

MWD
55081

KRCL & L

ATTORNEYS & COUNSELORS

BRUCE M. FLOWERS
DIRECT NUMBER: (214) 777-206
E-Mail: bflowers@krcl.com

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 DEC - 6 AM 10: 23
CHIEF CLERKS OFFICE

December 4, 2007

H OPA
DEC 06 2007
BY KY

Via Facsimile: 512-239-3311 and CMRRR
LaDonna Castanuela, Chief Clerk
TCEQ, MC 105
Texas Commission for Environmental Quality
PO Box 13087
Austin, Texas 78711-3087

**RE: City of Walnut Springs' Requested Amendment of TPDES
Permit No. WQ0013436001**

Dear Ms. Castanuela:

I write this letter on behalf of The Russell Family Trust, Steele Creek Ranch, L.P., Lindsay K. Russell, Sam Irizarry and Ann Irizarry, Phillip B. Butler, Trustee of the Lucille C. Butler Revocable Family Trust, and The Sztamenitis Family Limited Partnership, (collectively, "Clients") who are respectively owners of tracts of land all of which abut Steele Creek and totaling more than 2000 acres in Bosque County, Texas in the aggregate. All are affected persons as they have a personal justicable interest related to a legal right, duty privilege, power, or economic interest affected by the application referenced above. **The purpose of this letter is to request a contested case hearing.** For completeness, my letter of March 23, 2007, also requested a contested case hearing. All of our Clients can be reached through communication with the undersigned, who will be responsible for receiving all communications and documents for our Clients.

After having reviewed the "Notice of Application and Preliminary Decision for TPDES Permit and Municipal Wastewater Amendment," and the November 5, 2007 Decision of the Executive Director, related to the City of Walnut Springs' Permit No. WQ0013436001, my Clients are very concerned about the potential personal and environmental consequences of the requested permit amendment. The requested amendment would cause treated sewage to be discharged into Steele Creek. A significant portion of Steele Creek runs through my Clients' properties, which are actively being used as homesteads, working ranches, farm land, and for agricultural, livestock, recreational and other purposes. Degradation of the water quality in Steele Creek will greatly damage the value of my Clients' properties and their families' ability to use and enjoy the creek. They are also concerned that the organic and inorganic compounds in the discharge would adversely impact their health and safety when they personally use and make use of the water from the creek. As such, my Clients therefore strongly object to the requested permit amendment and ask that it be denied.

MWD

The TCEQ has ignored the portion of Steele Creek that will impact my Client's respective properties and limited any studies to only a small portion of the affected stream. Further, as Steele Creek has been classified, wrongfully we believe, to have only limited aquatic land uses, the notice does not address the impact the requested amendment would have on Steele Creek. The aquatic land uses for Steele Creek should not be classified as "limited." There is no valid basis for this vibrant, historical creek to have such a classification. The Notice provided also does not state that the degradation of the waters found in Steele Creek is not anticipated.

We also have reason to believe that the creek may be home to one or more protected species, including without limitation, one or more type of fresh water mussels. I have a shell in my office from the creek that is understood to be from one of these mussels. I would be pleased to provide it to the TCEQ for analysis.

My Clients request a contested case hearing to contest fully and fairly the application for the permit amendment. As interested and impacted parties, they seek an opportunity to provide additional comments and to be provided with additional information concerning the determination of existing uses, anticipated impacts of the discharge, baseline conditions, and the necessity of the discharge as degradation of the water quality in Steele Creek is expected. My Clients plan to offer evidence at the hearing concerning the determination of existing uses and criteria; the assessment of degradation under the appropriate Tier; any alleged social and economic justification for lowering water quality; requirements and conditions necessary to preclude degradation; and any other issues which bear upon the implementation of the requested permit amendment.

As previously stated, the proposed amendment will have an extremely adverse impact on my Clients and their families, as well as other downstream landowners, in many ways including without limitation:

1. Since Steele Creek is spring fed, pollution which enters the stream may also pollute the underground aquifer which supplies drinking water;
2. As an intermittent creek, during periods of drought and especially when Steele Creek is not running, the concentration of pollutants will increase and may adversely affect the abundant wildlife and livestock that depend on Steele Creek for drinking water;
3. The increase in pollutant concentration levels may result in a substantial and imminent harm to health and the environment;
4. My Clients and their families will no longer be able to swim, fish or enjoy the aesthetic value of Steele Creek; and
5. The market and intrinsic value of my Clients' properties will be substantially damaged and materially decreased.

LaDonna Castanuela, Chief Clerk

December 4, 2007

Page 3

In the TCEQ's responses, it provides that the effluent proposed to be discharged will evaporate, be taken up by plants, or infiltrate the stream bed. We have not been advised of any study measuring the potential resulting impact to 1) air quality from the evaporation, 2) animals and others that feed on the plants absorbing the effluent, or 3) animals and others from the build up of contaminants that infiltrate the stream beds over time.

The TCEQ's response does not take into consideration the water wells on my client's respective properties or use of the water from Steele Creek by my clients.

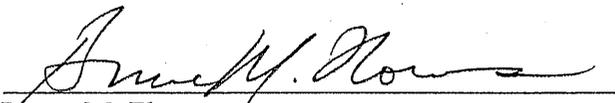
In its response, the TCEQ states that the portion of Steele creek receiving the effluent is "presumed" to have limited aquatic life use. The waters of our state are more important than to simply rely on someone's apparent presumption – there should be a study involving real facts, rather than presumptions, before allowing effluent to be discharged that could have irreversible adverse effects on human health and the environment. Steele Creek is admittedly a water body with high aquatic use a relatively short distance from the wastewater treatment plant. A receiving water assessment is warranted for the waters that regularly flow over my client's respective properties. An antidegradation review is also warranted because Steele Creek, at the areas my clients' properties will be impacted, has an aquatic life use that is or will be shown to be classified as intermediate or higher.

On behalf of my Clients and their families and their livestock, and the wild game that lives on their respective properties, we hereby request a contested case hearing and ask again that the application be denied.

Thank you for your consideration.

Very truly yours,

KANE RUSSELL COLEMAN & LOGAN PC

By: 
Bruce M. Flowers

BMF/lat

CC:

The Honorable Brian C. Newby
General Counsel, Office of the Governor
P.O. Box 12428
Austin, Texas 78711

The Honorable Chet Edwards
115 South Main Street, Suite 202
Cleburne, Texas 76033
Fax: (817) 645-4796

LaDonna Castanuela, Chief Clerk

December 4, 2007

Page 4

Hon. Benny Damron
City of Walnut Springs
PO Box 272
Walnut Springs, TX 76690

Charles P. Gillespie, P.E.
Consulting Environmental Engineers, Inc.
150 N. Harbin Drive, Suite 408
Stephenville, TX 76401

Clay Humphries
420 Throckmorton Street, Suite 710
Fort Worth, TX 76102

Dede Sigman, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC0173
PO Box 13087
Austin, TX 78711-3087

Mary Ann Dimakos Airey,
Texas Commission on Environmental Quality
Water Quality Division MC-148
PO Box 13087
Austin, TX 78711-3087

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
PO Box 13087
Austin, TX 78711-3087

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
PO Box 13087
Austin, TX 78711-3087

KRCL & L

ATTORNEYS & COUNSELORS

*MWD
55081*

BRUCE M FLOWERS
DIRECT NUMBER (214) 777-2006
E-Mail: bflowers@krcl.com

CHIEF CLERKS OFFICE

2007-12-4 PM 5:00

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

December 4, 2007

Via Facsimile: 512-239-3311 and CMRRR
LaDonna Castanuela, Chief Clerk
TCEQ, MC 105
Texas Commission for Environmental Quality
PO Box 13087
Austin, Texas 78711-3087

OPA
H
DEC 05 2007
BY *[Signature]*

RE: City of Walnut Springs' Requested Amendment of TPDES Permit No. WQ0013436001

Dear Ms. Castanuela:

I write this letter on behalf of The Russell Family Trust, Steele Creek Ranch, L.P., Lindsay K. Russell, Sam Irizarry and Ann Irizarry, Phillip B. Butler, Trustee of the Lucille C. Butler Revocable Family Trust, and The Sztamenitis Family Limited Partnership, (collectively, "Clients") who are respectively owners of tracts of land all of which abut Steele Creek and totaling more than 2000 acres in Bosque County, Texas in the aggregate. All are affected persons as they have a personal justicable interest related to a legal right, duty privilege, power, or economic interest affected by the application referenced above. **The purpose of this letter is to request a contested case hearing.** For completeness, my letter of March 23, 2007, also requested a contested case hearing. All of our Clients can be reached through communication with the undersigned, who will be responsible for receiving all communications and documents for our Clients.

After having reviewed the "Notice of Application and Preliminary Decision for TPDES Permit and Municipal Wastewater Amendment," and the November 5, 2007 Decision of the Executive Director, related to the City of Walnut Springs' Permit No. WQ0013436001, my Clients are very concerned about the potential personal and environmental consequences of the requested permit amendment. The requested amendment would cause treated sewage to be discharged into Steele Creek. A significant portion of Steele Creek runs through my Clients' properties, which are actively being used as homesteads, working ranches, farm land, and for agricultural, livestock, recreational and other purposes. Degradation of the water quality in Steele Creek will greatly damage the value of my Clients' properties and their families' ability to use and enjoy the creek. They are also concerned that the organic and inorganic compounds in the discharge would adversely impact their health and safety when they personally use and make use of the water from the creek. As such, my Clients therefore strongly object to the requested permit amendment and ask that it be denied.

CM

LaDonna Castanuela, Chief Clerk
December 4, 2007
Page 2

The TCEQ has ignored the portion of Steele Creek that will impact my Client's respective properties and limited any studies to only a small portion of the affected stream. Further, as Steele Creek has been classified, wrongfully we believe, to have only limited aquatic land uses, the notice does not address the impact the requested amendment would have on Steele Creek. The aquatic land uses for Steele Creek should not be classified as "limited." There is no valid basis for this vibrant, historical creek to have such a classification. The Notice provided also does not state that the degradation of the waters found in Steele Creek is not anticipated.

We also have reason to believe that the creek may be home to one or more protected species, including without limitation, one or more type of fresh water mussels. I have a shell in my office from the creek that is understood to be from one of these mussels. I would be pleased to provide it to the TCEQ for analysis.

My Clients request a contested case hearing to contest fully and fairly the application for the permit amendment. As interested and impacted parties, they seek an opportunity to provide additional comments and to be provided with additional information concerning the determination of existing uses, anticipated impacts of the discharge, baseline conditions, and the necessity of the discharge as degradation of the water quality in Steele Creek is expected. My Clients plan to offer evidence at the hearing concerning the determination of existing uses and criteria; the assessment of degradation under the appropriate Tier; any alleged social and economic justification for lowering water quality; requirements and conditions necessary to preclude degradation; and any other issues which bear upon the implementation of the requested permit amendment.

As previously stated, the proposed amendment will have an extremely adverse impact on my Clients and their families, as well as other downstream landowners, in many ways including without limitation:

1. Since Steele Creek is spring fed, pollution which enters the stream may also pollute the underground aquifer which supplies drinking water;
2. As an intermittent creek, during periods of drought and especially when Steele Creek is not running, the concentration of pollutants will increase and may adversely affect the abundant wildlife and livestock that depend on Steele Creek for drinking water;
3. The increase in pollutant concentration levels may result in a substantial and imminent harm to health and the environment;
4. My Clients and their families will no longer be able to swim, fish or enjoy the aesthetic value of Steele Creek; and
5. The market and intrinsic value of my Clients' properties will be substantially damaged and materially decreased.

LaDonna Castanuela, Chief Clerk
December 4, 2007
Page 3

In the TCEQ's responses, it provides that the effluent proposed to be discharged will evaporate, be taken up by plants, or infiltrate the stream bed. We have not been advised of any study measuring the potential resulting impact to 1) air quality from the evaporation, 2) animals and others that feed on the plants absorbing the effluent, or 3) animals and others from the build up of contaminants that infiltrate the stream beds over time.

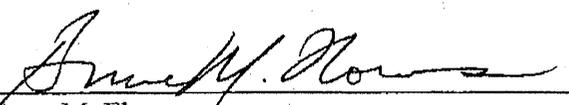
The TCEQ's response does not take into consideration the water wells on my client's respective properties or use of the water from Steele Creek by my clients.

In its response, the TCEQ states that the portion of Steele creek receiving the effluent is "presumed" to have limited aquatic life use. The waters of our state are more important than to simply rely on someone's apparent presumption – there should be a study involving real facts, rather than presumptions, before allowing effluent to be discharged that could have irreversible adverse effects on human health and the environment. Steele Creek is admittedly a water body with high aquatic use a relatively short distance from the wastewater treatment plant. A receiving water assessment is warranted for the waters that regularly flow over my client's respective properties. An antidegradation review is also warranted because Steele Creek, at the areas my clients' properties will be impacted, has an aquatic life use that is or will be shown to be classified as intermediate or higher.

On behalf of my Clients and their families and their livestock, and the wild game that lives on their respective properties, we hereby request a contested case hearing and ask again that the application be denied.

Thank you for your consideration.

Very truly yours,
KANE RUSSELL COLEMAN & LOGAN PC

By: 
Bruce M. Flowers

BMF/lat

CC:
The Honorable Brian C. Newby
General Counsel, Office of the Governor
P.O. Box 12428
Austin, Texas 78711

The Honorable Chet Edwards
115 South Main Street, Suite 202
Cleburne, Texas 76033
Fax: (817) 645-4796

LaDonna Castanuela, Chief Clerk
December 4, 2007
Page 4

Hon. Benny Damron
City of Walnut Springs
PO Box 272
Walnut Springs, TX 76690

Charles P. Gillespie, P.E.
Consulting Environmental Engineers, Inc.
150 N. Harbin Drive, Suite 408
Stephenville, TX 76401

Clay Humphries
420 Throckmorton Street, Suite 710
Fort Worth, TX 76102

Dede Sigman, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC0173
PO Box 13087
Austin, TX 78711-3087

Mary Ann Dimakos Airey,
Texas Commission on Environmental Quality
Water Quality Division MC-148
PO Box 13087
Austin, TX 78711-3087

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
PO Box 13087
Austin, TX 78711-3087

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
PO Box 13087
Austin, TX 78711-3087

KRCL & L

ATTORNEYS & COUNSELORS

FACSIMILE TRANSMITTAL

Date: December 4, 2007		Time:	
Recipient	Firm	Number	
		Fax	Phone
LaDonna Castanuela, Chief Clerk	TCEQ	512-239-3311	
From:	Bruce M. Flowers	Phone:	214-777-4206
Fax Operator	Lorie Taylor (x0018)	Fax Job No:	508
Number of pages including cover sheet	5	C/M No:	99901.00001
Re:	City of Walnut Springs' Requested Amendment of TPDES Permit No. WQ0013436001		
Message:	Please see attached.		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 2007 DEC -4 PM 5:00
 CHIEF CLERKS OFFICE

CONFIDENTIALITY NOTICE

INFORMATION ACCOMPANYING THIS TELECOPY TRANSMISSION MAY BE PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE RECIPIENT(S) NAMED ABOVE. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) TO ARRANGE TO RETURN THE ORIGINAL DOCUMENTS TO US. ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPY IS STRICTLY PROHIBITED. THE UNAUTHORIZED DISCLOSURE, USE OR PUBLICATION OF CONFIDENTIAL OR PRIVILEGED INFORMATION INADVERTENTLY TRANSMITTED TO YOU MAY RESULT IN CRIMINAL AND/OR CIVIL LIABILITY.

Additionally, the Notice does not state that lowering of the water quality in Steele Creek is justified by important economic or social development. As such, this is apparently not a basis for the permit amendment being granted.

My Clients request a public meeting to contest the application for the permit amendment. As interested and impacted parties, they seek an opportunity to provide additional comments and to be provided with additional information concerning the determination of existing uses, anticipated impacts of the discharge, baseline conditions, and the necessity of the discharge as degradation of the water quality in Steele Creek is expected. My Clients request that evidence be introduced in public hearings concerning the determination of existing uses and criteria; the assessment of degradation under the appropriate Tier; any alleged social and economic justification for lowering water quality; requirements and conditions necessary to preclude degradation; and any other issues which bear upon the implementation of the requested permit amendment.

Furthermore, the proposed amendment will have an extremely adverse impact on my Clients and their families, as well as other downstream landowners, in many ways including without limitation:

1. Since Steele Creek is spring fed, pollution which enters the stream may also pollute the underground aquifer which supplies drinking water;
2. As an intermittent creek, during periods of drought and especially when Steele Creek is not running, the concentration of pollutants will increase and may adversely affect the abundant wildlife and livestock that depend on Steele Creek for drinking water;
3. The increase in pollutant concentration levels may result in a substantial and imminent harm to health and the environment;
4. My Clients and their families will no longer be able to swim, fish or enjoy the aesthetic value of Steele Creek; and
5. The market and intrinsic value of my Clients' properties will be substantially damaged and materially decreased.

On behalf of my Clients and their families and their livestock, and the wild game that lives on their respective properties, we ask that the application be denied. Should the TCEQ's preliminary decision to allow the permit amendment not be reversed, then we hereby request a public meeting and a contested case hearing.

Office of the Chief Clerk, MC 105
March 23, 2007
Page 3

Thank you for your consideration.

Very truly yours,

KANE RUSSELL COLEMAN & LOGAN PC

By: 
Bruce M. Flowers

BMF/lat

cc: The Honorable Brian C. Newby
General Counsel, Office of the Governor
P.O. Box 12428
Austin, Texas 78711

The Honorable Chet Edwards
115 South Main Street, Suite 202
Cleburne, Texas 76033
Fax: (817) 645-4796

Mr. Gabor Sztamenitis
Mr. Sam Irizarry and Mrs. Ann Irizarry
Mr. Philip B. Butler
Ms. Lindsay K. Russell
Gordon B. Russell, Esq.

(via email: gabor@gasint.com)

(via email: pbutler@mediasupport.net)

(via email: lkrussell@mac.com)

(Firm)

MWD
55081

KRCL & L

ATTORNEYS & COUNSELORS

BRUCE M. FLOWERS
DIRECT NUMBER: (214) 777-206
E-Mail: bflowers@krcl.com

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

CHIEF CLERKS OFFICE

MAR 23 PM 4:37

March 23, 2007

OPA PM
K

MAR 27 2007

Via Facsimile: 512-239-3311 and CMRRR

Office of the Chief Clerk

MC 105

Texas Commission for Environmental Quality

PO Box 13087

Austin, Texas 78711-3087

BY _____

RE: Requested Amendment of TPDES Permit No. WQ0013436001

Dear Sir/Madam:

I write this letter on behalf of The Russell Family Trust, Steele Creek Ranch, L.P., Lindsay K. Russell, Sam Irizarry and Ann Irizarry, Phillip B. Butler, Trustee of the Lucille C. Butler Revocable Family Trust, and The Sztamenitis Family Limited Partnership, (collectively, "Clients") who are respectively owners of tracts of land all of which abut Steele Creek and totaling more than 2000 acres in Bosque County, Texas in the aggregate. After having reviewed the "Notice of Application and Preliminary Decision for TPDES Permit and Municipal Wastewater Amendment" related to the City of Walnut Springs' Permit No. WQ0013436001, my Clients are very concerned about the potential environmental consequences of the amendment. The requested amendment would cause treated sewage to be discharged into Steele Creek. A significant portion of Steele Creek runs through my Clients' properties, which are actively being used as homesteads, working ranches, farm land, and for agricultural, livestock, recreational and other purposes. Degradation of the water quality in Steele Creek will greatly damage the value of my Clients' properties and their families' ability to use and enjoy the creek. My Clients therefore strongly object to the requested permit amendment and ask that it be denied.

Further, the Notice is limited to the stream reach assessed and states only that no significant degradation of water quality is expected in water bodies with exceptional, high or intermediate aquatic life uses. As Steele Creek has been classified to have only limited aquatic land uses, the notice does not address the impact the requested amendment would have on Steele Creek. There is also a question why the aquatic land uses for Steele Creek are classified as "limited." There is no valid basis for this vibrant, historical creek to be classified so low. Further, the Notice does not state that the antidegradation policy will be pertinent to the permit action or that degradation of the waters found in Steele Creek is not anticipated.

MWD

Office of the Chief Clerk, MC 105

March 23, 2007

Page 2

Additionally, the Notice does not state that lowering of the water quality in Steele Creek is justified by important economic or social development. As such, this is apparently not a basis for the permit amendment being granted.

My Clients request a public meeting to contest the application for the permit amendment. As interested and impacted parties, they seek an opportunity to provide additional comments and to be provided with additional information concerning the determination of existing uses, anticipated impacts of the discharge, baseline conditions, and the necessity of the discharge as degradation of the water quality in Steele Creek is expected. My Clients request that evidence be introduced in public hearings concerning the determination of existing uses and criteria; the assessment of degradation under the appropriate Tier; any alleged social and economic justification for lowering water quality; requirements and conditions necessary to preclude degradation; and any other issues which bear upon the implementation of the requested permit amendment.

Furthermore, the proposed amendment will have an extremely adverse impact on my Clients and their families, as well as other downstream landowners, in many ways including without limitation:

1. Since Steele Creek is spring fed, pollution which enters the stream may also pollute the underground aquifer which supplies drinking water;
2. As an intermittent creek, during periods of drought and especially when Steele Creek is not running, the concentration of pollutants will increase and may adversely affect the abundant wildlife and livestock that depend on Steele Creek for drinking water;
3. The increase in pollutant concentration levels may result in a substantial and imminent harm to health and the environment;
4. My Clients and their families will no longer be able to swim, fish or enjoy the aesthetic value of Steele Creek; and
5. The market and intrinsic value of my Clients' properties will be substantially damaged and materially decreased.

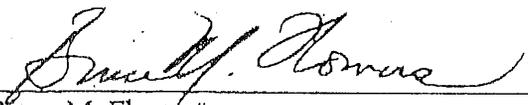
On behalf of my Clients and their families and their livestock, and the wild game that lives on their respective properties, we ask that the application be denied. Should the TCEQ's preliminary decision to allow the permit amendment not be reversed, then we hereby request a public meeting and a contested case hearing.

Office of the Chief Clerk, MC 105
March 23, 2007
Page 3

Thank you for your consideration.

Very truly yours,

KANE RUSSELL COLEMAN & LOGAN PC

By: 
Bruce M. Flowers

BMF/lat

cc: The Honorable Brian C. Newby
General Counsel, Office of the Governor
P.O. Box 12428
Austin, Texas 78711

The Honorable Chet Edwards
115 South Main Street, Suite 202
Cleburne, Texas 76033
Fax: (817) 645-4796

Mr. Gabor Sztamenitis
Mr. Sam Irizarry and Mrs. Ann Irizarry
Mr. Philip B. Butler
Ms. Lindsay K. Russell
Gordon B. Russell, Esq.

(via email: gabor@gasint.com)

(via email: pbutler@mediasupport.net)

(via email: lkrussell@mac.com)

(Firm)

KEMP SMITH LLP

FAX COVER SHEET

ATTORNEYS AT LAW

816 CONGRESS AVENUE, SUITE 1150 | AUSTIN, TEXAS 78701-2443

512.320.5466 | FAX 512.320.5431

www.kempsmith.com

Date: March 23, 2007

No. of pages: 2 (including this cover page)

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the law firm of KEMP SMITH LLP, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number set forth above. We will be happy to arrange for the return of this message via the U.S. Postal Service to us at no cost to you.

PLEASE DELIVER TO:

	Name	Company	Fax	Phone
1.	Brent Gurley	TCEQ	239-3311	

FROM:

Sender's Name: Andrew S. Miller	Number for Contact: 512-320-5466 (if different from Sender)
	File Number: 99000-00007

COMMENTS:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 2007 MAR 23 PM 4:37
 CHIEF CLERKS OFFICE

IN CASE OF A PROBLEM WITH THIS FAX TRANSMISSION
 CALL THE SENDER AT 512.320.5466

KRCL & L

ATTORNEYS & COUNSELORS

BRUCE M. FLOWERS
DIRECT NUMBER: (214) 777-4206
E-Mail: bflowers@krcl.com

October 3, 2006

**CERTIFIED MAIL—
RETURN RECEIPT REQUESTED
RRR #7004 2510 0003 3736 1127**

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

IP +
OPA
OCT 09 2006
BY JM
MWD
55001
OCT 6 11 25 55
CHIEF CLERK'S OFFICE
TEXAS
COMMISSION OF
ENVIRONMENTAL
QUALITY

**RE: Application and Intent to Obtain Water Quality Permit Amendment;
TPDES Permit No. WQ0013436001**

Dear Clerk:

I represent landowners downstream of the Walnut Springs wastewater treatment facility. Steele Creek runs through and contiguous to my clients' properties for a distance of several miles. My clients' properties are directly in the discharge route from the facility.

Needless to say, the proposed amendment of the TPDES Permit is of great concern to my clients and I understand to others who reside in Bosque County. Accordingly, pursuant to the Texas Public Information Act, please promptly provide me with a copy of: (i) the permit application and associated documents, if any; (ii) all other documents or records related to the proposed amendment; and (iii) all documents or records related to the anticipated impact of the amendment on Steele Creek and downstream property owners.

Additionally, please place me on the mailing list for all notices and other correspondence related to this requested permit amendment.

Your prompt attention to this important matter is appreciated.

Very truly yours,

KANE RUSSELL COLEMAN & LOGAN, P.C.

By: JM

Bruce M. Flowers

BMF/lat

Enclosures

cc: Honorable Benny Damron, Mayor

544954 v1 (99901.00001.000) BG

3700 Thanksgiving Tower ■ 1601 Elm Street ■ Dallas, Texas 75201 ■ 214.777.4200 ■ Fax 214.777.4299 ■ www.krcl.com

KANE RUSSELL COLEMAN & LOGAN P.C.

KRCL & L

ATTORNEYS & COUNSELORS

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

BRUCE M. FLOWERS

DIRECT NUMBER: (214) 777-4206
E-Mail: bflowers@krcl.com

October 3, 2006

OCT -6 PM 2:55

CHIEF CLERK'S OFFICE

**CERTIFIED MAIL—
RETURN RECEIPT REQUESTED
RRR #7004 2510 0003 3736 1110**

Honorable Benny Damron, Mayor
City of Walnut Springs
P. O. Box 272
Walnut Springs, Texas 76690

**RE: Application and Intent to Obtain Water Quality Permit Amendment;
TPDES Permit No. WQ0013436001**

Dear Mayor Damron:

I represent landowners downstream of the Walnut Springs wastewater treatment facility. Steele Creek runs through and contiguous to my clients' properties for a distance of several miles. My clients' properties are directly in the discharge route from the facility.

Needless to say, the proposed amendment of the TPDES Permit is of great concern to my clients and I understand to others who reside in Bosque County. Accordingly, pursuant to the Texas Public Information Act, please promptly provide me with a copy of: (i) the permit application and associated documents, if any; (ii) all other documents or records related to the proposed amendment; and (iii) all documents or records related to the anticipated impact of the amendment on Steele Creek and downstream property owners.

Additionally, please place me on the mailing list for all notices and other correspondence related to this requested permit amendment.

Your prompt attention to this important matter is appreciated.

Very truly yours,

KANE RUSSELL COLEMAN & LOGAN, P.C.

By: _____

Bruce M. Flowers

BMF/lat
Enclosures
cc: Texas Commission of Environmental Quality

544946 v1 (99901.00001.000)

BG

3700 Thanksgiving Tower ■ 1601 Elm Street ■ Dallas, Texas 75201 ■ 214.777.4200 ■ Fax 214.777.4299 ■ www.krcl.com

KANE RUSSELL COLEMAN & LOGAN P.C.

Clay Humphries

ATTORNEY & COUNSELOR

Board Certified-Civil Trial Law
Texas Board of Legal Specialization
S. B. #10277380
E-Mail ch@paceco.net

420 Throckmorton St., Suite 710
Fort Worth, Texas 76102-3724
817-332-1219
FAX 817-332-3296

OPA
SEP 27 2006
BY

September 20, 2006

Certified Mail

Office of the Chief Clerk, MC 1'05
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Re: Permit No. WQ0013436001
Applicant: City of Walnut Springs

10085
Down

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2006 SEP 25 PM 2:55
CHIEF CLERKS OFFICE

Dear Sir/Madam:

This is in response to an application filed by the City of Walnut Springs applying for a change in permit authorization from effluent disposal for irrigation to discharge of effluent to "waters of the state" ostensibly via Steele Creek, a tributary of the Brazos River.

My wife and I own 77.38 acres on Steele Creek approximately 6 miles downstream from the City of Walnut Springs in the Charles Brown Survey between Walnut Springs and Morgan, Texas adjacent to County Road 2620 in Bosque County, Texas. We purchased this property in 1989 principally because of the pristine, limestone bottomed stream known as Steele Creek which runs through the heart of the property. We built a home overlooking the creek because of its scenic beauty and recreational value. Since that time, our family and a host of friends and associates have enjoyed swimming, wading, fishing and tubing in the clear, spring-fed waters of this beautiful hill country stream.

We absolutely, categorically, and unequivocally oppose any attempt by Walnut Springs to dump its sewage into this stream. At the outset, we question the legality of the proposed change because, unlike the Brazos River whose bed is owned by the State of Texas, Steele Creek is privately owned; my wife and I hold a deed to the bed itself as private property that is not open to the public. It would seem that the City of Walnut Springs wants to discharge its sewage "to the state" by running it across our private property without our permission, which will never be granted.

One would think that with the drought conditions in Texas the City of Walnut Springs would have no shortage of land in need of irrigation. I have not heard nor can I imagine any legitimate reason that this beautiful stream should be adulterated with

sewage merely for the convenience of those who created the sewage. I don't discharge my sewage into the creek nor do I attempt to pass it on to others.

Furthermore, the proposed change will have an extremely adverse affect on us in a multitude of ways including:

1. We, our family, friends and guests will no longer be able to wade, swim, fish or enjoy the aesthetic value of our creek;
2. The total value of our land and home will be substantially damaged and decreased;
3. During periods of drought, when the creek is not running, the concentration of pollutants may adversely affect the wild life and livestock that depend on the creek for drinking water;
4. Since Steele Creek is spring fed, pollution which enters the stream may also pollute the underground aquifer which supplies our drinking water;

I have enclosed a few photos demonstrating our use of this stream and illustrating its magnificent beauty.

We appreciate your consideration of these comments and request that the Application be denied. If not, please accept this letter as our "request for a contested case hearing".

Please add my name to the permanent mailing list for any future applications by the City of Walnut Springs or permit no. WQ0013436001.

Thank you for your consideration.

Very truly yours,



Clay Humphries

cc: The Honorable Brian C. Newby
General Counsel, Office of the Governor
P.O. Box 12428
Austin, Texas 78711

