



**COLLIN COUNTY**

Commissioners Court  
210 S. McDonald Street  
Suite 626  
McKinney, Texas 75069  
www.collincountytx.gov

*MWD*  
*37347*

*PM* **OPA** *HR*

JUN 20 2007

BY *DM*

CHIEF CLERKS OFFICE

2007 JUN 21 AM 10:10

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

June 15, 2007

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

**RE: Proposed Permit No. WQ0014778001**

I request a Public Comment/Public Meeting.

By copy of this letter I hereby request a public hearing regarding Proposed Permit No. WQ0014778001 as applied for by Farmersville Investors, LP of 5400 LBJ Freeway, Suite 975, Dallas Texas 75240.

As Commissioner for this Precinct I have received letters, numerous phone calls, and emails from my constituents regarding this. Families in this area are looking for assurance that they will not be adversely affected by the proposed permit and want confirmation that it will not negatively impact the existing area surrounding the facility. A Public Meeting would be in the best interest of the community in order to address all issues of concern.

Sincerely,

*Joe Jaynes*

Joe Jaynes  
Commissioner  
Precinct 3

*MW*

OPA  
PM APR 11 2007

BY    *ra*   



# COLLIN COUNTY

Commissioners Court  
210 S. McDonald Street  
Suite 626  
McKinney, Texas 75069  
[www.collincountytx.gov](http://www.collincountytx.gov)  
972-548-4625

*MWD*  
*57347*

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2007 APR 10 PM 2:44

CHIEF CLERKS OFFICE

April 4, 2007

Office of the Chief Clerk  
MC 105  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087

RE: PROPOSED PERMIT NO. WQ0014778001

Dear Chief Clerk,

As County Commissioner for Precinct 3 in Collin County, I have been asked by several constituents to request a public meeting concerning the above permitted project by Farmersville Investors, LP.

We ask that the meeting take place in Collin County so it will be convenient for my constituents to attend. If needed my office will be happy to assist in finding a suitable place for a public meeting.

Thank you for your attention to this matter.

Sincerely,

Joe Jaynes  
County Commissioner

*MWD*

*WQ MUD  
57347*



# COLLIN COUNTY

Commissioners Court  
210 S. McDonald Street  
Suite 626  
McKinney, Texas 75069  
[www.collincountytx.gov](http://www.collincountytx.gov)  
972-548-4625

April 4, 2007

Office of the Chief Clerk  
MC 105  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087

*OPA PM*

APR 06 2007

BY *js*

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2007 APR -5 AM 10:21  
CHIEF CLERKS OFFICE

RE: PROPOSED PERMIT NO. WQ0014778001

Dear Chief Clerk,

As County Commissioner for Precinct 3 in Collin County, I have been asked by several constituents to request a public meeting concerning the above permitted project by Farmersville Investors, LP.

We ask that the meeting take place in Collin County so it will be convenient for my constituents to attend. If needed my office will be happy to assist in finding a suitable place for a public meeting.

Thank you for your attention to this matter.

Sincerely,

Joe Laynes  
County Commissioner

*MW*

J. A. & Shirley Martin  
P.O. Box 497  
Gordonville, Texas 76245  
(972) 824-8912

MWD  
57347

H OPA  
AUG 06 2008  
BY CB

2008 AUG - 6 AM 10: 34  
CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

August 2, 2008

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

Re: TPDES Permit No. WQ0014778001  
**Request for Contested Case Hearing**  
Supplement to Request dated 7/11/07,  
Copy attached.

Dear Ms. Castanuela:

We request a contested case hearing.

We are the owners of the acreage north of and adjacent to the subject property. Our property is most directly severely adversely affected by the facility or activity in a manner not common to the general public.

Numerous deficiencies in the application for the planned sewerage processing facility have been identified for the TCEQ both in written correspondence and at the December 4, 2007, public meeting held by the TCEQ and the Applicant in Farmersville, Texas. The Executive Directors Response to Public Comment responds to the deficiencies by describing changes to cover the problems but in some critical instances without addressing the problem at the core of the matter. That core problem is a failure of the Applicant to follow the published directions of TCEQ as concern the application process and the TCEQ acceptance of that disregard. As an example, I would point out the matter concerning the "discharge point" or "point of outfall" of sewerage effluent from the facility.

TCEQ instructions define the "site" as "the land or water area where any facility or activity is physically located or conducted, **including adjacent land used in connection**

with the facility or activity". "Facility" is described as "all contiguous land, fixtures, structures or appurtenances used for storing, process or disposal ...". The "outfall" (used interchangeably with "discharge point") is described as "the point or location where waterborne waste discharges from a sewer system, treatment facility or disposal system . . ." The instructions require that the application "Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest water course . . ." These were among the instructions quoted at the Farmersville meeting. Apparently, when we pointed out to the TCEQ that the Applicant's identified discharge point was from our property, not from the Applicant's facility, the problem was covered by moving the discharge point fifty feet from our property onto some other unstated owner's property. If on the public road right-of-way, TCEQ instructions require that the application include confirmation from the authorities permitting the discharge. No such permission is included or mentioned, therefore the "new" discharge point must be on another landowner, not identified. Yet these are only peripheral matters. The TCEQ still ignores its instruction that the discharge point is part of the facility; the point at which the effluent leaves the facility. TCEQ instructions require a the flow diagram of "**the entire treatment process, starting with the headworks and finishing with the point of discharge...**" (Quotations are from TCEQ Instructions for Completing the Domestic Wastewater Permit Application, Form TCEQ - 10053 Instructions, emphasis added.)

Since the discharge point by TCEQ definition is part of the facility, TCEQ has now enlarged the facility to include a new discharge point some 450 feet from the Applicant's property. That is the logical conclusion since TCEQ still has not addressed the original failure by the Applicant to trace and describe how the sewerage water gets from the treating process to the discharge point of the facility. What line now defines the 150 foot "buffer zone" from that point? It now laps 100 feet over on to our property.

Further, since the elevation at the point where the "unnamed tributary" goes under the roadway (a concrete conduit) is above the bottom of the tributary streambed on our property, the sewerage discharge is bound to back-up and accumulate in a lagoon to a sufficient depth to overflow at the new discharge point. This has never been addressed other than to conclude that if the sewerage effluent is discharged 50 feet downstream from the original point and continues "downstream" it will not seek its level necessary to flow over the concrete conduit inlet.

The best judgement of TCEQ used in promulgating its guidance and instruction to applicants for permits must also be the common point of departure for the parties affected by the proposed facility. In the Executive Director's Response to Public Comment, Comment 16 was a concern of catastrophic release of sewerage and plans for addressing such. The response was that the applicant is required to report such within 24 hours and is subject to potential action. That response has no substance unless the "requirement" means that TCEQ follows through on its requirement and the action is real rather than potential.

The best judgement of the governing authority, TCEQ in this case, is set out in its instructions to the public served. A reading of those instructions will lead to the conclusion that the process is through and fair and ensures that the T's are crossed and the I's dotted. But if in practice those best judgements become like smoke in the wind, ignored here, changed there, then little protection and fairness is provided for the public in the application process.

Sincerely,



J. A. Martin

Shirley Martin



James A. and Shirley J. Martin  
P. O. Box 297  
Gordonville, Texas 76245  
(972 824-8912

July 11, 2007

CERT. 7001 1940 0004 6041 9125

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

Re: Proposed Permit No. WQ0014778001  
Farmerville Investors, LP

Dear Madam or Sir:

Farmersville Investors, LP has notified Texas Commission on Environmental Quality (TEQC) of its intent to pursue a permit for construction of a residential sewerage treatment facility in Collin County, Texas. The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit, which would establish the conditions under which the facility must operate.

**For reasons outlined below, we request reconsideration of preliminary approval of the proposal. If considered further, we request a contested case hearing.**

Respondents, James A. Martin and Shirley J. Martin, are the owners of Parcel 15, the neighboring property directly north of and adjacent to the proposed sewerage treatment facility. Without explanation as to how or where the sewerage effluent gets to the middle of the neighbor's property (an "unnamed stream"), the applicants identify their proposed discharge or "outfall" as being from that stream bed on the neighbor's property. That discharge point is on the east boundary of Parcel 15, which boundary is also the west boundary of the right-of-way for Collin County Road 550.

The streambed runs the length of Parcel 15. The trough of the streambed varies from two feet deep on the extreme west to an estimated six feet deep as it progresses toward the county road right-of-way and the concrete conduit beneath Collin County Road 550. We have included a correct photograph taken approximately 200 feet up stream from the point of "outfall" on to the road right-of-way.

The application states that the facility will have a discharge capacity of 500,000 gallons per day, the equivalent of some 560 acre-feet of sewage water per year, or an average constant rate of about 350 gallons per minute. That volume is the equivalent of a constant stream under pressure flowing from a six-inch pipe at about four feet per second.

The proposal shows that the prevailing winds flow north from the proposed site, directly to and across Parcel 15.

We as owners of the Parcel 15 have had no direct dialogue of any sort with the Farmersville Investors group. Our plans for the Parcel 15 property include use for two to four rural home sites with acreage available for animals and/or food crops, with water available for animal use in the stream bed which the proposal states is destined for the applicants use as a conduit for treated sewerage waste water. Our plans concerning our property were never sought nor considered. Congruent with those plans, we do not now have nor do we in the future expect to permit sewerage effluents to flow onto Parcel 15. Furthermore, we have no knowledge of an application on our behalf for permission to discharge pollutants from our property onto the road right-of-way. **If such request for permission is incorporated into this application or otherwise pending, we request that the application be withdrawn from further consideration.**

The application is silent as to how the sewerage effluent gets from the proposed facility. One is left to assume that the sewerage effluent flows by gravity, unchanneled toward the neighbor's streambed but no route is proposed. Then the sewerage water fills the streambed and flows toward the point identified as the "outfall" and accumulates in a lagoon on the neighbor's property until sufficient volume is reached to flow over the county road right-of-way and through the concrete conduit under County Road 550.

The TCEQ instructions direct that certain documents and information must be included with all applications, including location of effluent disposal areas, location of the point(s) of discharge (or outfalls), and the discharge route from the point of discharge to the nearest non-owned watercourse.

The glaring gap in this instance is that the application omits any mention of where the discharge leaves the proposed facility, the means and route it follows to get to the neighbor's property, and the route it follows on the neighbor's property to get to the boundary with the road right-of-way.

Perhaps the expectation is that TCEQ officials will consider the application and proceed toward approval subject to later granting approval to a third party for discharge of the sewerage effluent. Or, the practice is to grant approval for the discharge of sewerage effluent from some certain property not owned or controlled by the applicant subject to the applicant getting permission from the property owner at sometime in the future regardless of where the sewerage effluent is produced.

We respectfully expect that the TCEQ is concerned with monitoring both treatment of sewerage fluids and solids and with ultimate disposal by whatever means after treatment and accumulation at the treatment site. We would expect that is the reason the TCEQ has included provisions in its written instructions that require that conflicts as exist here be dealt with in advance of consideration of the application for a permit. . We question whether TCEQ would consider it prudent to give an applicant a permit to discharge a single tanker of sewerage effluent from a neighbor's property with no information whatsoever as to how the sewerage "outflows" from the applicant's property. In this case, the amount involved in one year is sufficient to cover the neighbor's property 43 feet deep!

Pollutants that will be discharged onto the land and into the water supply include harmful bacteria, carcinogenic and toxic chemicals, pharmaceuticals, greases, herbicides, pesticides, and fungicides in addition to those biologicals and toxins carried in human

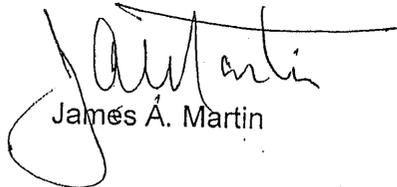
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Lakeland Park camping and water recreation area is located approximately 1.5 miles from the point at which the sewage water would leave the neighbor's property. Pebble Beach Public Swimming Area is approximately 2 miles from that crossing. If those public use facilities are not to be closed, it must be assumed that the applicant will take responsibility for constant monitoring at those locations indefinitely, notifying users of the dangers involved, and addressing health issues that may ensue

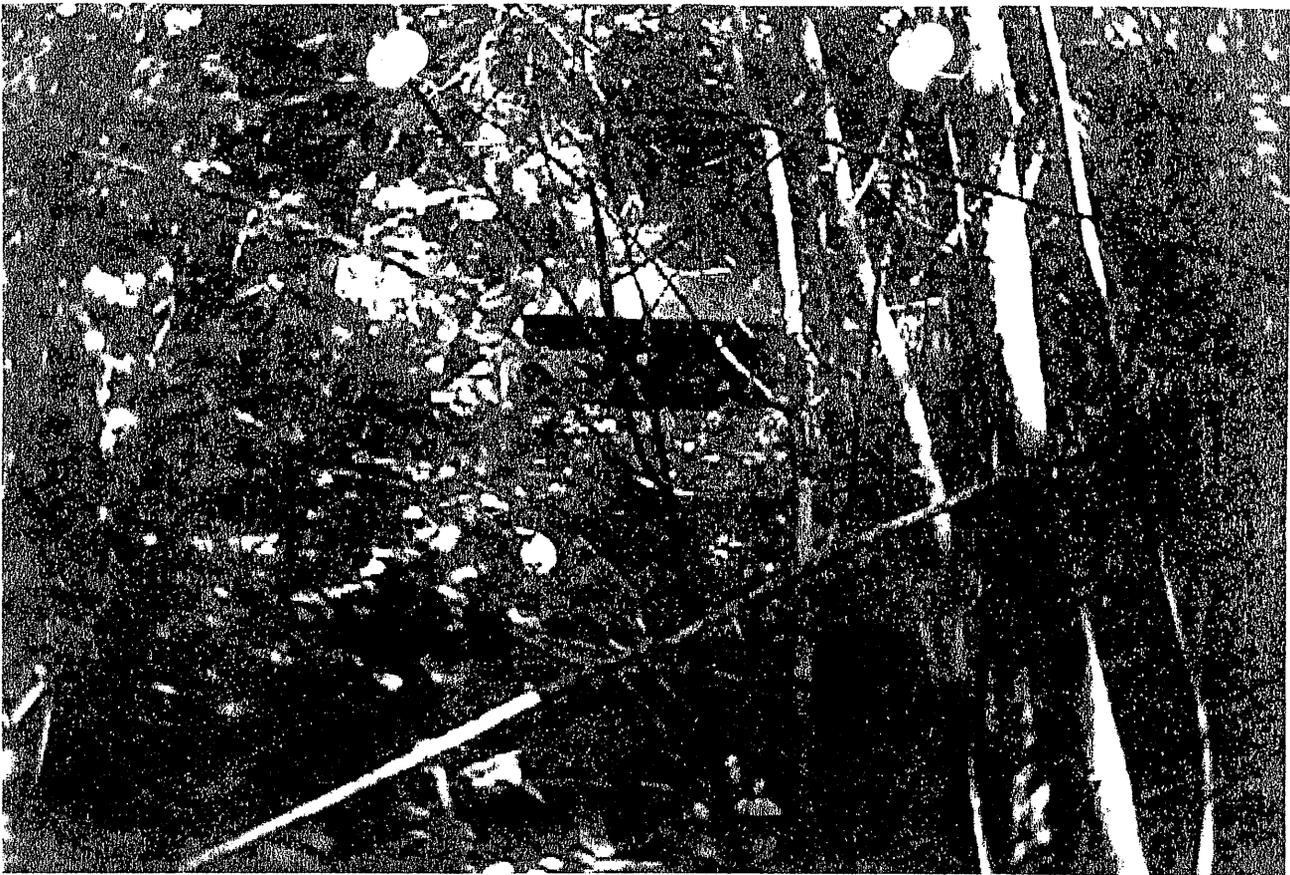
While it may be argued that those are not direct adverse impacts on our property, and us the odor and health issues are even greater on our property and us because it is only a matter of feet from the facility.

The use of our property as envisioned in the application effectively condemns the property for any other use. We would be irreparably harmed. We therefore request reconsideration of preliminary approval of the proposal. If considered further, we request a contested case hearing.

Sincerely,



James A. Martin



Photograph taken upstream from the applicants' point of "outfall"  
looking downstream toward concrete conduit under County Road 550.

06/13/07

MWD  
57347

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

James A. and Shirley J. Martin  
P. O. Box 297  
Gordonville, Texas 76245

2007 JUL 13 PM 3:01

(972) 824-8912

CHIEF CLERKS OFFICE

July 11, 2007

CEP# 7001 1940 0004 6041 9125

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

HR OPA  
JUL 16 2007  
BY *[Signature]*

Re: Proposed Permit No. WQ0014778001  
Farmerville Investors, LP

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*[Handwritten signature]*

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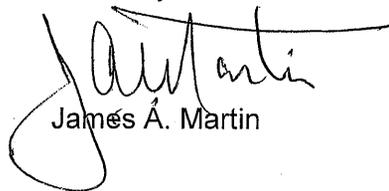
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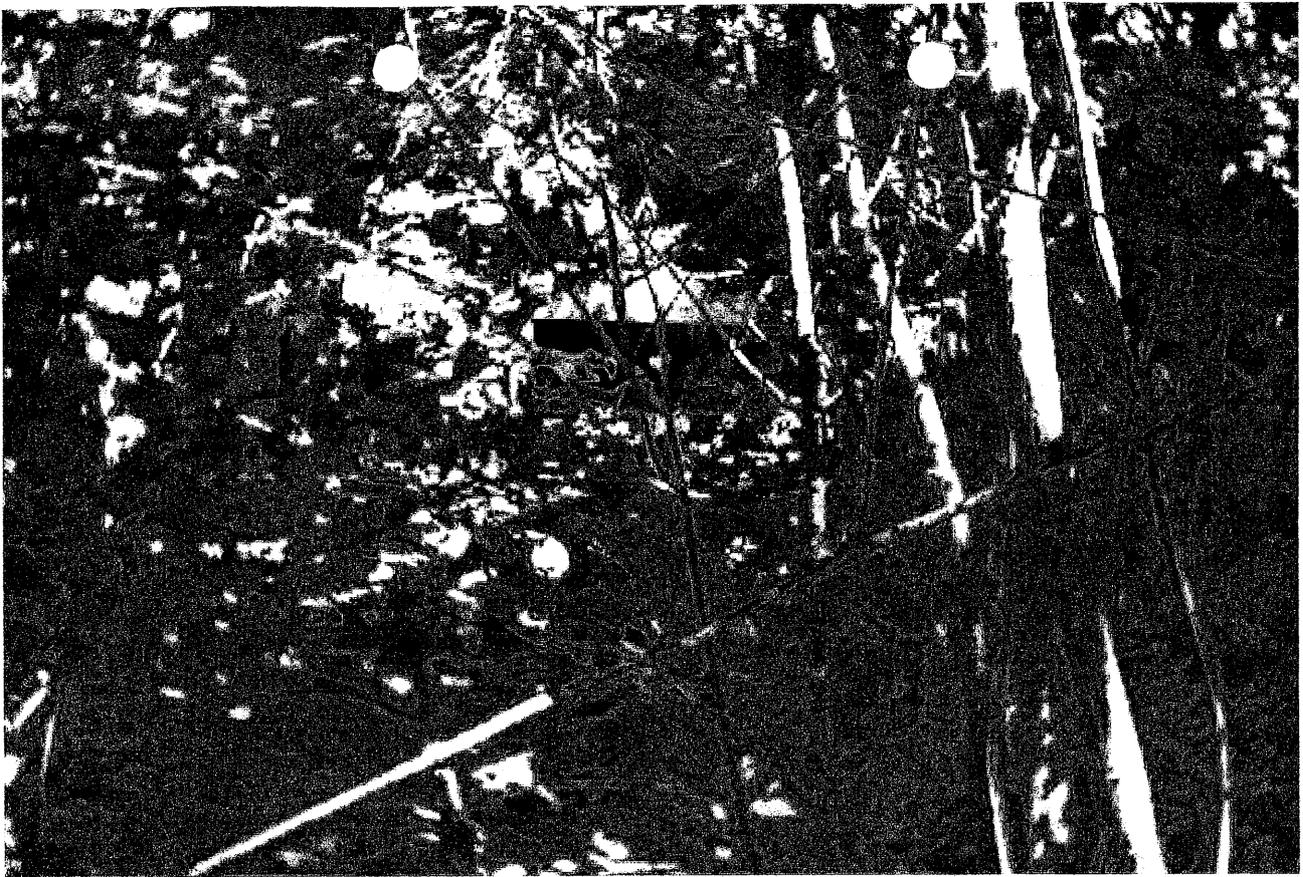
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Sincerely,



James A. Martin



Photograph taken upstream from the applicants' point of "outfall"  
looking downstream toward concrete conduit under County Road 550.

RE: PERMIT W00014778001

06/13/07

# TCEQ Public Meeting Form

Tuesday, December 4, 2007

Farmersville Investors, LP  
Proposed Permit TPDES  
WQ0014778001

3  
9  
2007 DEC - 6 PM 1:47  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLEASE PRINT:

Name: J. A. MARTIN  
Address: P.O. Box 497  
City/State: GORDONVILLE, TX Zip: 76245  
Phone: (972) 824 8912

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.

mw

Comments by J. A. MARTIN

12/04/07  
DEC 4 2007  
PUBLIC RECEIVED

TCEQ instructions state that "site" is "the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity."

On its site diagram the applicant has identified the "outfall" or point of discharge from its plant as being on the eastern boundary of tract 15. TCEQ instructions define that "outfall" as "the point or location where waterborne waste discharges from a sewer system, treatment facility or disposal system into or adjacent to water in the state."

TCEQ instructions define the **facility** as "all contiguous land and fixtures, structures or appurtenances used for storing, processing or **disposal** of waste."

"**Treatment facility (facility)**" is a "Wastewater facility(ies) used in the conveyance, **storage**, treatment, recycling, reclamation, and/or **disposal** of domestic sewage. . ." a Water treatment plant unit is any apparatus necessary for the purpose of providing treatment of wastewater (i.e. . . . overland flow sites, treatment ponds, or **basins that contain wastewater**, etc.)

"Fixture of the land" is "an item so annexed to the realty that it is regarded as part of the land (i.e. **ponds**, lagoons).

Owner is "the person who owns a facility **or part of a facility**. "Permit " is the "document issued by TCEQ authorizing a permittee to operate a specified facility for waste **discharge**, processing, etc.

If the facility is considered a fixture of the land (e.g. **ponds** . . .) there are two options for the applicant. TCEQ further states that if **ponds** (i.e. holding ponds . . .) are located on land not owned by the applicant, there are two options for the applicant. Those two options are:

"The owner of the land can apply for the permit as a **co-permittee, or an executed deed recorded easement must be provided.**" (Bold type as quoted.)

TCEQ instructions require at least two photographs of the point of discharge and a detailed description tracing the flow of wastewater through the entire treatment process, starting with the headworks and finishing with the point of discharge. A flow diagram must also be included, again showing the headworks and the point of discharge.

The TCEQ has formulated a record of what is necessary for its consideration in reaching the best judgement in the permitting process. Clearly and repeatedly the commission refers to the discharge or outfall (used interchangeably by TCEQ) as a facility and requires that problems of ownership or control as exist

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
PUBLIC MEETING  
DEC 4 2007  
6 PM 1:47  
CLERKS OFFICE

MW

here be addressed before issuing the permit. I cannot discern why those things necessary for the best judgement of the Commission would be set aside in the consideration of this application.

The applicant addresses the buffer zone requirements of the Commission, but only deals with the 150 foot buffer zone required. The buffer zone map submitted with the application does not include the outfall, part of the facility, nor does it address at all the standing sewerage water that will result. Concerning odor control, "buffer zones" must extend at least 500 feet from ponds or lagoons (e.g. facultative lagoons, un aerated liquid basins, etc.) (I assume the term facultative either means conducive to development of an organism into a parasite or means lagoons that are contingent. (Webster's New Twentieth Century Dictionary Unabridged, Second Edition, World Publishing Co., Inc., 1977 and 1975.))

An engineering report is to address climatological conditions such as average direction and velocity of prevailing winds (i.e. wind rose) surrounding land use which exists or which is anticipated in the future . . . with solutions to prevent nuisance conditions beyond the buffer zone. The proposed solutions shall be supported by actual test or appropriate calculations. These may be submitted with the application or for Executive Approval after the permitting process is complete. However, the instructions are clear in stating that a draft permit cannot be prepared until buffer zone requirements are met.

The applicant states that the use of the stream which will hold the standing sewage water is "non-contact recreation" and that the future use of the land is for agricultural purposes. That statement is obviously as accurate as stating that the future use of the land slated for development by the applicant will be agricultural.

The fact that sewage water will stand in the stream bed constantly at the proposed processing rate has not been questioned. The user of the land adjacent to the stream and the public must be protected.



H OPA  
AUG 11 2008  
BY BP

816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
Telephone: (512) 322-5800  
Facsimile: (512) 462-0532

www.lglawfirm.com

Mr. Rochelle's Direct Line: (512) 322-5810  
mrochelle@lglawfirm.com

August 8, 2008

MWD  
57347

VIA FACSIMILE  
AND FIRST-CLASS MAIL

TEXAS COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2008 AUG 11 AM  
CHIEF CLERKS OFFICE

Ms. LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: TPDES Permit Application No. WQ0014778-001 (446-13)

Dear Ms. Castañuela:

On July 20, 2007 I filed a protest and request for a contested case hearing on behalf of my client, the North Texas Municipal Water District (the "District"), regarding the above-referenced TPDES permit application filed by Farmersville Investors, LP. I received a copy of the Executive Director's July 10, 2008 response to comments regarding this matter. The District continues to oppose the issuance of this permit on the basis of regionalization, water quality concerns, and operational concerns and reasserts its request for a contested case hearing regarding this matter and based on the information submitted in my July 20, 2007 letter.

Please continue to consider me the contact for the District. My mailing address is 816 Congress Avenue, Suite 1900, Austin, Texas 78701 and my phone number is (512) 322-5810. Again, on behalf of the District, I request a contested case hearing regarding Farmersville Investors, LP's pending application for TPDES Permit No. WQ0014778-001.

Sincerely,

Martin C. Rochelle

MCR/ldp  
446\13\ltr080808mms

- cc: Mr. Jim Parks
- Mr. Joe Stankiewicz (via electronic transmission)
- Mr. Robert McCarthy
- Mr. Ken Wesson
- Mr. Dolan McKnight
- Ms. Michelle Smith



H  
OPA  
AUG 11 2008  
BY BP

816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
Telephone: (512) 322-5800  
Facsimile: (512) 472-0532

Mr. Rochelle's Direct Line: (512) 322-5810  
mrochelle@lglawfirm.com

August 8, 2008

MWD  
57347

VIA FACSIMILE  
AND FIRST-CLASS MAIL

CHIEF CLERKS OFFICE  
2008 AUG - 8 PM  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Ms. LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: TPDES Permit Application No. WQ0014778-001 (446-13)

Dear Ms. Castañuela:

On July 20, 2007 I filed a protest and request for a contested case hearing on behalf of my client, the North Texas Municipal Water District (the "District"), regarding the above-referenced TPDES permit application filed by Farmersville Investors, LP. I received a copy of the Executive Director's July 10, 2008 response to comments regarding this matter. The District continues to oppose the issuance of this permit on the basis of regionalization, water quality concerns, and operational concerns and reasserts its request for a contested case hearing regarding this matter and based on the information submitted in my July 20, 2007 letter.

Please continue to consider me the contact for the District. My mailing address is 816 Congress Avenue, Suite 1900, Austin, Texas 78701 and my phone number is (512) 322-5810. Again, on behalf of the District, I request a contested case hearing regarding Farmersville Investors, LP's pending application for TPDES Permit No. WQ0014778-001.

Sincerely,  
  
Martin C. Rochelle

MCR/ldp  
446\13\ltr080808mms

- cc: Mr. Jim Parks
- Mr. Joe Stankiewicz (via electronic transmission)
- Mr. Robert McCarthy
- Mr. Ken Wesson
- Mr. Dolan McKnight
- Ms. Michelle Smith

**Lloyd Gosselink**  
ATTORNEYS AT LAW

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July 20, 2007

BY *Jb*

JUL 23 2007

OPA *H*

**VIA HAND DELIVERY**

CHIEF CLERKS OFFICE

JUL 20 PM 3:11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Ms. LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality (MC-105)  
Bldg. F, Room 4301  
Austin, Texas 78711-3087

Re: TPDES Permit Application No. WQ0014778-001 (446-13)

Dear Ms. Castañuela:

On behalf of my client, the North Texas Municipal Water District (the "District"), please consider this letter a protest to the above-referenced TPDES permit application, filed by Farmersville Investors, LP. This letter should also be considered the District's formal request for a contested case hearing.

As you may know, the District is a regional agency that provides sewer service from District-owned or operated wastewater treatment plants located north and east of Dallas, including several treatment facilities within Collin County. The District has several concerns regarding the long-term implications of this proposed TPDES permit.

Currently, the District operates the Farmersville Wastewater Treatment Plants 1 and 2 (TPDES Permits No.10442-001 and No. 10442-002), which are owned by the City of Farmersville. The District, in conjunction with the City of Farmersville, has been evaluating the construction of a regional wastewater treatment plant to serve the area located northeast of Lavon Lake. If constructed, such a regional wastewater treatment plant will be capable of accommodating the capacity necessary to serve the 470 acres Farmersville Investors, LP intends to develop. In the event that such regional service becomes available, the District desires that Farmersville Investors, LP abandon its 0.50 MGD wastewater treatment plant and utilize such regional service for its 470-acre development.

Additionally, if permitted and constructed, the wastewater treatment plant associated with TPDES Permit No. WQ0014778-001 will discharge effluent into a tributary of Lavon Lake, in Segment No. 0821. Lavon Lake serves as a primary source of drinking water for the 1.5 million water users served by the District. The District has an interest in ensuring that the treatment requirements included in TPDES Permit No. WQ0014778-001 are sufficiently stringent so as to avoid impacting the water quality of the water supply the District utilizes from Lavon Lake. While the volume of this particular discharge is small, there are many other developers who are planning to permit wastewater plants in the Lake Lavon watershed, so that within a few years

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Ms. LaDonna Castañuela

July 20, 2007

Page 2

their cumulative impact, without additional treatment, could be substantial. The District has already agreed with TCEQ to reduce the Wilson Creek Regional Wastewater Treatment Plant's phosphorus limit from 1.0 mg/L to 0.5 mg/L, and the District would expect TCEQ to apply this precedent to other dischargers, including Farmersville Investors, LP.

Therefore, in order for the District to withdraw its protest to this application, the District requests that TCEQ include a requirement that Farmersville Investors, LP connect to the District's regional wastewater treatment facilities as they become available, and include effluent limitations for TPDES Permit No. WQ0014778-001 that are not less stringent than the effluent limitations included in the District's Wilson Creek Regional Wastewater Treatment Plant Permit No. 12446-001, which also discharges into Segment No. 0821 of Lavon Lake (including daily average effluent limitations of 5 mg/L CBOD, 5 mg/L TSS, 2 mg/L ammonia, 0.5 mg/L phosphorus, 200 mg/L fecal coliform, and 5 mg/L DO).

Finally, the District serves as the wastewater treatment plant operator for many facilities located within this area. In order to ensure the wastewater treatment plant associated with TPDES Permit No. WQ0014778-001 is operated at a level to protect water quality concerns near Lavon Lake, the District requests that Farmersville Investors, LP make a commitment that the District be selected as the operator for this facility, if it is constructed.

Please consider me the contact for the District. My mailing address is 816 Congress Avenue, Suite 1900, Austin, Texas 78701, and my phone number is (512) 322-5810. Again, on behalf of the District, I request a contested case hearing regarding Farmersville Investors, LP's pending application for TPDES Permit No. WQ0014778-001. The District, as the owner of Lavon Lake and a regional sewer service provider, opposes the issuance of this permit on the basis of regionalization, water quality concerns, and operational concerns.

Sincerely,



Martin C. Rochelle

MCR/ldp

446\13\ltr070720mms

cc: Mr. Leon Backes  
Mr. Thomas Stroh  
Mr. Jim Parks  
Mr. Joe Stankiewicz (via electronic transmission)  
Mr. Ken Wesson  
Mr. Bobby Scalf  
Mr. Dolan McKnight  
Ms. Michelle Smith

MWD  
57347

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

To Chief clerk of the TCEQ,

April 25, 2007 2007 APR 26 AM 9: 56

CHIEF CLERKS OFFICE

I am hereby requesting a contested case hearing for Wilda Faye VanderVelde at 3897 County Road 1014 Farmersville, TX. 75442 in reference to pending permit # WQ0014778001

The applicant for the above said permit is Farmersville Investors LP (cn 603 148537)

We live approximately 500 feet from the project property and I feel I will be adversely affected for the following reasons:

- 1) I moved from Jacksonville, FL because a paper mill near by was causing me breathing problems.
- 2) I am a cancer survivor with a very limited immune system that is the reason I moved here to be in the country to be away from that.
- 3) The house I moved into had a higher than normal mold problem and I had to spend in excess of 50,000 to have it cleaned up, including gutting walls and sheet rock out and replacing the AC unit with a new unit to purify the air.
- 4) I have been diagnosed with sever allergies, and I have medical records to back all of this up which can be provided if necessary

Being this close to a treatment plant would make me a prisoner in my own house. I would not be able to spend time outside, and enjoy my porch and patios or my garden.

Thank you for your time and consideration.  
Please advise as soon as possible so I know what my options are.

Sincerely,



Wilda Faye VanderVelde

OPA H

APR 26 2007

BY 

MW