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HOOD COUNTY COMMISSIONER

200 North Gordon Street
Granbury, Texas 76048
817-579-3300 • Fax 817-579-0396

March 10th 2008

RPR OPA
MAR 14 2008
BY KG
MWD
56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 14 AM 10: 22
CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

TPDES Permit # WQ0014754001

I would like to ask the TCEQ to reconsider the decision to permit the discharge plant on Rucker Creek in Northeast Hood County. This location and discharge area of the plant into Lake Granbury would be detrimental to lake front property in Lakewood Hills and Mallard Pointe sub-divisions and possibly Lake Granbury. Lake Granbury is in a Water Shed protection study with Federal funds and would like to see the outcome of this study before going forward. I feel that an alternative plan is very reachable with the City of Granbury to tie this sub-division into the wastewater treatment plant in Granbury. Hood County has had packaging plants in Southern Hood Co., which have failed and resulted in sewage and contamination into Lake Granbury. I feel the municipality of the City of Granbury will outlive any private plant and continue to update technology to better contain and control wastewater and keep Lake Granbury clean and safe.

Please advise of any hearings or public meetings so that Hood County can be represented and residents can be heard. We need to find a safer and better solution to this discharge area.

Sincerely

Steve F Berry
Hood Co. Commissioner Pct. 4

Cc-K. Averitt. State Senator
J. Keffer, State Representative

MWD

Have formalized comment (16)

TCEQ Public Meeting Form

Tuesday, October 16, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:14
CHIEF CLERKS OFFICE

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

PLEASE PRINT:

Name: Steve Berry

Address: ~~3701~~ ~~W~~ 200 N. Gordon St

City/State: Granbury Zip: 76048

Phone: (817) 579-3300

☑ Please add me to the mailing list.

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

If yes, which one? Hood Co Commissioner Pct 4

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

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

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

MW

STEVE F. BERRY
COMMISSIONER, PRECINCT 4
HOOD COUNTY
1410 West Pearl St.
GRANBURY, TEXAS 76048
817-579-3300, FAX 817-579-0396

MWD
56720

OPA
MAR 14 2008
BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 14 AM 10: 24
CHIEF CLERKS OFFICE

March 3rd 2008

Texas Commission on Environmental Quality
TPDES Permit #WQ0014754001

Sirs

I represent Pct 4 in Hood County in the area of this discharge permit area and strongly oppose the Permit being issued. I am writing to you to advise my intentions to continue to oppose and attempt through hearings and Senator Averitt's office and Jim Keffer's office to stop the permitting of the above issue.

Please continue to advise me of hearing dates and locations to which I can be present to voice my concerns and have County representation.

Thank you

Steve Berry
Hood Co. Commissioner Pct 4

MW

MWD 56729

HOOD COUNTY COMMISSIONER

200 North Gordon Street
Granbury, Texas 76048
817-579-3300 • Fax 817-579-0396

June 4, 2007

Office of the Chief Clerk
MC105
TCEQ
PO Box 13087
Austin TX 78711-3087

OPA
JUN 05 2007
BY

C/O Michael Redda
Permit number—WQ0014754-001

I am raising concern about the above permit on the proposed wastewater treatment plant that will discharge into Rucker Creek.

I am Hood County Commissioner Pct 4 and the area in which this plant would be located is in my jurisdiction. I have received many letters and calls with comments regarding the lake safety and pollution levels of Lake Granbury. I am very concerned with regards to the Lake Granbury Water Shed study and funding through grants received with help from Congressman Chet Edwards that we need more time and studies on this proposed sight.

It should be known that FEMA and the Brazos River Authority are working on a new 100 year flood plain study for Lake Granbury and parts of Rucker Creek which will be the area of dispersal for water and this should be finished with in the year.

I have other concerns for the area that relate to my job in which this new development is located, such as increased drainage issues and runoff due to 350 added houses in subdivision. The increased traffic in the area of M&M Ranch Road and the safety of traffic due to un-gated railroad crossing with in half mile of this area.

I feel the residents of Mallard Pointe and Lake Wood Hills sub-divisions which are in the Rucker Creek area have genuine concerns for the safety of there children and grand children as well as wildlife issues. I request that you hear the concerns of the residents.

Sincerely

Steve Berry

Steve Berry
Hood County Commissioner Pct 4
Granbury Texas

HOOD COUNTY COMMISSIONER

200 North Gordon Street
Granbury, Texas 76048
817-579-3300 • Fax 817-579-0396

June 4, 2007

MWD
36720

Office of the Chief Clerk
MC105
TCEQ
PO Box 13087
Austin TX 78711-3087

OPA
JUN 06 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -6 AM 10:25
CHIEF CLERKS OFFICE

C/O Michael Redda
Permit number—WQ0014754-001

I am raising concern about the above permit on the proposed wastewater treatment plant that will discharge into Rucker Creek.

I am Hood County Commissioner Pct 4 and the area in which this plant would be located is in my jurisdiction. I have received many letters and calls with comments regarding the lake safety and pollution levels of Lake Granbury. I am very concerned with regards to the Lake Granbury Water Shed study and funding through grants received with help from Congressman Chet Edwards that we need more time and studies on this proposed sight.

It should be known that FEMA and the Brazos River Authority are working on a new 100 year flood plain study for Lake Granbury and parts of Rucker Creek which will be the area of dispersal for water and this should be finished with in the year.

I have other concerns for the area that relate to my job in which this new development is located, such as increased drainage issues and runoff due to 350 added houses in subdivision. The increased traffic in the area of M&M Ranch Road and the safety of traffic due to un-gated railroad crossing with in half mile of this area.

MW

I feel the residents of Mallard Pointe and Lake Wood Hills sub-divisions which are in the Rucker Creek area have genuine concerns for the safety of there children and grand children as well as wildlife issues. I request that you hear the concerns of the residents.

Sincerely

Steve Berry
Hood County Commissioner Pct 4
Granbury Texas

H OPA

MAR 12 2008

BY KG

March 7, 2008

Ms. LaDonna Castanuela, Chief Clerk
TECQ, MC-105
P. O. Box 13087
Austin, Texas 78711-3087

MWD
56720

2008 MAR 12 AM 10: 11
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Ms. Castanuela:

RE: Aqua Utilities Inc, TPDES permit no. WQ0014754001

This letter is to advise you that we have some serious concerns regarding the issuance of the subject permit to Aqua Utilities, Inc. We respectfully request a Contested Case Hearing. Having purchased a home on Lake Granbury, we believe we have certain rights as property owners:

1. the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water and our health
2. the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation
3. the right to maintain our property values
4. the right to share the fun lake activities with our family and friends without the fear of illness caused by a "endangered' lake

We are raising the following objections and hope that you will give careful and unbiased consideration to these objections:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspended solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer is enough to compensate for illness or death of a child.

mw

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

The accuracy of the applicant's response seems suspect. As of March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant, with regard to the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. So how is he able to provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the time for permit to place a sewer line under the railroad is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant allegedly provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information.

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? With an investment of over $500,000 in our home and property, the terms " the facility should" and "if properly operated" are not sufficient to give us "peace of mind" that

this large investment will be protected. It seems that we are putting our home equity into the hands of some unidentified person or company who has no interest in maintaining the value of our homes.

We respectfully request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

Sincerely,

Sandra Carson

Sandra Carson

Ray Carson

Ray Carson

Ray and Sandra Carson
713 Pintail Court
Granbury, TX 76049

MWD 56720

OPA

JUN 05 2007

BY

JUN 1 2007

May 30, 2007

The Honorable, Chet Edwards
115 South Main Street, Suite 202
Cleburne, TX 76033

RE: REQUEST FOR PUBLIC HEARING

Dear Sir/Madam;

I'm a resident (nine-year) of Mallard Pointe, a subdivision having lake access via "Rucker Creek" an official impact area concerning the proposed wastewater treatment plant being considered to treatment residential wastewater discharged from approximately 700 new homes to be constructed (Phases I-III) within Hood Counties planned Nolan Park subdivision project.

Living along the shores of "Rucker Creek" during the past nine years, I have clearly observed a decline in water quality, increased silt-sediment, decreased oxygen, increased odor, golden algae blooms and fish kills and thus remain very concerned about implementing measures to protect water quality in the watershed.

In which case, I respectively request TCEQ hold a public hearing regarding the proposed project, providing an opportunity for affected stakeholders and residents to be heard while being informed concerning the level treatment (i.e., BOD, COD, TSS, Nitrogen and Phosphorus etc) requirements being implemented via the TCEQ proposed facility discharge permit. For these reasons, the Brazos River Authority continues conducting lake sampling to identify non-point sources of pollution in order to control golden algae via implementation of a comprehensive Water Shed Protection and Management Plan. As the TCEQ legislative mandate is to protect environmental quality and water quality within the State of Texas, I remain confident that public hearing shall be scheduled in order for the agency to achieve their program objectives.

Thanks in advance for taking action to request a public hearing. In this way, the concerns of the developer and public can be addressed to develop a wastewater treatment system that does not prohibit new home construction in Hood County, but simply protects our most precious natural resource "Lake Granbury" water quality for continued recreational use.

Warmest regards,

Mark D. Clark

Mark D. Clark, Ph.D.
1905 Wigeon St., Granbury, TX 76049

CHIEF CLERKS OFFICE

2007 JUN -4 PM 2:36

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MW

Hire formal Oral Comment. (3)

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 12:56
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Mark Clark

Address: 1905 Wigeon St.

City/State: Granbury, TX Zip: 76049

Phone: (817) 579-6131

☑ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

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

Me

MWD 56720 A

OPA

MAR 20 2008

BY BP

TO: Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should have the right to maintain our property value.

Our home is not on the water but is accross the street from the water and our boat slip that would be affected.

2008 MAR 20 AM 10:19 CHIEF CLERK'S OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

We are raising objections to:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

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The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

Response 19:

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MW

Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

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Response 28:

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Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $500,000 in our home and property, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. Some of the chemicals that are

commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

We are concerned that the State of Texas would consider allowing the dumping of any wastewater into its lakes when there is a better alternative. The better alternative, in this case, is for Nolan Park to attach to the City of Granbury's sewer system, which is within 2000-2500 feet. In our opinion, if the TCEQ allows the Nolan Park treatment plant to be built, the TCEQ and the State of Texas show they do not care about the pollution of Lake Granbury, contrary to what they profess.

R.B. Coleman
Vickie Coleman
2002 Green Wing Dr.
Granbury Tx. 76049

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

MWD
56720

2007 MAY 31 AM 10: 14
CHIEF CLERKS OFFICE

May 26, 2007

Office of the Chief Clerk
MC105
TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

OPA H
MAY 31 2007
BY

Re: Proposed TPDES Permit #WQ0014754001
Rucker Creek pending Waste Water Treatment Plant

A wastewater treatment plant is being proposed that would discharge into Rucker Creek in the vicinity of M & M Ranch Road. The plant will serve Nolan Park. Based on information in the application for a discharge permit the plant will be constructed in phases and will ultimately discharge 150,000 gallons per day serving 350 homes..

Our home and numerous others line the banks of Rucker Creek. Rucker Creek is an integral part of Lake Granbury, a beautiful lake 30 miles southwest of Ft Worth, which among other things serves the recreational needs of a large surrounding area and supports the city of Granbury itself.

Our concerns are for the Rucker Creek water quality. The amount of flow in the creek is frequently low or even zero; therefore, the flow in Rucker Creek will predominately be wastewater during certain periods of the year. Under these conditions, the treated wastewater could greatly reduce the dissolved oxygen in Rucker Creek. Reduced oxygen is unhealthy for fish and other wildlife and may result in offensive odors. The other extreme of Rucker Creek is flooding, as has occurred in the past two years. Flooding would flush any build-up of contaminants residing upstream into the cove and creek areas that are inhabited. The nitrogen and phosphorous in the wastewater may cause increased algae and aquatic weed growth; this is of particular concern with regard to the golden algae already observed in Rucker Creek. Excessive algae growth causes water quality problems killing the fish and can cause the water to be unsafe for swimming. The potential for a discharge of bacteria is another significant concern since Rucker Creek is used for swimming. Also, an increase in aquatic weeds could be a problem to boating and fishing.

In addition to swimming, property owners downstream of the proposed treatment plant use the water from Rucker Creek for the irrigation of lawns and landscapes. Since the flow in Rucker Creek will largely be wastewater during dry periods, the constituents in the wastewater will likely come in contact with people and pets that are exposed to irrigation water. In addition, wastewater plants often emit offensive odors. Odors leaving the plant will significantly impact property values and the quality of life within the surrounding area and will be offensive to customers of businesses in the vicinity, as well as to those who drive by the treatment plant area. We personally have lived with this condition in another city and it is deplorable.

The most favorable solution is for the area served to convey its wastewater to the City of Granbury waste water system. This option is dependent upon the City's having the capacity and being agreeable to accepting the wastewater. Another less desirable option would be for the treatment plant to provide a very high level of treatment with respect to (1) removing materials from the waste-water that would otherwise cause the oxygen in Rucker Creek to be reduced , (2) controlling phosphorous and nitrogen levels so as to discourage algae and aquatic weed growth, (3) killing <u>all</u> harmful bacteria, (4) eliminating <u>all</u> offensive odors, and (5) ensuring against any mishaps. In addition to providing high levels of treatment, the plant operator should be required to routinely draw samples from Rucker Creek and test it in order to determine the effect of the discharged waste water

mcl

on the water quality. Of course all of the sampling and testing would be monitored by the strict rules set forth by TCEQ.

We are extremely concerned about the effect of the proposed treatment plant on property values. What will happen to home values as Rucker Creek becomes known as a dumping ground for human excrement?! In short, we are opposed to the issuance of the proposed discharge permit and request a public hearing on the matter. Please include us on your mailing list for future notifications in this regard.

Sincerely,

Mr. and Mrs. Richard N. Eldred
1915 Green Wing Dr.
Granbury, TX 76049
817-573-1338

cc: Judge Andy Rash
Mayor David Southern
Commissioner Steve Berry
The Honorable Kip Evert
The Honorable Chet Edwards

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

RECEIVED
OCT 16 2007
MEETING

PLEASE PRINT:

Name: Richard & Paula Eldred

Address: 1915 Green Wing Dr

City/State: Granbury TX Zip: 76049

Phone: (817) 573-1338

☒ Please add me to the mailing list.

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

If yes, which one? _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:21
CHIEF CLERKS OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

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

October 16, 2007

OCT 16 2007

Office of the Chief Clerk
MC105
TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

Re: Proposed TPDES Permit #WQ0014754001
Rucker Creek pending Waste Water Treatment Plant

2007 OCT 26 PM 1:2
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

A wastewater treatment plant is being proposed that would discharge into Rucker Creek in the vicinity of M & M Ranch Road. The plant will serve Nolan Park. Based on information in the application for a discharge permit the plant will be constructed in phases and will ultimately discharge 150,000 gallons per day serving 350 homes.

Our home and numerous others line the banks of Rucker Creek. Rucker Creek is an integral part of Lake Granbury, a beautiful lake 30 miles southwest of Ft Worth, which among other things serves the recreational needs of a large surrounding area and supports the city of Granbury itself.

Our concerns are for the Rucker Creek water quality. The amount of flow in the creek is frequently low or even zero; therefore, the flow in Rucker Creek will predominately be wastewater during certain periods of the year. Under these conditions, the treated wastewater could greatly reduce the dissolved oxygen in Rucker Creek. Reduced oxygen is unhealthy for fish and other wildlife and may result in offensive odors. The other extreme of Rucker Creek is flooding, as has occurred in the past two years. Flooding would flush any build-up of contaminants residing upstream into the cove and creek areas that are inhabited. The nitrogen and phosphorous in the wastewater may cause increased algae and aquatic weed growth; this is of particular concern with regard to the golden algae already observed in Rucker Creek. Excessive algae growth causes water quality problems killing the fish and can cause the water to be unsafe for swimming. The potential for a discharge of bacteria is another significant concern since Rucker Creek is used for swimming. Also, an increase in aquatic weeds could be a problem to boating and fishing.

In addition to swimming, property owners downstream of the proposed treatment plant use the water from Rucker Creek for the irrigation of lawns and landscapes. Since the flow in Rucker Creek will largely be wastewater during dry periods, the constituents in the wastewater will likely come in contact with people and pets that are exposed to irrigation water. In addition, wastewater plants often emit offensive odors. Odors leaving the plant will significantly impact property values and the quality of life within the surrounding area and will be offensive to customers of businesses in the vicinity, as well as to those who drive by the treatment plant area. We personally have lived with this condition in another city and it is deplorable.

mw

The most favorable solution is for the area served to convey its wastewater to the City of Granbury waste water system. This option is dependent upon the City's having the capacity and being agreeable to accepting the wastewater. Another less desirable option would be for the treatment plant to provide a very high level of treatment with respect to (1) removing materials from the waste-water that would otherwise cause the oxygen in Rucker Creek to be reduced , (2) controlling phosphorous and nitrogen levels so as to discourage algae and aquatic weed growth, (3) killing all harmful bacteria, (4) eliminating all offensive odors, and (5) ensuring against any mishaps. In addition to providing high levels of treatment, the plant operator should be required to routinely draw samples from Rucker Creek and test it in order to determine the effect of the discharged waste water on the water quality. Of course all of the sampling and testing would be monitored by the strict rules set forth by TCEQ.

We are extremely concerned about the effect of the proposed treatment plant on property values. What will happen to home values as Rucker Creek becomes known as a dumping ground for human excrement?! In short, we are opposed to the issuance of the proposed discharge permit.

Sincerely,

Mr. and Mrs. Richard N. Eldred
1915 Green Wing Dr.
Granbury, TX 76049
817-573-1338

OPA RECEIVED
OCT 16 2007
PUBLIC MEETING

MWD
36720

OPA

JUN 05 2007

BY

MAY 31 2007

May 26, 2007

Office of the Chief Clerk
MC105
TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

Re: Proposed TPDES Permit #WQ0014754001
Rucker Creek pending Waste Water Treatment Plant

A wastewater treatment plant is being proposed that would discharge into Rucker Creek in the vicinity of M & M Ranch Road. The plant will serve Nolan Park. Based on information in the application for a discharge permit the plant will be constructed in phases and will ultimately discharge 150,000 gallons per day serving 350 homes.

Our home and numerous others line the banks of Rucker Creek. Rucker Creek is an integral part of Lake Granbury, a beautiful lake 30 miles southwest of Ft Worth, which among other things serves the recreational needs of a large surrounding area and supports the city of Granbury itself.

Our concerns are for the Rucker Creek water quality. The amount of flow in the creek is frequently low or even zero; therefore, the flow in Rucker Creek will predominately be wastewater during certain periods of the year. Under these conditions, the treated wastewater could greatly reduce the dissolved oxygen in Rucker Creek. Reduced oxygen is unhealthy for fish and other wildlife and may result in offensive odors. The other extreme of Rucker Creek is flooding, as has occurred in the past two years. Flooding would flush any build-up of contaminants residing upstream into the cove and creek areas that are inhabited. The nitrogen and phosphorous in the wastewater may cause increased algae and aquatic weed growth; this is of particular concern with regard to the golden algae already observed in Rucker Creek. Excessive algae growth causes water quality problems killing the fish and can cause the water to be unsafe for swimming. The potential for a discharge of bacteria is another significant concern since Rucker Creek is used for swimming. Also, an increase in aquatic weeds could be a problem to boating and fishing.

In addition to swimming, property owners downstream of the proposed treatment plant use the water from Rucker Creek for the irrigation of lawns and landscapes. Since the flow in Rucker Creek will largely be wastewater during dry periods, the constituents in the wastewater will likely come in contact with people and pets that are exposed to irrigation water. In addition, wastewater plants often emit offensive odors. Odors leaving the plant will significantly impact property values and the quality of life within the surrounding area and will be offensive to customers of businesses in the vicinity, as well as to those who drive by the treatment plant area. We personally have lived with this condition in another city and it is deplorable.

The most favorable solution is for the area served to convey its wastewater to the City of Granbury waste water system. This option is dependent upon the City's having the capacity and being agreeable to accepting the wastewater. Another less desirable option would be for the treatment plant to provide a very high level of treatment with respect to (1) removing materials from the waste-water that would otherwise cause the oxygen in Rucker Creek to be reduced , (2) controlling phosphorous and nitrogen levels so as to discourage algae and aquatic weed growth, (3) killing <u>all</u> harmful bacteria, (4) eliminating <u>all</u> offensive odors, and (5) ensuring against any mishaps. In addition to providing high levels of treatment, the plant operator should be required to routinely draw samples from Rucker Creek and test it in order to determine the effect of the discharged waste water

MWD

on the water quality. Of course all of the sampling and testing would be monitored by the strict rules set forth by TCEQ.

We are extremely concerned about the effect of the proposed treatment plant on property values. What will happen to home values as Rucker Creek becomes known as a dumping ground for human excrement?! In short, we are opposed to the issuance of the proposed discharge permit and request a public hearing on the matter. Please include us on your mailing list for future notifications in this regard.

Sincerely,

Mr. and Mrs. Richard N. Eldred
1915 Green Wing Dr.
Granbury, TX 76049
817-573-1338

cc: Judge Andy Rash
Mayor David Southern
Commissioner Steve Berry
The Honorable Kip Evert
The Honorable Chet Edwards

March 5, 2008

RPR OPA
MAR 10 2008
BY KG
MWD
56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR -7 PM 3:08
CHIEF CLERKS OFFICE

LaDonna Castanuela,
Chief Clerk
TCEQ MC-105
P.O. Box 13087
Austin, Texas 78711-3037

Re: Aqua Utilities, Inc. TPDES Permit No. WQ0014754001

I object to the Executive Director's approval of the above referenced permit application.

I request reconsideration of the Executive Director's decision since the detailed issues presented by parties at the October 16, 2007, hearing have been neither adequately nor completely addressed. Indeed, it appears that many responses are, at best, an application of minimum standards and minimum interest by the TCEQ. Examples include:

It's not the TCEQ's problem: Responses #3, #9, #18 and #21.
It's up to the individual property owner to report detrimental impact and/or take individual legal action: Responses #4, #6, #9, #18 and #29.

Lastly, Response #21 is either an insult to our intelligence or an indictment of the Executive Director's lack of managerial oversight, financial acumen and political objectivity. The simple fact that the TCEQ relies on information from the applicant without its own subsequent validation and analyses of that information is a dereliction of its duty to the public's trust and welfare.

In summary, the whole of the significant concerns raised by the protestants is much greater than the sum of the parts. The Executive Director must apply the most rigorous assessment possible to the Aqua Utilities application to adequately understand the consequences of his decision on not only the formal protestants but also all users of Rucker Creek and Lake Granbury.

Sincerely,

Tracey Ferrero
2003 Green Wing Drive
Granbury, TX 76049
817-573-3363

MW

March 5, 2008

RPR OPA
MAR 10 2008
BY KO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR -7 PM 3:08
CHIEF CLERKS OFFICE
MWD
56720

LaDonna Castanuela,
Chief Clerk
TCEQ MC-105
P.O. Box 13087
Austin, Texas 78711-3037

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Sincerely,

Rachel Ferrero

Rachel Ferrero
2003 Green Wing Drive
Granbury, TX 76049
817-573-3363

MW

March 5, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR -7 PM 3:08

CHIEF CLERKS OFFICE

BFR OPA

MAR 19 2008

BY KG

MWD

56720

LaDonna Castanuela,
Chief Clerk
TCEQ MC-105
P.O. Box 13087
Austin, Texas 78711-3037

Re: Aqua Utilities, Inc. TPDES Permit No. WQ0014754001

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In summary, the whole of the significant concerns raised by the protestants is much greater than the sum of the parts. The Executive Director must apply the most rigorous assessment possible to the Aqua Utilities application to adequately understand the consequences of his decision on not only the formal protestants but also all users of Rucker Creek and Lake Granbury.

Sincerely,

Phil Ferrero
2003 Green Wing Drive
Granbury, TX 76049
817-573-3363

mw

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: TRACEY FERRERO (RACHEL, 14 year old daughter)

Address: 2003 GREEN WING DRIVE

City/State: GRANBURY, TX Zip: 76049

Phone: (817) 573-3363

☒ Please add me to the mailing list.

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

If yes, which one? MALLARD POINTE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:16
CHIEF CLERKS OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

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

Hello, my name is Rachel Ferrero. Five years ago my family moved to Granbury and we were very excited that we would live on Rucker Creek. Every day, all year round, we fish, canoe, swim and enjoy the aquatic and other wildlife on Rucker Creek. I even have ducks that I feed at our dock. If you allow the HUMAN WASTE plant to empty into Rucker Creek, my ducks will leave. And if you allow sewage to run through our creek, my parents will no longer allow me to come in contact with the water. I'm sure this is the same for any other family with children.

Now I know that many of you know about the E. Coli pollution and golden algae in our lake. Maybe you just ignore it because you don't think that it's directly related to you. But think of it this way. Any time you jump into our creek and accidentally swallow a bit of water.....well, I think that you can finish that thought on your own. Doesn't it give you a really nasty feeling thinking about it like that?

SO please deny this permit for all our sakes. Thank you.

OPA RECEIVED
OCT 16 2007
PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:16
CHIEF CLERKS OFFICE

mw

MWD 56720

OPA PM

JUN 6 2007

BY gr

JUN 1 2007

May 29, 2007

Phil and Tracey Ferrero
Mallard Pointe on Lake Granbury
2003 Green Wing Drive
Granbury, TX 76049

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -4 PM 3:25
CHIEF CLERKS OFFICE

Office of the Chief Clerk
Texas Commission on Environmental Quality
MC105
P. O. Box 13087
Austin, TX 78711-3087

RE: Sewer Treatment Plant, Proposed Permit Number WQ00147544001

Dear Sir,

The proposed sewer treatment plant (Proposed Permit Number WQ00147544001) cannot discharge into Rucker Creek, Hood County, Texas. The reasons are obvious and indisputable:

The water in Rucker Creek is already tainted by E coli. The Brazos River Authority (BRA) is testing Rucker Creek and its cove for water quality (Attachment A). This testing is ongoing and was initiated in September 2006. Two locations are being tested: Site 70021 is located in the cove near the Mallard Pointe boat slips, public area and swim beach. Site 70022 is located in Rucker Creek itself. Both of these sites have tested above the E coli limits for contact recreation. Moreover, recent results show that the level of E coli is increasing, especially for site 70022. This area of the lake is in our backyard, where we play; furthermore, it is where fisherman throughout the area enjoy their sport. How could one logically or intentionally add further issues to this already environmentally sensitive area?

Wildlife in Rucker Creek is already in danger. Golden Algae (*p*rymnesium parvum) decimated the game fish population during the winter of 2006. It is now showing signs of recovery, after 18 months. Baylor University Toxicology Department has recently discovered that one of the conditions

that cause golden algae to become toxic is the ratio of nitrogen and phosphorus in the water. When this alga is in its toxic state it kills fish. Sewer treatment plant discharge further complicates and exacerbates this already critical situation.

For-profit wastewater treatment plants do not have a record of compliance for discharge into Lake Granbury. Texas Utilities Inc. has not complied with the standards of operation for wastewater treatment plants. Please refer to the TCEQ records for this company. And as evidenced by their performance, any allowance for monthly testing or self-monitoring are unacceptable. Simply put, Texas Utilities Inc. has neither performed in the past nor earned in the future the right to build and/or operate this sewer treatment plant.

The Lake Granbury Watershed Protection Plan Stakeholders have been working for over a year to develop a plan that will reduce the non-point source pollution of Lake Granbury. They also continue extensive testing and scientific examination of Golden Algae. The initial funding for this program was over $2M. Simply put, another source of pollution for our beautiful lake cannot be tolerated.

There are existing precedents for new developments to be connected to the City of Granbury sewer treatment plant. Meander Estates is already connected to the City of Granbury sewer treatment plant. Another development, Abe's Landing, near the lake and Highway 51 North of the City of Granbury is in the process of laying a sewer line (at the developer's expense) to the city's sewer treatment plant. The proposed Nolan Park development, for which the Texas Utilities Inc. sewer plant is intended, must be likewise required to take the same action and to make the same investment.

The flow of water in Rucker Creek varies from flood stage to no flow based on the rainfall in its watershed. During low or no flow conditions, which have historically lasted for months, the only water movement in the creek will be the sewer discharge from this treatment plant; moreover, there will not be any dilution of the discharge. Then, in flowing water or flood conditions, any buildup of solids or chemicals from the plant in Rucker

Creek will flow directly into the creek and lake toward our public area, marina and swim beach.

Any one of these points is sufficient to deny this sewer treatment plant permit. But combine any or all of them and it is simply a dereliction of logic, accountability and duty to the public trust to allow sewer treatment plant discharge into Rucker Creek. This sewer treatment plant permit must be denied.

Furthermore, and for the record, we request a public meeting for a review of the facts with us and other concerned citizens. Please notify us at least two weeks in advance of the date and time of this meeting.

Sincerely,

Phil Ferrero

Tracey Ferrero

Copy to:

→ Congressman Chet Edwards
Senator Kip Averitt
Representative Jim Lloyd Keefer
Judge Andy Rash
Commissioner Steve Berry
Editor - Hood County News

ATTACHMENT A

Site	Date	mpn/100mls
70021	9/14/2006	4
70022	9/7/2006	11
70021	10/11/2006	52
70022	10/5/2006	365
70021	11/1/2006	12
70022	11/2/2006	53
70021	12/5/2006	148
70022	12/7/2006	99
70021	1/4/2007	158
70022	1/9/2007	111
70021	1/31/2007	4
70022	1/31/2007	8
70021	3/12/2007	19
70022	3/12/2007	461
70021	4/3/2007	261
70022	4/18/2007	613

Table 1 E Coli Test Results

The Texas Commission on Environmental Quality (TCEQ) risk levels of E Coli for contact recreation is either by Geometric means testing 126 mpn/100ml, or single sample limit 394 mpn/100ml. The test results above these limits are highlighted in Table 1, in yellow.

MWD
56720

May 29, 2007

TEXAS COMMISSION ON ENVIRONMENTAL
2007 MAY 30 AM 9:51
CHIEF CLERKS OFFICE

Phil and Tracey Ferrero
Mallard Pointe on Lake Granbury
2003 Green Wing Drive
Granbury, TX 76049

PM OPA
MAY 30 2007
BY

Office of the Chief Clerk
Texas Commission on Environmental Quality
MC105
P. O. Box 13087
Austin, TX 78711-3087

Dear Sir,

The proposed sewer treatment plant (Proposed Permit Number WQ0014754001) cannot discharge into Rucker Creek, Hood County, Texas. The reasons are obvious and indisputable:

The water in Rucker Creek is already tainted by E coli. The Brazos River Authority (BRA) is testing Rucker Creek and its cove for water quality (Attachment A). This testing is ongoing and was initiated in September 2006. Two locations are being tested: Site 70021 is located in the cove near the Mallard Pointe boat slips, public area and swim beach. Site 70022 is located in Rucker Creek itself. Both of these sites have tested above the E coli limits for contact recreation. Moreover, recent results show that the level of E coli is increasing, especially for site 70022. This area of the lake is in our backyard, where we play; furthermore, it is where fisherman throughout the area enjoy their sport. How could one logically or intentionally add further issues to this already environmentally sensitive area?

Wildlife in Rucker Creek is already in danger. Golden Algae (*p*rymnesium parvum) decimated the game fish population during the winter of 2006. It is now showing signs of recovery, after 18 months. Baylor University Toxicology Department has recently discovered that one of the conditions that cause golden algae to become toxic is the ratio of nitrogen and phosphorus in the water. When this alga is in its toxic state it kills fish.

MW

Sewer treatment plant discharge further complicates and exacerbates this already critical situation.

For-profit wastewater treatment plants do not have a record of compliance for discharge into Lake Granbury. Texas Utilities Inc. has not complied with the standards of operation for wastewater treatment plants. Please refer to the TCEQ records for this company. And as evidenced by their performance, any allowance for monthly testing or self-monitoring are unacceptable. Simply put, Texas Utilities Inc. has neither performed in the past nor earned in the future the right to build and/or operate this sewer treatment plant.

The Lake Granbury Watershed Protection Plan Stakeholders have been working for over a year to develop a plan that will reduce the non-point source pollution of Lake Granbury. They also continue extensive testing and scientific examination of Golden Algae. The initial funding for this program was over $2M. Simply put, another source of pollution for our beautiful lake cannot be tolerated.

There are existing precedents for new developments to be connected to the City of Granbury sewer treatment plant. Meander Estates is already connected to the City of Granbury sewer treatment plant. Another development, Abe's Landing, near the lake and Highway 51 North of the City of Granbury is in the process of laying a sewer line (at the developer's expense) to the city's sewer treatment plant. The proposed Nolan Park development, for which the Texas Utilities Inc. sewer plant is intended, must be likewise required to take the same action and to make the same investment.

The flow of water in Rucker Creek varies from flood stage to no flow based on the rainfall in its watershed. During low or no flow conditions, which have historically lasted for months, the only water movement in the creek will be the sewer discharge from this treatment plant; moreover, there will not be any dilution of the discharge. Then, in flowing water or flood conditions, any buildup of solids or chemicals from the plant in Rucker Creek will flow directly into the creek and lake toward our public area, marina and swim beach.

Any one of these points is sufficient to deny this sewer treatment plant permit. But combine any or all of them and it is simply a dereliction of logic, accountability and duty to the public trust to allow sewer treatment plant discharge into Rucker Creek. This sewer treatment plant permit must be denied.

Furthermore, and for the record, we request a public meeting for a review of the facts with us and other concerned citizens. Please notify us at least two weeks in advance of the date and time of this meeting.

Sincerely,

Phil Ferrero

Tracey Ferrero

Copy to:

Congressman Chet Edwards
Senator Kip Averitt
Representative Jim Lloyd Keefer
Judge Andy Rash
Commissioner Steve Berry
Editor – Hood County News

ATTACHMENT A

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OPA RECEIVED
OCT 16 2007
PUBLIC MEETING

October 16, 2007

WASTEWATER TREATMENT PLANT TPDES PERMIT
Proposed Permit No. WQ0014754001

FORMAL COMMENTS SUBMITTED BY:
Rachel, Tracey and Phil Ferrero
Property Owners and Residents in Mallard Pointe on Lake Granbury

FERRERO FAMILY INTERESTS AND CONCERNS

Our home borders the downstream segment of Rucker Creek into which the discharge from the proposed sewer plant will occur. Our decision to move to Granbury five years ago was solely contingent on our access to and use of Rucker Creek. **Indeed, on a daily, year-round basis we fish, canoe, swim, boat and enjoy the marine life, waterfowl and other wildlife on the creek.**

Also on a year-round basis, we use water directly from Rucker Creek for the irrigation of turf grass and trees on our one acre lot.

Your decision will directly impact not only our ongoing quality of life but also the quality of life of hundreds of individuals within our community, not to mention the other communities, property owners and visitors who share Rucker Creek, Rucker Creek Cove and Lake Granbury.

2007 OCT 26 PM 1:22
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RELATED CONSIDERATIONS

1. The proposed discharge from the sewer plant would flow directly through the segment of Rucker Creek upon which we live. This segment of Rucker Creek is specifically designated for high aquatic life, public water supply and contact recreation. Additionally, all waters in Texas are presumed to be high aquatic life use and for contact recreation until determined otherwise.

2. This downstream segment of Rucker Creek is also used for fishing, contact recreation and lawn irrigation by many other waterfront property owners and residents.

3. This downstream segment of Rucker Creek is already experiencing elevated levels of E. Coli bacteria as evidenced by the Lake Granbury monitoring program conducted by the Brazos River Authority (BRA). The BRA test sites are 70021 - Mallard Pointe Cove and 70022 - Rucker Creek.

MW

4. The downstream segment of Rucker Creek has experienced the occurrence of golden algae based on information developed by Texas Parks and Wildlife and the Brazos River Authority. Due to the presence of Golden Algae in Rucker Creek and Rucker Creek Cove, the Brazos River Authority selected these locations to perform research using hay bales in an attempt to eliminate the Golden Algae.

5. The City of Granbury has already constructed a wastewater interceptor along Highway 377 to provide wastewater treatment service. The area to be served by the proposed Nolan Park sewer treatment plant is less than three miles the City's system; in fact, **it is only 2,500 feet from the City's existing interceptor**.

REQUESTED ACTIONS

1. In light of the above referenced water quality conditions in Rucker Creek and Rucker Creek Cove and the demonstrated uses of the water body, we request that TCEQ perform a Tier 2 degradation analysis to assess the impact of the proposed discharge on the water quality and the impact potential on the designated uses in the aforementioned water body. Once the analysis is complete, present the findings to all Mallard Pointe property owners.

2. Review, analyze and report on the water quality and ecological data collected in Lake Granbury, including Rucker Creek, by the Brazos River Authority. Present findings to all Mallard Pointe property owners.

3. Review and analyze information developed by the Texas Parks and Wildlife Department relevant to Golden Algae and water quality conditions of Lake Granbury, particularly within Rucker Creek. Report findings to all Mallard Pointe property owners.

4. Request evidence that the applicant has investigated other potential discharge locations to minimize water quality impacts. Report findings to all Mallard Pointe property owners.

5. Discover evidence that the applicant has investigated the "use of all reasonable methods to implement the policy" established in Section 26.003 of the Texas Water Code which "encourages and promotes the development and use of regional and area wide collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state". In this regard, request evidence from the applicant that investigations have been performed to obtain wastewater treatment service from the City of Granbury. Report findings to all Mallard Pointe property owners.

OCT 16 2007
PUBLIC MEETING

PREFERRED OPTIONS

1. Deny the issuance of any TPDES permit that would allow discharge into Rucker Creek.

2. Direct the developer/applicant to obtain sewer service from the City of Granbury.

CONCLUSION

In short, we are incredulous that with all the water quality issues currently facing Lake Granbury (i.e. E. Coli bacteria, inadequate or non-functioning septic systems and/or sewer treatment plants, golden algae outbreaks, suspended sediment, increased salinity, etc.), the TCEQ would even allow this permit application to get this far. Indeed, it appears that while one arm of the TCEQ is trying to protect and improve Lake Granbury's water quality, the other arm is trying to destroy it.

Rachel, Tracey and Phil Ferrero
2003 Green Wing Drive
Granbury, TX 76049
817-573-3363
epferrero@aol.com

OPA RECEIVED
OCT 16 2007
PUBLIC MEETING

October 16, 2007

OPA RECEIVED
OCT 16 2007

WASTEWATER TREATMENT PLANT TPDES PERMIT
Proposed Permit No. WQ0014754001

2007 OCT 26 PM 1:23
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

FORMAL COMMENTS SUBMITTED BY:
Phil Ferrero
President
Mallard Pointe on Lake Granbury Property Owners Association

MALLARD POINTE'S INTERESTS

Our Association represents all 173 property owners in Mallard Pointe on Lake Granbury. Our community borders the downstream segment of Rucker Creek, Rucker Creek Cove and the main body of Lake Granbury. All Association property is downstream of the discharge from the proposed sewer plant .

All Association Common Areas (one 5 acre Park, one 1 acre Park, 117 slip marina, swim beach, boat ramp and boat storage area) border the aforementioned downstream segment of Rucker Creek. On a year-round basis, our Association members as well as their families and friends use our Common Areas for swimming, fishing, boating and other recreational purposes.

On a year-round basis, our Association uses water directly from Rucker Creek for the irrigation of turf grass and trees in our 5 acre Park.

RELATIVE CONSIDERATIONS

1. The proposed discharge from the sewer plant would be directly into Rucker Creek. It is not part of the classified segment (segment No. 1205) except for the portion below the conservation pool elevation of Lake Granbury. Segment No. 1205 is designated for high aquatic life, public water supply and contact recreation. Additionally, all waters in Texas are presumed to be high aquatic life use and contact recreation until determined otherwise.

2. The downstream segment of Rucker Creek is used for fishing, contact recreation and lawn irrigation.

3. The downstream segment of Rucker Creek is already experiencing elevated levels of E-coli as evidenced by the Lake Granbury monitoring program conducted by the Brazos River Authority. The BRA test sites are, 70021 - Mallard Pointe Cove, and 70022 - Rucker Creek.

4. The downstream segment of Rucker Creek has experienced the occurrence of golden algae based on information developed by Texas Parks and Wildlife and the Brazos River Authority. Due to the presence of Golden Algae in Rucker Creek and Rucker Creek Cove, the Brazos River Authority selected these locations to perform research using hay bales in an attempt to eliminate the Golden Algae.

5. The City of Granbury has constructed a wastewater interceptor along Highway 377 to provide wastewater treatment service. The area to be served by the proposed Nolan Park wastewater treatment plant is less than three miles the City's existing interceptor system; in fact, it is only 2,500 feet from the system.

2007 OCT 26 PM 1:23
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REQUESTED ACTIONS

1. In light of the above referenced water quality conditions experienced in Rucker Creek and the uses of the water body, we request that TCEQ perform a Tier 2 degradation analysis to assess the impact of the proposed discharge on the water quality and the impact potential on the designated uses.

2. Review and analyze water quality and ecological data collected in Lake Granbury, including Rucker Creek, by the Brazos River Authority.

3. Review and analyze information developed by the Texas Parks and Wildlife Department relevant to Golden Algae and water quality conditions of Lake Granbury, particularly within Rucker Creek.

4. Request evidence that the applicant has investigated other potential discharge locations to minimize water quality impacts.

5. Request evidence that the applicant has investigated the "use of all reasonable methods to implement the policy" established in Section 26.003 of the Texas Water code, which "encourages and promotes the development and use of regional and area wide collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state". In this regard, request evidence from the applicant that

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OCT 16 2007
AT PUBLIC MEETING

investigations have been performed to obtain wastewater treatment service from the City of Granbury.

PREFERRED OPTIONS

1. Deny the issuance of a TPDES permit that would allow discharge into Rucker Creek.

2. Advise the developer/applicant to obtain service from the City of Granbury.

3. If a TPDES permit is issued, establish TPDES permit effluent quality conditions (i.e. phosphorus removal, etc.) needed to avoid degradation of water quality conditions and to avoid impacting the designated uses within Rucker Creek and Rucker Creek Cove. Additionally, require that the sewer treatment plant be equipped with effluent filters to improve the effectiveness of the disinfection process. Also, require the applicant to perform specific, frequent sampling and testing of the discharge for the permitted parameters including phosphorus. Additionally, require the applicant to perform a receiving water body sampling and testing program in cooperation with the Brazos River Authority and the TCEQ. The purpose of this sampling program would be to provide a basis for establishing the permit limits to be applied when the permit is renewed or amended.

In short, please regard our Association's concerns with the real weight they carry. Your decision will directly impact the quality of life of hundreds of individuals within our community, not to mention the other communities, property owners and visitors who share Rucker Creek, Rucker Creek Cove and Lake Granbury.

Phil Ferrero
President
Mallard Pointe on Lake Granbury Property Owners Association
701 Pintail Court
Granbury, TX 76049
817-578-9595
mppoa@mallardpointe.info

OPA RECEIVED

OCT 16 2007

OF PUBLIC COMMENTS

H

OFA

MAR 17 2008

BY BP

MWD
56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 17 AM 10: 17
CHIEF CLERKS OFFICE

TO: LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P O Box 13087
Austin, Texas 78711-3807

3/12/2008

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We request a Contested Case Hearing

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should have the right to maintain our property value.

We have a home near Rucker Creek and have a boat in the marina at Mallards Point where Rucker Creek joins with Lake Granbury. We enjoy recreation and fishing in Rucker Creek.

We are raising my objections to:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer is enough to compensate for illness or death of a child.

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

MW

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant, with regard to the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. So how can he provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information.

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $500,000 in our home and property, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

Greg Frazier

Joni Frazier

Joni Frazier
2009 Wigeon Street
Granbury, Texas 76049

March 18, 2008

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAR 24 AM 10: 51

CHIEF CLERKS OFFICE

2008-0486-MWD

TO: Texas Commission On Environmental Quality

From: Carroll and Vikki Gilbreath
(817) 573 2002

MWD
56720

OPA
RFR MAR 25 2008
BY EB

RE: Aqua Utilities, Inc.
TPDES Permit No. WQ001475001

I request that the executive director reconsider the decision to grant a permit to Aqua Utilities, Inc. for the purpose of constructing a waste treatment plant to be emptied into Rucker Creek. My wife and I live approximately halfway between the proposed facility and Mallard Pointe. Our home is located on twelve acres. Rucker Creek runs through the middle of our property. We have six acres on one side of the creek and six acres on the other side. We don't have a bridge that crosses the creek. Most of the year the creek is either dry or very shallow where it crosses our property. During periods of heavy rain the water level can rise as much as ten to fifteen feet, perhaps higher.

Response 3: states "The permit does not authorize any invasion of personal rights…" .

I believe that the release of wastewater through the middle of our property is an invasion of our personal rights. Our grandchildren enjoy wading and playing in the creek. Its not deep enough to swim in. They enjoy exploring and finding unique river rocks. We wade across the creek daily to feed our horse which is stabled on the other side. We would not allow our grandchildren to play in the creek knowing that wastewater discharged from the toilets in numerous homes is running into the creek. Keep in mind, this is not a deep creek in this area.

Response 5: states "Because the discharge would travel over 5 miles to the Lake Granbury, The TCEQ considers the lake to be beyond the zone of influence with respect to oxygen demanding pollutants."

I repeat, we don't live on the lake. The discharge would go through water that is very shallow on our property. There is not a large body of water to dilute the discharge as it comes through our property.

Response 18: states "The issuances of a permit does not grant the Applicant the right to use private or public property for the conveyance of wastewater along the discharge route."

I contend that the fact that the discharge route runs directly through the middle of our property indicates they will be using our private property for the conveyance of wastewater, not to mention to further their own gain. Yes, I am aware that Rucker Creek belongs to the BRA and that public utilities have the power of condemnation. Yet, I consider it a slap in the face to run wastewater through our property.

Response 22: states "Because of the relative small size of the proposed discharge and the distance traveled in Rucker Creek before reaching the cove (approximately five miles) additional permit for requirements such as phosphorus limits are not necessary."

You keep talking about the property owners five miles from the proposed facility. What about the property owners along the route. Is no consideration being given to these people?

Response 6: states : "The classification for the Applicant is average with a rating of 0.96"

If I have a facility sending wastewater across my property, I prefer that they have a performance rating way

MW

above average.

In summation, I respectfully yet strongly, disagree with the decision to issue permit # WQ0014754001 to Aqua Utilities, Inc. and request the you reverse that decision. We walk across the creek daily, our animals drink from the creek, it is a recreational area for our grandchildren. It doesn't need to be a dump site for other peoples waste.

Vikki Gilbreath Form formal malcomment (1)

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 12:56
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Vikki & Carroll Gilbreath

Address: 3121 N Fork Ct.

City/State: Granbury Tx Zip: 76049

Phone: (817) 573-2002

☒ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

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

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

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

MW

HOOD COUNTY COMMISSIONER

200 North Gordon Street
Granbury, Texas 76048
817-579-3300 • Fax 817-579-0396

March 10th 2008

RPR OPA
MAR 14 2008
BY KY
MWD
56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 14 AM 10: 23
CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

TPDES Permit # WQ0014754001

I would like to ask the TCEQ to reconsider the decision to permit the discharge plant on Rucker Creek in Northeast Hood County. This location and discharge area of the plant into Lake Granbury would be detrimental to lake front property in Lakewood Hills and Mallard Pointe sub-divisions and possibly Lake Granbury. Lake Granbury is in a Water Shed protection study with Federal funds and would like to see the outcome of this study before going forward. I feel that an alternative plan is very reachable with the City of Granbury to tie this sub-division into the wastewater treatment plant in Granbury. Hood County has had packaging plants in Southern Hood Co., which have failed and resulted in sewage and contamination into Lake Granbury. I feel the municipality of the City of Granbury will outlive any private plant and continue to update technology to better contain and control wastewater and keep Lake Granbury clean and safe.

Please advise of any hearings or public meetings so that Hood County can be represented and residents can be heard. We need to find a safer and better solution to this discharge area.

Sincerely

Leonard Heathington

Leonard Heathington
Hood Co. Commissioner Pct. 3

Cc-K. Averitt. State Senator
J. Keffer, State Representative

MW

RFR OPA

MAR 10 2008

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 10 AM 11:00

CHIEF CLERKS OFFICE

MWD

56720

March 7, 2008

RE: Aqua Utilities, Inc.
TPDES Permit No. WQ0014754001

To: LaDonna Castanuela, Chief Clerk
TCEQ, MC-105

As property owners in Mallard Pointe, we take issue with the decision of the Executor Director of TCEQ that the Aqua Utilities, Inc. permit application meets the necessary requirements. We request reconsideration of that decision.

The applicant either did not make a sufficient effort to determine the location of existing sewer lines within the area of the proposed facility, or they neglected to mention it on their application. The fact that they submitted incorrect information should be a clue to their method of operation.

We are of the opinion that Aqua Utilities, Inc. already has too much control over us and the quality of our life. Our water quality is poor.

We do not drink the tap water. Too often the water has sediment and is discolored to the point of staining tubs, showers, sinks, toilets, and clothes.

In the letter dated Nov. 13, 2007, the applicant indicated that the cost of connecting with Granbury's sewer line would be prohibitive. They seem to be more concerned with cutting their costs than keeping our area safe. We oppose ever using Rucker Creek for waste disposal. Our present home is across the street from the junction where the creek flows into Lake Granbury. There is a slough where the wastewater would collect and possibly stagnate, not a pleasant thought.

Lake Granbury is already at risk. Why add to the problems we are already addressing?

We had a place in the DCBE area on the lake in the 70's and 80's. Our water was provided by AMUD, and the water quality was excellent. We did not have one problem with it in the 16 years we were there. At that time, Lake Granbury was clear, beautiful, and teeming with edible fish. We enjoyed the area so much that we determined to retire here, which we did 10 years ago.

The quality of the lake has certainly declined over the ensuing years, but its problems are now being addressed and hopefully turned around.

Having dealt with Aqua Utilities, we do not have faith in its promises.

We will very much appreciate the Executive Director's reassessment of the situation, and not put us, our lake, and our property at the mercy of the applicant who does not have our best interests at heart.

Thank you for your attention to this matter that is of such great consequence to many.

Thomas N. Lawrence Anita A. Lawrence

Thomas N. Lawrence
Anita A. Lawrence
613 Goldeneye Dr.
Granbury, TX. 76049

MW

MWD 56720 H

OPA
MAR 19 2008
BY bp

TO: LaDonna Castanuela
Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

2008 MAR 18 PM 3:13
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

We request a Contested Case Hearing

We request this hearing to be held in Hood County

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should have the right to maintain our property value.

Our homes are on the water of Rucker Creek Cove.

I am speaking for the approximately 346 property owners of Mallard Pointe on Lake Granbury, at their pleasure and direction. Mallard Pointe homeowners have invested over $69,000,000.00 in our property. We are a diverse group with new families to retired adults wishing to live on Lake Granbury and enjoy all that lake living has to offer. We are deeply concerned about the health and welfare of our children and grandchildren and are not willing to put them in danger with contact recreation in the water if this TPDES is approved. We deeply care about the quality of our lake and the environment surrounding the lake. We have supported the Lake Granbury Watershed Protection Plan Stakeholders and will continue to support this group of concerned citizens of Hood County. Through out this process we have seen what appears as an organization (TCEQ) that is more concerned about the process than the quality of water in Lake Granbury and an organization that is unwilling to examine any relevant information that was not provided by the applicant. The applicant obviously will have a vested interest in gaining the TPDES permit and may not provide accurate or complete information during the application process.

We are raising my objections to the following ED responses to the public comments submitted before or during the public meeting.

<u>Response 6:</u>

We do not know the meaning for the classification of the applicant rating of 0.96. This rating was based on all of the applicant's operations not just TPDES

MW

operations. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits. A quick research of Administrative Issues Ordered from 09/01/1998 thru 01/13/2008 Aqua Utilities Inc. and or Aqua Utilities Inc D.B.A Aqua Texas Inc was cited by the TCEQ 12 times for TPDES Violations and 18 total violations. According to the Texas Water Code, Sec. 26.0281. CONSIDERATION OF COMPLIANCE HISTORY. "In considering the issuance, amendment, or renewal of a permit to discharge effluent comprised primarily of sewage or municipal waste, the commission shall consider the compliance history of the applicant and its operator under the method for evaluating compliance history developed by the commission under Section 5.754. In considering an applicant's compliance history under this subsection, the commission shall consider as evidence of compliance information regarding the applicant's implementation of an environmental management system at the facility for which the permit, permit amendment, or permit renewal is sought. In this section, "environmental management system" has the meaning assigned by Section 5.127". We do not believe the applicant meets this standard of examination.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. We do not know the length of time between taking the sample and getting a laboratory response back to the operator, so I have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation in Rucker Creek and Cove. Continuing, when the operator tests and finds his TSS are above the limit he will then notify the TCEQ. So ends the notification. If my children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer, of Nolan Park, is enough to compensate for illness of death of a child.

Phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

We believe that this application does not meet the spirit and intent of The Texas Water Code Sec. 26.023. WATER QUALITY STANDARDS. "The commission by rule shall set water quality standards for the water in the state and may amend the standards from time to time. The commission has the sole and exclusive

authority to set water quality standards for all water in the state. The commission shall consider the existence and effects of nonpoint source pollution, toxic materials, and nutrient loading in developing water quality standards and related waste load models for water quality. The commission shall develop standards based on all quality assured data obtained by the commission, including the local watershed and river basin database"

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek. We believe that this application does not meet the spirit and intent of The Texas Water Code Sec. 26.023. WATER QUALITY STANDARDS. "The commission by rule shall set water quality standards for the water in the state and may amend the standards from time to time. The commission has the sole and exclusive authority to set water quality standards for all water in the state. The commission shall consider the existence and effects of nonpoint source pollution, toxic materials, and nutrient loading in developing water quality standards and related waste load models for water quality. The commission shall develop standards based on all quality assured data obtained by the commission, including the local watershed and river basin database" We do not believe that the TCEQ has examined the water quality testing completed by the Brazos River Authority for Rucker Creek and Rucker Creek Cove for the past 16 months.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location? According to the Texas Water Code Sec. 26.003. POLICY OF THIS SUBCHAPTER. "It is the policy of this state and the purpose of this subchapter to maintain the quality of water in the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, and the operation of existing industries, taking into consideration the economic development of the state; to encourage and promote the

development and use of regional and areawide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy." We do not believe that the TCEQ is living up to the spirit and intent of this section of the water code by not investigating the location of the City of Granbury sewer line and requiring the applicant to use that area wide waste collection, treatment and disposal system. Please notice that "public health and enjoyment, the propagation and protection of terrestrial and aquatic life" come first in this section of the Texas Water Code and we expect TCEQ to put these issues first in any TPDES decision. Preserve our public health and enjoyment before the profit of a couple of individuals.

Response 21:

Response from the applicant is very suspect as to its accuracy. As of March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact with the applicant, regarding the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. He also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. According to The Texas Water Code, "Sec. 5.120. CONSERVATION AND QUALITY OF ENVIRONMENT. The commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state." At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information. How much information in the application is false? If the applicant cannot or will not be trustworthy to complete an application without false information how can we depend on them to operate this plant properly?

We request a contested case hearing on this TPDES permit, on these and other issues that are in the comments to the public comments provided by the TCEQ

and the demonstrated lack of honesty of the applicant and its record of non-compliance of TPDES permits.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County. The TCEQ should also take immediate action to prevent chemical contamination from any of the other package plants that discharge into Lake Granbury, or for that matter any waters in the State of Texas.

Dan Loomis
Mallard Ponte Property Owners Association
701 Pintail Court
Granbury, TX 76049

Email
Water@mallardpointe.info
Phone
817 223 7868

cc:
U.S. Representative Chet Edwards
Texas Senator Kip Averitt
Texas Representative Jim Keffer
Hood County Commissioner Steve Berry

RPD- OPA

MAR 19 2008

BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 10 AM 11:01

CHIEF CLERKS OFFICE

TO: Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We request reconsideration of the executive director's decision

MWD 56720

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should have the right to maintain our property value.

Our homes are on the shore, or we have boat slips and a neighborhood recreation area swim beach of Rucker Creek or Rucker Creek Cove.

We are raising our objections to:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. We do not know the length of time between taking the sample and getting a laboratory response back to the operator, so I have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation in Rucker Creek and Cove. Continuing, when the operator tests and finds his TSS are above the limit he will then notify the TCEQ. So ends the notification. If my children or grandchildren have been in the creek during that six-day window they could become sick or

MWD

even die because we were not told. No amount of money saved by the developer, of Nolan Park, is enough to compensate for illness of death of a child.

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Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As of March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact with the applicant, regarding the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. He also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information. How much information in the application is false? If the applicant cannot or will not be trustworthy to complete an application without false information how can we depend on them to operate this plant properly?

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $69,200,000 in our properties, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request reconsideration of the executive director's decision on this TPDES permit, on these and other issues that are in the comments to the public comments provided by the TCEQ. This TPDES permit should be denied.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ.Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County. The TCEQ should also take immediate action to prevent chemical contamination from any of the other package plants that discharge into Lake Granbury, or for that matter any waters in the State of Texas.

I am speaking for the approximately 346 property owners of Mallard Pointe on Lake Granbury, at their pleasure and direction. We are deeply concerned about the health and welfare of our children and grandchildren and are not willing to put them in danger with contact recreation in the water if this TPDES is approved.

Dan Loomis
Mallard Ponte Property Owners Association
701 Pintail Court
Granbury, TX 76049

Dare formal oral comment
Mr. Loomis submitted written comments
on behalf of multiple individuals

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 12:57
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Dan Loomis

Address: 614 Goldeneye

City/State: Granbury Tx **Zip:** 76049

Phone: (817) 579 7102

☑ **Please add me to the mailing list.**

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

If yes, which one? Mallard Pointe Property Owners

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

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

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

MW

October 16, 2007

NOLAN PARK
PROPOSED
WASTEWATER TREATMENT PLANT TPDES PERMIT
Proposed Permit No. WQ0014754001

COMMENTS
By
Dan J. Loomis
Downstream Property Owner

OPA RECEIVED
OCT 16 2007
2007 OCT 26 PM 12: 57
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DAN LOOMIS' INTERESTS

Dan Loomis and his wife Pat own property adjacent to the downstream segment of Rucker Creek Cove, downstream of the proposed discharge.

Dan Loomis, his family (Including grandchildren) and friends use downstream segment of Rucker Creek Cove for swimming and other recreational purposes.

Dan Loomis, his family (Including grandchildren) and friends use the downstream segment of Rucker Creek for fishing an average of three times a week.

Dan Loomis uses the water of Rucker Creek for irrigation of our private property, several times each week.

RELATIVE CONSIDERATIONS

1. Rucker Creek, the stream that would receive the proposed discharge, is not part of the classified segment (segment No. 1205) except for the portion below the conservation pool elevation of Lake Granbury. Segment No. 1205 is designated for high aquatic life, public water supply, and contact recreation. Additionally, all waters in the state are presumed to be high aquatic life use and contact recreation until determined otherwise.

2. The downstream segment of Rucker Creek is used for fishing, contact recreation, and lawn irrigation

3. The downstream segment of Rucker Creek is already experiencing elevated levels of E-coli as evidenced by the Lake Granbury monitoring program conducted by the Brazos River Authority. The BRA test sites are, 70021 - Mallard Pointe Cove, and 70022 - Rucker Creek.

4. The downstream segment of Rucker Creek has experienced the occurrence of golden algae based on information developed by the Texas Parks and Wildlife and the Brazos River Authority. Due to the presence of Golden Algae in Rucker Creek and Rucker Creek Cove, the Brazos River Authority selected the water body to perform research using hay bales in an attempt to eliminate the Golden Algae.

5. The City of Granbury has constructed a wastewater interceptor along Highway 377 to provide wastewater treatment service. The area to be served by the proposed Nolan Park wastewater treatment plant is less than three miles (2500 feet) the City's interceptor system.

6. The Lake Granbury Watershed Protection Plan Stakeholders are spending approximately two million tax dollars trying to reduce the non-point sources of E Coli and the golden algae that persist in Lake Granbury. It seems inconsistent with this program to allow another source of pollution, nitrogen and phosphorus along with the potential of a significant influx of E Coli from a self monitored, wastewater treatment plant.

7. Mallard Pointe property owners had first had experience with Texas Utilities and their water system (RN102687241). They cannot consistently provide clean water at the proper pressure. The only way they know there is a problem is when a customer to notify them that there is a problem calls them. If they operate this wastewater treatment plant with no one to contact them when there is a problem the creek, cove and lake can be severally contaminated due to their lack of oversight.

8. 26.081. REGIONAL OR AREA-WIDE SYSTEMS POLICY. The general policy is stated that the state is to encourage and promote the development and use of regional wastewater treatment systems. With the availability of a City of Granbury collection line within 2500 feet of this proposed treatment plant way is the TCEQ not encouraging and promoting the use of this existing system. The City of Granbury has stated that is has the capacity and is willing to provide Nolan Park with sewage treatment.

9. Will the chlorine used in this plant affect fish and other wild life like chlorine kills fish in my aquarium? What will happen if the chlorine limit is exceeded?

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OCT 16 2007

PUBLIC COMMENT

10. In the Domestic Technical Report page 14 of 39, Complete the transects the downstream of the existing or proposed discharges: "Evidence of flow fluctuations, minor is checked". I have lived here for just a few years and have experienced the creek flowing more than 5 feet above the stream bed at least three times. Can you explain why evidence of flow fluctuations was called minor?

11. How can someone make a judgment on the stream flow with one observation, September 5, 2006? Would it not be wise to contact adjacent landowners for information on the stream flow? (Technical report page 13 of 39 item b.)

12. Technical report page 13 of 39, item 5. a., "Is the receiving water upstream of the discharges or proposed discharge site influenced by oil field activities?" With all the drilling and proposed drilling activity in Hood County how could this site not be influenced by oil field activities, now or in the near future?

13. In the event of an inadvertent discharge of non-treated wastewater what is the clean up plan and who will be responsible for the costs associated with the clean up?

14. What is the compliance history of Texas Utilities, including any other names that they may have been called?

REQUESTED ACTIONS

1. In light of the above referenced water quality conditions experienced in the Rucker Creek and the uses of the water body, request that TCEQ perform a Tier 2 degradation analysis to assess the impact of the proposed discharge on the water quality and potential for impacting the designated uses.

2. Review and analyze water quality and ecological data collected in Lake Granbury, including Rucker Creek by the Brazos River Authority.

3. Review and analyze information developed by the Texas Parks and Wildlife Department relevant to Golden Algae and water quality conditions of Lake Granbury, particurially within the Rucker Creek

OCT 16 2007

4. Request evidence that the applicant has investigated other potential discharge locations to minimize potential receiving water quality impacts.

5. Request evidence that the applicant has investigated the "use of all reasonable methods to implement the policy" established in Section 26.003 of the Texas Water code, which "encourages and promotes the development and use of regional and area wide collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state". In this regard, request evidence from the applicant that investigations have been performed to obtain wastewater treatment service from the City of Granbury.

PREFERRED OPTIONS

1. Deny the issuance of a TPDES permit that would allow discharge into Rucker Creek and request applicant to obtain service from the City of Granbury.

2. If a TPDES permit is issued, establish TPDES permit effluent quality conditions (i.e. phosphorus removal, etc.) needed to avoid degradation of water quality conditions and to avoid impacting the designated uses within Rucker Creek Cove. Additionally, require that the wastewater treatment plant be equipped with effluent filters to improve the effectiveness of the disinfect ion process. Also, require the applicant to perform frequent sampling and testing of the discharge for the permitted parameters including phosphorus. Additionally, require the applicant to perform a receiving water body sampling and testing program in cooperation with the Brazos River Authority and the TCEQ. The purpose of this sampling program would be to provide a basis for establishing the permit limits to be applied when the permit is renewed or amended.

Submitted by

Dan J. Loomis
614 Goldeneye Dr.
Granbury, TX 76049

OPA RECEIVED
OCT 16 2007

MLSD
56730

Mallard Pointe
Property Owner's Association
701 Pintail Court • Granbury, Texas 76049
Local: 817-573-3455 ext. 1633 or metro 972-601-9032 ext. 1633

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 30 PM 2:31
CHIEF CLERKS OFFICE

May 29, 2007

Dear Gentlemen

I am raising our concern about the proposed wastewater treatment plant that will discharge into Rucker Creek, Hood County, (Proposed Permit Number WQ0014754~~4~~001). I have been appointed by the Mallard Pointe Property Owners Association to speak on the behalf of the173 property owners in the Mallard Pointe neighborhood.

The Brazos River Authority (BRA) is testing Rucker Creek and cove for water quality. This testing is ongoing and was initiated in September 2006. Site 70021 is located in the cove near the Mallard Pointe boat slips, public area, and swim beach. Site 70022 is located in Rucker Creek. Both of these sites have tested above the limits for contact recreation. Initial results show that the level of E coli is increasing especially for site 70022. This area of the lake is in our backyard, where we play. One inadvertent discharge of untreated sewage could increase the levels of E coli, and make contact recreation in our backyard unsafe. We will have to deny our children and grandchildren's request to go swimming or playing in the creek or cove. Who is going to clean up the mess? Were these test results considered during the permit process for this wastewater treatment plant?

Site	Date	mpn/100mls
70021	9/14/2006	4
70022	9/7/2006	11
70021	10/11/2006	52
70022	10/5/2006	365
70021	11/1/2006	12
70022	11/2/2006	53
70021	12/5/2006	148
70022	12/7/2006	99
70021	1/4/2007	158
70022	1/9/2007	111
70021	1/31/2007	4
70022	1/31/2007	8
70021	3/12/2007	19
70022	3/12/2007	461
70021	4/3/2007	261
70022	4/18/2007	613

Table 1 E Coli Test Results

OPA PM
MAY 31 2007
BY

The Texas Commission on Environmental Quality (TCEQ) risk levels of E Coli for contact recreation is either by Geometric means testing 126 mpn/100ml, or single sample limit 394 mpn/100ml. E Coli above these values can cause 8 illnesses per 1000 swimmers exposed. One swimmer becoming ill is one too many. The test results above these values are highlighted in Table 1, in yellow.

We are concerned about the effect on wildlife in the creek. We fish in this creek. Golden Algae (*p*rymnesium parvum) decimated the game fish population during the winter of 2006. It is now showing signs of recovery, after 18 months. Baylor University Toxicology Department has recently discovered that one of the triggers that cause golden algae to become toxic is the ratio of nitrogen and phosphorus in the water. When this alga is in its toxic state it kills fish. What treatment measures will be taken in this wastewater treatment plant to prevent discharge of nitrogen or phosphorus into the creek and then to the lake? When the fish die who is going to replace them?

For-profit wastewater treatment plants do not have a record of compliance for discharge into Lake Granbury. Texas Utilities Inc. has not complied with the standards of operation for wastewater treatment plants. Please refer to the TCEQ records for this company. Monthly testing or self-monitoring is not enough as evidenced by Texas Utilities Inc. What assurance do we have that this plant will always operate in compliance with the discharge standards? Who will clean up the mess?

The Lake Granbury Watershed Protection Plan Stakeholders have been working for over a year to develop a plan that will reduce the non-point source pollution of Lake Granbury. They also continue extensive testing and scientific examination of Golden Algae. The initial funding for this program was over $2M. Why are you going to allow another source of pollution for the lake? Are there not other alternatives?

Meander Estates has set a precedent for connection of a neighborhood to the City of Granbury wastewater treatment plant. Another development, near the lake and Highway 51 North of the City of Granbury is in the process of laying a sewer line (at the developer's expense) to the city wastewater treatment plant. If it is required for these neighborhoods should it also be required for Nolan Park?

The flow of water in the creek varies from flood stage to no flow based on the rainfall in its watershed. During low or no flow conditions, the only water movement in the creek will be the discharge from this treatment plant. There will not be any dilution of the discharge into a non-flowing stream. In flood conditions, any buildup of solids or chemicals in the creek will flow directly into the lake toward our public area, marina and swim beach. What are the plans to mitigate the effects of variable water flow in the creek and cove?

Based on these issues we request that this permit be denied and an alternate, more appropriate method of sewage disposal for Nolan Park be employed.

Further, we request a public meeting for the presentation of the facts to us and other concerned citizens.

Please direct any correspondence on the issue to:

Mallard Pointe POA
ATTN: Dan Loomis
701 Pintail Court
Granbury, TX 76049

Email Water@mallardpointe.info
Cell 817-223-7868

We would appreciate your action, responses to these questions and a denial of permit for this proposed wastewater treatment plant.

Sincerely

Dan Loomis

CC:

Congressman Honorable Chet Edwards
Senator Kip Averitt
Representative Jim Lloyd Keefer
Judge Andy Rash
Commissioner Steve Berry

OPA PM
JUN 05 2007
BY

MWD
56720

MAY 31 2007

Mallard Pointe
Property Owner's Association
701 Pintail Court • Granbury, Texas 76049
Local: 817-573-3455 ext. 1633 or metro 972-601-9032 ext. 1633

May 29, 2007

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70021	4/3/2007	261
70022	4/18/2007	613

Table 1 E Coli Test Results

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 1 PM 2:25
CHIEF CLERKS OFFICE

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Mallard Pointe POA
ATTN: Dan Loomis
701 Pintail Court
Granbury, TX 76049

Email Water@mallardpointe.info
Cell 817-223-7868

We would appreciate your action, responses to these questions and a denial of permit for this proposed wastewater treatment plant.

Sincerely

Dan Loomis

CC:

Congressman Honorable Chet Edwards
Senator Kip Averitt
Representative Jim Lloyd Keefer
Judge Andy Rash
Commissioner Steve Berry

MWD
56720

TEXAS COMMISSION ON ENVIRONMENTAL ...
2007 JUN -5 ... 10:00
CHIEF CLERKS OFFICE
OPA
JUN 05 2007
BY

May 26, 2007

Office of the Chief Clerk
MC105
TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

Re: Proposed TPDES Permit #WQ0014754001
Rucker Creek pending Waste Water Treatment Plant

A wastewater treatment plant is being proposed that would discharge into Rucker Creek in the vicinity of M & M Ranch Road. The plant will serve Nolan Park. Based on information in the application for a discharge permit the plant will be constructed in phases and will ultimately discharge 150,000 gallons per day serving 350 homes.

This is not an option for the homeowners that live on the banks of Rucker Creek, and as a matter of fact, should not be an option for any homeowner or business on Lake Granbury.

As I see it there are only two possible solutions.

The most favorable solution (for the developer) is for the area served to convey its wastewater to the City of Granbury waste water system. This option is dependent upon the City having the capacity and being agreeable to accepting the wastewater.

The next option is viable as well, instead of 350 lots reduce the number of lots and make them larger so septic systems can be installed on each property.

Several years ago, the developer of Meander Estates proposed to dump their wastewater into Rucker Creek. Someone, thankfully, had the common sense to see this was a horrible idea, and an agreement was worked out so the wastewater was sent into the City of Granbury water treatment plant, not Rucker Creek. The appropriate precedent already has been set, and all we ask is that a similar arrangement be worked out for disposing wastewater from Nolan Park. In short, we are opposed to the issuance of the proposed discharge permit and request a public

hearing on the matter. Please include us on your mailing list for future notifications in this regard.

Sincerely,

Mr. and Mrs. L.L. (Bud) Lowack, Jr.
2001 Green Wing Dr.
Granbury, TX 76049
817-279-6991

cc: Judge Andy Rash
Mayor David Southern
Commissioner Steve Berry
The Honorable Kip Evert
The Honorable Chet Edwards

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: Bud + Kay Lowack

Address: 2001 Green Wing Dr.

City/State: Granbury TX **Zip:** 76049

Phone: (817) 279-6991

☑ **Please add me to the mailing list.**

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

If yes, which one? Mallard Pointe Homeowners Association

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted at <u>any time</u> during the meeting)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:17
CHIEF CLERKS OFFICE

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

CPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

NOLAN PARK
PROPOSED
WASTEWATER TREATMENT PLANT TPDES PERMIT
Proposed Permit No. WQ0014754001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:17
CHIEF CLERKS OFFICE

COMMENTS
By
Bud Lowack
Downstream Property Owner

Bud Lowack's INTERESTS

Bud Lowack and his wife Kay own property adjacent to the downstream segment of Rucker Creek Cove, downstream of the proposed discharge.

Bud Lowack, his family (Including grandchildren) and friends use the downstream segment of Rucker Creek Cove for swimming and other recreational purposes.

Bud Lowack, his family (Including grandchildren) and friends use the downstream segment of Rucker Creek for fishing an average of two times a week.

Bud Lowack uses the water of Rucker Creek for irrigation of our private property, several times each week.

RELATIVE CONSIDERATIONS

1. Rucker Creek, the stream that would receive the proposed discharge, is not part of the classified segment (segment No. 1205) except for the portion below the conservation pool elevation of Lake Granbury. Segment No. 1205 is designated for high aquatic life, public water supply, and contact recreation. Additionally, all waters in the state are presumed to be high aquatic life use and contact recreation until determined otherwise.

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mw

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OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

PREFERRED OPTIONS

As I see it there are only two possible options.

The most favorable option (for the developer) is for the area served to convey its wastewater to the City of Granbury waste water system. This option is dependent upon the City having the capacity and being agreeable to accepting the wastewater.

The next option is viable as well, instead of 350 lots reduce the number of lots and make them larger so septic systems can be installed on each property.

REQUESTED ACTIONS

1. Deny the issuance of a TPDES permit that would allow discharge into Rucker Creek and request applicant to obtain service from the City of Granbury.

2. If a TPDES permit is issued, establish TPDES permit effluent quality conditions (i.e. phosphorus removal, etc.) needed to avoid degradation of water quality conditions and to avoid impacting the designated uses within Rucker Creek Cove. Additionally, require that the wastewater treatment plant be equipped with effluent filters to improve the effectiveness of the disinfect ion process. Also, require the applicant to perform frequent sampling and testing of the discharge for the permitted parameters including phosphorus. Additionally, require the applicant to perform a receiving water body sampling and testing program in cooperation with the

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Submitted by

Mr. and Mrs. L.L. (Bud) Lowack, Jr.
2001 Green Wing Dr.
Granbury, TX 76049
817-279-6991

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 JUN -5 AM 10: 08

CHIEF CLERKS OFFICE

MWD 56720

May 26, 2007

Office of the Chief Clerk
MC105
TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

OPA

JUN 05 2007

BY

Re: Proposed TPDES Permit #WQ0014754001
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The most favorable solution (for the developer) is for the area served to convey its wastewater to the City of Granbury waste water system. This option is dependent upon the City having the capacity and being agreeable to accepting the wastewater.

The next option is viable as well, instead of 350 lots reduce the number of lots and make them larger so septic systems can be installed on each property.

Several years ago, the developer of Meander Estates proposed to dump their wastewater into Rucker Creek. Someone, thankfully, had the common sense to see this was a horrible idea, and an agreement was worked out so the wastewater was sent into the City of Granbury water treatment plant, not Rucker Creek. The appropriate precedent already has been set, and all we ask is that a similar arrangement be worked out for disposing wastewater from Nolan Park. In short, we are opposed to the issuance of the proposed discharge permit and request a public

hearing on the matter. Please include us on your mailing list for future notifications in this regard.

Sincerely,

Mr. and Mrs. L.L. (Bud) Lowack, Jr.
2001 Green Wing Dr.
Granbury, TX 76049
817-279-6991

cc: Judge Andy Rash
Mayor David Southern
Commissioner Steve Berry
The Honorable Kip Evert
The Honorable Chet Edwards

John L. Meche
1917 Green Wing Drive, Granbury, TX 76049 ❖ (817) 573-1626

March 10, 2008

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BY Ky
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 11 AM 11:01
CHIEF CLERKS OFFICE

LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code 105
P.O. Box 13087
Austin, TX 78711-3087

Dear Ms. Castañuela:

Per your letter of February 22, 2008, I request a contested case hearing concerning Aqua Utilities' (TPDES Permit Number WQ0014754001). This application seeks approval from TCEQ to discharge 150,000 gallons of domestic wastewater per day from 350 homes into Rucker Creek.

I am an "affected person" in that I live on Rucker Creek about 2 miles downstream from the proposed sewage treatment plant. The discharge from this proposed sewage plant will pass through my backyard and then flow almost directly into the City of Granbury's new convention center and public beach currently under construction.

My family uses the water in Rucker Creek for contact recreation, fishing, and irrigation of our lawn and garden. Because of this, I am affected by this proposed sewage plant in a way not common to members of the general public.

Why the Executive Director's Decision is Being Contested

In summary, the Applicant provided false and misleading information as a ploy to bypass Section 26.081 of the Texas Water Code with TCEQ's blessing. The developer and Applicant in this case have an apparent conflict of interest, and the TCEQ staff ignored valid health and safety issues by hiding behind rules and enforcement actions that will not solve problems created by this case. Therefore, the Applicant's request to discharge wastewater into Rucker Creek should be denied, so that we can spend our money on cleaning up Lake Granbury instead of filling the pockets of lawyers.

My explanations as to why the Executive Director's decision was flawed will be keyed to the TCEQ responses to comments made at a public meeting I attended on October 16, 2007. Applicant's proposal should have raised red flags throughout TCEQ. The one that stands out most to me is that this is a proposal to construct a sewage treatment plant on a ditch that is dry or stagnant 4 months a year. I think TCEQ should certainly have recognized that dumping wastewater into a river moving millions of gallons of water a minute is not the same as using a ditch.

First, I will address an overarching issue throughout the TCEQ responses that TCEQ ". . . must rely on the information provided by the Applicant." This Applicant has provided false and

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misleading information to TCEQ. Also, a source close to the Applicant, speaking on condition of anonymity, said that the person designing the Applicant's sewage plant was also a partner with the developer of Nolan Park. This apparent conflict of interest would certainly explain why false and misleading information was used to conceal from TCEQ the existence of the City of Granbury's sewer line within less than ½ mile.

State regulatory agencies such as TCEQ were created by law because applicants have a vested interest in their proposals, and history has proven over and over again that applicants usually cannot be trusted to act for the good of the public. In this case, the Applicant, with absolutely no risk to its investment, recoups its costs to construct the sewage plant, and gets guaranteed revenue from the future homeowners, while the developer gets to construct more houses on smaller tracts of land to maximize his profit. This is a financial win-win situation for the Applicant and developer, but a losing situation for everyone else "downstream."

TCEQ is a large agency with many responsibilities, so I understand that the staff makes preliminary approvals of discharge permits without verifying every fact in the Applicant's application. However, what I cannot understand is how TCEQ can provide the responses it did after seeing and hearing over 100 citizens and elected officials unanimously oppose this permit, and also ignore facts provided by "affected people" that clearly contradict key information provided by the Applicant that was relied on by TCEQ in arriving at its preliminary decision.

The law did not envision that TCEQ would be an advocate for developers and become a "rubber stamp" approving agency. As citizens of Texas, we look to TCEQ to protect the general public against these money-hungry individuals and corporations who have vested financial interest in this proposal, and who could care less about what happens to citizens who live on Rucker Creek and use Lake Granbury for family recreation, watering lawns and gardens, and fishing.

Denying this permit should not be a tough call for TCEQ. The City of Granbury has a sewer line less than ½ mile away, has the capacity to handle the expected discharge, is willing to accept the discharge into its system, and can do this more cost effectively than constructing a sewage plant on a ditch. This alternative to Applicant's proposal is totally consistent with the spirit and intent of Section 26.081 of the Texas Water Code. Specifics keyed to the February 2008 TCEQ responses follow.

Response 1: TCEQ ". . . does not anticipate that constituents in the discharge will have an adverse effect . . ." on the already high levels of E. coli in Rucker Creek and Rucker Creek Cove. TCEQ response to Comment 6 proudly states that Applicant's compliance history is ". . . average with the rating of 0.96." Without a 100 percent compliance rating, TCEQ has no basis to anticipate no adverse effect on E. coli levels. To the contrary, this proposal will introduce 150,000 gallons per day of new wastewater. Studies have shown that E. coli thrives in domestic wastewater. Even considering the "accuracy" of self-reporting to TCEQ, the Applicant still has a 4 percent noncompliance rate. But with the potential for at least one noncompliance discharge during the summer when Rucker Creek is dry and Rucker Creek Cove is stagnant, this "oops" discharge will place untreated sewage for feeding the E. coli bacteria in our swimming areas and on our lawns for those who irrigate from Rucker Creek. As documented in studies, higher levels of E. coli in Rucker Creek and Rucker Creek Cove could cause serious illnesses and even death to those who come in contact with this infected water.

Response 2: TCEQ addresses our concern about increased phosphorous and nitrogen in the discharge that will cause Golden Algae to flourish and subsequently result in fish kills by saying the ". . . proposed draft permit is protective . . . and that it meets TCEQ rules and regulations IF

[emphasis added] the Applicant . . . operates and maintains the facility as required by the proposed permit and regulations." Applicant's compliance record already demonstrates that it has not always operated in compliance with permits and regulations. Dr. Brian Brooks, a Professor of Environmental Studies at Baylor University, has demonstrated that the ratio of phosphorous and nitrogen in water can cause Golden Algae to become toxic. In response to a specific question on this, Mr. Mark Zeppa, the attorney representing the Applicant at the October 2007 public meeting, stated clearly that phosphorous and nitrogen are produced naturally by sewage plants. So, this is not an "IF" situation. Rucker Creek and Rucker Creek Cove have had fish kills from Golden Algae almost every year since 2001. Putting more phosphorous and nitrogen into Rucker Creek and Rucker Creek Cove can only contribute to this problem with Golden Algae. Fish kills ultimately reflect poorly on the City of Granbury, not just Rucker Creek. TCEQ's position to take enforcement action against the Applicant for noncompliance is like closing the barn door after the horses walked out – it's too late. In this case, TCEQ needs to be proactive, not reactive.

Response 4: TCEQ states that its rules require domestic wastewater treatment facilities meet buffer zone requirements for the abatement and control of nuisance odors, and that the Applicant meets these requirements by owning the buffer zone. But rules do not always prevent problems in the real world. On March 5, 2008, the Hood County New quoted a small treatment plant operator as saying the water around two wastewater treatment facilities smelled like some sort of chemicals and ". . . it burns your nose and throat." He tested this water and found phosphorous levels were ". . . real high." Please recall Dr. Brooks' findings about phosphorous and its ability to cause Golden Algae to become toxic and kill fish. The operator also said he had been doing noncompliance reports to TCEQ since 2005. Yet, the problem still exists today, which proves that TCEQ rules and enforcement actions do not prevent nuisance odors. So why does TCEQ dismiss our concerns when they have odor issues at package treatment plants on other parts of Lake Granbury?

Response 19: TCEQ did not find any detectable bacteria level at the upstream and mainstream of Lake Granbury. I want to be clear here. We are not talking about upstream or the mainstream of the lake. We are talking about Rucker Creek and Rucker Creek Cove, where the proposed sewage plant will discharge its wastewater. TCEQ goes on to say it is conducting an ongoing study focusing on bacteria modeling in coves and canals of Lake Granbury. If TCEQ approves this permit, it is predetermining the result of the ongoing study. With reasonable alternatives that comply with current law, why would TCEQ even consider approving anything now that could potentially make known problems in Rucker Creek and Lake Granbury worse? Again, TCEQ needs to be proactive, not reactive.

Response 21: The TCEQ staff cannot determine the location of sewer lines and must rely on the information provided by the Applicant. TCEQ goes on to state that the Applicant became aware at the public meeting in October 2007 that a sewer collection line belonging to the City of Granbury existed within a 3-mile area surrounding the proposed facility. Mr. Zeppa also said the Applicant had contacted the City of Granbury and was told no line existed within 3-miles. A City official stated that no one from the Applicant contacted the City and that the nearby line had been constructed about 7 years earlier.

But that's not all the available evidence. The Applicant already tried this same ploy during the development of Meander Estates. Again, due to actions of concerned citizens, the developer was required to hook up to the City's sewer line rather than discharge the wastewater from Meander Estates into Rucker Creek. Oh, by the way, this is the same sewer line that the Applicant

certified that it did not know existed until October 2007. Once again, the Applicant provided false and misleading information.

In spite of all this, TCEQ gave Applicant another chance, and in less than 30 days, Applicant performed a cost analyses required by law and concluded, surprisingly, that it would cost about $868,000, or 50 percent more to connect to the City line less than ½ mile away than build a new treatment plant from scratch. TCEQ accepted these "trumped up" numbers at face value, although Applicant had already provided false information to get its plan approved. What does it take for TCEQ to get suspicious?

The City of Granbury stated that neither the Applicant nor developer had contacted the City for the cost to hook up to the City line, so how credible is the Applicant's cost analyses? In a letter dated January 9, 2008, the City of Granbury Mayor stated that the developer declined the City's offer to connect to the City's line even though the cost of the line was less than the package plant the developer proposes to put in place. In the Hood County News on March 8, 2008, the Mayor says the estimated cost is about $170,000, plus the cost to obtain the right-of-way for the hookup line. With all these obvious contradictions, it is unbelievable that TCEQ continues to defend the Applicant when a reasonable alternative that is required by Section 26.081 of the Texas Water Code is readily available, is cost effective, and is a win-win for <u>all</u> parties involved.

<u>Response 28:</u> Again, TCEQ accepts more false information from Applicant concerning flow fluctuation characterizations of Rucker Creek. First-hand knowledge of flow characteristics of Rucker Creek cannot be made on a windshield tour of the proposed development. On the day in question, water was flowing in the creek. TCEQ should consider the impact on livestock and crops drinking from the creek when the only water in it is the discharge from the sewer plant, and Rucker Creek Cove is stagnant for 4 months a year with the only "new" water coming from a sewage plant. Again, TCEQ needs to be proactive, not reactive.

<u>Conclusion</u>

There is no doubt that development around and on Rucker Creek will significantly expand as Hood County continues to experience rapid population growth. This proposal is the Applicant's second try at dumping wastewater into Rucker Creek. I hope TCEQ will foil this latest attempt because it is the right thing to do for people living along Rucker Creek and Rucker Creek Cove, and it is equally important to all people in Hood County and the City of Granbury. But more important, TCEQ needs to follow the precedent set with the Meander Estates solution and not open up the "floodgates" for future sewage plants to dump into Rucker Creek.

Mr. Shankle, as the TCEQ Executive Director, you have the power to stop this nonsense. I respectfully ask that TCEQ act proactively by denying the Applicant's request, and require that this new development be hooked up to the City of Granbury's existing sewer line. This will help save Lake Granbury and allow all of us to use our money to clean up known pollution problems in the Lake rather than filling the pockets of lawyers.

Thank you for your consideration of this request. Please feel free to call me at (817) 573-1626 if you have any questions.

Sincerely,

John L. Meche

John L. Meche
1917 Green Wing Drive, Granbury, TX 76049 ❖ (817) 573-1626

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

May 30, 2007

MUD 56720

2007 JUN -1 PM 1:53

CHIEF CLERKS OFFICE

OPA PM

JUN 01 2007

BY

LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code 105
P.O. Box 13087
Austin, TX 78711-3087

Dear Ms. Castañuela:

I am writing to express my deep disappointment that the Texas Commission on Environmental Quality (TCEQ) has made a preliminary decision (Permit WQ0014754001) to approve Aqua Utilities' request to discharge about 150,000 gallons of treated domestic wastewater per day from the newly proposed Nolan Park area into Rucker Creek in Hood County, Texas.

My wife and I purchased property on Rucker Creek in 1996. Since then, we have seen a gradual decline in fishing and the water quality. We were catching lots of bass from our boat dock, but neither I nor our guests have caught a bass in Rucker Creek during the last 2 years. We bought this property to enjoy retirement living while providing a fun, safe, and relaxing place for our children and grandchildren to escape from the Metroplex. All this is in jeopardy with what is going on with Rucker Creek.

We have had significant fish kills in 2001, 2004, 2005, and 2006 from Golden Algae. Because of this, the Brazos River Authority has been testing the water quality on Lake Granbury, including Rucker Creek. Initial results point to domestic wastewater as the culprit that feeds the Golden Algae. Testing in Rucker Creek during the last year has confirmed increasing levels of Escherichia coli (E. coli), with two tests finding E. coli levels above the limit for safe contact recreation, such as swimming. With these findings, it would be irresponsible for us to allow our children, grandchildren, and guests to swim from our dock on Rucker Creek.

We have all read newspaper accounts of public utilities having "inadvertent" discharges of untreated sewage from their wastewater treatment plants. Guess what happens to the E. coli levels and odors in Rucker Creek when we experience just one of these "oops." Rucker Creek already has stagnant water during summer causing offensive odors, so adding "treated sewage" will only increase the problems in Rucker Creek.

Although the current situation with Rucker Creek is not good, it will only get worse if 150,000 gallons of wastewater is allowed to flow into Rucker Creek every day. What is particularly worrisome is why this request has been preliminarily approved. Several years ago, the developer of Meander Estates proposed to dump their wastewater into Rucker Creek. Someone, thankfully, had the common sense to see this was a horrible idea, and an agreement was worked out so the wastewater was sent into the City of Granbury water treatment plant, not Rucker Creek. The appropriate precedent already has been set, and all we ask is that a similar arrangement be worked out for disposing wastewater from Nolan Park.

mw

The public notice in the Hood County News (May 5, 2007) states that TCEQ will hold a public meeting **IF** the Executive Director determines that there is a significant degree of public interest or if requested by a local legislator. I am requesting that the TCEQ hold a public meeting on this serious matter affecting all taxpayers owing property on Rucker Creek. I also ask that my name be included on a mailing list to receive future notification on this issue.

Thank you for your consideration of this request. Please feel free to call me at (817) 573-1626 if you have any questions.

Sincerely,

John L. Meche

Cc: Judge Andy Rash, Hood County
Mayor of Granbury, David Southern
Hood County Commissioner Steve Berry, Precinct 4
Senator Kip Averitt, District 22
Representative Chet Edwards, District 17

John L. Meche
1917 Green Wing Drive, Granbury, TX 76049 ❖ (817) 573-1626

May 30, 2007

MWD
56720

JUN 1 2007

OPA PM
JUN 05 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -4 PM 2:25
CHIEF CLERKS OFFICE

The Honorable Chet Edwards
District 17
115 South Main Street, Suite 202
Cleburne, TX 76033

Dear Representative Edwards:

I am writing to express my deep disappointment that the Texas Commission on Environmental Quality (TCEQ) has made a preliminary decision (Permit WQ0014754001) to approve Aqua Utilities' request to discharge about 150,000 gallons of treated domestic wastewater per day from the newly proposed Nolan Park area into Rucker Creek in Hood County, Texas.

My wife and I purchased property on Rucker Creek in 1996. Since then, we have seen a gradual decline in fishing and the water quality. We were catching lots of bass from our boat dock, but neither I nor our guests have caught a bass in Rucker Creek during the last 2 years. We bought this property to enjoy retirement living while providing a fun, safe, and relaxing place for our children and grandchildren to escape from the Metroplex. All this is in jeopardy with what is going on with Rucker Creek.

We have had significant fish kills in 2001, 2004, 2005, and 2006 from Golden Algae. Because of this, the Brazos River Authority has been testing the water quality on Lake Granbury, including Rucker Creek. Initial results point to domestic wastewater as the culprit that feeds the Golden Algae. Testing in Rucker Creek during the last year has confirmed increasing levels of Escherichia coli (E. coli), with two tests finding E. coli levels above the limit for safe contact recreation, such as swimming. With these findings, it would be irresponsible for us to allow our children, grandchildren, and guests to swim from our dock on Rucker Creek.

We have all read newspaper accounts of public utilities having "inadvertent" discharges of untreated sewage from their wastewater treatment plants. Guess what happens to the E. coli levels and odors in Rucker Creek when we experience just one of these "oops." Rucker Creek already has stagnant water during summer causing offensive odors, so adding "treated sewage" will only increase the problems in Rucker Creek.

Although the current situation with Rucker Creek is not good, it will only get worse if 150,000 gallons of wastewater is allowed to flow into Rucker Creek every day. What is particularly worrisome is why this request has been preliminarily approved. Several years ago, the developer of Meander Estates proposed to dump their wastewater into Rucker Creek. Someone, thankfully, had the common sense to see this was a horrible idea, and an agreement was worked out so the wastewater was sent into the City of Granbury water treatment plant, not Rucker Creek. The appropriate precedent already has been set, and all we ask is that a similar arrangement be worked out for disposing wastewater from Nolan Park.

MW

The public notice in the Hood County News (May 5, 2007) states that TCEQ will hold a public meeting **IF** the Executive Director determines that there is a significant degree of public interest or if requested by a local legislator. I have written to the TCEQ to express my concern. As a legislator, please do whatever is in your power to request a public meeting on this serious matter affecting all taxpayers owing property on Rucker Creek. I also ask that my name be included on a mailing list to receive future notification on this issue.

Thank you for your consideration of this request. Please feel free to call me at (817) 573-1626 if you have any questions.

Sincerely,

John L. Meche

Submitted oral comments
Submitted written comments

(6)

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: JOHN L. MECHE

Address: 1917 GREENWING DR

City/State: GRANBURY TX **Zip:** 76049

Phone: (817) 573-1626

☐ **Please add me to the mailing list.**

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

If yes, which one? _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 12: 57
CHIEF CLERKS OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**
(Written comments may be submitted at <u>any time</u> during the meeting)

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

Wastewater Treatment Plant on Rucker Creek
Hood County, Texas
Permit Number: WQ0014754001

Comments by:
John L. Meche
Downstream Property Owner
October 16, 2007

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

Meche's Interest

Susan and John Meche own property on Rucker Creek downstream of the proposed treatment plant. Our children and grandchildren live in Denton, Texas, about 60 miles from Lake Granbury.

Many times each year, our family and friends come to our home to use Rucker Creek and Rucker Creek Cove for swimming, boating, and fishing.

Almost every day we fish from, or relax on, our boat dock on Rucker Creek.

We have a permit from the Brazos River Authority to use water from Rucker Creek to irrigate our lawn and flowerbeds.

2007 OCT 18 PM 12: 54
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

New Information Bearing on TCEQ's Preliminary Determination

1. Rucker Creek begins in Parker County and runs south for 12 miles to its mouth on Lake Granbury. For most of its history, the Rucker Creek area has been used as range and crop land. Today, as evidenced by this proposed development, the future use of Rucker Creek will be fundamentally and drastically changed.

2. Except for the first ½ mile from its mouth, Rucker Creek is nothing more than a big ditch carrying excess rain water. Dumping "treated" wastewater into a river that is constantly moving millions of gallons of water per minute is certainly <u>not</u> the same as dumping wastewater into a ditch that has little or no running water for most of the year.

3. Several years ago, the developer of Meander Estates (about 200 feet from Rucker Creek) proposed to dump its wastewater into Rucker Creek. Someone (we hope it was TCEQ) saw this as a bad precedent, and required that Meander Estates wastewater be sent into the City of Granbury collection system and treated in the City's wastewater treatment plant. This action is totally consistent with Section 26.081 of the Texas Water Code which is to ". . . encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs . . . and to prevent pollution and maintain and enhance the quality of the water in the state."

4. So why is the Meander Estates precedent <u>not</u> being followed for the proposed Nolan Park development? Perhaps part of the reason lies in answer to Question 1c3. in the Domestic Technical Report (page 8), which asks "Are there any domestic permitted wastewater treatment facilities and/or collection systems located within a three-mile radius of the proposed facility?" In its application, Aqua Utilities checked "No," yet the City of Granbury

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collection system is within 2,500 feet (less than ½ mile) of the proposed treatment plant for Nolan Park.

5. Lake Granbury has experienced significant fish kills from Golden Algae in 2001, 2004, 2005, 2006, and 2007. To identify solutions, TCEQ has contracted with the Brazos River Authority (BRA), using Federal grant money from the Environmental Protection Agency (EPA), to develop a Watershed Protection Plan for Lake Granbury. By regular water quality testing, the BRA has found elevated concentrations of E. coli in Rucker Creek and Rucker Creek Cove. These levels exceeded criteria set for safe contact recreation use, such as swimming. Imagine our alarm when we found we were irrigating our lawn and flower beds with water containing unsafe levels of E. coli.

6. Initial analyses point to domestic wastewater as the culprit that feeds the Golden Algae. Dr. Bryan Brooks, a Professor of Environmental Studies at Baylor University, has demonstrated that the ratio of phosphorus and nitrogen in water can cause Golden Algae to become toxic. We have been told these chemicals are routinely used in the treatment of wastewater before releasing it into public waters. We already have serious problems with the water quality in Rucker Creek. Adding 150,000 gallons of wastewater per day and the chemicals used to treat it will only worsen Rucker Creek's E. coli levels, as well as the Golden Algae levels which result in significant fish kills.

Conclusion

There is no doubt that development surrounding Rucker Creek will significantly expand as Hood County continues to experience rapid population growth. Granbury and Hood County are at a crossroad pertaining to the water quality of Lake Granbury and its creeks and coves. This proposed project should provide the springboard to looking for long-term solutions as opposed to continuing the efforts that have brought us to where we are tonight. If TCEQ allows this proposed wastewater treatment plant, it will only serve as the precedent for all future development on Rucker Creek. If that happens, Rucker Creek will become a sewage ditch dumping millions of gallons of chemically-treated wastewater almost directly into the City of Granbury's new convention center and public beach.

Requested Action

1. We ask that TCEQ deny Aqua Utilities' request to discharge domestic wastewater into Rucker Creek because use of the existing Granbury system is a better option and is well within a three-mile radius of the City collection system, which is consistent with the intent of Section 26.081 of the Texas Water Code.

2. We further request that TCEQ place a ban on all commercial and residential developers from using Rucker Creek as the outlet into Lake Granbury for disposing of commercial or domestic wastewater.

Thank you for your consideration of this request. Please feel free to call me at (817) 573-1626 if you have any questions.

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

John L. Meche ◆ October 16, 2007

MWD
56720

It OPA

MAR 24 2008

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 24 AM 10: 52

CHIEF CLERKS OFFICE

March 9, 2008

TO: Office of the Chief Clerk
TECQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

Re: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We request a Contested Case Hearing. Our home is on the water of Rucker Creek Cove and we believe that:

1. We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

2. We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

3. We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

4. We should have the right to maintain our property value.

We are raising objections to the following responses:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights (and specifically the health of our children) to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer is enough to compensate for illness or death of a child.

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

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Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant, with regard to the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. So how can he provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information.

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $500,000 in our home and property, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

James Norton Susan Norton

Susan and James Norton
2017 Green Wing Drive
Granbury, TX 76049

Formal oral comment (11)

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: JIM NORTON

Address: 2017 Green WING

City/State: Granbury TX Zip: 76049

Phone: (817) 994-3358

☒ Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 12:57
CHIEF CLERKS OFFICE

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

MW

October 16, 2007

NOLAN PARK
PROPOSED
WASTEWATER TREATMENT PLANT TPDES PERMIT
Proposed Permit No. WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

COMMENTS By
James and Susan Norton
Downstream Property Owner

2007 OCT 26 PM 12: 57
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NORTON'S INTERESTS

James and Susan Norton own property adjacent to the downstream segment of Rucker Creek Cove, downstream of the proposed discharge.

The Norton family and friends use downstream segment of Rucker Creek Cove for swimming and other recreational purposes.

The Norton family and friends use the downstream segment of Rucker Creek for fishing.

The Nortons use the water of Rucker Creek for irrigation of our private property, several times each week.

RELATIVE CONSIDERATIONS

1. Rucker Creek, the stream that would receive the proposed discharge, is not part of the classified segment (segment No. 1205) except for the portion below the conservation pool elevation of Lake Granbury. Segment No. 1205 is designated for high aquatic life, public water supply, and contact recreation. Additionally, all waters in the state are presumed to be high aquatic life use and contact recreation until determined otherwise.

2. The downstream segment of Rucker Creek is used for fishing, contact recreation, and lawn irrigation

3. The downstream segment of Rucker Creek is already experiencing elevated levels of E-coli as evidenced by the Lake Granbury monitoring program conducted by the Brazos River Authority. The BRA test sites are, 70021 - Mallard Pointe Cove, and 70022 - Rucker Creek.

RECEIVED
OCT 16 2007
AT PUBLIC MEETING

4. The downstream segment of Rucker Creek has experienced the occurrence of golden algae based on information developed by the Texas Parks and Wildlife and the Brazos River Authority. Due to the presence of Golden Algae in Rucker Creek and Rucker Creek Cove, the Brazos River Authority selected the water body to perform research using hay bales in an attempt to eliminate the Golden Algae.

5. The City of Granbury has constructed a wastewater interceptor along Highway 377 to provide wastewater treatment service. The area to be served by the proposed Nolan Park wastewater treatment plant is less than three miles (2500 feet) the City's interceptor system.

REQUESTED ACTIONS

1. In light of the above referenced water quality conditions experienced in the Rucker Creek and the uses of the water body, request that TCEQ perform a Tier 2 degradation analysis to assess the impact of the proposed discharge on the water quality and potential for impacting the designated uses.

2. Review and analyze water quality and ecological data collected in Lake Granbury, including Rucker Creek by the Brazos River Authority.

3. Review and analyze information developed by the Texas Parks and Wildlife Department relevant to Golden Algae and water quality conditions of Lake Granbury, particularly within the Rucker Creek

4. Request evidence that the applicant has investigated other potential discharge locations to minimize potential receiving water quality impacts.

5. Request evidence that the applicant has investigated the "use of all reasonable methods to implement the policy" established in Section 26.003 of the Texas Water code, which "encourages and promotes the development and use of regional and area wide collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state". In this regard, request evidence from the applicant that investigations have been performed to obtain wastewater treatment service from the City of Granbury.

PREFERRED OPTIONS

1. Deny the issuance of a TPDES permit that would allow discharge into Rucker Creek and request applicant to obtain service from the City of Granbury.

2. If a TPDES permit is issued, establish TPDES permit effluent quality conditions (i.e. phosphorus removal, etc.) needed to avoid degradation of water quality conditions and to avoid impacting the designated uses within Rucker Creek Cove. Additionally, require that the wastewater treatment plant be equipped with effluent filters to improve the effectiveness of the disinfect ion process. Also, require the applicant to perform frequent sampling and testing of the discharge for the permitted parameters including phosphorus. Additionally, require the applicant to perform a receiving water body sampling and testing program in cooperation with the Brazos River Authority and the TCEQ. The purpose of this sampling program would be to provide a basis for establishing the permit limits to be applied when the permit is renewed or amended.

Submitted by

James E. Norton Susan Norton

James and Susan Norton
2017 Green Wing Drive
Granbury, TX 76049

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

HOOVER SLOVACEK LLP
A REGISTERED LIMITED LIABILITY PARTNERSHIP

G. STEPHEN PARROTT
PARTNER

parrott@hooverslovacek.com

ATTORNEYS AT LAW
SAN FELIPE PLAZA
5847 SAN FELIPE, SUITE 2200
HOUSTON, TEXAS 77057-3918

(713) 977-8686
FAX (713) 977-5395

REPLY TO:
P.O. BOX 4547
HOUSTON, TEXAS 77210-4547

MWD
56720

OPA HR
MAR 07 2007
DM

February 28, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAR -5 PM 2:53
CHIEF CLERKS OFFICE

CERTIFIED MAIL, RRR
Office of the Chief Clerk
MC 105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Re: **Notice of Receipt of Application and Intent to Obtain Water Quality Permit**
Applicant: Aqua Utilities, Inc.
Proposed Permit No. WQ0014754001

Gentlemen:

Please be advised that I, and this firm, have been retained by Gwendolyn Massey Findley and Mary Massey Props. Ms. Findley and Ms. Props own property that could be adversely affected if the proposed permit is granted. Therefore, we hereby request a public hearing on this matter to ascertain the impact of the proposed wastewater treatment plant upon our clients' property.

Our clients' property is located just one mile north of Highway 377 near M & M Ranch Road. Rucker Creek runs through our clients' property. Therefore, the potential for significant environmental distress, including erosion and toxicity, impels close scrutiny of the application. Additionally, we are concerned that the future development could adversely affect our clients' property. Finally, in light of the aforementioned issues, we are also considering requesting a contested case hearing on the application.

Please contact us as to the time, date and location of the public hearing.

If you have any questions, please give me a call.

Very truly yours,

HOOVER SLOVACEK LLP

G. Stephen Parrott

G. Stephen Parrott

GSP/sml
Enclosure

cc/enc Ms. Gwendolyn M. Findley

528316.1 SML 311233-02

MWD

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0014754001

APPLICATION. Aqua Utilities, Inc., 1421 Wells Branch Parkway, Suite 105, Pflugerville, Texas, 78660, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014754001 (EPA I.D. No. TX0129151) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 150,000 gallons per day. The domestic wastewater treatment facility is located one mile north of Highway 377 on M&M Ranch Road in Hood County, Texas. The discharge route is from the plant site to via pipe to Rucker Creek. TCEQ received this application on October 25, 2006. The permit application is available for viewing and copying at Hood County Courthouse – County Clerks Office, 100 East Pearl Street, Granbury, Texas.

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing.** A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. All written public comments and requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. If you need more information about this permit application or the permitting process, please call TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about TCEQ can be found at our web site at www.tceq.state.tx.us.

Further information may also be obtained from Aqua Utilities, Inc. at the address stated above or by calling Mr. Glenn Breisch, P.E., Wasteline Engineering, Inc., at 817-441-1300.

Issuance Date January 9, 2007

HOOVER SLOVACEK LLP
A REGISTERED LIMITED LIABILITY PARTNERSHIP

G. STEPHEN PARROTT
PARTNER

parrott@hooverslovacek.com

ATTORNEYS AT LAW
SAN FELIPE PLAZA
5847 SAN FELIPE, SUITE 2200
HOUSTON, TEXAS 77057-3918

(713) 977-8686
FAX (713) 977-5395

REPLY TO:
P.O. BOX 4547
HOUSTON, TEXAS 77210-4547

MWD
56720

March 12, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 17 PM 2:49
CHIEF CLERKS OFFICE

OPA
MAR 18 2008
BY BP

CERTIFIED MAIL, RRR
7001 0360 0003 5905 5703
Ms. LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

Re: **Request for Contested Case Hearing on TPDES Permit No. WQ0014754001**
Applicant: Aqua Utilities, Inc.

Ms. Castañuela:

Please be advised that I, and this firm, have been retained by Gwendolyn Massey Findley and Mary Massey Props. Ms. Findley and Ms. Props own property that will be adversely affected if the above-referenced Permit is granted. Rucker Creek, the designated receiving waters for the discharge of the Nolan Park Wastewater Treatment Facility ("Facility") under the above-referenced Permit, runs through the Findley family lands, which is located just one mile north of Highway 377 near M & M Ranch Road. **Therefore, we hereby request a contested case hearing on TPDES Permit No. WQ0014754001.**

This request for a contested case hearing is based on the following disputed issues of fact, which are relevant to the commission's decision on the application for the aforesaid Permit and which were raised during the comment period thereof:

1. Relating to Executive Director's Comment/Response No. 1, the Executive Director of the Texas Commission on Environmental Quality ("ED") did not establish that the minimum detention time which the effluent must spend in the chlorination chamber of the Facility before being discharged into the receiving waters suffices in this case to remove harmful bacteria and other disease-causing organisms from the effluent so as be protective of aquatic life, human health, and the environment including the designated uses of the receiving waters;

2. Relating to ED's Comment/Response No. 2, the ED failed to address the effects of Facility discharge on certain uses of the receiving waters. As stated in Comment No. 2, "some property owners use [Rucker] creek water for irrigation of lawns and are concerned about potential exposure to humans and pets." These uses do not appear to fall within the scope of the United States Fish and Wildlife Service's biological survey and were not otherwise addressed by the ED in its Response to the foregoing Comment. The ED's should re-examine its preliminary determination as to the above-referenced Permit application to ensure that its Tier 1 antidegradation

review providing the basis thereto covers all existing uses of the receiving waters;

3. Relating to ED's Comment/Response No. 9, it is disputed that the final phase flow of 150,000 gpd will not contribute to surface erosion of the lands currently abutting the receiving waters. While the foregoing final phase flow is less than the minimum scouring velocity used in the design of sewer lines, it may not be less than the minimum scouring velocity of a creekbed;

4. Relating to ED's Comment/Response No. 21, the ED did not Comment upon the Applicant's letter to TCEQ dated November 13, 2007, regarding the expenditures anticipated for Applicant to connect the Facility to the sewer lines of the City of Granbury. The ED does not appear to have analyzed whether the costs associated with such alternative means of wastewater disposal are not outweighed by the benefits of its implementation. Moreover, the ED does not appear to have analyzed the accuracy of such costs as estimated by the Applicant.

As required, the contact information for Ms. Findley and Ms. Props is provided as follows:

Gwendolyn Massey Findley
P. O. Box 8295
Houston, TX 77288
Daytime telephone: (713) 203-7362
Fax: (713) 666-0606

Mary Massey Props
P. O. Box 40102
Houston, TX 77240
Daytime telephone: (713) 202-5543
Fax: (713) 666-0606

Please contact the undersigned if you have any questions or need of further information.

Very truly yours,

HOOVER SLOVACEK LLP

G. Stephen Parrott

G. Stephen Parrott

GSP/MVF/sml

cc: Gwendolyn Massey Findley
P. O. Box 8295
Houston, TX 77288

Mary Massey Props
P. O. Box 40102
Houston, TX 77240

MUT 56220

OPA

JUN 05 2007

BY

MAY 31 2007

May 24, 2007

Office of the Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -4 PM 2:27
CHIEF CLERKS OFFICE

Re: Nolan Park Wastewater Treatment Plant
Permit No. WQ0014754001

Dear Sir:

This letter is to express my concern about the proposed Nolan Park Wastewater Treatment Plant's discharge to Ruckers Creek. I own property downstream of the proposed discharge and adjacent to the Ruckers Creek cove area. My property is located more than a mile downstream of the plant, however, the water quality and aquatic life in the cove area or transition zone to Lake Granbury is or would be directly affected by the inflows from Ruckers Creek including the wastewater from the proposed plant.

Notice of Application and Preliminary Decision

I went to the Hood County Courthouse to review the permit application, the Executive Director's preliminary decision, and the draft permit. I was provided a copy of the application to review, but I was told that the Executive Director's preliminary decision and draft permit were not available. The following comments have been prepared without the knowledge of information in these two documents.

Background

Lake Granbury serves as a major water supply source for residents of the City of Granbury, Hood County, and Johnson County. Due to significant developments in the lake's watershed, there have been increasing concerns about the quality of water in the lake. The Brazos River Authority in cooperation with the City of Granbury and Hood County developed a Regional Plan to provide wastewater service to developments in the watershed. In the spirit of this planning, during the year 2000, the City of Granbury agreed to be a regional provider of wastewater treatment to Meander Estates, a development outside the City Limits. This action avoided the need to construct a treatment plant that would have discharged into Ruckers Creek.

MW

Implementing that action required the City to address some CCN issues which were successfully worked out. Currently, there is an active Watershed Protection Plan Stakeholders committee which is examining opportunities to address how best to protect the quality of water and the aquatic life in Lake Granbury. Recognizing that there is major interest on the part of the City, the County, and citizens to develop a regional solution to protecting Lake Granbury is an important consideration relative to action on this permit application.

Concerns

My family and friends use Ruckers Creek for contact recreation (i.e., swimming, fishing) and as a source of residential irrigation water purchased from the Brazos River Authority. Each of these uses could be impaired by the proposed discharge. Of particular concern is the potential for pathogenic bacteria being introduced to the cove swimming area. Another concern is related to golden algae which has been observed to occur in the cove area. It has been reported that the golden algae caused fish kills. The addition of nutrients included in the proposed discharge could contribute to growth of golden algae in the Ruckers Creek cove. It is also of concern that water from the cove being used for irrigation purposes could include pathogenic bacteria if the wastewater is not effectively disinfected.

Requested Actions

I request that TCEQ ask the Nolan Park developer to actively pursue obtaining wastewater service form the City of Granbury. Obtaining such service would be consistent with the results of regional wastewater planning that was performed by the Brazos River Authority in conjunction with the City of Granbury and Hood County. Additionally, obtaining service from the City of Granbury would be consistent with the service Meander Estates obtained from the City and would be consistent with addressing wastewater service needs from a regional perspective.

If, the developer does not obtain service from the City, I request that a Public Hearing be held. Before the hearing, I request that a copy of the Executive Director's preliminary decision and the draft permit be made available to all interested parties. During the Public Hearing it would be beneficial that a presentation be made which conveys information in the Executive Director's preliminary decision and the draft permit.

I oppose the issuance of a permit unless treatment requirements are included that address each of the above stated concerns. If the developer is granted a permit for a discharge, I request that treatment requirements be established that would include nutrient removal and filtration.

Please add me to your mailing list to receive future notifications about permit application. Thank you for your consideration of this request.

Very truly yours,

Alan H. Plummer, Jr.

AHP/gh

By Registered Mail

cc: The Honorable Judge Andy Rash, Hood County
Mayor David Southern, City of Granbury
Commissioner Steve Berry, Hood County
The Honorable Kip ~~Averitt~~ Averett
The Honorable Chet Edwards
Mr. Phil Ford, General Manager/CEO Brazos River Authority

MWD
56730

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 MAY 30 PM 2:28

CHIEF CLERKS OFFICE

May 24, 2007

Office of the Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

OPA H
MAY 31 2007
BY 29

Re: Nolan Park Wastewater Treatment Plant
Permit No. WQ0014754001

Dear Sir:

This letter is to express my concern about the proposed Nolan Park Wastewater Treatment Plant's discharge to Ruckers Creek. I own property downstream of the proposed discharge and adjacent to the Ruckers Creek cove area. My property is located more than a mile downstream of the plant, however, the water quality and aquatic life in the cove area or transition zone to Lake Granbury is or would be directly affected by the inflows from Ruckers Creek including the wastewater from the proposed plant.

Notice of Application and Preliminary Decision

I went to the Hood County Courthouse to review the permit application, the Executive Director's preliminary decision, and the draft permit. I was provided a copy of the application to review, but I was told that the Executive Director's preliminary decision and draft permit were not available. The following comments have been prepared without the knowledge of information in these two documents.

Background

Lake Granbury serves as a major water supply source for residents of the City of Granbury, Hood County, and Johnson County. Due to significant developments in the lake's watershed, there have been increasing concerns about the quality of water in the lake. The Brazos River Authority in cooperation with the City of Granbury and Hood County developed a Regional Plan to provide wastewater service to developments in the watershed. In the spirit of this planning, during the year 2000, the City of Granbury agreed to be a regional provider of wastewater treatment to Meander Estates, a development outside the City Limits. This action avoided the need to construct a treatment plant that would have discharged into Ruckers Creek.

MW

Implementing that action required the City to address some CCN issues which were successfully worked out. Currently, there is an active Watershed Protection Plan Stakeholders committee which is examining opportunities to address how best to protect the quality of water and the aquatic life in Lake Granbury. Recognizing that there is major interest on the part of the City, the County, and citizens to develop a regional solution to protecting Lake Granbury is an important consideration relative to action on this permit application.

Concerns

My family and friends use Ruckers Creek for contact recreation (i.e., swimming, fishing) and as a source of residential irrigation water purchased from the Brazos River Authority. Each of these uses could be impaired by the proposed discharge. Of particular concern is the potential for pathogenic bacteria being introduced to the cove swimming area. Another concern is related to golden algae which has been observed to occur in the cove area. It has been reported that the golden algae caused fish kills. The addition of nutrients included in the proposed discharge could contribute to growth of golden algae in the Ruckers Creek cove. It is also of concern that water from the cove being used for irrigation purposes could include pathogenic bacteria if the wastewater is not effectively disinfected.

Requested Actions

I request that TCEQ ask the Nolan Park developer to actively pursue obtaining wastewater service form the City of Granbury. Obtaining such service would be consistent with the results of regional wastewater planning that was performed by the Brazos River Authority in conjunction with the City of Granbury and Hood County. Additionally, obtaining service from the City of Granbury would be consistent with the service Meander Estates obtained from the City and would be consistent with addressing wastewater service needs from a regional perspective.

If, the developer does not obtain service from the City, I request that a Public Hearing be held. Before the hearing, I request that a copy of the Executive Director's preliminary decision and the draft permit be made available to all interested parties. During the Public Hearing it would be beneficial that a presentation be made which conveys information in the Executive Director's preliminary decision and the draft permit.

I oppose the issuance of a permit unless treatment requirements are included that address each of the above stated concerns. If the developer is granted a permit for a discharge, I request that treatment requirements be established that would include nutrient removal and filtration.

Please add me to your mailing list to receive future notifications about permit application. Thank you for your consideration of this request.

Very truly yours,

Alan H. Plummer

Alan H. Plummer, Jr.

AHP/gh

By Registered Mail

cc: The Honorable Judge Andy Rash, Hood County
Mayor David Southern, City of Granbury
Commissioner Steve Berry, Hood County
The Honorable Kip ~~Averitt~~ Averett
The Honorable Chet Edwards
Mr. Phil Ford, General Manager/CEO Brazos River Authority

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAR 24 PM 3:03

CHIEF CLERKS OFFICE

March 16, 2008

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

MWD
56720

OPA
H MAR 25 2008
BY EB

Re: Nolan Park Wastewater Treatment Plant
Proposed TPDES Permit WQ 14754001

Dear Ms Castanuela:

This letter is to request that the Texas Commission on Environmental Quality (TCEQ) not issue the proposed draft permit or schedule a contested case hearing for subject TPDES discharge permit application for the proposed Nolan Park wastewater treatment plant.

I own property downstream of the proposed discharge and adjacent to the transition zone of Ruckers Creek as it enters into Lake Granbury. My property is located more than five miles downstream of the proposed plant; however, the water quality and aquatic life in this transition zone is influenced by the inflows from Ruckers Creek, which would include the wastewater from the proposed plant. My family uses Ruckers Creek for swimming, fishing, and lawn irrigation, and I am particularly concerned about bacteria and nutrients that may be discharged from the plant due to unexpected incidences (i.e., plant upsets) or to the plant not being properly operated. Additionally, I am concerned about the water quality throughout Lake Granbury and feel that a regional approach is critical for protecting the lake's condition.

Prior to scheduling a contested case hearing, please consider:

1) Providing additional time for the developer and the City of Granbury officials in cooperation with Hood County Commissioners to develop an approach for the developer to connect to the City of Granbury wastewater system or for the developer to work with Hood County Commissioners to develop an approach to utilize on-site treatment that is currently being discussed.
2) Revising the draft permit, since the draft permit was prepared based on "preliminary determinations," to:
   a. increase the frequency of sampling and testing,
   b. to add phosphorus monitoring and include in the permit a provision to add a phosphorus limit of 1 mg/L prior to authorizing the 100,000 and 150,000 gpd discharges unless the results of the testing and subsequent water quality sampling indicate that such a limit is not needed to protect the receiving water quality, and
   c. require the addition of filters to the proposed treatment plant to provide additional protection of the receiving water quality in the event the treatment plant experiences upsets or is not properly operated.

MW

The following background information identifies some of the key relative considerations and expresses my disputes with the indicated responses provided in a letter dated February 22, 2008 from LaDonna Castanuela.

BACKGROUND

Lake Granbury serves as a major water supply source for residents of the City of Granbury, Hood County, and Johnson County. Due to significant developments in the lake's watershed, there have been increasing concerns about the quality of water in the lake. The Brazos River Authority, in cooperation with the City of Granbury and Hood County, developed a Regional Plan to provide wastewater service to developments in the watershed. In the spirit of this planning, during the year 2000, the City of Granbury agreed to be a regional provider of wastewater treatment to Meander Estates, a development outside of the City Limits. This action avoided the need to construct a treatment plant that would have discharged into Ruckers Creek. There is a major interest on the part of the City of Granbury, the County, and citizens to develop a regional solution for the wastewater treatment needs of the proposed development, which is encouraged and promoted by Section 26.003 of the Texas Water Code, to protect Lake Granbury.

RELATIVE CONSIDERATIONS

Listed below are considerations relative to the proposed discharge permit.

1. Ruckers Creek, the stream that would receive the proposed discharge, is not part of the classified segment (segment No. 1205) except for the portion below the conservation pool elevation of Lake Granbury. Segment No. 1205 is designated for high aquatic life, public water supply, and contact recreation. Additionally, all waters in the state are presumed to be high aquatic life use and contact recreation until determined otherwise.

2. The downstream segment of Ruckers Creek is used for fishing, contact recreation, and residential irrigation.

3. The downstream segment of Ruckers Creek has experienced elevated levels of coliform as evidenced by the Lake Granbury monitoring program conducted by the Brazos River Authority.

4. The downstream segment of Ruckers Creek has experienced the occurrence of golden algae based on information developed by the Texas Parks and Wildlife and the Brazos River Authority. Due to the presence of Golden Algae within the Ruckers Creek, the Brazos River Authority selected the water body to perform research using hay bales in an attempt to eliminate the Golden Algae.

5. The City of Granbury has a wastewater interceptor which, as reported by the City, provides the opportunity for a tap on Highway 167, a half-mile across a pasture from the development.

ISSUES WITH EXECUTIVE DIRECTOR'S RESPONSES TO PUBLIC COMMENTS

Response 21 – Relative to Regional System

On Saturday, March 8, 2008, the Hood County News reported that the City had offered Mr. Hughitt (developer of area to be served by the proposed treatment plant) the option of connecting to the City's wastewater system. An estimated cost for connecting to the system of $170,000, not including right-of-way costs, was stated in the article. This amount is considerably less than the estimated $867,966 provided by the applicant. Therefore, the differences in these cost estimates need to be resolved. This article also indicated that the County Commissioners are encouraging the developer to connect to the City wastewater system and are discussing alternative approaches for the developer to use larger lots that would facilitate using on-site treatment systems.

The applicant submitted the initial application for a discharge permit on October 25, 2006, without any consideration of an option for connecting to the City of Granbury wastewater system. Now that the developer has been made aware that there is a wastewater collection line within about a half mile from the area to be served and that the City has extended an option to connect to the City of Granbury system, there are discussions being held between the developer and the City and County about this option. Therefore, it does not appear that the applicant has completed investigations to "use all reasonable methods to implement TWC, Section 26.003 that encourages and promotes the development and use of a regional and area-wide collection, treatment, and disposal system." Additionally, the County Commissioners and the developer are in discussions about how the area needing wastewater service could be developed and receive required County approvals for the development and for the use of on-site treatment.

Responses (Several) – Dependent Upon "Proper Treatment Plant Operation"

The TCEQ published list of Administrative Orders Issued indicate that during the period from September 1, 1990, through January 31, 2008, Aqua Texas, Inc. or Aqua Utilities dba Aqua Texas have been issued 18 Administrative Orders (AOs). Of the 18 AOs, 16 have been issued during the last five years. The history of Aqua Utilities receipt of AOs is cause for disputing the conclusions in several responses that assume that there will be proper operation of facilities. The following responses are based on the assumption that the applicant **will** operate and maintain the facilities as required.

Response 1, line 10 ".....Facilities that disinfect **by proper chlorination.....**" (Note: requires proper operation of plant)

Response 2, line 11 ".....The ED determined that the proposed draft permit is protective of the environment, water quality, and human health and that it meets TCEQ

rules and requirements **if the Applicant operates and maintains the facility as required……"**

Response 6, line 7 "…..The ED determined that the proposed draft permit is protective of the environment, water quality, and human health and that it meets TCEQ rules and regulations **if the Applicant operates and maintains the facility as required."…….**

Response 12, lines 9 "The Applicant must sample……the TSS….once per week, the chlorine residual five times per week…."

For a properly operated plant, five times a week testing of chlorine residual may be adequate, if there is no downstream contact use of the receiving water body. The effectiveness of the disinfection is dependent upon the amount of chlorine added, the contact time, and the level of suspended solids. The proposed sampling for suspended solids is only one instantaneous measurement per week, which is not adequate for conditions where there is downstream contact use. The limited sampling for chlorine residual and suspended solids will not provide representative effluent conditions for periods of plant upsets or if the **plant is not properly operated**. Therefore, to provide an additional protection for downstream water quality and for people using Ruckers Creek for contact recreation, filters should be added to the treatment plant. Also, additional sampling and testing should be required.

Response 14, line 1 "**If the facility operates properly**, there should be no circumstances where the discharge exceeds the permitted flow."

Response 15, line 3 "….**If properly operated**, the technology employed and the units mentioned have been proven to achieve…."

Response 17, line 1 "At the proposed advanced secondary effluent set with nitrification,…."

For **a properly, consistently operated plant**, four or five instantaneous measurements of oxygen demanding constituents of CBOD and ammonia and of suspended solids may be adequate. However, to determine if a plant is being **properly operated,** more frequent sampling and testing should be performed.

Response 23, line 7 "….With the level of technology employed and the effluent limitation contained, **if properly operated**, the facility should meet the permit requirements without the need for filters."

PREFERRED OPTION

My preference would be that TCEQ deny the issuance of the proposed TPDES permit that would allow discharge into Ruckers Creek and, instead, require the applicant to seek service from the City of Granbury.

However, if a TPDES permit is issued, I would request that

1. The TPDES permit establish limits, with consideration given to phosphorus limits, at levels needed to avoid degradation of water quality conditions that would impact the designated uses within the transition zone of Ruckers Creek.
2. Require that the wastewater treatment plant be equipped with effluent filters to improve the effectiveness of the disinfection process.
3. Require the applicant to perform frequent sampling and testing of the discharge for the permitted parameters and phosphorus, if it is not a permitted parameter.
4. Require the applicant to perform a receiving water body sampling and testing program in cooperation with the Brazos River Authority and the TCEQ. The purpose of this sampling program would be to provide a basis for establishing the permit limits to be applied when the permit is renewed or amended.

Thank you for this opportunity to provide you with this information and for your consideration of this request.

Very truly yours,

Alan H. Plummer Jr

Alan H. Plummer, Jr.
1606 Park Ridge Terrace
Arlington, Texas 76012
817.265.3047
alanh210@tx.rr.com

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Alan H. Plummer
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October 10, 2007

MWD
56720

OPA
OCT 17 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 16 PM 3:30
CHIEF CLERKS OFFICE

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

Re: Nolan Park Wastewater Treatment Plant
Proposed Permit WQ 14754001

Dear Sir:

This letter is to express my opposition to the issuance of the discharge permit for the proposed Nolan Park wastewater treatment plant. I own property downstream of the proposed discharge and adjacent to the transition zone of Ruckers Creek as it enters into Lake Granbury. My property is located more than a mile downstream of the proposed plant, however, the water quality and aquatic life in this transition zone in influenced by the inflows from Ruckers Creek which would include the wastewater from the proposed plant.

BACKGROUND

Lake Granbury serves as a major water supply source for residents of the City of Granbury, Hood County, and Johnson County. Due to significant developments in the lake's watershed, there have been increasing concerns about the quality of water in the lake. The Brazos River Authority in cooperation with the City of Granbury and Hood County developed a Regional Plan to provide wastewater service to developments in the watershed. In the spirit of this planning, during the year 2000, the City of Granbury agreed to be a regional provider of wastewater treatment to Meander Estates, a development outside of the City Limits. This action avoided the need to construct a treatment plant that would have discharged into Ruckers Creek.

Implementation of that action required the City to address some CCN issues which were successfully worked out. There is a major interest on the part of the City of Granbury, the County, and citizens to develop a regional solution, which is encouraged and promoted by Section 26.003 of the Texas Water Code, to protect Lake Granbury.

RELATIVE CONSIDERATIONS

The following are considerations relative to the proposed discharge permit.

1. Ruckers creek, the stream that would receive the proposed discharge, is not part of the classified segment (segment No. 1205) except for the portion below the

MW

conservation pool elevation of Lake Granbury. Segment No. 1205 which is designated for high aquatic life, public water supply, and contact recreation. Additionally, all waters in the state are presumed to be high aquatic life use and contact recreation until determined otherwise.

2. The downstream segment of Ruckers creek is used for fishing and contact recreation.

3. The downstream segment of Ruckers creek has experienced elevated levels of coliform as evidenced by the Lake Granbury monitoring program conducted by the Brazos River Authority.

4. The downstream segment of Ruckers creek has experienced the occurrence of golden algae based on information developed by the Texas Parks and Wildlife and the Brazos River Authority. Due to the presence of Golden Algae within the Ruckers creek, the Brazos River Authority selected the water body to perform research using hay bales in an attempt to eliminate the Golden Algae.

5. The City of Granbury has constructed a wastewater interceptor along Highway 377 to provide wastewater treatment service. The area to be served by the proposed Nolan Park wastewater treatment plant appears to be within a reasonable distance from the City's interceptor system. The applicant indicated in the permit application that a collection system is not located within 3 miles of the proposed area to be served. It appears that the City of Granbury's collection system is probably less than 3000 feet of the area to be served by the proposed treatment plant.

REQUESTED ACTIONS

1. Request that TCEQ perform a Tier 2 degradation analysis to assess the impact of the proposed discharge on the downstream water quality and the potential for impacting the designated uses
2 Request that TCEQ review and analyze water quality and ecological data collected in Lake Granbury, including Ruckers Creek, collected by the Brazos River Authority.
3 Request that TCEQ review and analyze information developed by the Texas Parks and Wildlife Department relevant to Golden Algae and water quality conditions of Lake Granbury, particularly within the Ruckers Creek
4 Request that the applicant confirm the distance to an existing collection interceptor system which delivers wastewater to the City of Granbury treatment plant. Request that the applicant use all reasonable methods to implement the policy established in Section 26.003 of the Texas Water code which "encourages and promotes the development and use of regional and area wide collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state". In this regards, request evidence from the applicant that

investigations have been performed to obtain wastewater treatment service from the City of Granbury.

PREFERRED OPTION

My preference would be that TCEQ deny the issuance of the proposed TPDES permit that would allow discharge into Ruckers Creek and, instead, require the applicant to seek service from the City of Granbury.

However, if a TPDES permit is issued, I would request that

1. The TPDES permit establish limits, with consideration given to phosphorus limits, at levels needed to avoid degradation of water quality conditions that would impact the designated uses within the transition zone of Ruckers Creek.
2. Require that the wastewater treatment plant be equipped with effluent filters to improve the effectiveness of the disinfection process.
3. Require the applicant to perform frequent sampling and testing of the discharge for the permitted parameters and phosphorus, if it is not a permitted parameter.
4. Require the applicant to perform a receiving water body sampling and testing program in cooperation with the Brazos River Authority and the TCEQ. The purpose of this sampling program would be to provide a basis for establishing the permit limits to be applied when the permit is renewed or amended.

Thank you for this opportunity to provide you with this information and for your consideration of this request.

Very truly yours,

Alan H. Plummer Jr

Alan H. Plummer, Jr.

cc: Congressman Chet Edwards
Senator Kip Averitt
Representative Jim Lloyd Keffer
Judge Andy Rash
Commissioner Steve Berry
Mayor David Southern
Mr. Phil Ford, General Manager/CEO Brazos River Authority

Alan H. Plummer, Jr.
1606 Parkridge Terrace
Arlington, Texas 76012

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MAR 11 2008

BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 11 AM 11:01

CHIEF CLERKS OFFICE

TO: Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We request a Contested Case Hearing

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should have the right to maintain our property value.

We have a boat slip in the marina of Rucker Creek Cove.

We are raising our objections to:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer is enough to compensate for illness or death of a child.

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have

MW

bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant, with regard to the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. So how can he provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information.

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $500,000 in our home and property, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has

reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

Sincerely,

Kelly Reed

Kelly Reed Laura Reed

Laura Reed
803 Mallard Pointe Drive
Granbury, TX 76049

H OPA MWD 56720

MAR 11 2008

BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 11 AM 11:02

CHIEF CLERKS OFFICE

TO: **Office of the Chief Clerk**

Ref: **Aqua Utilities Inc, TPDES permit no. WQ0014754001**

We request a Contested Case Hearing. We moved to Granbury because of the lake and chose a location that would give us access to that lake. All homes in our subdivision that are not waterfront have a slip in the Mallard Pointe Marina and are entitled to enjoyment of the use of Rucker Creek and Rucker Creek Cove. Children and adults should be able to be in the water any time that we wish, with no concerns about the quality of the water or how it may affect our health and with no concerns that the possible danger of the water pollutants may also affect the value of our property.

Objections are raised to the following:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren because the sampling of the TSS will be completed once a week. The harmful bacteria live in the suspended solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. **No amount of money saved by the developer is enough to compensate for illness or death of a child.**

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

MW

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, indicating that no collection system exists within three miles of the proposed site. **Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location.** If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As of March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant, with regard to the costs to connect to the city sewer line that is at the **intersection of Old Granbury Road and Hwy 167.** So how can he provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the **time for permit to place a sewer line under the rail road is weeks, not 18 months** as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

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Response 24:

With the level of technology employed and the effluent limitations contained, **if properly operated, the facility should** meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? We, and our neighborhood do not want our investment in our homes and property put at risk for **"ifs" and "shoulds".** No one should be required to put that amount of investment and the safety of their families in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit to protect the health and welfare of all residents of Hood County until this chemical contamination issue is resolved

Bruce Ring

Joyce Ring

2110 Wood Duck Ln
Granbury, TX 76049

HOOD COUNTY COMMISSIONER

200 North Gordon Street
Granbury, Texas 76048
817-579-3300 • Fax 817-579-0396

RFR OPA

MAR 14 2008

BY KY

MWD
56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 14 AM 10: 22
CHIEF CLERKS OFFICE

March 10th 2008

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

TPDES Permit # WQ0014754001

I would like to ask the TCEQ to reconsider the decision to permit the discharge plant on Rucker Creek in Northeast Hood County. This location and discharge area of the plant into Lake Granbury would be detrimental to lake front property in Lakewood Hills and Mallard Pointe sub-divisions and possibly Lake Granbury. Lake Granbury is in a Water Shed protection study with Federal funds and would like to see the outcome of this study before going forward. I feel that an alternative plan is very reachable with the City of Granbury to tie this sub-division into the wastewater treatment plant in Granbury. Hood County has had packaging plants in Southern Hood Co., which have failed and resulted in sewage and contamination into Lake Granbury. I feel the municipality of the City of Granbury will outlive any private plant and continue to update technology to better contain and control wastewater and keep Lake Granbury clean and safe.

Please advise of any hearings or public meetings so that Hood County can be represented and residents can be heard. We need to find a safer and better solution to this discharge area.

Sincerely

Dick Roan, M.D.

Dick Roan
Hood Co. Commissioner Pct. 2

Cc-K. Averitt. State Senator
J. Keffer, State Representative

MW

H

OPA

MAR 12 2008

BY Ky

TO: Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

2008 MAR 13 AM 10

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

We request a Contested Case Hearing

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

MWD
56720

We should have the right to maintain our property value.

Our home is on the main body of Lake Granbury adjoining Ruckers Creek.

We are raising my objections to:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer is enough to compensate for illness or death of a child.

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have bacteria levels consistently above the level for contact recreation. Rucker Creek and

MW

Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant, with regard to the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. So how can he provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information.

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $700,000 in our home and property, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. Some of the chemicals that are

commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

Larry Sadlowski
and
Carolyn Sadlowski
706 Pintail Ct.
Granbury,Tx. 76049

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 MAY 29 AM 10: 19

CHIEF CLERKS OFFICE

MWD
56720

To: Office of the Chief Clerk
MC105
TCEQ
P.O.Box 13087
Austin,Tx. 78711-3087

OPA PM

MAY 29 2007

BY

From: Larry and Carolyn Sadlowski
706 Pintail Ct.
Granbury, Tx. 76049

Subject: Proposed Permit #WQ0014754001

We are very concerned about the proposed wastewater treatment plant
that would discharge wastewater into Ruckers Creek and will eventually
make its way into Mallard Pointe neighborhood and Lake Granbury.
Our neighborhood,park,marina and swim beach are located on Ruckers Creek
and this wastewater is of great concern to us and our neighbors.

We request a public meeting to discuss our concerns and more information
on this situation. Also please include our name on your mailing list to receive
future notifications on the subject.

Respectfully,
Larry and Carolyn

Sadlowski

cc: Judge Andy Rash, Mayor David Southern,Commissioner Steve Berry,
The Honorable Kip Evert and the Honorable Chet Edwards

MW

Have formal oral comment

(12)

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:03
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Larry + Carolyn Sadlowski

Address: 706 Pintail Ct

City/State: Granbury TX **Zip:** 76049

Phone: (817) 578-8152

☑ **Please add me to the mailing list.**

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

If yes, which one? Mallard Point

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

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

~~We recomand that tce~~

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

MW

H OPA MAR 11 2008 BY KY

MWD 56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 11 AM 11:00

CHIEF CLERKS OFFICE

March 10, 2008

To: Office of the Chief Clerk

Ref: Aqua Utilities, Inc. TPDES permit no. WQ0014754001

We live on Lake Granbury, and specifically on Rucker Creek Cove. We request a Contested Case Hearing based on the following reasons:

1. We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren. (Response # 12)

2. We do not know the meaning for the classification of the applicant rating of 0.96, but we assume that this value is less than perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits. (Response # 6)

3. Rucker Creek and Rucker Cove have been tested and have had levels of bacteria above the level safe for contact recreation. We do not need a package plant accidentally discharging any more bacteria into Lake Granbury. (Response #19)

4. The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. This indicates to me that there is a huge trust issue involved here. (Response # 21)

5. The applicant provided false information on the permit application by indicating that Rucker Creek had no flow fluctuation. It appears that the applicant has a history of misleading information or is merely misinformed. (Response # 28)

6. The terms "the facility should" and "if operating properly" are not acceptable terminology when it involves someone's health and/or property value. (Response # 24)

7. The last item of **great concern** is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacture methamphetamines. The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. **Because of this latest information, we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.**

Sincerely,

Myron D. Sherar
Myron D. Sherar
707 Pintail Court, Granbury, Texas 76049

Loretta A. Sherar
Loretta A. Sherar

MW

MWD
56720

MAY 31 2007

24 May 2007

The Honorable Chet Edwards,

This letter is to express my complete and thorough opposition to the issuance of waste water discharge permit into Rucker Creek, Lake Granbury Texas.

My wife and are homeowners on Rucker Creek, and we would like to state our position clearly, firmly, and without question, that any request for a discharge permit is totally unacceptable. Numerous issues are present, specifically the discharge of E coli at any level into human "swimming" waters, damage to natural lake ecosystems and habitat due to reduced oxygen levels, increased nitrogen and phosphorus levels, and extremely unpleasant odors. Ultimately, all lake ecosystems and habitat will be negatively affected. Only recently deaths and severe sickness has been caused by E coli contaminated spinach. Issuance of any type of discharge permit is simply facilitating the odds of death and environmental disaster.

Issuance of a discharge permit will also permanently degrade my property value and the property values of my neighborhood which cannot be tolerated. I believe it is our elected officials and public servants duty to protect homeowners from any and all events of this nature.

The optimal solution is for the areas planned to be served to convey their discharge water to the City of Granbury for processing. This is clearly the best option to this issue. It is also clearly the best in terms of our environment, the safety of general public, and specifically people who live on and use the lake for recreation.

This issue needs to be further addressed at a public hearing. Also, please add my name to any and all mailing lists regarding this issue.

Respectfully,

Patricia and David Siedal
1806 Wigeon St.
Granbury, TX. 76049
817-279 8820

OPA

JUN 05 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -4 PM 2:27
CHIEF CLERKS OFFICE

MW

Office of the Chief Clerk, WQ0014754001 24 May 2007

MWD 56720

This letter is to express my complete and thorough opposition to the issuance of waste water discharge permit into Rucker Creek, Lake Granbury Texas.

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This issue needs to be further addressed at a public hearing. Also, please add my name to any and all mailing lists regarding this issue.

Respectfully,

OPA H

MAY 3 1 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 30 PM 2:29
CHIEF CLERKS OFFICE

Patricia and David Siedal
1806 Wigeon St.
Granbury, TX. 76049
817-279 8820

MW

OPA

MAR 11 2008

BY KY

MWI 56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 11 AM 11:00

CHIEF CLERKS OFFICE

TO: Office of the Chief Clerk March 7, 2008

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We are requesting a Contested Case Hearing for the above.

As a homeowner on Rucker Creek, we have the right to enjoy the use of Rucker Creek and the parks on Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should also have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should not have our property values negatively impacted by this issue.

Our home is approximately 150 feet from Rucker Creek, and we also have a boat slip in Rucker Creek.

We are raising objections to the following items:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be acceptable to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer is enough to compensate for illness or death of a child.

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

MW

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek which is unacceptable.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Currently the TCEQ is depends on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant with regard to the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. So how can he provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing ***false*** information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County, why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information.

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? We do not feel that anything short of "perfect" is acceptable to the value of our property, and nothing is perfect. We do not want a property valued at over 350K put at risk based on the words "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company, particularly since they have a demonstrated record of ***falsifying*** data.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

David & Patricia Siedal

1806 Wigeon St.
Granbury TX., 76049

OPA

MAR 11 2008

BY KG

MWI
56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 11 AM 11:00

CHIEF CLERKS OFFICE

TO: Office of the Chief Clerk March 7, 2008

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

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David & Patricia Siedal

1806 Wigeon St.
Granbury TX., 76049

MWD
56720

OPA
4 MAR 11 2008
BY KH

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAR 11 AM 11:02

CHIEF CLERKS OFFICE

TO: Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We request a Contested Case Hearing

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should have the right to maintain our property value.

Our home is on the water of Rucker Creek Cove.

We are raising my objections to:

Response 6:

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MW

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Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $500,000 in our home and property, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has

reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

James and Debbie Sims

James Sims
Debbie Sims

James Sims
1923 Green Wing Dr.
Granbury, Tx 76049

Phone 817-573-7827
Email-jndsims@sbcglobal.net

MWD
56720

May 23, 2007

To whom it may concern,

My wife and I moved to Lake Granbury three years ago. We enjoy the lake and city. It amazes me that elected officials would consider letting someone build a waste water treatment plant that would be releasing chemicals or sewage into our lake. If you allow this to happen, and my loved ones get sick, the fish start dying, my yard starts smelling, or my property value drops, I will hold all of the following responsible: Office of the Chief Clerk, Judge Andy Rash, Mayor David Southern, Commissioner Steve Berry, The Honorable Kip Evert, and The Honorable Chet Edwards. I am asking all of you to not let this plant discharge water into our lake. The proposed permit number is WQ0014754001.

Thank you and lets keep our lake clean.

James and Debbie Sims
1923 Green Wing Dr.
Granbury, Tx 76049
817-573-7827
jndsims@sbcglobal.net

OPA
MAY 29 2007
BY D

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 29 AM 10: 13
CHIEF CLERKS OFFICE

AWD
56720

MAY 25 2007

May 23, 2007

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Thank you and lets keep our lake clean.

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1923 Green Wing Dr.
Granbury, Tx 76049
817-573-7827
jndsims@sbcglobal.net

OPA
JUN 05 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -4 PM 2:26
CHIEF CLERKS OFFICE

MW

Done formal oral comment
Submitted written comments

(2)

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 12: 56
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: JAMES SIMS

Address: 1923 GREEN WING DR.

City/State: GRANBURY, TX **Zip:** 76049

Phone: (817) 573-7827

☑ **Please add me to the mailing list.**

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

If yes, which one? MALLARD POINTE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted at <u>any time</u> during the meeting)

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

MW

October 16, 2007

NOLAN PARK
PROPOSED
WASTEWATER TREATMENT PLANT TPDES PERMIT
Proposed Permit No. WQ0014754001

COMMENTS
By
James Sims
Downstream Property Owner

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 16 P 12:
CHIEF CLERKS OFFICE
OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

James Sims INTERESTS

James Sims and his wife Debbie own property adjacent to the downstream segment of Rucker Creek Cove, downstream of the proposed discharge.

James Sims, his family (Including grandchildren) and friends use downstream segment of Rucker Creek Cove for swimming and other recreational purposes.

James Sims, his family (Including grandchildren) and friends use the downstream segment of Rucker Creek for fishing an average of one time a week.

James Sims uses the water of Rucker Creek for irrigation of our private property, several times each week.

RELATIVE CONSIDERATIONS

1. Rucker Creek, the stream that would receive the proposed discharge, is not part of the classified segment (segment No. 1205) except for the portion below the conservation pool elevation of Lake Granbury. Segment No. 1205 is designated for high aquatic life, public water supply, and contact recreation. Additionally, all waters in the state are presumed to be high aquatic life use and contact recreation until determined otherwise.

2. The downstream segment of Rucker Creek is used for fishing, contact recreation, and lawn irrigation

The downstream segment of Rucker Creek is already experiencing elevated levels of E-coli as evidenced by the Lake Granbury monitoring program conducted by the Brazos River Authority. The BRA test sites are, 70021 - Mallard Pointe Cove, and 70022 - Rucker Creek.

MW

4. The downstream segment of Rucker Creek has experienced the occurrence of golden algae based on information developed by the Texas Parks and Wildlife and the Brazos River Authority. Due to the presence of Golden Algae in Rucker Creek and Rucker Creek Cove, the Brazos River Authority selected the water body to perform research using hay bales in an attempt to eliminate the Golden Algae.

5. The City of Granbury has constructed a wastewater interceptor along Highway 377 to provide wastewater treatment service. The area to be served by the proposed Nolan Park wastewater treatment plant is less than three miles (2500 feet) the City's interceptor system.

REQUESTED ACTIONS

1. In light of the above referenced water quality conditions experienced in the Rucker Creek and the uses of the water body, request that TCEQ perform a Tier 2 degradation analysis to assess the impact of the proposed discharge on the water quality and potential for impacting the designated uses.

2. Review and analyze water quality and ecological data collected in Lake Granbury, including Rucker Creek by the Brazos River Authority.

3. Review and analyze information developed by the Texas Parks and Wildlife Department relevant to Golden Algae and water quality conditions of Lake Granbury, in particular within the Rucker Creek

4. Request evidence that the applicant has investigated other potential discharge locations to minimize potential receiving water quality impacts.

5. Request evidence that the applicant has investigated the "use of all reasonable methods to implement the policy" established in Section 26.003 of the Texas Water code, which "encourages and promotes the development and use of regional and area wide collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state". In this regard, request evidence from the applicant that investigations have been performed to obtain wastewater treatment service from the City of Granbury.

PREFERRED OPTIONS

1. Deny the issuance of a TPDES permit that would allow discharge into Rucker Creek and request applicant to obtain service from the City of Granbury.

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

2. If a TPDES permit is issued, establish TPDES permit effluent quality conditions (i.e. phosphorus removal, etc.) needed to avoid degradation of water quality conditions and to avoid impacting the designated uses within Rucker Creek Cove. Additionally, require that the wastewater treatment plant be equipped with effluent filters to improve the effectiveness of the disinfection process. Also, require the applicant to perform frequent sampling and testing of the discharge for the permitted parameters including phosphorus. Additionally, require the applicant to perform a receiving water body sampling and testing program in cooperation with the Brazos River Authority and the TCEQ. The purpose of this sampling program would be to provide a basis for establishing the permit limits to be applied when the permit is renewed or amended.
3. Please do not allow anything that will endanger the public and lower our property values.

Thank you

James Sims

James Sims
1923 Green Wing Dr.
Granbury, TX 76049

Phone 817 573-7827
Cell 214-837-6318
Email jndsims@sbcglobal.net

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

From: "Sims, James - (TEXAS)" <jsims@tcco.com>
To: <water@mallardpointe.info>
Date: Fri, October 12, 2007 8:56 am
Subject: My Nolan Park Comments James Sims

October 16, 2007

NOLAN PARK

PROPOSED

WASTEWATER TREATMENT PLANT TPDES PERMIT

Proposed Permit No. WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

COMMENTS

By

James Sims

Downstream Property Owner

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:24
CHIEF CLERKS OFFICE

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James Sims and his wife Debbie own property adjacent to the downstream segment of Rucker Creek Cove, downstream of the proposed discharge.

James Sims, his family (Including grandchildren) and friends use downstream segment of Rucker Creek Cove for swimming and other recreational purposes.

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James Sims uses the water of Rucker Creek for irrigation of our private property, several times each week.

RELATIVE CONSIDERATIONS

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except for the portion below the conservation pool elevation of Lake Granbury. Segment No. 1205 is designated for high aquatic life, public water supply, and contact recreation. Additionally, all waters in the state are presumed to be high aquatic life use and contact recreation until determined otherwise.

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OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

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OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

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3. Please do not allow anything that will endanger the public and lower our

property values.

Thank you

James Sims

1923 Green Wing Dr.

Granbury, TX 76049

Phone 817 573-7827

Cell 214-837-6318

Email jndsims@sbcglobal.net

OPA

H MAR 10 2008

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR 10 AM 11:01

CHIEF CLERKS OFFICE

MWD
56720

TO: Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We request a Contested Case Hearing

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should have the right to maintain our property value.

Our home is on Rucker Creek .

We are raising my objections to:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer is enough to compensate for illness or death of a child.

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have

MW

bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant, with regard to the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. So how can he provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information.

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $500,000 in our home and property, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has

reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

Brian Smith

Brian Smith

Donna Smith

Donna Smith
1925 Green Wing
Granbury, TX 76049

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: Brian Smith

Address: 1925 Green Wing

City/State: Granbury Tex **Zip:** 76049

Phone: (817) 579-1442

☒ **Please add me to the mailing list.**

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

If yes, which one? Mullard PoinTe HOA

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**
(Written comments may be submitted at <u>any time</u> during the meeting)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:18
CHIEF CLERKS OFFICE

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

October 16,2007

NOLAN PARK
PROPOSED
WASTEWATER TREATEMENT PLANT TPDES PERMIT
PROPOSED PERMIT NBR WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

COMMENTS BY BRIAN SMITH-DOWNSTREAM PROPERTY OWNER

MY INTERESTS

Brian Smith and my wife Donna own property adjacent to the downstream segment of Rucker Creek, downstream of the proposed discharge. My family (includi9ng grandchildren) Use Rucker Creek for swimming and kayaking. We fish in the creek several times a week And eat the fish we catch.

RELATIVE CONSIDERATIONS

1. Rucker Creek, the stream that would receive the proposed discharge, is not part Of the classified segment (segment nbr 1205) except for the portion below the Conservation pool elevation of Lake Granbury. Segment nbr 1205 is designated For high aquatic life, public water supply and contact recreation. Additionally, All waters in the state are presumed to be high aquatic life use and contact Recreation until determined otherwise.
2. The downstream segment of Rucker Creek is used for fishing, contact recreation and Lawn irrigation by many people.

The downstream segment of Rucker Creek is already experiencing elevated levels of E-coli as Evidenced by the Lake Granbury monitoring program conducted by the Brazos River Authority. The BRA test sites are, 70021-Mallard Pointe Cove and 70022-Rucker Creek

The downstream segment of Rucker Creek has experienced the occurrence of golden algae Based on information developed by the Texas Parks and Wildlife and the BRA. Due to the Presence of golden algae in Rucker Creek, the BRA has selected the water body to perform research Using hay bales in an attempt to eliminate the golden algae.

2007 OCT 26 PM 1:18
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The City of Granbury has constructed a wastewater interceptor along Hwy 377 to provide Wastewater treatment service. The area to be served by the proposed Nolan Park wastewater Treatment plant is less than 3 miles (2500 feet) to the cities interceptor system.

REQUESTED ACTIONS

Request that TCEQ perform a Tier 2 degradation analysis to assess the impact of the proposed Discharge on the water quality and potential for impacting the designated uses.

Review and analyze water quality and ecological data collected in Lake Granbury, including Rucker Creek by the BRA.

Review and analyze information developed by the Texas Parks and Wildlife relevant to golden algae And water quality within Rucker Creek.

Request evidence that the applicant has investigated other discharge locations to minimize Potential receiving water quality impacts.

Request evidence that the applicant has investigated the use of the wastewater treatement service

From the City of Granbury.

PREFERRED OPTIONS

Deny the issuance of a TPDES permit that would allow discharge into Rucker Creek and request Applicant to obtain service from the City of Granbury.

If a TPDES permit is issued, establish TPDES permit effluent quality conditions needed to avoid Degradation of water quality conditions and to avoid impacting uses within Rucker Creek. Also Require the the wastewater treatment plant be equipped with effluent filters to improve the effectiveness of the disinfect ion process. Also require the applicant to perform frequent sampling and testing of the discharge including testing for phosphorus.

Submitted by

Brian E Smith
1925 Green Wing
Granbury Tx 76049

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

MAY 31 2007

I live on Rucker Creek at 1925 Green Wing in Mallard Pointe in the city of Granbury. I very strongly wish to voice my displeasure at the proposed permit for a wastewater treatment plant permit # wq0014754001. We already have problems on the creek with the quality of water and do not wish anymore treated waste to be dumped in there. I formally request a public meeting be set up for discussion. Also add my name to the mailing list for any future notifications.

Sincerely
Brian Smith

Brian Smith

MWD
56720

OPA PM
JUN 05 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -4 PM 2:27
CHIEF CLERKS OFFICE

MW

May 22, 2007

TO NEIGHBORS CONCERNED ABOUT
A WASTEWATER TREATMENT PLANT
THAT WOULD DISCHARGE TO RUCKERS CREEK
Proposed Permit number WQ0014754001

BACKGROUND

A wastewater treatment plant is being proposed that would discharge to Ruckers Creek in the vicinity of M & M Ranch Road. The plant will serve Nolan Park. Based on information in the application for a discharge permit the plant will be constructed in phases and will ultimately discharge 150,000 gallons per day. The phases of the plant are planned as follows:

Initial Phase	Begin construction – June 2007	Serve 115 homes
Interim Phase	Begin Construction – June 2010	Serve 235 homes
Final Phase	Begin Construction – June 2012	Serve 350 homes

A discharge permit from TNRCC is required before a discharge can occur. The process for issuing a permit provides an opportunity for affected parties to comment and/or oppose the issuance of a permit. TNRCC considers all comments before issuing a permit or establishing the quality to which the wastewater will have to be treated prior to its discharge.

PROBLEMS / CONCERNS

Ruckers Creek Water Quality

The amount of flow in Ruckers Creek is frequently very low or even zero at times. Therefore, the flow in Ruckers Creek will predominately be wastewater during certain periods of the year. Under these conditions, the treated wastewater could greatly reduce the dissolved oxygen in Ruckers Creek. Reduced levels of dissolved oxygen in the creek could be unhealthy for the fish and other wildlife and in extreme conditions could result in the occurrence of offensive odors. The other extreme of Rucker's Creek is when it is flooding, as has occurred twice in the past two years, would flush any build up of contaminants residing in the creek into the cove and creek areas that are inhabited. In addition, the nitrogen and phosphorus in the wastewater could cause increases in algae and aquatic weed growth in the downstream water. This is of particular concern with the potential effect on golden algae, which has been observed in Ruckers Creek. The toxicity of golden algae has been proven to be controlled by the ratio of nitrogen and phosphorus. Releases of nitrogen and phosphorus from this plant could cause another toxic bloom and kill fish in Rucker's Creek and the lake. The Watershed Protection Plan Sakeholders are working to reduce in inflow of toxic wastes into Lake Granbury, which could be increased by this waste water treatment plant. Excessive algae growth could cause water quality problems and cause the water to be unsuitable for swimming. An increase in

aquatic weeds could be a problem in the water adjacent to properties and in the area of boat docks. Also, of concern are pathogenic bacteria that could be in the wastewater during periods with equipment failure or improper operation. The potential for a discharge of bacteria is a significant concern because Ruckers Creek is used for swimming.

Downstream Lawn Irrigation Water

Water from Ruckers Creek is used for irrigation of lawns by the property owners downstream of the proposed discharge. Since the flow in Ruckers Creek will largely be wastewater during certain periods, particurialy dry periods, the constituents in the wastewater could come in contact with people that are exposed to the irrigation water.

Odor

In addition to the above cited water quality concerns, wastewater treatment plants can emit offensive odors. Odors leaving the plant property can signicantly impact the quality of life within the surrounding area, be offensive to people that are customers of businesses in the general vicinity of the treatment plant, as well as to those that may drive by the treatment plant area.

SOLUTION

The most favorable option is for the area being served to convey their wastewater to the City of Granbury wastewater system. This option is dependent upon the City having the capacity to accept the wastewater and for the City to agree to accept the wastewater.

Another option would be for the treatment plant to provide a very high degree of treatment with respect to removing materials from the wastewater that would otherwise cause the oxygen in Ruckers Creek to be reduced to unacceptable levels, to removing phosphorus and nitrogen that would contribute to algae growth and aquatic weed growth, to consistently and effectively disinfect (kill) the bacteria in the wastewater, and to consistently and effectively control odors that would otherwise be emitted to the atmosphere and be a nuisance to people. In addition to providing a high degree of treatment the treatment plant operator should be required to sample and test the water in Ruckers Creek to determine the effect of the discharge on the water quality in the creek and lake.

ACTIONS BY AFFECTED PARTIES

Send a letter, preferably by registered mail, before the 1st of June 2007, to the following address stating how you would be affected by the proposed treatment plant discharge, your opposition to the issuance of a discharge permit, and request a public meeting. Also, request that your name be included on a mailing list to receive future notifications.

I live on Rucker Creek at 1925 Green Wing in Mallard Pointe in the city of Granbury. I very strongly wish to voice my displeasure at the proposed permit for a wastewater treatment plant permit # wq0014754001. We already have problems on the creek with the quality of water and do not wish anymore treated waste to be dumped in there. I formally request a public meeting be set up for discussion. Also add my name to the mailing list for any future notifications.

Sincerely
Brian Smith

Brian Smith

MWD
56730

OPA pM
MAY 29 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 29 AM 10: 19
CHIEF CLERKS OFFICE

mw

May 22, 2007

TO NEIGHBORS CONCERNED ABOUT
A WASTEWATER TREATMENT PLANT
THAT WOULD DISCHARGE TO RUCKERS CREEK
Proposed Permit number WQ0014754001

BACKGROUND

A wastewater treatment plant is being proposed that would discharge to Ruckers Creek in the vicinity of M & M Ranch Road. The plant will serve Nolan Park. Based on information in the application for a discharge permit the plant will be constructed in phases and will ultimately discharge 150,000 gallons per day. The phases of the plant are planned as follows:

Initial Phase	Begin construction – June 2007	Serve 115 homes
Interim Phase	Begin Construction – June 2010	Serve 235 homes
Final Phase	Begin Construction – June 2012	Serve 350 homes

A discharge permit from TNRCC is required before a discharge can occur. The process for issuing a permit provides an opportunity for affected parties to comment and/or oppose the issuance of a permit. TNRCC considers all comments before issuing a permit or establishing the quality to which the wastewater will have to be treated prior to its discharge.

PROBLEMS / CONCERNS

Ruckers Creek Water Quality

The amount of flow in Ruckers Creek is frequently very low or even zero at times. Therefore, the flow in Ruckers Creek will predominately be wastewater during certain periods of the year. Under these conditions, the treated wastewater could greatly reduce the dissolved oxygen in Ruckers Creek. Reduced levels of dissolved oxygen in the creek could be unhealthy for the fish and other wildlife and in extreme conditions could result in the occurrence of offensive odors. The other extreme of Rucker's Creek is when it is flooding, as has occurred twice in the past two years, would flush any build up of contaminants residing in the creek into the cove and creek areas that are inhabited. In addition, the nitrogen and phosphorus in the wastewater could cause increases in algae and aquatic weed growth in the downstream water. This is of particular concern with the potential effect on golden algae, which has been observed in Ruckers Creek. The toxicity of golden algae has been proven to be controlled by the ratio of nitrogen and phosphorus. Releases of nitrogen and phosphorus from this plant could cause another toxic bloom and kill fish in Rucker's Creek and the lake. The Watershed Protection Plan Sakeholders are working to reduce in inflow of toxic wastes into Lake Granbury, which could be increased by this waste water treatment plant. Excessive algae growth could cause water quality problems and cause the water to be unsuitable for swimming. An increase in

aquatic weeds could be a problem in the water adjacent to properties and in the area of boat docks. Also, of concern are pathogenic bacteria that could be in the wastewater during periods with equipment failure or improper operation. The potential for a discharge of bacteria is a significant concern because Ruckers Creek is used for swimming.

Downstream Lawn Irrigation Water

Water from Ruckers Creek is used for irrigation of lawns by the property owners downstream of the proposed discharge. Since the flow in Ruckers Creek will largely be wastewater during certain periods, particurialy dry periods, the constituents in the wastewater could come in contact with people that are exposed to the irrigation water.

Odor

In addition to the above cited water quality concerns, wastewater treatment plants can emit offensive odors. Odors leaving the plant property can signicantly impact the quality of life within the surrounding area, be offensive to people that are customers of businesses in the general vicinity of the treatment plant, as well as to those that may drive by the treatment plant area.

SOLUTION

The most favorable option is for the area being served to convey their wastewater to the City of Granbury wastewater system. This option is dependent upon the City having the capacity to accept the wastewater and for the City to agree to accept the wastewater.

Another option would be for the treatment plant to provide a very high degree of treatment with respect to removing materials from the wastewater that would otherwise cause the oxygen in Ruckers Creek to be reduced to unacceptable levels, to removing phosphorus and nitrogen that would contribute to algae growth and aquatic weed growth, to consistently and effectively disinfect (kill) the bacteria in the wastewater, and to consistently and effectively control odors that would otherwise be emitted to the atmosphere and be a nuisance to people. In addition to providing a high degree of treatment the treatment plant operator should be required to sample and test the water in Ruckers Creek to determine the effect of the discharge on the water quality in the creek and lake.

ACTIONS BY AFFECTED PARTIES

Send a letter, preferably by registered mail, before the 1st of June 2007, to the following address stating how you would be affected by the proposed treatment plant discharge, your opposition to the issuance of a discharge permit, and request a public meeting. Also, request that your name be included on a mailing list to receive future notifications.

MWD
56720

4 OPA

MAR 12 2008

BY Kg

TO: Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

We request a Contested Case Hearing

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about the quality of the water.

We should have the right to enjoy the use of Rucker Creek and Rucker Creek cove any time that we wish, without having concerns about our health.

We should have the right to immediate notification that the water in this creek and cove is not meeting the standards for contact recreation.

We should have the right to maintain our property value.

Our home is on the water of Rucker Creek Cove.

We are raising my objections to:

Response 6:

We do not know the meaning for the classification of the applicant rating of 0.96. We assume that this value is less then perfect. We do not consider less than perfect to be good enough to protect our rights to use the waters of Rucker Creek and Rucker Creek Cove without limits.

Response 12:

We do not believe that the testing requirements are strong enough to protect the health and lives of our children and grandchildren for the following reasons:

The sampling of the TSS will be completed once a week. The harmful bacteria live in the suspend solids. If the limits are exceeded the day after the last test there will be a discharge of 900,000 gallons of water that exceeds the TSS limits before the next sample is taken. It is reasonable to assume that with 900,000 gallons of water discharged into Rucker Creek that effluent will reach our neighborhood. I do not know the length of time between taking the sample and getting a laboratory response back to the operator, so we have assumed same day results. Testing by the BRA has already shown bacteria concentrations above the level for safe contact recreation. Continuing, when the operator tests and finds his TSS values are above the limit he will then notify the TCEQ. So ends the notification. If our children or grandchildren have been in the creek during that six-day window they could become sick or even die because we were not told. No amount of money saved by the developer is enough to compensate for illness or death of a child.

The requirement for phosphorus and nitrogen standards should be required to assist in preventing golden algae fish kills. We understand that this is not a normal requirement, but most sewage plants do not discharge into Lake Granbury where there have been golden algae fish kills every year since 2001.

Response 19:

We agree that the bacteria level at the upstream and main stem of Lake Granbury do not contain any detectable levels of bacteria. However, several coves and canals have

2008 MAR 17 AM 10: 11
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MW

bacteria levels consistently above the level for contact recreation. Rucker Creek and Rucker Creek Cove have been tested and have had levels of bacteria above the level for contact recreation. If this proposed plant was to discharge into the upstream or main stem of Lake Granbury any accidental discharge of untreated wastewater would be diluted by the volume of water in the lake and would probably not result in a level of bacteria above the contact recreation standard. This package plant is proposed to discharge into Rucker Creek.

Response 21

The applicant provided false information on the permit application, by indicating that no collection system existed within three miles of the proposed site. Now the TCEQ is willing to depend on the application for information on where this line is, as opposed to calling the City of Granbury to determine the exact location. If they did not disclose the existence of the sewer line, how can you depend on them for information on the location?

Response 21:

Response from the applicant is very suspect as to its accuracy. As March 6, 2008, Mr. Alva Cox, City of Granbury, City Services has not had any contact from the applicant, with regard to the costs to connect to the city sewer line that is at the intersection of Old Granbury Road and Hwy 167. So how can he provide valid information on the costs to connect to the city sewer system? Mr. Cox also reports that the time for permit to place a sewer line under the rail road is weeks not 18 months as given by the applicant in their letter to TCEQ November 13, 2007. Once again, the applicant is providing false information to the TCEQ. At what point does the TCEQ deny this permit and require the applicant to resubmit the application, accurately, for this discharge permit? If the Texas Rail Road Commission can revoke a permit for a disposal well in Hood County why is the TCEQ not willing to do the same thing?

Response 28:

The applicant provided false information on the permit application, by indicating that Rucker Creek had no flow fluctuation. Anyone that has lived on or near Rucker Creek can provide evidence on the changes in flow, as was done in during the public meeting. We are not in the wastewater or environmental quality business and we do not understand how we can find this information and TCEQ does not validate the permit application for accuracy. From these two examples it is clear that the applicant either does not know how to complete the application or they are purposely providing misleading or false information.

Response 24:

With the level of technology employed and the effluent limitations contained, if properly operated, the facility should meet the permit requirements without the need for filters. The real question is will the facility be properly operated for the lifetime of the facility? "The facility should" with an investment of nearly $700,000 in our home and property, we do not want that investment put at risk for a "if properly operated" or a "facility should". No one should be required to put that amount of collateral in the hands of some unidentified person or company.

We request a contested case hearing, in Granbury, on these and other issues that are in the comments to the public comments provided by the TCEQ.

One item that is of great concern to us is the new evidence that wastewater treatment systems are being used to dispose of chemicals used to manufacturer methamphetamines (meth). The operator of the wastewater plant at Canyon Creek has

reported this information to the BRA and TCEQ. Some of the chemicals that are commonly used in the manufacture of meth are; Alcohol (Isopropyl or rubbing alcohol), Toluene (brake cleaner), Ether (engine starter), Sulfuric Acid (drain cleaner), Red Phosphorus (matches/road flares), Salt (table/rock), Iodine (teat dip or flakes/crystal), Lithium (batteries), Trichloroethane (gun scrubber), MSM (cutting agent), Sodium Metal, Methanol/Alcohol (gasoline additives), Muriatic Acid, Anhydrous Ammonia (farm fertilizer), Sodium Hydroxide (lye), Pseudoephedrine (cold tablets), Ephedrine (cold tablets), Acetone, and Cat Litter. Of these only the cat litter and salt seem to be benign. All of the remaining ones are toxic and or carcinogenic. The dilution factor of the City of Granbury Wastewater Treatment Plant is much greater than a neighborhood package plant. Until standards for the discharge of these chemicals have been established that protect human life it is imperative that the only discharge into Lake Granbury should be from a million gallon or larger treatment facility, not one that treats less than 250,000 gallons.

Because of this latest information we request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

Joby and Connie Soileau

606 Goldeneye Dr
Granbury, TX 76049

HOOD COUNTY COMMISSIONER

200 North Gordon Street
Granbury, Texas 76048
817-579-3300 • Fax 817-579-0396

March 10th 2008

RPR OPA

MAR 14 2008

BY KG

MWD
56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 14 AM 10: 23
CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

TPDES Permit # WQ0014754001

I would like to ask the TCEQ to reconsider the decision to permit the discharge plant on Rucker Creek in Northeast Hood County. This location and discharge area of the plant into Lake Granbury would be detrimental to lake front property in Lakewood Hills and Mallard Pointe sub-divisions and possibly Lake Granbury. Lake Granbury is in a Water Shed protection study with Federal funds and would like to see the outcome of this study before going forward. I feel that an alternative plan is very reachable with the City of Granbury to tie this sub-division into the wastewater treatment plant in Granbury. Hood County has had packaging plants in Southern Hood Co., which have failed and resulted in sewage and contamination into Lake Granbury. I feel the municipality of the City of Granbury will outlive any private plant and continue to update technology to better contain and control wastewater and keep Lake Granbury clean and safe.

Please advise of any hearings or public meetings so that Hood County can be represented and residents can be heard. We need to find a safer and better solution to this discharge area.

Sincerely

Mike Sympson
Hood Co. Commissioner Pct. 1

Cc-K. Averitt. State Senator
J. Keffer, State Representative

MW

March 8, 2008
2021 Green Wing Dr.
Granbury, TX 76049-5576

H. OPA
MAR 12 2008
BY

LaDonna Castanuela, Chief Clerk
TCEQ MC-015
P.O. Box 13087
Austin, Texas 78711-3037

MWD
56720

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 12 AM 10: 11
CHIEF CLERKS OFFICE

TO: Office of the Chief Clerk

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

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MW

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Tom Tigner

Tom Tigner

Patricia Tigner

Patricia Tigner

MWD
56720

JUN 1 2007

OPA PM
JUN 05 2007
BY

2021 Green Wing Dr.
Granbury, TX 76049
May 30, 2007

2007 JUN -4 PM 2:25
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
MC105
TECQ
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir:

As property owners on Ruckers Creek in Hood County, we are greatly concerned regarding the proposed construction and operation of a wastewater treatment plant in the vicinity of M & M Ranch Road that would discharge into Ruckers Creek. This proposed plant would serve a new development to be known as Nolan Park and would eventually serve 350 homes. We can think of numerous potential issues/questions that will arise if this proposed plant is constructed:

- What is the impact on the quality of the water in Ruckers Creek?
- Has there been an environmental study of the impact on wildlife? Ruckers Creek is home to fish, turtle, snakes, ducks, and geese as well as the water supply for fox and raccoons. Any waste treatment mishaps could harm the environment.
- What about the effect on algae growth?
- We, as well as many of those with property along Ruckers Creek, use the creek as the source of water for our lawns and gardens. Since the flow in the creek particularly in dry times will be greatly impacted by the wastewater discharge, we and our pets could potentially come in contact with the constituents in the wastewater as we irrigate our landscape.
- What if there is equipment failure at the wastewater treatment plant and pathogenic bacteria is allowed to flow into the creek? This would be of great concern, especially in light of the immediately preceding bullet.
- What is our recourse if untreated sewage is released into Ruckers Creek?
- What about odors or fumes, especially in the heat of summer? What is our recourse if such fumes do occur?

We are **NOT PLEASED** with the proposal of such a wastewater treatment plant releasing its byproducts into Ruckers Creek. Part of the reason we purchased property in Mallard Pointe in Hood County was because of the absence of water treatment facilities in the area. Now our substantial investment, both financial and emotional, in our home is threatened by the development of such a facility. Our quality of living will be directly and negatively impacted as well as will be any resell value of the property if this proposal is allowed to proceed.

MW

WE ARE GREATLY OPPOSED TO THE ISSUANCE OF A DISCHARGE PERMIT INTO RUCKERS CREEK. WE REQUEST THAT A PUBLIC MEETING BE HELD TO DISCUSS THIS ISSUE. FURTHERMORE, WE REQUEST THAT OUR NAMES BE INCLUDED ON A MAILING LIST TO RECEIVE FUTURE NOTIIFICATIONS OF THIS OR ANY SIMILAR PROJECT IMPACTING RUCKERS CREEK.

Sincerely,

Tom Tigner Jr.

Tom Tigner, Jr.

Patricia Tigner

Patricia Tigner

cc: Judge Andy Rash
Hood County
100 East Pearl Street
Granbury, TX 76048

Mayor David Southern
City of Granbury
P.O. Box 969
Granbury, TX 76048

Commissioner Steve Berry
Hood County Annex I
Room 9
200 Gordon Street
Granbury, TX 76048

The Honorable Kip Evert
1100 E. Highway 377, Suite 103
Granbury, TX 76048

The Honorable Chet Edwards
115 South Main Street, Suite 202
Cleburne, TX 76033

MWD
56720

OPA PM
JUN 05 2007
BY

2021 Green Wing Dr.
Granbury, TX 76049
May 30, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -4 PM 2:30
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105
TECQ
P.O. Box 13087
Austin, TX 78711-3087

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- We, as well as many of those with property along Ruckers Creek, use the creek as the source of water for our lawns and gardens. Since the flow in the creek particularly in dry times will be greatly impacted by the wastewater discharge, we and our pets could potentially come in contact with the constituents in the wastewater as we irrigate our landscape.
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Sincerely,

Tom Tigner Jr.

Tom Tigner, Jr.

Patricia Tigner

Patricia Tigner

cc: Judge Andy Rash
Hood County
100 East Pearl Street
Granbury, TX 76048

Mayor David Southern
City of Granbury
P.O. Box 969
Granbury, TX 76048

Commissioner Steve Berry
Hood County Annex I
Room 9
200 Gordon Street
Granbury, TX 76048

The Honorable Kip Evert
1100 E. Highway 377, Suite 103
Granbury, TX 76048

The Honorable Chet Edwards
115 South Main Street, Suite 202
Cleburne, TX 76033

TCEQ Public Meeting Form

Tuesday, October 16, 2007

Aqua Utilities, Inc.
Proposed Permit
TPDES WQ0014754001

OPA RECEIVED
OCT 16 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: Tom Tigner

Address: 2021 Green Wing Dr.

City/State: Granbury, TX **Zip:** 76049

Phone: (817) 579-2644

☒ **Please add me to the mailing list.**

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 PM 1:20
CHIEF CLERKS OFFICE

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted at <u>any time</u> during the meeting)

What is the life of the plant?
How is it decommissioned?

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

MW

TO: Office of the Chief Clerk

Date: March 10, 2008

OPA

MAR 12 2008

BY

Ref: Aqua Utilities Inc, TPDES permit no. WQ0014754001

I request a Contested Case Hearing

MWD
56720

I should have the right to enjoy the use of Rucker Creek and Rucker Creek cove at any time, without having concerns about the quality of the water.

I should have the right to enjoy the use of Rucker Creek and Rucker Creek cove at any time, without having concerns about our health.

I shouldn't have to worry about the inevitable notification that the water in this creek and cove is not meeting the standards for contact recreation. It will happen.

Everyone should have the right to maintain their property values.

My home is in Mallard Pointe, Granbury, Texas, and I have a boat slip in the cove that Rucker Creek runs into.

There are so many reasons why this permit should not be granted, and so few reasons why not. It basically is one of just $$. It will cost a few more $$ at this time, so the wants and what's best for the public does not matter.

Interesting that the paper and now the news media in general is addressing the problems occurring with contaminated water entering our water supply. I'm not necessarily addressing the spills, but the flushed chemicals and drugs, which are not filtered, and will be dumped into the lake. Doesn't it make sense to hook up to the City sewer, and address this problem from one location instead of many?

Reading what the paper and some in our addition are presenting and saying, it seems like AQUA is really being given the benefit of the doubt, what with all the problems they have with their paper work. You would think they would do their homework better. Maybe they have. I don't know, but I do know there will positively be problems if this is not done properly, at this time.

Because of this latest information I request an immediate denial of this TPDES permit until this chemical contamination issue is resolved to protect the health and welfare of all residents of Hood County.

Roger D. Wiley, P.E.
2005 S. Wood Duck Ct.
Granbury, Texas 76049

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 12 PM
CHIEF CLERKS OFFICE

mw