

PUBLIC NOTICE OF MEETING



WOODWAY CITY COUNCIL

APRIL 13, 2020 – 5:30 P.M.

TAKE NOTICE THAT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF WOODWAY, TEXAS, WILL BE HELD VIA TELEPHONE CONFERENCE, COMMENCING AT 5:30 P.M. ON MONDAY, APRIL 13, 2020, TO CONSIDER AND ACT UPON ANY LAWFUL SUBJECT WHICH MAY COME BEFORE IT INCLUDING, AMONG OTHERS, THE ITEMS LISTED BELOW.

IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF WOODWAY WILL CONDUCT THE MEETING BY TELEPHONE CONFERENCE IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED “SOCIAL DISTANCING”) TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19).

THE MEETING AGENDA PACKET IS POSTED ONLINE AT WWW.WOODWAY-TEXAS.COM. THE PUBLIC TOLL-FREE DIAL-IN NUMBER TO PARTICIPATE IN THE TELEPHONIC MEETING IS 1-844-474-0925 WITH PARTICIPANT CODE 13244845.

THE PUBLIC WILL BE PERMITTED TO OFFER PUBLIC COMMENTS TELEPHONICALLY AS PROVIDED BY THE AGENDA AND AS PERMITTED BY THE PRESIDING OFFICER DURING THE MEETING.

ANY CITIZEN WHO WISHES TO ADDRESS THE “HEAR VISITORS” PORTION OF THE MEETING, PLEASE EMAIL YOUR COMMENT TO PUBLICCOMMENTS@WOODWAYMAIL.ORG NO LATER THAN 3:00 P.M. ON THE DAY OF THE CITY COUNCIL MEETING. UNDER STATE LAW, THE CITY COUNCIL MEMBERS AND STAFF ARE NOT ALLOWED TO DISCUSS YOUR COMMENT BUT CITY STAFF WILL CONTACT YOU REGARDING SPECIFIC ISSUES OR CONCERNS. PLEASE PROVIDE YOUR NAME, ADDRESS AND PHONE NUMBER.

AGENDA

CALL MEETING TO ORDER

INVOCATION

1. Invocation

PRESENTATIONS AND VISITORS

2. Hear visitors

This is the portion of the meeting where members of the public may be heard by the Council on any matter which is NOT listed as a separate item on the agenda. These comments received at

WOODWAY CITY COUNCIL AGENDA

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April 13, 2020 - 5:30 P.M.

Publiccomments@woodwaymail.org will be read aloud and recorded into the Minutes. If you wish to address an item which is listed on the agenda for this meeting, you will be given an opportunity to speak during consideration of that agenda item

PUBLIC HEARINGS AND RELATED ACTION

3. A. Public hearing on request for renewal of Special Use Permit (general) at 300 Merrifield Drive, Woodway, Texas, from Cathy Kurfess on behalf of Alltel Corporation d/b/a Verizon Wireless (operation of communication tower)
- B. Discussion and consider action on request for renewal of Special Use Permit (general)) at 300 Merrifield Drive, Woodway, Texas, from Cathy Kurfess on behalf of Alltel Corporation d/b/a Verizon Wireless (operation of communication tower)

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

4. Discussion and consider action on authorizing the City Manager to execute the Amended Memorandum of Ground Lease Agreement and the Second Amendment to the Ground Lease Agreement with Alltel Corporation d/b/a Verizon Wireless regarding existing cellular tower at 300 Merrifield Drive, Woodway, Texas
5. Discussion and consider action on updates and any needed item related to the Coronavirus
6. Discussion and consider action on authorizing the City Manager and Mayor to sign the required documents to transfer the ownership of the Waco Metropolitan Area Regional Sewer System "WMARSS" to the City of Waco
7. Discussion and consider action on minutes of the regular City Council meeting held March 23, 2020, at 5:30 p.m.

CITY MANAGER AND CITY COUNCIL REPORTS

8. City Manager's Report (Briefings or updates may be provided regarding City services, administrative/personnel matters, real estate/development, infrastructure, events, regulations, community and intergovernmental relations issues)
9. City Council Reports (Briefings or updates may be provided regarding City Council committee and liaison assignments)

CLOSING ITEMS

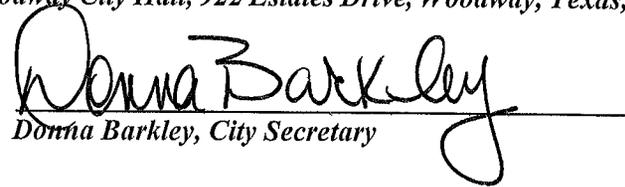
10. Consider action on the Open Meetings Act Resolution
11. Consider action on adjournment

WOODWAY CITY COUNCIL AGENDA

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April 13, 2020 - 5:30 P.M.

I certify that the above notice of meeting was posted at Woodway City Hall, 922 Estates Drive, Woodway, Texas, on the 9th day of April 2020 at 5:00 p.m.


Donna Barkley, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (254) 772-4480 or FAX (254) 772-0695 for further information.



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 13, 2020

Prepared By: Donna Barkley

Approved By: _____ 

- Presentation, Report and/or Discussion Only
- Public Hearing/Related Action
- Individual Discussion/Action
- Consent
- Executive Session

Caption:

- A. Public hearing on request for renewal of Special Use Permit (general) at 300 Merrifield Drive, Woodway, Texas, from Cathy Kurfess on behalf of Alltel Corporation d/b/a Verizon Wireless (operation of communication tower)
- B. Discussion and consider action on request for renewal of Special Use Permit (general) at 300 Merrifield Drive, Woodway, Texas, from Cathy Kurfess on behalf of Alltel Corporation d/b/a Verizon Wireless (operation of communication tower)

Background Information:

Verizon has requested a renewal of their general Special Use Permit for the operation of a communication tower. Verizon has held a permit at this site since 1994.

At the time of this writing, no resident complaints have been received as a result of the public hearing notices mailed. Following the first required public hearing on March 24th, the Planning and Zoning Commission took action to recommend approval of the request for renewal of their general Special Use Permit with an expiration date no later than October 31, 2024.

The maximum term for this type of special use permit is five years. However, in May of 2016 the special use permit was approved for a shorter term in order to coincide with the ground lease agreement expiration date of October 31, 2019, therefore, in order to have the ground lease agreement and the Special Use Permit (general) renew at the same time, the Special Use Permit (general) became eligible for renewal on November 1, 2019. Verizon has been in ground lease negotiations with the City since 2018 and the City is aware of the special use permit expiration and renewal efforts.

Financial Impact:

Total of Proposed Expenditure: \$
 Amount Budgeted: \$
 Account No.:
 If not budgeted, other funding options:

Staff Recommendation:

- A. Conduct public hearing.
- B. Recommend Council approve request for renewal of Special Use Permit (general) at 300 Merrifield Drive, Woodway, Texas, from Cathy Kurfess on behalf of Alltel Corporation d/b/a Verizon Wireless (operation of communication tower) If the recommendation is to approve the request, staff would recommend an expiration date no later than October 31, 2024.



**APPLICATION FOR SPECIAL USE PERMIT
CITY OF WOODWAY, TEXAS**

GENERAL (SECTION 2.4)

Fee Due	<u> \$70.00 </u>	Date of P&Z Hearing	<u> 3-24-20 </u>
Fee Paid	<u> </u>	Action of Commission	<u> </u>
Receipt Number	<u> </u>	Date of Council Hearing	<u> 4-13-20 </u>
		Action of Council	<u> </u>

PUBLIC HEARINGS REQUIRED

After review and determination by the City Manager regarding the need for a special use permit, certain uses may locate in certain areas under certain conditions by a special permit granted by the Council after a report and recommendation by the Planning and Zoning Commission. After receiving an application for permit, the Commission shall hold a public hearing to determine the effect of such proposed use upon the neighborhood character, traffic, public utilities, public health, public safety and general welfare. Such public hearing shall be the same and notices shall be given in accordance with State Statutes and City Ordinances regulating the rezoning of property. After receiving the report and recommendation of the Commission, the City Council shall hold a public hearing relative to the application for permit, said public hearing to be the same required by State Statutes and City Ordinances regulating the rezoning of property. The City Council takes the Planning and Zoning Commission's recommendations heavily into account.

IT IS IMPERATIVE THAT SOMEONE BE PRESENT AT BOTH THE PLANNING & ZONING COMMISSION AND CITY COUNCIL MEETINGS TO STATE THEIR REQUEST AND ANSWER ANY QUESTIONS.

SECTION I - TO BE COMPLETED BY APPLICANT

1. Applicant name: ALLTEL Corporation d/b/a Verizon Wireless

If applicant is a business, name of contact person: Cathy Kurfess

Mailing address 180 Washington Valley Road Attention Network Real Estate
City / State / Zip Bedminster, NJ 07921

Phone 5013504244 Fax N/A E-Mail cathy.kurfess@kgiwireless.com

2. Address of property 300 Merrifield, Woodway, TX

3. Zoning district in which property is located R-1

4. Type of business or description of activity for which permit is being requested _____

Operation of communication tower/associated equipment

5 Has request been made before? Yes If so, date/action Permit granted in 1994; renewed in 1995, 2000, 2004, 2005, 2010 (for 6 months), 2011 and 2016

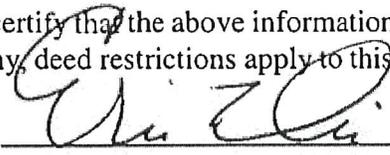
6. Have you operated without a permit? ? If yes, how long? October 31, 2019

7. How did you learn that a permit is required? Verizon has been in lease negotiations with The City of Woodway since 2018 and the City is aware of the lease expiration and renewal efforts.

8. Owner of property (if other than applicant) City of Woodway
Mailing address P.O Box 20937
City / State / Zip Waco, TX 76702-0937

Phone 254-772-4480 Fax 254-772-0695 E-Mail N/A

By signing below, I certify that the above information is true and correct, and that I have checked to determine what, if any, deed restrictions apply to this property, and none conflict with this request.

Applicant Signature  Date 2/27/20

Fee Must Accompany Application:

All special uses requiring inspections \$100.00
All other special uses 70.00

SECTION II - TO BE COMPLETED BY OWNER, IF OTHER THAN APPLICANT

My signature below is evidence that I consent to the activity described above being conducted on the property I own at _____ (address).

Owner Signature _____ Date _____

SECTION III - TO BE COMPLETED BY STAFF

Application reviewed by the City Manager 

Record of complaints (if applicable) Complaints from time to time regarding birds on the tower.

Permit history (if applicable) Permit granted in 1994; renewed in 1995, 2000, 2004, 2005, 2010 (for 6 months), 2011 and 2016

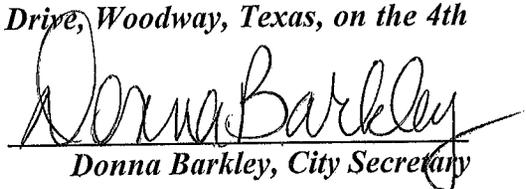
NOTICE OF PUBLIC HEARINGS



Notice is hereby given to all interested persons that the Planning and Zoning Commission of the City of Woodway will conduct a public hearing at Woodway City Hall (Donald J. Baker Council Chambers), 922 Estates Drive, Woodway, Texas, at 5:30 p.m. on Tuesday, March 24, 2020, on a request for the renewal of a General Special Use Permit (Verizon wireless communication tower) at 300 Merrifield, Woodway, Texas.

The Woodway City Council will conduct a public hearing on the request at Woodway City Hall (Donald J. Baker Council Chambers), 922 Estates Drive, Woodway, Texas, on Monday, April 13, 2020, at 5:30 p.m., and afterwards is scheduled to consider the recommendations of the Planning and Zoning Commission and take final action on the request.

This notice was posted at Woodway City Hall, 922 Estates Drive, Woodway, Texas, on the 4th day of March 2020 at 5:00 p.m.


Donna Barkley, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (254) 772-4480 or FAX (254) 772-0695 for further information.

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Request for Renewal of Special Use
Permit (General)
300 Merrifield – Alltel Corporation
d/b/a Verizon Wireless

Brandon Rhodes Oates
310 Westlane Circle
Woodway, TX 76712

Thomas John Moes
309 Westlane Circle
Woodway, TX 76712

James and Jennifer Hipp
308 Glenview Circle
Woodway, TX 76712

Randall Scrivner, et ux
310 Glenview Circle
Woodway, TX 76712

Will and Lisa Houck
311 Glenview Circle
Woodway, TX 76712

Kevin and Monita Keathley
310 Trailwood Drive
Woodway, TX 76712

David and Judy Piccianadra
312 Trailwood Drive
Woodway, TX 76712

Gerald W. Purdy, et ux
401 Woodfall Drive
Woodway, TX 76712

Bernice Willman
403 Woodfall Drive
Woodway, TX 76712

Bradley and Sara Herbelin
405 Woodfall Drive
Woodway, TX 76712

Jacquelyn Hawkins
500 B. Chapel Trail Circle
Waco, TX 76712

Ralph Lee, et ux
402 Woodfall Drive
Woodway, TX 76712

Tiffany and Andrew Hogue
400 Riverview Drive
Woodway, TX 76712

Ronald Leifeste, et ux
12000 Riverview Drive
Woodway, TX 76712

Cathy Kurfess
Alltel Corporation d/b/a Verizon
Wireless
180 Washington Valley Road
Bedminster, NJ 07921

Staff Recommendation:

Staff recommends that the Council authorize the City Manager to execute the Amended Memorandum of Ground Lease Agreement and the Second Amendment to the Ground Lease Agreement with Alltel Corporation d/b/a Verizon Wireless regarding existing cellular tower at 300 Merrifield Drive, Woodway, Texas.

This Instrument Was Prepared By
and When Recorded Mail to:
Anne Marie Kempf, Esq.
Baker Donelson, Bearman, Caldwell & Berkowitz, PC
211 Commerce Street, Suite 800
Nashville, Tennessee 37201

Cross Reference:
Doc# 004593
Doc# 2014037988

AMENDED MEMORANDUM OF GROUND LEASE AGREEMENT

This Amended Memorandum of Ground Lease Agreement ("**Amended Memorandum**") is entered into this ____ day of _____, 2020, by and between the **City of Woodway, Texas ("Lessor")**, with principal offices located at 922 Estates Drive, Woodway, Texas 76712, and **Alltel Corporation d/b/a Verizon Wireless**, with its principal office located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("**Lessee**"). The Lessor and Lessee are at times collectively referred to hereinafter as the "**Parties**" or individually as the "**Party**".

WHEREAS, Lessor is the owner of a parcel of property located in Woodway, McLennan County, Texas (the "**Property**") described in **Exhibit A**, attached hereto and incorporated herein by reference; and

WHEREAS, Lessor leases a portion of the Property to Lessee pursuant to the Ground Lease Agreement dated November 15, 1994, as amended by the First Amendment to Ground Lease Agreement dated December 8, 2014 (collectively, the "**Agreement**"), memorialized by the Memorandum of Lease Agreement recorded in Document No. 004593, and the Memorandum of First Amendment to Ground Lease Agreement recorded in Document No. 2014037988 (collectively, the "**Memorandum**"), in the Office of the County Clerk of McLennan County, Texas; and

WHEREAS, the Parties entered into a Second Amendment to Ground Lease Agreement of even date herewith (the "**Amendment**"), which amends the Agreement by extending the term, and

LESSEE SITE NAME: Woodway
LESSEE CONTRACT NUMBER: 85337

therefore, Lessor and Lessee wish to amend the Memorandum to reflect the additional renewal term.

NOW, THEREFORE, for and in consideration of the covenants and promises of the Parties set forth herein and in the Agreement, and for other good and valuable consideration, the receipt, adequacy and sufficiency of which are expressly acknowledged by the parties, Lessor and Lessee agree and acknowledge for themselves and their respective successors and assigns, as follows:

1. Upon the Agreement's expiration of October 31, 2019, the Agreement will be renewed for one additional five (5) year term expiring October 31, 2024.

2. The Agreement is binding upon Lessor and Lessee, and their respective successors and assigns.

3. This Memorandum contains only selected provisions of the Agreement and reference is made to the full text of the Agreement for all of the applicable terms and conditions. This Amended Memorandum does not, in any way, amend or supersede the terms and conditions of the Memorandum or the Agreement.

[Balance of page intentionally left blank]

[Signature pages follow]

LESSEE SITE NAME: Woodway
LESSEE CONTRACT NUMBER: 85337

IN WITNESS WHEREOF, the Parties have executed this Amended Memorandum effective as of the day and year first above written.

LESSOR:

City of Woodway, Texas

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____

LESSEE:

**Alltel Corporation
d/b/a Verizon Wireless**

By: _____

Jacob Hamilton
Director - Network Field Engineering

LESSEE SITE NAME: Woodway
LESSEE CONTRACT NUMBER: 85337

STATE OF TEXAS)
COUNTY OF McLENNAN)

Before me, the undersigned Notary Public, personally appeared Shawn Oubre, the City Manager of the City of Woodway, Texas, with whom I am personally acquainted (or whose identity was proven to me on the basis of satisfactory evidence), and affirmed that (s)he executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal, this _____ day of April, 2020.

NOTARY PUBLIC

Printed Name: _____

My Commission Expires:

[SEAL]

STATE OF TEXAS)
COUNTY OF _____)

Before me, the undersigned officer, personally appeared Jacob Hamilton, with whom I am personally acquainted (or whose identity was proven to me on the basis of satisfactory evidence), who acknowledged himself to be the Director - Network Field Engineering of **Alltel Corporation d/b/a Verizon Wireless**, and affirmed that, being duly authorized, he executed the foregoing instrument on behalf of Alltel Communications, LLC d/b/a Verizon Wireless for the purposes therein contained.

Witness my hand and seal this ____ day of _____, 2019.

NOTARY PUBLIC

Printed Name: _____

My Commission Expires:

[SEAL]

LESSEE SITE NAME: Woodway
LESSEE CONTRACT NUMBER: 85337

Exhibit A

A Tract of land containing 0.958 acres, more or less, in the J. Q. Merrifield Survey, Abstract No. 320, McLellan County, Texas and being more particularly described in deed recorded in Volume 1352, Page 146, McLennan County Deed Records.

LESSEE SITE NAME: Woodway
LESSEE CONTRACT NUMBER: 85337

SECOND AMENDMENT TO
GROUND LEASE AGREEMENT

This Second Amendment to Ground Lease Agreement (this "**Amendment**") is made and entered into this _____ day of _____, 2020 (the "**Effective Date**"), by and between **City of Woodway, Texas ("Lessor")**, and **Alltel Corporation d/b/a Verizon Wireless ("Lessee")**. Lessor and Lessee are at times collectively referred to hereinafter as the "**Parties**" or individually as the "**Party**."

WHEREAS, Lessor and Centel Cellular Company of Texas Limited Partnership, Lessee's predecessor in interest, entered into the Ground Lease Agreement dated November 15, 1994, as amended by the First Amendment to Ground Lease Agreement dated December 8, 2014 (collectively, the "**Lease**"), pursuant to which Lessor leases to Lessee ground space on which Lessee constructed a tower located at State Highway 84 and Merrifield Drive, Woodway, McLennan County, Texas (the "**Site**"); and

WHEREAS, the Parties also entered into an Easement Agreement [providing for required landscaping at the Site] dated November 13, 2000;

WHEREAS, the Parties desire to amend the Lease to provide for additional extension periods.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Any capitalized term used in this Amendment that is not defined herein has the meanings given that term in the Lease.
2. Term. The Parties acknowledge and agree that the Commencement Date of the Lease is November 15, 1994. The Lease is currently in the 4th extension period which will expire on October 31, 2019.
3. Renewal Options. The Parties agree that the term of the Lease will renew for one additional 5-year renewal period commencing November 1, 2019, through October 31, 2024 ("**Extension Term**") subject to all of the terms and conditions contained in the Lease.
4. Rent. Effective November 1, 2019, the annual rent shall be \$18,900.00, payable in equal monthly installments on the first day of the month, in advance, to Lessor, or to any such other person, form or place as Lessor may, from time to time, designate in writing at least 30 days in advance of any rental payment date by notice given in accordance with the Lease, as amended herein.
5. Replacement Tower. The Parties anticipate that the County of McLennan, Texas ("**County**"), will build a replacement tower adjacent to the Premises, and that upon completion of the new tower by the County, Lessee and the County will enter into a new lease for space on the County's new tower ("**New Lease**"). The Parties hereby agree that upon commencement of the New Lease, the Lease will terminate.

LESSEE SITE NAME: Woodway
LESSEE CONTRACT NO: 85337

6. Notices. Lessee's Notice address for purposes of the lease is hereby updated as follows:

Lessee: Alltel Corporation d/b/a Verizon Wireless
ATTN: Network Real Estate
180 Washington Valley Road
Bedminster, NJ 07921

7. Authority. The Parties each hereby warrant to the other that the person executing this Amendment on behalf of the warranting Party has the full right, power and authority to enter into, and execute, this Amendment on that Party's behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment.

8. Except as specifically provided in this Amendment, the Lease shall remain in full force and effect and shall continue to be binding upon, and enforceable against, Lessor and Lessee in accordance with its terms. All covenants, terms and obligations of the Lease not modified by this Amendment are hereby ratified and affirmed. The terms and provisions of this Amendment shall control in the event of any inconsistency or discrepancy between the Lease and this Amendment.

[Balance of page intentionally left blank]

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LESSEE SITE NAME: Woodway
LESSEE CONTRACT NO: 85337

IN WITNESS WHEREOF, Lessor and Lessee have executed this Amendment effective as of the Effective Date.

LESSOR:

City of Woodway, Texas

LESSEE:

**Alltel Corporation
d/b/a Verizon Wireless**

By: _____
Printed Name: Shawn Oubre
Title: City Manager

By: _____
Jacob Hamilton
Director – Network Field Engineering

Date: _____

Date: _____

ATTEST:

By: _____
Printed Name: _____
Title: _____

Date: _____

Approved to as to Form:

By: _____
Printed Name: _____
Title: _____

Date: _____



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 13, 2020

Prepared By: Crystal Stark

Approved By: 

- Presentation, Report and/or Discussion Only
- Public Hearing/Related Action
- Individual Discussion/Action
- Consent
- Executive Session

Caption:

Discussion and consider action on authorizing the City Manager and Mayor to sign the required documents to transfer the ownership of the Waco Metropolitan Area Regional Sewer System "WMARSS" to the City of Waco.

Background Information:

The City of Waco is starting the process to transfer the permit for the Waco Metropolitan Area Regional Sewer System "WMARSS" wastewater treatment plants to the City of Waco.

The TCEQ require each member City of WMARSS to complete appropriate paperwork for each treatment plant. The Core Data from can be signed by the City Manager or Mayor, but the Application to Transfer a Wastewater Permit needs to be signed by the Mayor. The transfer forms need the Mayors signature, and to be notarized.

Financial Impact:

Total of Proposed Expenditure:	\$	0
Amount Budgeted:	\$	0
Account No.:		N/A
If not budgeted, other funding options:		N/A

Staff Recommendation:

Staff recommends that the Council authorize the City Manager and Mayor to sign the required documents to transfer the ownership of the Waco Metropolitan Area Regional Sewer System "WMARSS" to the City of Waco.

Packet Pg. 23 23. Street Address of the Regulated Entity: (No PO Boxes)	1147 Treatment Plant Rd						
	City	Waco	State	TX	ZIP	76706	ZIP + 4
24. County							

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:								
26. Nearest City	Waco				State	TX	Nearest ZIP Code	76706
27. Latitude (N) In Decimal:	31.52861111			28. Longitude (W) In Decimal:	-97.06472222			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds			
31	31	43	-97	3	53			
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)	31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)				
		22132						
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)								
Wastewater Treatment								
34. Mailing Address:	P.O. Box 2570							
	City	Waco	State	TX	ZIP	76702	ZIP + 4	2570
35. E-Mail Address:								
36. Telephone Number		37. Extension or Code		38. Fax Number (if applicable)				
(254) 299-2450				() -				

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
WQ0011071001				

SECTION IV: Preparer Information

40. Name:	Cliff NeSmith	41. Title:	Utilities Plant Operations Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(254) 299-2451		() -	Glennn@wacotx.com

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	City of Woodway	Job Title:	City Manager
Name (In Print):	Shawn Oubre	Phone:	(254) 772-4480
Signature:		Date:	



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION TO TRANSFER A WASTEWATER PERMIT
OR CAFO PERMIT

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

SECTION 1. CURRENT PERMIT INFORMATION

What is the Permit Number? [WQ0011071001](#)

What is the EPA I.D. Number? TX [0026506](#)

What is the Current Name on the Permit?

[Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson, Hewitt, and Lorena](#)

What is the Customer Number (CN) for the current permittee? CN [600131940](#), [600343842](#), [600516181](#), [600637987](#), [600641765](#), [600693105](#) and [600738348](#)

What is the Regulated Entity Reference Number (RN): RN [102097235](#)

For Publicly Owned Treatment Works (POTWs) Only:

- a) Does this permit require implementation of an approved pretreatment program by the POTW? Yes No
- b) Does this permit have a domestic reclaimed water authorization associated with it?
NOTE: The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place. See instructions for more information.
Yes No

SECTION 2. FACILITY OWNER (APPLICANT) INFORMATION

A. What is the Legal Name of the facility owner?

[Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson, Hewitt and Lorena](#)

B. What is the Customer Number (CN) issued to this entity? CN [CN600131940](#)

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

SECTION 3. CO-APPLICANT INFORMATION

Complete this section only if another person or entity is required to apply as a co-permittee.

A. What is the Legal Name of the co-applicant applying for this permit?

N/A

B. What is the Customer Number (CN) issued to this entity? CN N/A

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

SECTION 4. APPLICATION CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed about this application.

Application Contact First and Last Name: Cliff NeSmith

Title: Utilities Plant Operations Manager

Credentials: A Water/A WW

Company Name: City of Waco

Mailing Address: P.O. Box 2570

City, State, and Zip Code: Waco, Texas 76702-2570

Phone Number: 254-299-2451 Fax Number: 

E-mail Address: GlennN@wacotx.gov

SECTION 5. PERMIT CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed during the term of the permit.

Permit Contact First and Last Name: Cliff NeSmith

Title: Utilities Plant Operations Manager

Credentials: A Water/A WW

Company Name: City of Waco

Mailing Address: P.O. Box 2570

City, State, and Zip Code: Waco, Texas 76702-2570

Phone Number: 254-299-2451 Fax Number: 

E-mail Address: GlennN@wacotx.gov

SECTION 6. SITE INFORMATION

Site Name: Waco Metropolitan Area Regional Sewerage System (WMARSS)

SECTION 7. LEASE AND EASEMENT REQUIREMENTS

A. Landowner where the facility is or will be located:

Landowner Name: [REDACTED]

If this individual is not the same person as the facility owner or co-applicant, attach one of the following documents:

- A lease agreement or deed recorded easement, if the facility is NOT a fixture of the land, or
- A deed recorded easement if the facility IS a fixture of the land.

B. Landowner of the effluent disposal site:

Landowner Name: [REDACTED]

If this individual is not the same person as the facility owner or co-applicant, attach a lease agreement.

C. For CAFOs: Attach the following records:

- Warranty Deed or Property Tax Records
- Lease Agreement (for land management units that are not owned by the facility owner or co-applicant)

Facility Size on the proof of ownership, in acres: [REDACTED]

SECTION 8. TRANSFER DATE

What is the date that the transfer of operator or ownership will occur? 10/1/2019

SECTION 9. REPORTING AND BILLING INFORMATION

A. Please identify the individual for receiving the reporting forms.

First and Last Name: Cliff NeSmith

Title: Utilities Plant Operations Manager

Credentials: A Water/A WW

Company Name: City of Waco

Mailing Address: P.O. Box 2570

City, State, and Zip Code: Waco, Texas 76702-2570

Phone Number: 254-299-2451 Fax Number: [REDACTED]

E-mail Address: GlennN@wacotx.gov

B. Please identify the individual for receiving the annual fee invoices.

First and Last Name: Mindy Smith

Title: Utility Finance Officer

Credentials:

Company Name: [City of Waco](#)

Mailing Address: [P.O. Box 2570](#)

City, State, and Zip Code: [Waco, Texas 76702-2570](#)

Phone Number: [254-750-8021](#) Fax Number: [REDACTED]

E-mail Address: MindyS@wacotx.gov

SECTION 10. DELINQUENT FEES OR PENALTIES

Do you owe fees to the TCEQ? Yes No

Do you owe any penalties to the TCEQ? Yes No

If you answered yes to either of the above questions, provide the amount owed, the type of fee or penalty, and an identifying number.

[REDACTED]

TRANSFEROR SIGNATURE (Current Facility Owner)

I consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Owner Name: Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson, Hewitt and Lorena

Title: Mayor, City of Woodway

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20 _____

My commission expires on the _____ day of _____, 20 _____

(Seal)

Notary Public

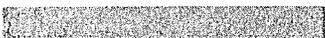
County, Texas

TRANSFEROR SIGNATURE (Current Facility Co-Applicant)

Complete if a co-applicant is on the current permit.

I consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Co-Applicant Name: 

Title: 

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20_____

My commission expires on the _____ day of _____, 20_____

(Seal)

Notary Public

County, Texas

TRANSFeree SIGNATURE (New Facility Owner)

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the owner of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

New Facility Owner: City of Waco

Title: Mayor, City of Waco

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20 _____

My commission expires on the _____ day of _____, 20 _____

(Seal)

Notary Public

County, Texas

TRANSFeree SIGNATURE (New Facility Co-Applicant)

Complete if a co-applicant is required.

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the operator of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

New Facility Co-Applicant: [REDACTED]

Title: [REDACTED]

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20_____

My commission expires on the _____ day of _____, 20_____

(Seal)

Notary Public

County, Texas

SITE OPERATOR SIGNATURE

Complete only for permits that include composting facilities, land application and/or disposal of sewage sludge **AND** the transferee does not own the land where the disposal activity is conducted.

I understand that I am responsible for operating the site described in the legal description in accordance with the Texas Commission on Environmental Quality requirements in 30 TAC, Chapter 332 and/or 312, the conditions set forth in the permit, and any additional conditions as required by the Texas Commission on Environmental Quality. I also certify under penalty of law that all information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment for violations, and revocation of this permit.

Site Operator Name: _____

Title: _____

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20 _____

My commission expires on the _____ day of _____, 20 _____

(Seal)

Notary Public

County, Texas

LAND OWNER SIGNATURE

Complete Only If Landowner Is Not the Site Operator

I certify that I am the owner of the land described in this application and have all rights and covenants to authorize the applicant for this permit, to use this site for the composting, disposal and/or land application. I understand that 30 Texas Administrative Code Chapters 332 and 312 require me to make a reasonable effort to see that the applicant complies with requirements in 30 Texas Administrative Code Chapters 332 and 312, the conditions set forth in this application, and any additional conditions as required by the Texas Commission on Environmental Quality. I also certify under penalty of law that all information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment for violations, and revocation of this permit.

Landowner Name: 

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20 _____

My commission expires on the _____ day of _____, 20 _____

(Seal)

Notary Public

County, Texas

ATTACHMENT 1

INDIVIDUAL INFORMATION

Section 1. Individual Information

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., Miss): [REDACTED]

Full legal name (first, middle, last): [REDACTED]

Driver's License or State Identification Number: [REDACTED]

Date of Birth: [REDACTED]

Mailing Address: [REDACTED]

City, State, and Zip Code: [REDACTED]

Phone Number: [REDACTED]

Fax Number: [REDACTED]

E-mail Address: [REDACTED]

CN: [REDACTED]

For Commission Use Only:

Customer Number:

Regulated Entity Number:

Permit Number:

INSTRUCTIONS

This application applies to:

- Industrial and municipal permits authorized under 30 TAC Chapter 305.
- CAFO permits authorized under 30 TAC Chapter 321
- Domestic Reclaimed Water Authorizations authorized under 30 TAC Chapter 210

A permit must be transferred when a change in ownership or co-permittee occurs. A transfer application is only required for a change in operator if the operator is, or is required to be, a co-permittee on the current permit.

A transfer application must be submitted at least 30 days before the proposed transfer date.

Where to Send the Application Form

A Core Data Form and one original and one copy of the application, including attachments, must be provided to the address below:

Regular U.S. Mail:

Texas Commission on Environmental
Quality
Applications Review and Processing Team,
MC 148
PO Box 13087
Austin TX 78711-3087

For Express Mail or Hand Delivery:

Texas Commission on Environmental
Quality
Applications Review and Processing Team,
MC 148
Building F Room 2101
12100 Park 35 Circle
Austin TX 78753

TCEQ Contact List

Permit Information and Application Forms:	512-239-4671
Technical Information	512-239-4671
Environmental Law Division:	512-239-0600
Stream Survey and Receiving Water Assessment:	512-239-4671
Biomonitoring Testing Requirements:	512-239-4592

Copies of records on file with the TCEQ may be obtained for a minimal fee from the Records Management Office at 512-239-2900.

Application Fee

An application fee of \$100.00 must be paid by check or money order made payable to the Texas Commission on Environmental Quality. Fees must be sent under separate cover making reference to the type of application, name of applicant, and permit number of existing permit.

Mail the application fee to:
Texas Commission on Environmental Quality
Revenues Section, MC 214
PO Box 13088
Austin TX 78711-3088

To verify receipt of payment or any other questions you may have regarding payment of fees to the TCEQ, you may call the Revenues Section, Cashiers Office at (512) 239-0357.

Who Is Responsible and Liable for Compliance With The Permit Or Registration During Transfer Activities

The entity/individual to whom a permit is issued is held responsible and liable for complying with the terms and conditions of the permit. The permit may be transferred upon approval by the Texas Commission on Environmental Quality (TCEQ). An attempted transfer is not effective for any purpose until approved, in writing, by the TCEQ.

If no agreement regarding transfer of permit responsibility and liability is provided, responsibility for compliance with the terms and conditions of the permit and liability for any violation is assumed by the transferee, effective on the date of the approved transfer. This section is not intended to relieve a transferor of any liability.

If a person attempting to acquire a permit operates the facility before transfer approval is given, such person shall be considered to be operating without a permit.

The TCEQ may refuse to approve a transfer where conditions of a judicial decree, compliance agreement, or other enforcement order have not been entirely met.

Current Permit Information

Provide the TCEQ permit number for the authorization being transferred.

Provide the EPA I.D. number for the permit being transferred.

Provide the current name on the permit. The information provided must match the current permit exactly.

Provide the customer number (CN) for the current permittee. TCEQ assigns each customer a number that begins with CN, followed by nine digits. This is not a permit number, registration number, or license number. The Customer Number, for the current permittee, is available at the following website: <http://www15.tceq.texas.gov/crpub/>.

Provide the regulated entity reference number (RN) for the site. The RN is a number issued by TCEQ to sites where an activity is regulated by TCEQ. This is not a permit number, registration number, or license number. The RN is available at the following website: <http://www15.tceq.texas.gov/crpub/>.

For Publicly Owned Treatment Works (POTWs):

- Indicate if this permit requires the POTW to implement an approved pretreatment program. The transferee must contact the Storm Water & Pretreatment Team staff before this application may be transferred.
- Indicate if this permit has an associated domestic reclaimed water authorization. **The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place.** If the new owner wants to obtain a domestic reclaimed water authorization, please complete and submit the Application to Use Domestic Reclaimed Water (TCEQ-20427).

Facility Owner (Applicant) and Co-Applicant Information

Provide the name(s) and complete and attach a Core Data Form (TCEQ-10400) for these customers.

Texas Pollutant Discharge Elimination System (TPDES) permits: it is the duty of the facility operator to submit an application for a permit as co-permittee with the facility owner when the operator is contracted by the owner. The operator is not required to apply as co-permittee when the operator is an employee of the facility owner. If the owner of the facility is not the same as the owner of the land, please see Lease and Easement Requirements in the next section below.

Texas Land Application Permits: it is the duty of the owner of the facility to submit an application for a permit. If the owner of the facility is not the same as the owner of the land, please see Lease and Easement Requirements in the next section below. In special circumstances, it is the duty of the owner and the operator of the treatment facility to submit an application for a permit, as co-permittees.

CAFOs: the owner of the land must be either the applicant or co-applicant. If the owner of the facility is a separate entity or individual, then the owner of the facility must be included as the applicant or co-applicant. For all CAFO TPDES permits, the operator must be listed as a co-applicant. A signature page must be completed for each applicant. A copy of a recorded deed or tax records showing ownership, or a copy of a contract or lease agreement between the applicant and the owner/operator of any lands to be utilized under the CAFO must be provided. This requirement does not apply to any lands not owned, operated, or controlled by the applicant for the purpose of off-site land application of manure if the manure is given or sold to others for beneficial use, provided the owner/operator of the CAFO is not involved in the application of the manure.

Application Contact Information

Provide the name and contact information for the person that TCEQ will contact if additional information is needed about this application.

Permit Contact Information

Provide the name and contact information for the person that TCEQ will contact if additional information is needed during the term of the permit or registration.

Site Information

Provide the name of the site as known by the public in the area where the site is located.

Lease and Easement Requirements

Provide the name and contact information for the owner where the facility is or will be located if the landowner is not the applicant or co-applicant.

Provide the name and contact information for the owner of the effluent disposal site if the landowner is not the applicant or co-applicant.

If the owner of the land on which the treatment facility is located is different from the owner of the treatment facility and the treatment facility is not a fixture of the land, the applicant must provide a copy of a lease agreement or recorded easement giving the applicant authorization to use the land on which the treatment plant is located for at least the term of the permit.

If the owner of the land on which the treatment facility is located is different from the owner of the treatment facility and the treatment facility is a fixture of the land, (Example: pond system, evaporation pond, units halfway in ground, holding ponds, etc.) the owner of the land will need to provide a copy of a deed recorded easement giving the applicant sufficient property rights to use the land for the life of the facility, or apply as a co-permittee with the owner of the treatment facility.

If the applicant does not own the land where the effluent disposal site is located, the applicant must provide a copy of a lease agreement which includes a term of at least 5 years, and is current or if the lease term has passed it includes an option to renew the term, and is between the current applicant and the landowner.

For CAFOs: A copy of a recorded deed or tax records showing ownership, or a copy of a contract or lease agreement between the applicant and the owner/operator of any lands to be utilized under the CAFO must be provided. This requirement does not apply to any lands not owned, operated, or controlled by the applicant for the purpose of off-site land application of manure if the manure is given or sold to others for beneficial use, provided the owner/operator of the CAFO is not involved in the application of the manure.

Transfer Date

Provide the date that the transfer of ownership or operator will occur. Please note that this transfer application will not be processed until after the transfer date provided in this application. If the anticipated transfer date changes, the transferee or the transferor must notify the Applications Review and Process Team in writing, prior to the transfer date provided in this application.

Reporting and Billing Information

Provide the name and contact information for the individual that will receive the reporting forms and the annual fee invoices.

The water quality fee is assessed annually for each permit that is active on September 1

Pursuant to 30 TAC, Section 305.66, failure to pay fees is good cause for permit denial or revocation. If an applicant has outstanding fees, a proposed permit application will not be considered for approval by the Commission or Executive Director. For account balance information, contact the Financial Administration Division, Revenue Section, at (512) 239-0344.

Delinquent Fees and Penalties

The TCEQ will not issue, amend, or renew permits, registrations, certifications, or licenses to an entity or person who is delinquent on a penalty or fee owed to the TCEQ. The TCEQ will not declare any application administratively complete that is submitted by a person or entity who is delinquent on a fee or penalty until the fee or penalty is paid, or if on an approved installment plan, that payments under the plan are current. The TCEQ will withhold final action on an application until the fee or penalty is paid and the account is current, if after the application is considered administratively complete, we discover that the owner or entity who submitted the application is delinquent on a fee or penalty.

The following TCEQ website will help you determine if you owe any fees or penalties to the TCEQ and how to make a payment: <https://www.tceq.texas.gov/agency/fees/delin/index.html>. If fees or penalties are owed, please identify the type of fee or penalty owed, the amount owed, and the TCEQ identifying number. For penalties, please provide the TCEQ docket number

For questions about delinquent fees and penalties, contact the Financial Administration Division, Revenue Section, at 512-239-0354.

Signature Requirements

In accordance with 30 Texas Administrative Code §305.44 relating to Signatories to Applications, all applications shall be signed as follows:

For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency,

or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

The signature page must bear the seal of a notary public. The date signed by the applicant must be the same as the date notarized. The signature page will not be acceptable if the dates are different.

If the transferee is unable to obtain the signature of the transferor, the permit may still be transferred by involuntary transfer if:

- the current permittee no longer owns the permitted facilities
- the facilities have not been built and the permittee no longer has sufficient property rights in the site of the proposed facilities
- proof of ownership of the site and treatment facility has been provided by the transferee
- the executive director has provided notice by certified mail to the permittee, using the last address of record, giving an opportunity for hearing
- the executive director did not receive a request for hearing from the permittee within 30 days from the date the notice was mailed.

• **Attachment 1 Individual Information**

If the applicant or co-applicant is an individual, provide information on the individual as required by the Texas Water Code. The address provided must be the individual's home address.



TCEQ Core Data Form

TCEQ Use Only

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission <i>(If other is checked please describe in space provided.)</i> <input type="checkbox"/> New Permit, Registration or Authorization <i>(Core Data Form should be submitted with the program application.)</i> <input type="checkbox"/> Renewal <i>(Core Data Form should be submitted with the renewal form)</i> <input checked="" type="checkbox"/> Other Transfer of Ownership		
2. Customer Reference Number <i>(if issued)</i> CN 600343842	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number <i>(if issued)</i> RN 105217541

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		00/01/2019	
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input checked="" type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> Change in Legal Name <i>(Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)</i>					
The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).					
6. Customer Legal Name <i>(If an individual, print last name first: eg: Doe, John)</i>			<i>If new Customer, enter previous Customer below:</i>		
City of Woodway					
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number <i>(if applicable)</i>		
	17413939483	741393948	189997125		
11. Type of Customer:		<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
12. Number of Employees			13. Independently Owned and Operated?		
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
14. Customer Role <i>(Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following:</i>					
<input checked="" type="checkbox"/> Owner		<input type="checkbox"/> Operator		<input type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee		<input type="checkbox"/> Responsible Party		<input type="checkbox"/> Voluntary Cleanup Applicant	
				<input type="checkbox"/> Other:	
15. Mailing Address:	City of Woodway				
	922 Estates Drive				
	City	Woodway	State	TX	ZIP 76712
			ZIP + 4	3432	
16. Country Mailing Information <i>(if outside USA)</i>			17. E-Mail Address <i>(if applicable)</i>		
McLennan					
18. Telephone Number		19. Extension or Code		20. Fax Number <i>(if applicable)</i>	
(254) 772-4480				() -	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information <i>(If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)</i> <input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information	
The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC.)	
22. Regulated Entity Name <i>(Enter name of the site where the regulated action is taking place.)</i>	
Bull Hide Creek WWTP	

Packet Pg. 42 23. Street Address of the Regulated Entity: (No PO Boxes)	1646 Cooksey Ln.						
	City	Lorena	State	TX	ZIP	76655	ZIP + 4
24. County	MeLennan						

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:							
26. Nearest City	Lorena			State	TX	Nearest ZIP Code	
						76655	
27. Latitude (N) In Decimal:	31.40494			28. Longitude (W) In Decimal:	-97.18005		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)	31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)			
		22132					
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)							
Wastewater Treatment							
34. Mailing Address:	P.O. Box 2570						
	City	Waco	State	TX	ZIP	76702	ZIP + 4
							2570
35. E-Mail Address:							
36. Telephone Number		37. Extension or Code			38. Fax Number (if applicable)		
(254) 750-8001		() -			() -		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
	WQ0014889001			

SECTION IV: Preparer Information

40. Name:	Cliff NeSmith	41. Title:	Utilities Plant Operations Manage
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(254) 299-2451		() -	glennn@wacotx.gov

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	City of Woodway	Job Title:	City Manager
Name (In Print):	Shawn Oubre	Phone:	(254) 772-4480
Signature:		Date:	



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
**APPLICATION TO TRANSFER A WASTEWATER PERMIT
OR CAFO PERMIT**

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

SECTION 1. CURRENT PERMIT INFORMATION

What is the Permit Number? [WQ0014889001](#)

What is the EPA I.D. Number? TX [0129437](#)

What is the Current Name on the Permit?

[Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson, Hewitt, and Lorena](#)

What is the Customer Number (CN) for the current permittee? CN [600131940](#), [600343842](#), [600516181](#), [600637987](#), [600641765](#), [600693105](#) and [600738348](#)

What is the Regulated Entity Reference Number (RN): RN [105217541](#)

For Publicly Owned Treatment Works (POTWs) Only:

- a) Does this permit require implementation of an approved pretreatment program by the POTW? Yes No
- b) Does this permit have a domestic reclaimed water authorization associated with it?
NOTE: **The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place.** See instructions for more information.
Yes No

SECTION 2. FACILITY OWNER (APPLICANT) INFORMATION

A. What is the Legal Name of the facility owner?

[Cities of Waco, Woodway, Bellmead, Lacy Lakeview, and Robinson, Hewitt and Lorena](#)

B. What is the Customer Number (CN) issued to this entity? CN [600131940](#), [600343842](#), [600516181](#), [600637987](#), [600641765](#), [600693105](#) and [600738348](#)

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

SECTION 3. CO-APPLICANT INFORMATION

Complete this section only if another person or entity is required to apply as a co-permittee.

A. What is the Legal Name of the co-applicant applying for this permit?

N/A

B. What is the Customer Number (CN) issued to this entity? CN N/A

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

SECTION 4. APPLICATION CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed about this application.

Application Contact First and Last Name: Cliff NeSmith

Title: Utilities Plant Operations Manager

Credentials: A Water/A WW

Company Name: City of Waco

Mailing Address: P.O. Box 2570

City, State, and Zip Code: Waco, Texas 76702-2570

Phone Number: 254-299-2451 Fax Number: [REDACTED]

E-mail Address: GlennN@wacotx.gov

SECTION 5. PERMIT CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed during the term of the permit.

Permit Contact First and Last Name: Cliff NeSmith

Title: Utilities Plant Operations Manager

Credentials: A Water/A WW

Company Name: City of Waco

Mailing Address: P.O. Box 2570

City, State, and Zip Code: Waco, Texas 76702-2570

Phone Number: 254-299-2451 Fax Number: [REDACTED]

E-mail Address: GlennN@wacotx.gov

SECTION 6. SITE INFORMATION

Site Name: Bull Hide Creek WWTP

SECTION 7. LEASE AND EASEMENT REQUIREMENTS

A. Landowner where the facility is or will be located:

Landowner Name: [REDACTED]

If this individual is not the same person as the facility owner or co-applicant, attach one of the following documents:

- A lease agreement or deed recorded easement, if the facility is NOT a fixture of the land, or
- A deed recorded easement if the facility IS a fixture of the land.

B. Landowner of the effluent disposal site:

Landowner Name: [REDACTED]

If this individual is not the same person as the facility owner or co-applicant, attach a lease agreement.

C. For CAFOs: Attach the following records:

- Warranty Deed or Property Tax Records
- Lease Agreement (for land management units that are not owned by the facility owner or co-applicant)

Facility Size on the proof of ownership, in acres: [REDACTED]

SECTION 8. TRANSFER DATE

What is the date that the transfer of operator or ownership will occur? 10/1/2019

SECTION 9. REPORTING AND BILLING INFORMATION

A. Please identify the individual for receiving the reporting forms.

First and Last Name: Cliff NeSmith

Title: Utilities Plant Operations Manager

Credentials: A Water/A WW

Company Name: City of Waco

Mailing Address: P.O. Box 2570

City, State, and Zip Code: Waco, Texas 76702-2570

Phone Number: 254-299-2451 Fax Number: [REDACTED]

E-mail Address: GlennN@wacotx.gov

B. Please identify the individual for receiving the annual fee invoices.

First and Last Name: [Mindy Smith](#)

Title: [Utility Finance Officer](#)

Credentials: [REDACTED]

Company Name: [City of Waco](#)

Mailing Address: [P.O. Box 2570](#)

City, State, and Zip Code: [Waco, Texas 76702-2570](#)

Phone Number: [254-750-8021](#) Fax Number: [REDACTED]

E-mail Address: GlennN@wacotx.gov

SECTION 10. DELINQUENT FEES OR PENALTIES

Do you owe fees to the TCEQ? Yes No

Do you owe any penalties to the TCEQ? Yes No

If you answered yes to either of the above questions, provide the amount owed, the type of fee or penalty, and an identifying number.

[REDACTED]

TRANSFEROR SIGNATURE (Current Facility Owner)

I consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Owner Name: Cities of Waco, Woodway, Bellmead, Lacy Lakeview and Robinson, Hewitt and Lorena

Title: Mayor City of Woodway

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20_____

My commission expires on the _____ day of _____, 20_____

(Seal)

Notary Public

County, Texas

TRANSFEROR SIGNATURE (Current Facility Co-Applicant)

Complete if a co-applicant is on the current permit.

I consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Co-Applicant Name: 

Title: 

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20 _____

My commission expires on the _____ day of _____, 20 _____

(Seal)

Notary Public

County, Texas

TRANSFeree SIGNATURE (New Facility Owner)

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the owner of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

New Facility Owner: City of Waco

Title: Mayor City of Waco

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20 _____

My commission expires on the _____ day of _____, 20 _____

(Seal)

Notary Public

County, Texas

TRANSFeree SIGNATURE (New Facility Co-Applicant)

Complete if a co-applicant is required.

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the operator of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

New Facility Co-Applicant: [Redacted]

Title: [Redacted]

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20_____

My commission expires on the _____ day of _____, 20_____

(Seal)

Notary Public

County, Texas

SITE OPERATOR SIGNATURE

Complete only for permits that include composting facilities, land application and/or disposal of sewage sludge **AND** the transferee does not own the land where the disposal activity is conducted.

I understand that I am responsible for operating the site described in the legal description in accordance with the Texas Commission on Environmental Quality requirements in 30 TAC, Chapter 332 and/or 312, the conditions set forth in the permit, and any additional conditions as required by the Texas Commission on Environmental Quality. I also certify under penalty of law that all information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment for violations, and revocation of this permit.

Site Operator Name: 

Title: 

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20 _____

My commission expires on the _____ day of _____, 20 _____

(Seal)

Notary Public

County, Texas

LAND OWNER SIGNATURE

Complete Only If Landowner Is Not the Site Operator

I certify that I am the owner of the land described in this application and have all rights and covenants to authorize the applicant for this permit, to use this site for the composting, disposal and/or land application. I understand that 30 Texas Administrative Code Chapters 332 and 312 require me to make a reasonable effort to see that the applicant complies with requirements in 30 Texas Administrative Code Chapters 332 and 312, the conditions set forth in this application, and any additional conditions as required by the Texas Commission on Environmental Quality. I also certify under penalty of law that all information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment for violations, and revocation of this permit.

Landowner Name: 

Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____, 20 _____

My commission expires on the _____ day of _____, 20 _____

(Seal)

Notary Public

County, Texas

ATTACHMENT 1

INDIVIDUAL INFORMATION

Section 1. Individual Information

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., Miss): [REDACTED]

Full legal name (first, middle, last): [REDACTED]

Driver's License or State Identification Number: [REDACTED]

Date of Birth: [REDACTED]

Mailing Address: [REDACTED]

City, State, and Zip Code: [REDACTED]

Phone Number: [REDACTED]

Fax Number: [REDACTED]

E-mail Address: [REDACTED]

CN: [REDACTED]

<p>For Commission Use Only: Customer Number: Regulated Entity Number: Permit Number:</p>

INSTRUCTIONS

This application applies to:

- Industrial and municipal permits authorized under 30 TAC Chapter 305.
- CAFO permits authorized under 30 TAC Chapter 321
- Domestic Reclaimed Water Authorizations authorized under 30 TAC Chapter 210

A permit must be transferred when a change in ownership or co-permittee occurs. A transfer application is only required for a change in operator if the operator is, or is required to be, a co-permittee on the current permit.

A transfer application must be submitted at least 30 days before the proposed transfer date.

Where to Send the Application Form

A Core Data Form and one original and one copy of the application, including attachments, must be provided to the address below:

Regular U.S. Mail:

Texas Commission on Environmental
Quality
Applications Review and Processing Team,
MC 148
PO Box 13087
Austin TX 78711-3087

For Express Mail or Hand Delivery:

Texas Commission on Environmental
Quality
Applications Review and Processing Team,
MC 148
Building F Room 2101
12100 Park 35 Circle
Austin TX 78753

TCEQ Contact List

Permit Information and Application Forms:	512-239-4671
Technical Information	512-239-4671
Environmental Law Division:	512-239-0600
Stream Survey and Receiving Water Assessment:	512-239-4671
Biomonitoring Testing Requirements:	512-239-4592

Copies of records on file with the TCEQ may be obtained for a minimal fee from the Records Management Office at 512-239-2900.

Application Fee

An application fee of \$100.00 must be paid by check or money order made payable to the Texas Commission on Environmental Quality. Fees must be sent under separate cover making reference to the type of application, name of applicant, and permit number of existing permit.

Mail the application fee to:
Texas Commission on Environmental Quality
Revenues Section, MC 214
PO Box 13088
Austin TX 78711-3088

To verify receipt of payment or any other questions you may have regarding payment of fees to the TCEQ, you may call the Revenues Section, Cashiers Office at (512) 239-0357.

Who Is Responsible and Liable for Compliance With The Permit Or Registration During Transfer Activities

The entity/individual to whom a permit is issued is held responsible and liable for complying with the terms and conditions of the permit. The permit may be transferred upon approval by the Texas Commission on Environmental Quality (TCEQ). An attempted transfer is not effective for any purpose until approved, in writing, by the TCEQ.

If no agreement regarding transfer of permit responsibility and liability is provided, responsibility for compliance with the terms and conditions of the permit and liability for any violation is assumed by the transferee, effective on the date of the approved transfer. This section is not intended to relieve a transferor of any liability.

If a person attempting to acquire a permit operates the facility before transfer approval is given, such person shall be considered to be operating without a permit.

The TCEQ may refuse to approve a transfer where conditions of a judicial decree, compliance agreement, or other enforcement order have not been entirely met.

Current Permit Information

Provide the TCEQ permit number for the authorization being transferred.

Provide the EPA I.D. number for the permit being transferred.

Provide the current name on the permit. The information provided must match the current permit exactly.

Provide the customer number (CN) for the current permittee. TCEQ assigns each customer a number that begins with CN, followed by nine digits. This is not a permit number, registration number, or license number. The Customer Number, for the current permittee, is available at the following website: <http://www15.tceq.texas.gov/crpub/>.

Provide the regulated entity reference number (RN) for the site. The RN is a number issued by TCEQ to sites where an activity is regulated by TCEQ. This is not a permit number, registration number, or license number. The RN is available at the following website: .

For Publicly Owned Treatment Works (POTWs):

- Indicate if this permit requires the POTW to implement an approved pretreatment

program. The transferee must contact the Storm Water & Pretreatment Team staff before this application may be transferred.

- Indicate if this permit has an associated domestic reclaimed water authorization. **The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place.** If the new owner wants to obtain a domestic reclaimed water authorization, please complete and submit the Application to Use Domestic Reclaimed Water (TCEQ-20427).

Facility Owner (Applicant) and Co-Applicant Information

Provide the name(s) and complete and attach a Core Data Form (TCEQ-10400) for these customers.

Texas Pollutant Discharge Elimination System (TPDES) permits: it is the duty of the facility operator to submit an application for a permit as co-permittee with the facility owner when the operator is contracted by the owner. The operator is not required to apply as co-permittee when the operator is an employee of the facility owner. If the owner of the facility is not the same as the owner of the land, please see Lease and Easement Requirements in the next section below.

Texas Land Application Permits: it is the duty of the owner of the facility to submit an application for a permit. If the owner of the facility is not the same as the owner of the land, please see Lease and Easement Requirements in the next section below. In special circumstances, it is the duty of the owner and the operator of the treatment facility to submit an application for a permit, as co-permittees.

CAFOs: the owner of the land must be either the applicant or co-applicant. If the owner of the facility is a separate entity or individual, then the owner of the facility must be included as the applicant or co-applicant. For all CAFO TPDES permits, the operator must be listed as a co-applicant. A signature page must be completed for each applicant. A copy of a recorded deed or tax records showing ownership, or a copy of a contract or lease agreement between the applicant and the owner/operator of any lands to be utilized under the CAFO must be provided. This requirement does not apply to any lands not owned, operated, or controlled by the applicant for the purpose of off-site land application of manure if the manure is given or sold to others for beneficial use, provided the owner/operator of the CAFO is not involved in the application of the manure.

Application Contact Information

Provide the name and contact information for the person that TCEQ will contact if additional information is needed about this application.

Permit Contact Information

Provide the name and contact information for the person that TCEQ will contact if additional information is needed during the term of the permit or registration.

Site Information

Provide the name of the site as known by the public in the area where the site is located.

Lease and Easement Requirements

Provide the name and contact information for the owner where the facility is or will be located if the landowner is not the applicant or co-applicant.

Provide the name and contact information for the owner of the effluent disposal site if the landowner is not the applicant or co-applicant.

If the owner of the land on which the treatment facility is located is different from the owner of the treatment facility and the treatment facility is not a fixture of the land, the applicant must provide a copy of a lease agreement or recorded easement giving the applicant authorization to use the land on which the treatment plant is located for at least the term of the permit.

If the owner of the land on which the treatment facility is located is different from the owner of the treatment facility and the treatment facility is a fixture of the land, (Example: pond system, evaporation pond, units halfway in ground, holding ponds, etc.) the owner of the land will need to provide a copy of a deed recorded easement giving the applicant sufficient property rights to use the land for the life of the facility, or apply as a co-permittee with the owner of the treatment facility.

If the applicant does not own the land where the effluent disposal site is located, the applicant must provide a copy of a lease agreement which includes a term of at least 5 years, and is current or if the lease term has passed it includes an option to renew the term, and is between the current applicant and the landowner.

For CAFOs: A copy of a recorded deed or tax records showing ownership, or a copy of a contract or lease agreement between the applicant and the owner/operator of any lands to be utilized under the CAFO must be provided. This requirement does not apply to any lands not owned, operated, or controlled by the applicant for the purpose of off-site land application of manure if the manure is given or sold to others for beneficial use, provided the owner/operator of the CAFO is not involved in the application of the manure.

Transfer Date

Provide the date that the transfer of ownership or operator will occur. Please note that this transfer application will not be processed until after the transfer date provided in this application. If the anticipated transfer date changes, the transferee or the transferor must notify the Applications Review and Process Team in writing, prior to the transfer date provided in this application.

Reporting and Billing Information

Provide the name and contact information for the individual that will receive the reporting forms and the annual fee invoices.

The water quality fee is assessed annually for each permit that is active on September 1

Pursuant to 30 TAC, Section 305.66, failure to pay fees is good cause for permit denial or revocation. If an applicant has outstanding fees, a proposed permit application will not be considered for approval by the Commission or Executive Director. For account balance information, contact the Financial Administration Division, Revenue Section, at (512) 239-0344.

Delinquent Fees and Penalties

The TCEQ will not issue, amend, or renew permits, registrations, certifications, or licenses to an entity or person who is delinquent on a penalty or fee owed to the TCEQ. The TCEQ will not declare any application administratively complete that is submitted by a person or entity who is delinquent on a fee or penalty until the fee or penalty is paid, or if on an approved installment plan, that payments under the plan are current. The TCEQ will withhold final action on an application until the fee or penalty is paid and the account is current, if after the application is considered administratively complete, we discover that the owner or entity who submitted the application is delinquent on a fee or penalty.

The following TCEQ website will help you determine if you owe any fees or penalties to the TCEQ and how to make a payment: <https://www.tceq.texas.gov/agency/fees/delin/index.html>. If fees or penalties are owed, please identify the type of fee or penalty owed, the amount owed, and the TCEQ identifying number. For penalties, please provide the TCEQ docket number

For questions about delinquent fees and penalties, contact the Financial Administration Division, Revenue Section, at 512-239-0354.

Signature Requirements

In accordance with 30 Texas Administrative Code §305.44 relating to Signatories to Applications, all applications shall be signed as follows:

For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency,

or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

The signature page must bear the seal of a notary public. The date signed by the applicant must be the same as the date notarized. The signature page will not be acceptable if the dates are different.

If the transferee is unable to obtain the signature of the transferor, the permit may still be transferred by involuntary transfer if:

- the current permittee no longer owns the permitted facilities
- the facilities have not been built and the permittee no longer has sufficient property rights in the site of the proposed facilities
- proof of ownership of the site and treatment facility has been provided by the transferee
- the executive director has provided notice by certified mail to the permittee, using the last address of record, giving an opportunity for hearing
- the executive director did not receive a request for hearing from the permittee within 30 days from the date the notice was mailed.

• **Attachment 1 Individual Information**

If the applicant or co-applicant is an individual, provide information on the individual as required by the Texas Water Code. The address provided must be the individual's home address.

WOODWAY CITY COUNCIL MINUTES

March 23, 2020

The Woodway City Council met in a regular meeting by telephone conference, on Monday, March 23, 2020, at 5:30 p.m. In accordance with the Order of the Office of the Governor issued March 16, 2020, the City Council of Woodway conducted the meeting by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). The following individuals were in attendance either by appearance in the Donald J. Baker Council Chambers at Woodway City Hall, 922 Estates Drive, Woodway, Texas or by calling in:

Mayor:	Bob Howard
Mayor Pro Tem:	Absent
Councilmembers:	Jane Kittner, Scott Giddings, Barbara Grandy, Vic Sober and Amine Qourzal
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, William Klump, Bret Crook, Larry Adams and John Norman
Contract Staff:	None
Registered Guests:	David Russell, City of Woodway

CALL MEETING TO ORDER

Mayor Howard called the meeting to order at 5:31 p.m. and provided instructions for the conference call.

The Mayor also did a roll call of the councilmembers to know for sure who was in attendance on the call.

INVOCATION

1. INVOCATION

Councilmember Vic Sober provided the invocation.

PRESENTATIONS AND VISITORS

2. HEAR VISITORS

No visitors came forward to speak at this time.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

3. DISCUSSION AND CONSIDER ACTION ON EXTENDING THE MAYOR’S SEVEN (7) DAY DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH EMERGENCY FOR THIRTY (30) DAYS

Mr. Oubre provided a recap of what has been going on for the last week before the Mayor issued the

WOODWAY CITY COUNCIL MINUTES

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March 23, 2020

Declaration.

Last week, McLennan County had its first positive test and after that information was received the Mayor decided to be proactive and issue a Declaration related to the Coronavirus and stipulate certain behavior by the citizens and businesses of Woodway. That occurred on March 18, 2020. The Mayor gets his authority to issue this from the Texas Government Code of Section 418 which deals with emergency management. The Mayor's initial step is good for the first seven days and then Council has to convene to take action either to extend the declaration, modify or terminate it. This is on the agenda to meet the seven-day criteria.

The County has now issued a blanket order. On March 19th after the initial seven-day notice, the Mayor wanted to address the need to be proactive and separate social distancing and be supportive of it so he granted an emergency leave bank for the employees if they were non-emergency type of employees. These are office employees, park employees, Arboretum employees, etc. Basically, the emergency employees are public safety, water/sewer and some department head level positions. All employees are required to be available for work.

We also reduced the initial gathering limit of 50 down to 10. We closed barber shops, hair salons, nail salons and massage parlors at that time.

On today's date you saw Waco and then McLennan County Commissioner's Court convene, and they at the county level passed a county-wide order which stipulates basically only emergency or essential type activity within the city. It has been posted on the City's website. Basically, it follows what the Mayor had been doing last week with the limit of 10.

Brief discussion was had regarding the information we are receiving based on professional opinions in the medical field and what is coming from the CDC and other means. The purpose is to shorten the window that we are experiencing now and at the same time keep as many people as we can from being exposed and on the back side, the net game from the front side is quicker recovery – less economic damage to the community, region and the country as a whole.

Councilmember Kittner moved to extend the Mayor's seven (7) day Declaration of Local Disaster due to Public Health Emergency to thirty (30) days and amend the addendum by adding the shelter in place order. Councilmember Sober seconded and the motion passed unanimously by the councilmembers present.

4. DISCUSSION AND CONSIDER ACTION ON ORDINANCE 20-02 AMENDING CHAPTER 14 ½ OF THE CODE OF ORDINANCES OF THE CITY OF WOODWAY TO ADD SECTION 14 ½ - 5A WHICH EXCEPTS CERTAIN OFF-PREMISES OR NON-PREMISES SIGNS FROM THE PROHIBITION OF SECTION 14 ½ - 5(J)

Mr. Oubre provided that this is a follow-up item that came before you a month ago. There was an issue on how regulate or apply the off-premise sign to Little Leagues, schools and community events. At that time, you asked staff to limit the size of the signs and staff is recommending the limit of fifty square feet.

There was a brief discussion.

Councilmember Kittner moved to adopt Ordinance 20-02 amending Chapter 14 ½ of the Code of Ordinances of

WOODWAY CITY COUNCIL MINUTES

Page 3

March 23, 2020

the City of Woodway to add Section 14 ½ - 5A which excepts certain off-premises or non-premises signs from the prohibition of Section 14 ½ - f(j) as presented with a minor change on b) to change from two (2) days before the community event to four (4) days. Councilmember Giddings seconded, Mayor Howard read aloud the caption of the ordinance as required, and the motion passed unanimously by the councilmembers present.

5. DISCUSSION AND CONSIDER ACTION ON FY 2018 – 2019 ANNUAL AUDIT

Mr. Oubre provided that per the City Charter we have an audit performed annually which usually begins in November/December. Our auditors (Jaynes, Reitmeier, Boyd and Therrell) are still under contract and recently completed the annual audit. Last week the audit committee, consisting of Councilmember Giddings (Chair), Councilmember Grandy and Councilmember Sober met and were on a conference call with the auditors. The auditors reported that the City and their staff participated in the audit, it was open and transparent, provided all necessary records and back up documents as requested and they find the City has passed their audit and the books appear to be as presented to the Auditors. William Klump, Finance Director is on the call if you have any questions of him.

Councilmember Giddings also provided the City is in sound, financial condition. There were no exceptions posted. William is doing a great job and the City is in great shape.

Councilmember Qourzal stated that after reviewing the audit, he agreed with Councilmember Giddings and wanted to commend the committee and Mr. Klump for their work on this.

Councilmember Giddings moved to accept the 2018-2019 annual audit prepared by Jaynes, Reitmeier, Boyd & Therrell based on the review and recommendation of the City Council Audit/Investment Committee. Councilmember Grandy seconded and the motion passed unanimously by the councilmembers present.

6. Discussion and consider action on minutes of the regular City Council meeting held March 16, 2020, at 5:30 p.m.

Councilmember Giddings moved to approved the minutes of the regular City Council meeting held March 16, 2020, at 5:30 p.m. Councilmember Sober seconded and the motion passed unanimously by the councilmembers present.

CITY MANAGER AND CITY COUNCIL REPORTS

7. CITY MANAGER’S REPORT

Mr. Oubre provided comments on where we are at and how we are managing right now:

As you know a lot has happened in your personal lives and ours here as the City Council and as a city. I get asked all the time by staff “how long do you think this will go on”? I don’t have an answer but I think you and the Mayor’s action are in line with what the federal, state and local level officials are saying to try and beat this curve down. It is painful on the front side but I think it will pay dividends on the back side. You have provided the necessary tools and leadership to get us through this time right now.

We are going to get through this and it will make us better. The most important thing through this is

WOODWAY CITY COUNCIL MINUTES

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March 23, 2020

communication.

The citizens and the employees are all being very supportive.

I will continue to provide you with updates and make necessary change when and if they need to be made.

The Mayor agreed with everything the City Manager said and stated that the City is in sound financial shape. This gets us by until the next meeting and he hopes everyone can focus on their families. The City has great leadership here.

8. CITY COUNCIL REPORTS

No reports at this time.

CLOSING ITEMS

9. CONSIDER ACTION ON THE OPEN MEETINGS ACT RESOLUTION

Councilmember Kittner moved to approve the Open Meetings Act Resolution. Councilmember Grandy seconded the motion, and the motion passed unanimously by the councilmembers present.

10. CONSIDER ACTION ON ADJOURNMENT

Councilmember Giddings moved to adjourn the meeting. Councilmember Kittner seconded the motion, and the motion passed unanimously by the councilmembers present. The meeting adjourned at 6:02 p.m.

Donna Barkley, City Secretary

Bob Howard, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 13, 2020

Prepared By: Donna Barkley

Approved By: _____ 

- Presentation, Report and/or Discussion Only
- Public Hearing/Related Action
- Individual Discussion/Action
- Consent
- Executive Session

Caption:

Consider action on the Open Meetings Act Resolution

Background Information:

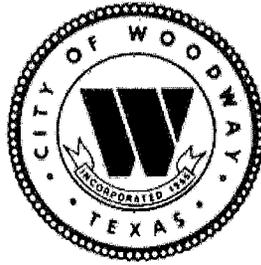
Attached is the Open Meetings Act Resolution. City Attorney David Cherry recommends that this item be placed on each meeting agenda and that it be adopted at each meeting.

Financial Impact:

Total of Proposed Expenditure: \$
 Amount Budgeted: \$
 Account No.: #
 If not budgeted, other funding options:

Staff Recommendation:

Adopt the Open Meetings Act Resolution.



OPEN MEETINGS ACT RESOLUTION

RESOLVED, that it is hereby officially found and determined that the meeting at which this resolution is adopted was noticed and has been open to the public as required by law.

PASSED AND APPROVED this the 13th day of April 2020.

THE CITY OF WOODWAY, TEXAS

By _____
MAYOR

ATTEST:

CITY SECRETARY



MISCELLANEOUS ITEMS FOR COUNCIL

Distributed with April 13, 2020 City Council Meeting Packet

- Tentative list of agenda items for future meetings
 - Letter from Atmos Energy

Upcoming Calendar Items of Interest

- | | |
|--------------------|--|
| - Friday, April 10 | Good Friday – Employee Holiday |
| - Monday, April 13 | Regular City Council meeting – 5:30 p.m. – Donald J. Baker
Council Chambers |
| - Monday, April 27 | Regular City Council meeting – 5:30 p.m. – Donald J. Baker
Council Chambers |

PENDING AGENDA ITEMS

WOODWAY CITY COUNCIL AND PLANNING/ZONING COMMISSION

(Updated 04/09/20)

This is a tentative planning calendar utilized to assist the City Secretary to compile draft meeting agendas.

DATE	CITY COUNCIL ITEMS	DATE	PLANNING & ZONING ITEMS
04/27/20	- D & CA to declare excess property - Updates, D & CA on any needed items regarding COVID-19 - - -	04/28/20	- Staff Update
05/11/20	- Oath of Office newly elected councilmembers - Appointment of Mayor - Appointment of Mayor Pro Tem - D & CA on Council's rules of procedure - Recognition of YC members & graduating seniors - D & CA on annual appts & reappts to Woodway Boards and Commissions - Award of Bid #20-02 Street and Utility Project - -	05/12/20	- Staff update
05/18/20	- Quarterly Presentation – Public Safety - Quarterly Presentation – Community Services - Quarterly Presentation – Finance Department - Award of Bid #20-03 Microseal	05/26/20	

RECURRING COUNCIL ITEMS:

- January/April/July/October (first meeting of the month) - Quarterly presentations - Public Safety and Community Services
- January/April/July/October (second meeting of the month) - Quarterly presentation - Finance
- January/July (second Council meeting of the month) - Semi-annual presentations - Carleen Bright Arboretum and Woodway Family Center
- PH, D&CA on continuation of youth curfew - Mandatory every three years - Requires ordinance (Next - 09/2022)
- Woodway Public Safety Association Day proclamation - Annually at the meeting prior to the annual barbecue
- Appointment of Judges to Municipal Court of Record every two years (Next – 09/2020)

RECURRING P&Z ITEMS:- Every six months - Update to P&Z from Building Official regarding current PUD projects (Next 8/2020)



Received by mail/
04/02/20 CW

Chris Felan
Vice President
Rates & Regulatory Affairs

March 31, 2020

To the Honorable Mayor and City Manager

Re: Atmos Energy Corporation Mid-Tex 2020 Rate Review Mechanism Filing

Dear Mayor and City Manager,

Atmos Energy understands that the coronavirus outbreak may cause some of our valued customers to experience financial difficulty, whether because of illness, quarantine or a disruption at work. We are committed to serving and working with our customers through this difficult time.

- We have temporarily suspended natural gas disconnections.
- Our employees who work in the community are practicing physical distancing to slow the spread; during this time, the communities we serve will see us working on compliance and system projects in smaller crews, staying six feet or more away from others as we work, and suspending meter reader presence in the communities.
- Among the other ways we support those who need it most, "Sharing the Warmth" is a program that leverages the generosity of customer donations with additional contributions by Atmos Energy to amplify the amount of assistance offered. We then partner with local nonprofit agencies to efficiently reach those customers. Customers who need help paying their bill may visit our website to locate the nearest community action agency for assistance.
- Atmos Energy also offers Budget Billing, which is based on a rolling, 12-month average of the bill and adjusts monthly, providing a more predictable amount due every month.
- We are partnering with various non-profit agencies, hospitals, and schools throughout our footprint to assist the community.
- We've made a \$1,500,000 donation to local foodbanks in our footprint.

Like many of you, we continue to monitor COVID-19 and the effects it has on our employees and customers throughout the communities we serve. We are facing unprecedented times, with consequences that remain to be seen. For all of us at Atmos Energy, our vision to be the safest provider of natural gas services means we have an important role in the over 500 communities we safely serve every day.



To achieve this goal, we continue to improve the safety and reliability of our natural gas system through pipeline replacement and system modernization. We recover these costs via annual compliance filings like the Rate Review Mechanism ("RRM"). The RRM Tariff was created in collaboration with the RRM cities to ensure our costs are reviewed annually and determined to be reasonable and prudent. **To remain in compliance with the RRM tariff, we must file the RRM no later than April 1, 2020. It is important to note that no action by council needs to be taken at this time. The RRM tariff does not allow rate implementation until October 1, 2020.**

The RRM filing documents and schedules have been provided to Mr. Geoffrey Gay. As part of the filing, we have included updated tariffs for Rates R, C, I and T and Rider WNA. In addition, per the RRM Agreement, we have included Minimum Filing Requirements ("MFRs") as part of this filing. The MFRs consists of information that is typically requested by the interveners during the discovery process. We stand ready to respond to your requests for information during the review process. Our goal is to reach a mutual agreement that fairly balances the needs of the Company and the needs of the customer.

The Company is committed to working with your representative to answer any questions regarding the filing during the interim. Should you have any specific questions, please forward them to your local Manager of Public Affairs or to my attention.

In closing, I want to say again how much Atmos Energy appreciates your City's willingness to work with the Company in order to reach an agreement that implements the necessary change in rates in a cost effective and efficient manner.

Sincerely,

A handwritten signature in black ink that reads "Chris Felan". The signature is written in a cursive, flowing style.

Chris Felan