding this matter, please call me at 713-668-6788.

Sincerely,

Williams Brothers Construction co., Inc.

A handwritten signature in black ink, appearing to read "Marcus B. Anderson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Marcus B. Anderson, P.E.

Environmental Director

Enclosure

Williams Brothers Construction Co.

INCORPORATED
3800 MILAM AT SOUTHWEST FREEWAY
HOUSTON

TELEPHONE (713) 522-9821
FAX (713) 520-5247

P.O. BOX 66428
HOUSTON, TEXAS 77266-6428

Anniversary
1955-2020

MEMORANDUM

February 19, 2020

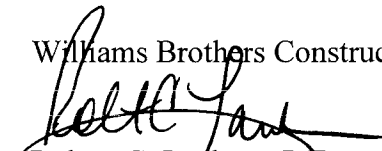
TO WHOM IT MAY CONCERN:

Marcus B. Anderson, P.E. Environmental Director is hereby delegated the authority to sign any plan document related to:

1. Storm Water Pollution Prevention Plans
2. Spill Prevention Control and Countermeasure Plans and
3. Water Rights Applications

This authority shall remain in effect so long as Mr. Anderson serves this corporation in his current capacity.

Williams Brothers Construction Co., Inc.



Robert C. Lanham, P.E.
President

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 26, 2022

Mr. Marcus B. Anderson, P.E.
P.O. Box 66428
Houston, TX 77266-6428

VIA E-MAIL

RE: Williams Brothers Construction Company, Inc.
WRTP No. 13831
CN600520019, RN111461679
Application No. 13831 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bessies Creek, Brazos River Basin
Waller County

Dear Mr. Anderson:

This acknowledges receipt, on March 18, 2022, of the referenced application and partial fees in the amount of \$111.25 (Receipt No. M214754, copy attached).

Additional information and fees are required before the application can be declared administratively complete.

A temporary permit may only be issued if there is surplus water available for use on a short-term (temporary or ephemeral) basis in the source supply. During low flow conditions, which occur during a drought or periods of limited rainfall, all water in the basin will be required for existing senior water rights and there is no presumption of any surplus flows.

1. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst) for assistance in developing your response.
2. Provide documentation evidencing that Marcus B. Anderson, P.E. has the authority to sign for Williams Brothers Construction Company, Inc. pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5):

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

3. Before the application can be declared administratively complete, remit fees in the amount of \$ 21.62, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Mr. Marcus B. Anderson, P.E.
Williams Brothers Construction Company, Inc.
Application No. 13831
April 26, 2022
Page 2 of 2

Filing Fees	(WRTP ≤ 10 Acre-Feet)	\$ 100.00
Recording Fee		\$ 1.25
Use Fees	(\$1.00 x 10 Acre-Feet)	\$ 10.00
Mailed Notice	(\$0.94 X 23 WR Holders)	\$ 21.62
<hr/>		
TOTAL FEES		\$ 132.87
FEES RECEIVED		\$ 111.25
<hr/>		
TOTAL FEES DUE		\$ 21.62

Please submit the requested information and fees by May 26, 2022 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



22-MAR-22 12:18 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M214754	840209 032222 RHDAVIS	 N CK	BS00093516 D2802292	22-MAR-22	-\$111.25
Total (Fee Code):							-\$111.25

RECEIVED

MAR 23 2022

Water Availability Division

RE: Williams_Brothers_Construction_WRTP_No._13831_Request_for_Information

Marc Anderson <[REDACTED]>

Thu 4/28/2022 12:17 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Good Afternoon Dr. Beerman,

I have received your e-mail, and will send you the information you have requested and the check.

Thank you,

Marc

From: Lillian Beerman [mailto:Lillian.Beerman@Tceq.Texas.Gov]

Sent: Tuesday, April 26, 2022 5:16 PM

To: Marc Anderson <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Williams_Brothers_Construction_WRTP_No._13831_Request_for_Information

Mr. Anderson,

Attached is a Request for Information for Application No. 13831 submitted by Williams Brothers Construction Company, Inc. for a Temporary Water Use Permit.

Please respond by COB Thursday, May 26, 2022.

If you have any questions or concerns, do not hesitate to contact me.

Thank you

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

Williams_Brothers_Construction_W RTP_No_13831_Request_for_Information

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 4/26/2022 5:16 PM

To: [REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (317 KB)

Williams Brothers_Construction_Co_13831_RFI_Sent_04.26.2022.pdf;

Mr. Anderson,

Attached is a Request for Information for Application No. 13831 submitted by Williams Brothers Construction Company, Inc. for a Temporary Water Use Permit.

Please respond by COB Thursday, May 26, 2022.

If you have any questions or concerns, do not hesitate to contact me.

Thank you

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 26, 2022

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Williams Brothers Construction Company, Inc.
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Lillian E. Beerman, Ph.D., Project Manager
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TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M214754	840209 032222 RHDAVIS	N CK	BS00093516 D2802292	22-MAR-22	-\$111.25
						Total (Fee Code):	-\$111.25

RECEIVED
MAR 23 2022
Water Availability Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Data on Applicant and Project: Social Security or Federal ID No. 741223844
A. Name: Williams Brothers Construction Co., Inc.
B. Mailing Address: P O Box 66428
C. Telephone Number: 713-668-6788 Fax Number: 713-668-8190 E-mail Address:
D. Applicant owes fees or penalties? Yes No
E. Describe Use of Water: Water used for highway construction on TxDOT
F. Description of Project (TDH Project No. if applicable): TxDOT Project NH1702 (007)
G. Highway Designation No.: IH-10 County: Waller

2. Type of Diversion (check one): [X] From Stream [] From Reservoir
3. Rate of Diversion:
A. Maximum 50 gpm (capacity of pump)

4. Amount and Source of Water:
10 acre-feet of water within a period of 3 (specify term period not to exceed a three year term). The water is to be obtained from Bessies Creek, tributary of Brazos River, tributary of Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 29.782 °N, Longitude -95.985 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) IH-10 (R-O-W) (Highway), located in Zip Code 77423, located 22.47 miles in a SE direction from Hempstead (County Seat), Waller County, and 2 miles in a Brookshire, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

6. Access to Diversion Point (check one): [X] Public right-of-way [] Private property [] Other (Explain)
7. Fees Enclosed:
Filing \$ 100.00
Recording \$ 1.25
Use (\$1.00 per ac-ft or fraction thereof) \$ 10.00
Total \$ 111.25
1 ac-ft = 325,851 gals. 1 ac-ft = 7758.35 bbls.

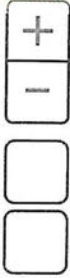
Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Marcus B. Anderson, P.E.
Name (sign) Name (print)

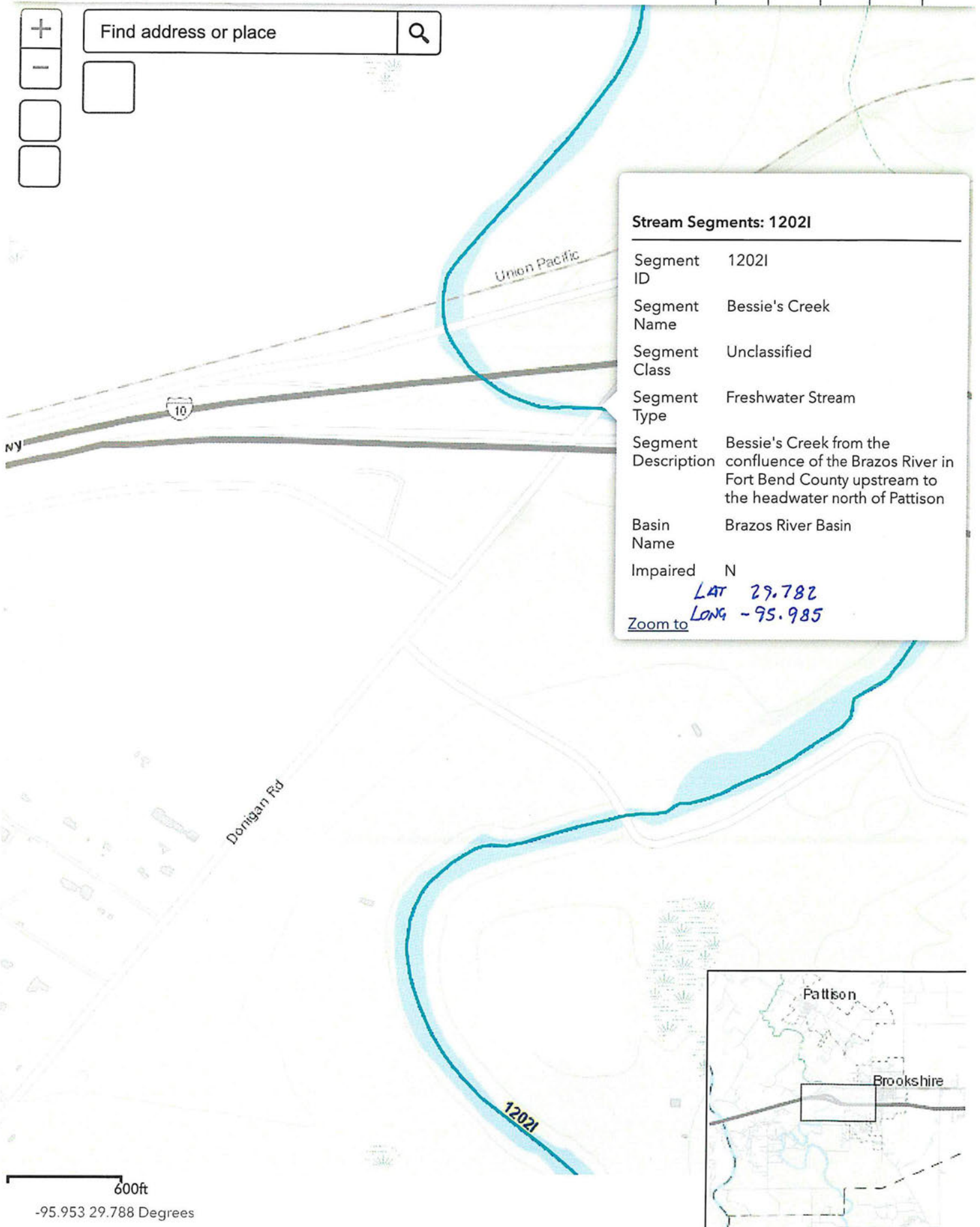
Subscribed and sworn to me as being true and correct before me this 9th day of MARCH, 2022

Susan Renee Arnold
Notary Public, State of Texas





Find address or place



Stream Segments: 12021

Segment ID	12021
Segment Name	Bessie's Creek
Segment Class	Unclassified
Segment Type	Freshwater Stream
Segment Description	Bessie's Creek from the confluence of the Brazos River in Fort Bend County upstream to the headwater north of Pattison
Basin Name	Brazos River Basin
Impaired	N
Zoom to	LAT 29.782 LONG -95.985

Dornigan Rd

12021



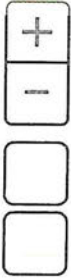
600ft
-95.953 29.788 Degrees



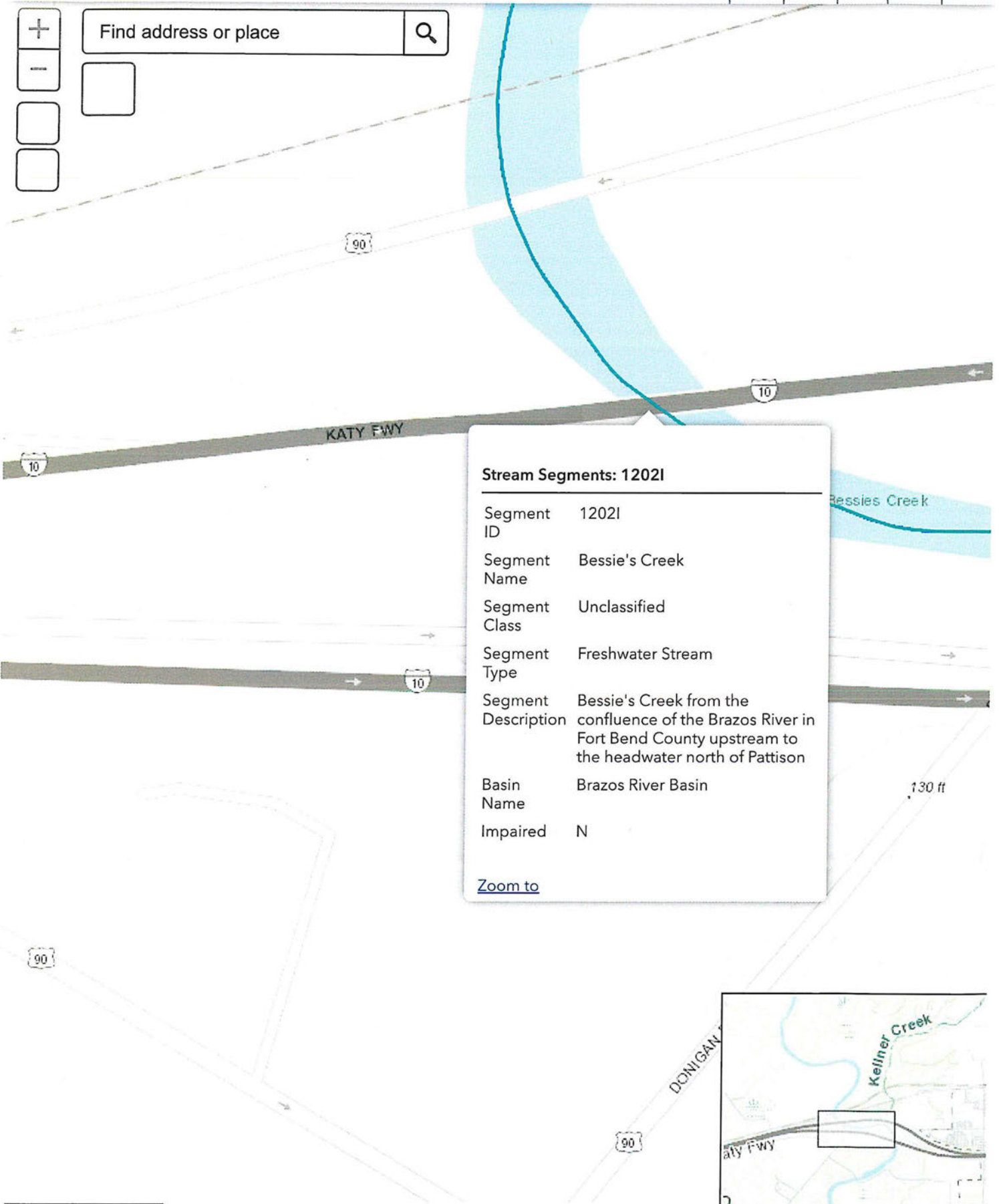
Surface Water Quality Viewer

version 4.0

Texas Commission on Environmental Quality



Find address or place



Stream Segments: 12021

Segment ID	12021
Segment Name	Bessie's Creek
Segment Class	Unclassified
Segment Type	Freshwater Stream
Segment Description	Bessie's Creek from the confluence of the Brazos River in Fort Bend County upstream to the headwater north of Pattison
Basin Name	Brazos River Basin
Impaired	N

[Zoom to](#)

200ft
-95.981 29.783 Degrees





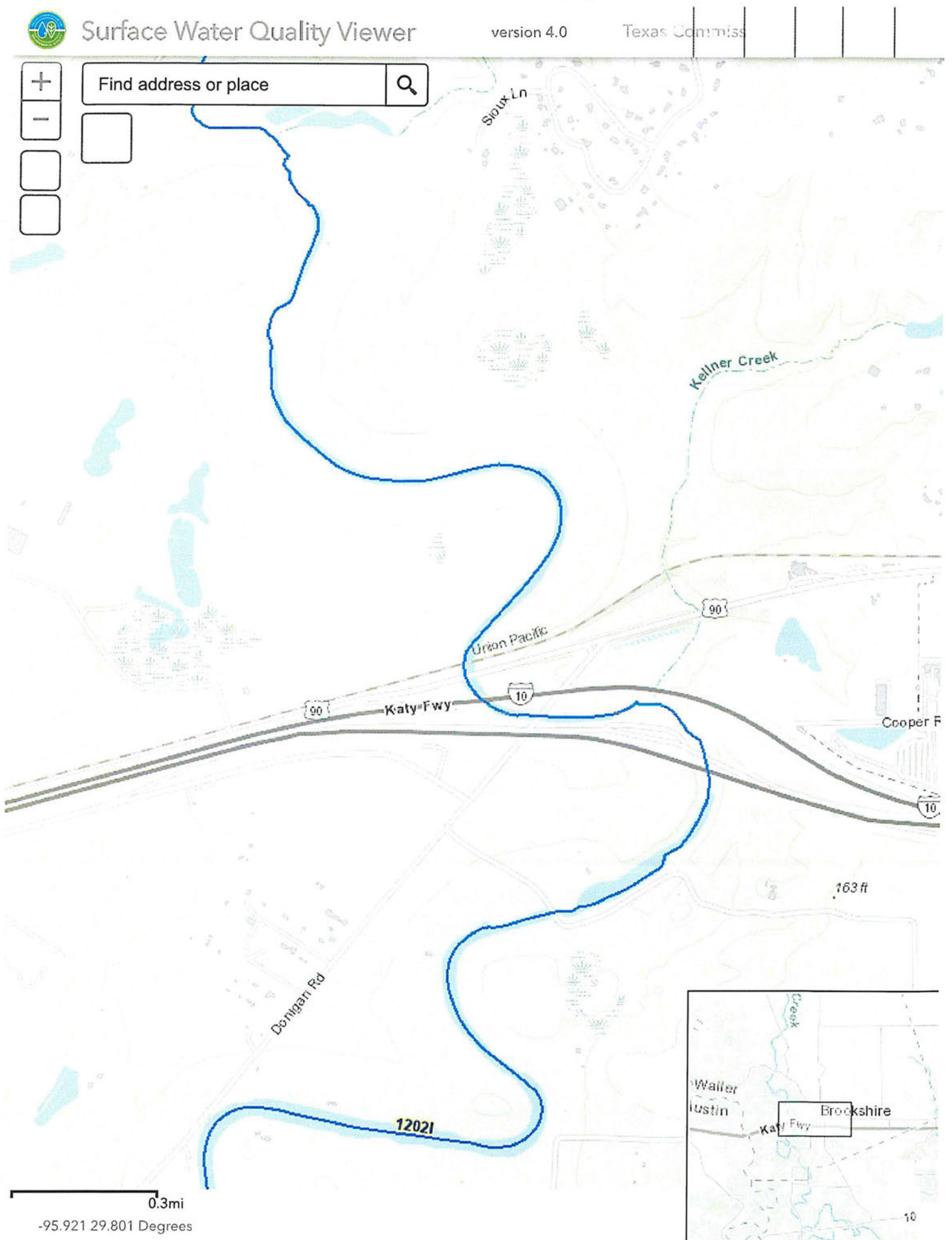
Surface Water Quality Viewer

version 4.0

Texas Commission on Environmental Quality



Find address or place





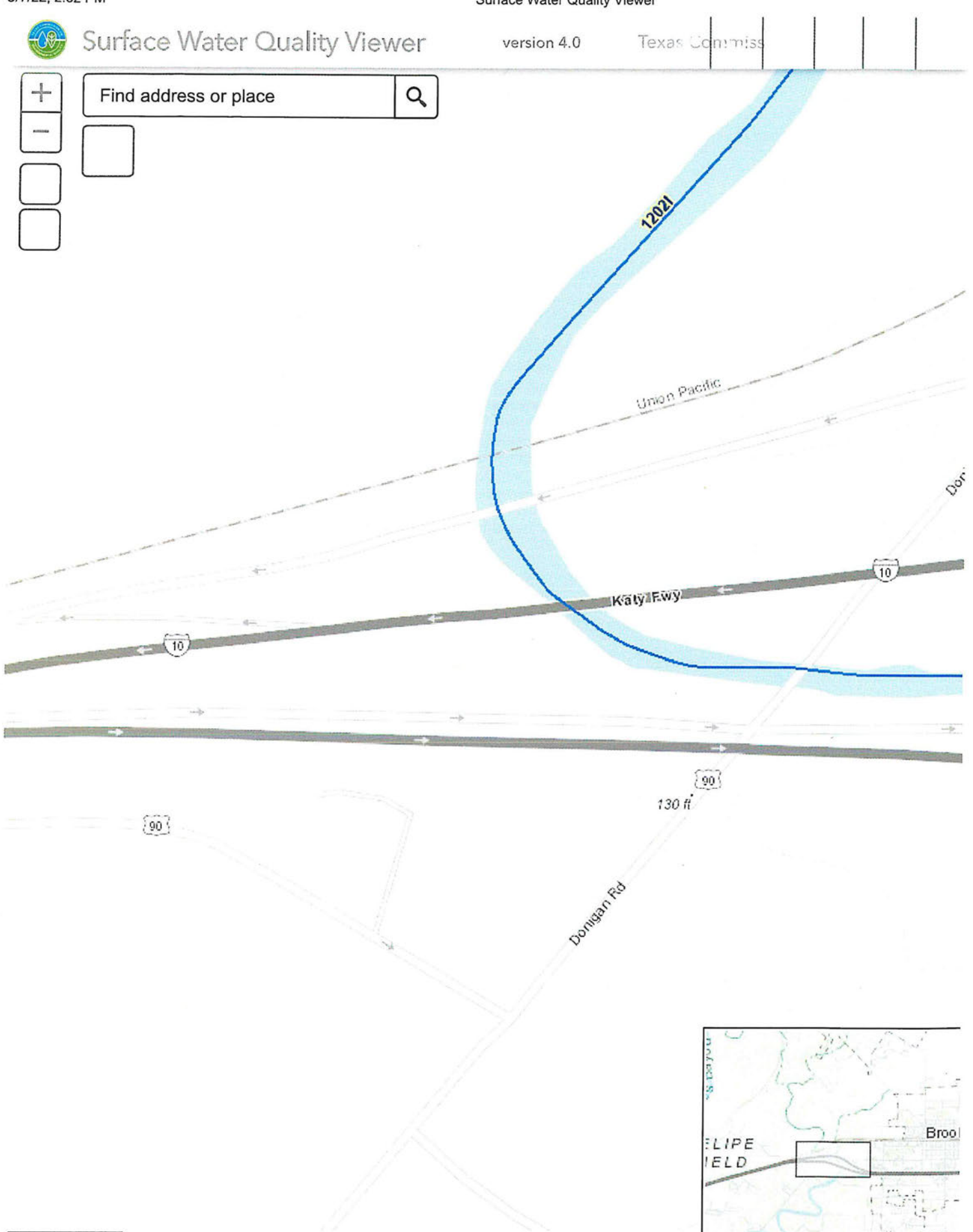
Surface Water Quality Viewer

version 4.0

Texas Commission on Environmental Quality



Find address or place



300ft

-95.971 29.786 Degrees

