

DOCKET NO. 2008-1082-MWD

2009 JAN -2 PM 3:42

APPLICATION OF CITY OF
PFLUGERVILLE, TEXAS AND RMD
CONSTRUCTION CONCERNING
REQUEST FOR PERMIT NUMBER
WQ0014642001

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BEFORE THE TEXAS

CHIEF CLERKS OFFICE

COMMISSION ON

ENVIRONMENTAL QUALITY

**RESPONSE TO HEARING REQUEST FOR CITY OF PFLUGERVILLE AND
RMD CONSTRUCTION, INC. REQUEST FOR PERMIT No. WQ0014642001**

TO THE HONORABLE COMMISSIONERS:

The City of Pflugerville, a Home Rule Texas Municipality (Pflugerville), hereby files this RESPONSE TO HEARING REQUEST FOR CITY OF PFLUGERVILLE AND RMD CONSTRUCTION, INC. REQUEST FOR PERMIT No. WQ0014642001 in the above numbered and styled cause and would respectfully show as follows:

I. RESPONSE

The City of Pflugerville categorically denies that the proposed increased capacity from .95 mgd to 3 mgd flow from the proposed plant into the creek will cause any health or environmental harm to the native flora and fauna nor will the proposed flow cause any flooding or erosion as stated by Mr. Guzman and Ms. Davis. The City responded to these concerns in writing to the TCEQ Permit Coordinator on February 5, 2008 and March 21, 2008 respectively. Those responses have been attached herewith as Exhibit A and Exhibit B and are incorporated by reference for all purposes as if written and copied herein.

II. PRAYER

WHEREFORE PREMISES CONSIDERED, The City of Pflugerville respectfully request the Texas Commission on Environmental Quality grant Permit Number WQ0014642001. To the City of Pflugerville, Texas.

Signed of this the 2nd day of January 2008.



Floyd M. Akers
City Attorney
City of Pflugerville
SBN: 00790213
1611 E. Pfennig Lane
P.O. Box 679
Pflugerville, Texas 78691-0679
(512) 670-5526
Fax (512) 670-5502
fakers@cityofpflugerville.com

CERTIFICATE OF SERVICE

I certify that a true copy of the above RESPONSE TO HEARING REQUEST FOR CITY OF PFLUGERVILLE AND RMD CONSTRUCTION, INC. REQUEST FOR PERMIT No. WQ0014642001 has, on this day, been sent by first class mail to the following parties.

FOR THE EXECUTIVE DIRECTOR:
Celia Castro, Staff Attorney
TCEQ
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Fax (512) 239-0606

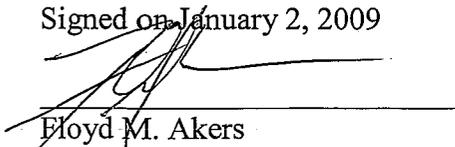
REQUESTER(s):
Ismael Guzman
12001 New Sweden Church Rd.
Manor, Texas 78653-3653

Judy Davis
11709 New Sweden Rd.
Manor, Texas 78653

FOR PUBLIC INTEREST COUNSEL:
Blas J. Coy Jr., Attorney
TCEQ
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Fax (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:
Bridget Bohac, Director
TCEQ
Office of Public Assistance, MC-222
P.O. Box 13087
Austin, Texas 78711-3087

Signed on January 2, 2009



Floyd M. Akers

CHIEF CLERKS OFFICE

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Exhibit A

February 5, 2008

Mr. Julian Centeno, Jr.
Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC-148)
Water Quality Division
Texas Commission On Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Reference: City of Pflugerville – 973 Wastewater Company
Permit No. WQ0014642001
Response to letter dated December 1, 2007 from Ismael Guzman

Dear Mr. Centeno:

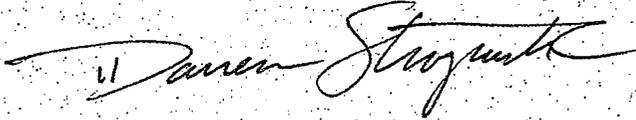
We have reviewed the above referenced letter and offer the following response to the two issues raised. The first issue is in regard to the Owner's livestock accessing all portions of his property, on the north and south sides of the creek, with a flow of 3 mgd from the plant into the creek. In the original permit application, the property in question (property number 7 in Attachment C) is located along the creek from 2,300 ft to 3,000 ft downstream of the proposed plant outfall. Creek transect station numbers 3 and 4 were obtained as part of the permit application at 2,000 ft and 2,800 ft downstream, respectively (Domestic Worksheet 2.1). The average width (8.75 ft) and depth (1.4 ft) from these transects were used to calculate the velocity of the creek at a 3 mgd flow rate. The calculated velocity was 0.37 feet per second or 0.25 mph. This velocity is within the limits of livestock safely crossing the creek.

The second item is in regard to the proposed increase in permitted capacity from 0.95 mgd to 3.0 mgd. On the Domestic Administrative Report 1.0, page 2 of 13, the reason for the amendment was stated as: "The increased capacity of the facility is required in response to expanding these upstream and adjacent service areas to encompass the northwest quadrant of the Cottonwood Creek watershed and its associated development activity. Future capacity increases may be required to serve this area but are not being requested at this time." The northwest quadrant currently has four proposed municipal utility districts (MUDs) in it (Numbers 1, 2, 3 and 6); and another tract of land seeking development as shown on the attached map. The northeast quadrant contains approximately 6,200 acres with a projected 18,250 LUEs. These LUEs will generate approximately 4.9 mgd of flow based on the City's design criteria of 270 gpd per LUE.

The City of Pflugerville is finalizing its wastewater master plan which includes the Cottonwood Creek watershed. As shown in the attached map, a sewer interceptor is planned to be constructed from the New Sweden WWTP location up to MUD No. 6. This interceptor is planned to be sized to serve the ultimate wastewater flows from the northwest quadrant. Once constructed, wastewater service will be readily accessible in this area and growth is anticipated to accelerate.

If you have any questions or comments, please contact me at 512 912-5170.

Sincerely,
HDR Engineering, Inc.

A handwritten signature in black ink, appearing to read "Darren Strozewski". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Darren Strozewski, P.E.
Project Manager

Enclosures

cc: Mr. James Wills, City of Pflugerville
Mr. Wiley Webb, City of Pflugerville
Mr. Joe Carpenter, P.E., City of Pflugerville



Exhibit B

March 21, 2008

Mr. Julian Centeno, Jr.
Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC-148)
Water Quality Division
Texas Commission On Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Reference: City of Pflugerville – 973 Wastewater Company
Permit No. WQ0014642001
Response to letter dated February 10, 2008 from Judy Davis

Dear Mr. Centeno:

We have reviewed the above referenced letter and offer the following response to the three issues raised. The first issue is in regard to the quality of water being discharged to the creek. The permit limits for all phases of the plant will be 5 mg/L BOD, 5 mg/L TSS, 2 mg/L ammonia, 1 mg/L phosphorus, and dissolved oxygen of 4.0 mg/L which could be better than the quality of the water presently in the creek. The plant will be required to operate in accordance with the TCEQ discharge permit which protects the health and environment of native creek flora and fauna. Therefore, negative impacts are not anticipated regarding native flora and fauna.

The second item of concern is in regard to flooding and creek erosion due to the proposed flow of 3 mgd from the plant into the creek. In the original permit application, the property in question (property number 2 in Attachment C) is located along the creek from 1,200 ft to 2,000 ft downstream of the proposed plant outfall. Creek transect station numbers 2 and 3 were obtained as part of the permit application at 800 ft and 2,000 ft downstream, respectively (Domestic Worksheet 2.1). The average width (11.75 ft) and depth (1.8 ft) from these transects were used to calculate the velocity of the creek at a 3 mgd flow rate. The calculated velocity is 0.22 feet per second or 0.15 mph. This does not include naturally occurring water from rainfall events or naturally occurring base flow in this intermittent creek with perennial pools. The velocity created by the plant discharge alone is below erosion and scouring velocities in the creek segments where measurements were obtained. However, as noted on page 14 of 39 on Domestic Worksheet 2.1, evidence of severe flow fluctuations was noted while measuring the creek which are naturally occurring.

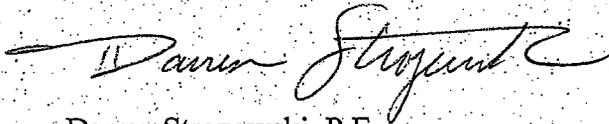
Lastly, on the Domestic Administrative Report 1.0, page 2 of 13, the reason for the amendment was stated as: "The increased capacity of the facility is required in response to expanding these upstream and adjacent service areas to encompass the northwest quadrant of the Cottonwood Creek watershed and its associated development activity. Future capacity increases may be required to serve this area but are not being requested at this time." This proposed facility will be serving wastewater demands in the vicinity of this plant and from the northwest quadrant of the Cottonwood Creek watershed. For example, four proposed

municipal utility districts (MUDs) Numbers 1, 2, 3 and 6; and another tract of land seeking development are in this area.

The City of Pflugerville has recently finalized its wastewater master plan which includes the Cottonwood Creek watershed. A sewer interceptor is planned to be constructed from the New Sweden WWTP location up to these MUDs. This interceptor is planned to be sized to serve the ultimate wastewater flows from the northwest quadrant. Once constructed, wastewater service will be readily accessible in this area and growth is anticipated to accelerate.

If you have any questions or comments, please contact me at 512-912-5170.

Sincerely,
HDR Engineering, Inc.

A handwritten signature in cursive script, reading "Darren Strozewski".

Darren Strozewski, P.E.
Project Manager

Enclosures

cc: Mr. James Wills, City of Pflugerville
Mr. Wiley Webb, City of Pflugerville
Mr. Joe Carpenter, P.E., City of Pflugerville
Ms. Linda Simpson, City of Pflugerville