

Chairman Bryan W. Shaw, Ph.D. EMERGENCY AGENDA  
Commissioner H.S. Buddy Garcia Thursday, October 1, 2009  
Commissioner Carlos Rubinstein

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:30 PM

12100 Park 35 Circle  
Building F, Room 4222

**Docket No. 2009-1599-UCR.** Meeting of the Texas Commission on Environmental Quality ("Commission") to consider a request filed on September 29, 2009, by **Glidden Fresh Water Supply District No. 1 ("GFWSO")** for the issuance of an Emergency Order to compel the **City of Columbus ("Columbus")** to provide an emergency interconnection for temporary sewer service in Colorado County, Texas, pursuant to Texas Water Code Section 13.041(d)(2) and Title 30, Section 291.14(a)(2) of the Texas Administrative Code.

GFWSO operates as a freshwater supply district that provides, among other services, retail sewer and operates a wastewater collection system that interconnects with a wastewater treatment plant owned by Columbus. GFWSO alleges that Columbus has accepted GFWSO's wastewater for treatment by Columbus since 1974. GFWSO alleges that it entered into a contract for wholesale wastewater service in 1976, a renewal contract in 2007, a temporary contract extending the 2007 renewal on February 2, 2009, and an interim contract effective February 6, 2009, and expiring on October 1, 2009. GFWSO alleges that on September 24, 2009, Columbus took formal action not to extend the interim contract and ordered the City Manager to cease acceptance of wastewater from GFWSO beginning on October 1, 2009. GFWSO alleges that Columbus has indicated that it intends to prevent the piping of GFWSO's wastewater to Columbus' wastewater treatment plant by sealing the pipe with concrete. GFWSO alleges that alternative options are not available for treatment of GFWSO's wastewater at this time.

The Commission may issue an emergency order to compel a retail public utility to provide an emergency interconnection with a neighboring retail public utility for the provision of temporary water or sewer service, or both, for not more than 90 days if service discontinuance or serious impairment in service is imminent or has occurred under Texas Water Code Section 13.041(d)(2) and Title 30, Section 291.14(a)(2) of the Texas Administrative Code. The Commission may establish reasonable compensation for the temporary service and may allow the retail public utility receiving the service to make a temporary adjustment to its rate structure to ensure proper payment under Texas Water Code Section 13.041(e) and Title 30, Section 291.14(a)(3) of the Texas Administrative Code. An urgent public necessity for this emergency meeting to consider the issuance of an emergency order exists, and immediate action is required because the eminent threat of the discontinuance of the collection and treatment of wastewater from the GFWSO's residents creates an imminent threat to public health and safety. The authority for holding the emergency meeting to consider this emergency order request is Texas Government Code Sections 551.045.

Grant the request by Glidden Fresh Water Supply District No. 1 ("District") for the issuance of an Emergency Order to compel the City of Columbus ("Columbus") to provide an emergency interconnection for temporary sewer service for 90 days; authorize Columbus to charge the District for the cost of wastewater service according to the rates and conditions set out in the interim agreement for sewer treatment services entered into by Columbus and the District effective on February 6, 2009; and issue the Executive Director's proposed Emergency Order. CR/BG; all agree.

/s/ Les Trobman  
General Counsel,  
Les Trobman

10/01/2009  
Date