



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

H OPA
OCT 27 2008
BY RB

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

October 24, 2008

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

MWD
62542

VIA FACSIMILE
AND FIRST-CLASS MAIL

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 OCT 24 AM 10:08
CHIEF CLERK'S OFFICE

Re: TPDES Permit Application No. WQ0014878001 (446-13)

Dear Ms. Castañuela:

On July 3, 2008 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 Wood-Oak Hollow, LLC ("Wood-Oak"). I received a copy of the Executive Director's September 25, 2008 response to comments regarding this matter. The District continues to oppose the issuance of this permit on the basis of water quality concerns and regionalization and reasserts its request for a contested case hearing regarding this matter and based on the information submitted in my July 3, 2008 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 Wood-Oak Hollow, LLC's pending application for TPDES Permit No. WQ0014878001.

Sincerely,

Martin C. Rochelle

MCR/jdg
446\13\ltr081017jdg

- cc: Mr. Jim Parks
- Mr. Joe Stankiewicz (via electronic transmission)
- Mr. Mike Rickman
- Mr. Dolan McKnight
- Ms. Michelle Smith

MWD



MWD
62842

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

www.opa-firm.com

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

October 24, 2008

H
OCT 24 2008
BY BP

VIA FACSIMILE
AND FIRST-CLASS MAIL

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. WQ0014878001 (446-13)

Dear Ms. Castañuela:

On July 3, 2008 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 Wood-Oak Hollow, LLC ("Wood-Oak"). I received a copy of the Executive Director's September 25, 2008 response to comments regarding this matter. The District continues to oppose the issuance of this permit on the basis of water quality concerns and regionalization and reasserts its request for a contested case hearing regarding this matter and based on the information submitted in my July 3, 2008 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 Wood-Oak Hollow, LLC's pending application for TPDES Permit No. WQ0014878001.

Sincerely,

Martin C. Rochelle

MCR/jdg
446134r081017jdg

- cc: Mr. Jim Parks
- Mr. Joe Stankiewicz (via electronic transmission)
- Mr. Mike Rickman
- Mr. Dolan McKnight
- Ms. Michelle Smith

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 OCT 24 PM 2:23
CHIEF CLERKS OFFICE

MW



MWD
62842

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

www.lglawfirm.com

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

H OPA
JUL 07 2008
BY BP

CHIEF CLERKS OFFICE
2008 JUL - 7 AM 11:58
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

July 3, 2008

VIA FACSIMILE TRANSMISSION
AND FIRST-CLASS MAIL

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. WQ0014878001 (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 Wood-Oak Hollow, LLC ("Wood-Oak"). This letter should also be considered the District's formal request for a contested case hearing concerning this application.

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. Many of these wastewater treatment plants operate in and discharge to tributaries of the Trinity River, including the East Fork Trinity River, and are located downstream from the proposed discharge by Wood-Oak. An increase in loadings that result from the proposed TPDES application by Wood-Oak may have negative water quality implications for the District's wastewater treatment plants that discharge into the same watershed. The District also has concerns regarding whether the construction of this wastewater treatment facility violates the agency's regionalization policy, as District or third-party wastewater treatment facilities may have the capacity to provide wastewater service to this area. An additional treatment and disposal facility, if not operated properly, may result in nuisance odors, and such a facility may also result in increased traffic, and the potential for increased environmental concerns. It is not in the public interest to issue a new discharge authorization when regionalized wastewater services are available.

The District is also a major water supplier in this area of the state and operates Lake Lavon, a primary source of drinking water for the District's customers, which is located downstream from the proposed discharge by Wood-Oak. The District is also currently implementing the East Fork Raw Water Supply Project, whereby the District will divert its own return flows from the East Fork Trinity River watershed for subsequent reuse throughout the District's service area. The diversion point for this project is also located downstream of Wood-Oak's discharge. An increase in loadings that results from the proposed TPDES application by Wood-Oak may have negative water quality implications for the District's Lake Lavon and the East Fork Raw Water Supply Project, both of which are located downstream of Wood-Oak's

MWD

Ms. LaDonna Castañuela
July 3, 2008
Page 2

discharge. The District has an interest in ensuring that the treatment requirements included in any TPDES permit issued to Wood-Oak are stringent enough to avoid impacting the water quality of the water supplies the District utilizes from Lavon Lake and the East Fork Raw Water Supply Project. While the volume of this particular discharge is small, there are many other developers who are planning to permit wastewater plants in the watershed so that within a few years their cumulative impact without stringent treatment could be substantial.

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 Wood-Oak's pending application for the above-referenced TPDES permit. The District, as a regional wastewater and water service provider, opposes the issuance of this TPDES permit on the basis of water quality concerns and regionalization. The District is concerned with the potential impact to receiving waters from both a water supply and water quality perspective, and whether receiving waters will be adequately protected if the discharge proposed is authorized.

Sincerely,



Martin C. Rochelle

MCR/jdg
446\13\ltr080702jdg

cc: Mr. James Parks
Mr. Joe Stankiewicz (via electronic transmission)
Mr. Mike Rickman
Mr. Dolan McKnight
Ms. Michelle Smith



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

H OPA

JUL 07 2008

BY BP

N..VD
62542

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

July 3, 2008

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

**VIA FACSIMILE TRANSMISSION
AND FIRST-CLASS MAIL**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JUL -3 12:35
CHIEF CLERK'S OFFICE

Re: TPDES Permit Application No. WQ0014878001 (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 Wood-Oak Hollow, LLC ("Wood-Oak"). This letter should also be considered the District's formal request for a contested case hearing concerning this application.

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. Many of these wastewater treatment plants operate in and discharge to tributaries of the Trinity River, including the East Fork Trinity River, and are located downstream from the proposed discharge by Wood-Oak. An increase in loadings that result from the proposed TPDES application by Wood-Oak may have negative water quality implications for the District's wastewater treatment plants that discharge into the same watershed. The District also has concerns regarding whether the construction of this wastewater treatment facility violates the agency's regionalization policy, as District or third-party wastewater treatment facilities may have the capacity to provide wastewater service to this area. An additional treatment and disposal facility, if not operated properly, may result in nuisance odors, and such a facility may also result in increased traffic, and the potential for increased environmental concerns. It is not in the public interest to issue a new discharge authorization when regionalized wastewater services are available.

The District is also a major water supplier in this area of the state and operates Lake Lavon, a primary source of drinking water for the District's customers, which is located downstream from the proposed discharge by Wood-Oak. The District is also currently implementing the East Fork Raw Water Supply Project, whereby the District will divert its own return flows from the East Fork Trinity River watershed for subsequent reuse throughout the District's service area. The diversion point for this project is also located downstream of Wood-Oak's discharge. An increase in loadings that results from the proposed TPDES application by Wood-Oak may have negative water quality implications for the District's Lake Lavon and the East Fork Raw Water Supply Project, both of which are located downstream of Wood-Oak's

mw

Ms. LaDonna Castañuela
July 3, 2008
Page 2

discharge. The District has an interest in ensuring that the treatment requirements included in any TPDES permit issued to Wood-Oak are stringent enough to avoid impacting the water quality of the water supplies the District utilizes from Lavon Lake and the East Fork Raw Water Supply Project. While the volume of this particular discharge is small, there are many other developers who are planning to permit wastewater plants in the watershed so that within a few years their cumulative impact without stringent treatment could be substantial.

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 Wood-Oak's pending application for the above-referenced TPDES permit. The District, as a regional wastewater and water service provider, opposes the issuance of this TPDES permit on the basis of water quality concerns and regionalization. The District is concerned with the potential impact to receiving waters from both a water supply and water quality perspective, and whether receiving waters will be adequately protected if the discharge proposed is authorized.

Sincerely,



Martin C. Rochelle

MCR/jdg
446131tr080702jdg

cc: Mr. James Parks
Mr. Joe Stankiewicz (via electronic transmission)
Mr. Mike Rickman
Mr. Dolan McKnight
Ms. Michelle Smith

R&R
RUSSELL & RODRIGUEZ, L.L.P.
ATTORNEYS AT LAW

1633 WILLIAMS DRIVE
BUILDING 2, SUITE 200
GEORGETOWN, TEXAS 78628

RWD
625-12

PHONE (512) 930-1317
FAX (866) 929-1641
WWW.TXADMINLAW.COM

Email: arodriguez@txadminlaw.com

October 24, 2008

VIA FACSIMILE AND HAND DELIVERY

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

OPA

H
OCT 24 2008

BY *AR*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 OCT 24 AM 8:25
CHIEF CLERKS OFFICE

Re: *Application of Wood Oaks Hollow, LLC to Obtain a Water Quality Permit
Proposed No. WQ00148748001 in Collin County*

Dear Ms. Castañuela:

This firm represents the City of Anna, Texas ("City" or "Anna") located in Collin County. The City is in receipt of notice of the above-referenced application. Please accept this letter as the City's notice of its request for hearing and its opposition to the above-referenced application submitted by Wood Oaks Hollow, LLC ("Wood Oaks"). In accordance with the notice submitted by Wood Oaks, we provide the following information:

1. The City of Anna may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (facsimile)

2. Applicant information: *Application of Wood Oaks Hollow, LLC to Obtain a Water Quality Permit Proposed No. WQ00148748001 in Collin County.*
3. The City of Anna requests a public hearing/contested case hearing on the application.

RWD

4. The City of Anna is adversely affected by Wood Oaks's Application. Wood Oaks's Application seeks to permit an area located within the City's extraterritorial jurisdiction ("ETJ") and sewer Certificate of Convenience and Necessity, CCN No. 20898. As the valid sewer CCN holder for the proposed service area, the City has the obligation to provide the area with retail sewer service and dispose of it properly. The City has the technical, managerial, and financial ability to provide the sewer service to the area proposed to be served in Wood Oaks's application. To date, the City has not received a service application to serve the Wood Oaks area. Thus, any statements about the City's ability to service the area proposed by Wood Oaks is pure speculation.

As the City currently provides service to areas within its corporate limits, ETJ, and certificated service area, the City is in a better position to ensure that all of the drainage basin is properly served. Two plants within 4 miles of each other would also not be in keeping with the Commission's approach to seek regional wastewater treatment services. The City has the ability to treat wastewater and should be the first option to provide said services in its city limits and ETJ.

The City has spent millions of dollars to bring a regional wastewater treatment solution to the area. The City of Anna, in conjunction with the City of Melissa, will soon have a sewer interceptor designed to collect a significant portion of Anna's wastewater load which is anticipated to be treated by the North Texas Municipal Water District. Construction of the proposed Wood Oaks plant will duplicate a regional solution planned and currently being constructed by the City of Anna. Such an approach is harmful to the environment.

The City is presently negotiating with another party for the construction of an additional wastewater treatment plant that can serve the Wood Oaks service area. The Wood Oaks area is poorly located to provide the proper engineering planning to serve a large area. The City of Anna has provided such planning.

Further, the City is concerned with aquatic life and the discharge parameters contained in the draft permit for Wood Oaks. The City holds TPDES Permit No. WQ0011283001. Both the City's permit and Wood Oaks's proposed permit ultimately discharge to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The City has a keen interest in ensuring that the discharge parameters for the area are protective of the environment. Wood Oaks's draft permit is less stringent than the permit that the City is currently operating under. While Wood Oaks's draft permit would require that its effluent contain a minimum dissolved oxygen of 4.0 mg/l, the City is required to maintain a minimum dissolved oxygen of 5.0 mg/l. Such disparities within the same drainage basin should be more closely examined. The overall quality of the effluent and its impact on the receiving stream is of utmost importance to the City to protect the life, safety, and welfare of its residents.

Wood Oaks's application contains many misrepresentations. It identifies the facility as a public facility without identifying who the public entity that will own the facility

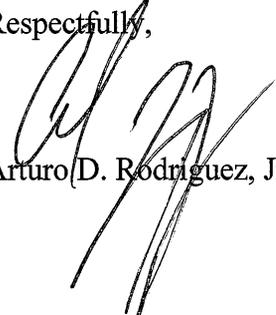
is. A review of the Secretary of State records indicates that Wood Oaks is a private limited liability company, not a public entity. Further, the application states that the City of Anna will operate the facility. The City of Anna does not have an executed operations agreement to operate the proposed facility. Who will own and operate the facility is of great concern to the City. Maintenance of the facility in compliance with State regulations is of concern to the City.

Because of the concerns expressed, the City has clearly articulated a justiciable interest in this proceeding. As such, the City should be given party-status and Wood Oaks's Application should be referred to the State Office of Administrative Hearings to allow the City to fully explore the above-named issues and all other issues raised by the Wood Oaks Application.

5. Withdrawal of the application should resolve Anna's concerns.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully,



Arturo D. Rodriguez, Jr.

cc: Mr. Phillip Sanders
Mr. Wayne Cummings

R&R
RUSSELL & RODRIGUEZ, L.L.P.
ATTORNEYS AT LAW

1633 WILLIAMS DRIVE
BUILDING 2, SUITE 200
GEORGETOWN, TEXAS 78628

Email: urodriguez@rxadmlaw.com

MWD
02312

2008 OCT 24 AM 10:16
CHIEF CLERK'S OFFICE
PHONE (512) 930-1317
FAX (866) 929-1641
WWW.TXADMINLAW.COM

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

October 24, 2008

OPA

VIA FACSIMILE AND HAND DELIVERY

H
BY BR

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

Re: *Application of Wood Oaks Hollow, LLC to Obtain a Water Quality Permit
Proposed No. WQ00148748001 in Collin County*

Dear Ms. Castañuela:

This firm represents the City of Anna, Texas ("City" or "Anna") located in Collin County. The City is in receipt of notice of the above-referenced application. Please accept this letter as the City's notice of its request for hearing and its opposition to the above-referenced application submitted by Wood Oaks Hollow, LLC ("Wood Oaks"). In accordance with the notice submitted by Wood Oaks, we provide the following information:

1. The City of Anna may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (facsimile)

2. Applicant information: *Application of Wood Oaks Hollow, LLC to Obtain a Water Quality Permit Proposed No. WQ00148748001 in Collin County.*
3. The City of Anna requests a public hearing/contested case hearing on the application.

MWD

October 24, 2008

Page 2 of 3

4. The City of Anna is adversely affected by Wood Oaks's Application. Wood Oaks's Application seeks to permit an area located within the City's extraterritorial jurisdiction ("ETJ") and sewer Certificate of Convenience and Necessity, CCN No. 20898. As the valid sewer CCN holder for the proposed service area, the City has the obligation to provide the area with retail sewer service and dispose of it properly. The City has the technical, managerial, and financial ability to provide the sewer service to the area proposed to be served in Wood Oaks's application. To date, the City has not received a service application to serve the Wood Oaks area. Thus, any statements about the City's ability to service the area proposed by Wood Oaks is pure speculation.

As the City currently provides service to areas within its corporate limits, ETJ, and certificated service area, the City is in a better position to ensure that all of the drainage basin is properly served. Two plants within 4 miles of each other would also not be in keeping with the Commission's approach to seek regional wastewater treatment services. The City has the ability to treat wastewater and should be the first option to provide said services in its city limits and ETJ.

The City has spent millions of dollars to bring a regional wastewater treatment solution to the area. The City of Anna, in conjunction with the City of Melissa, will soon have a sewer interceptor designed to collect a significant portion of Anna's wastewater load which is anticipated to be treated by the North Texas Municipal Water District. Construction of the proposed Wood Oaks plant will duplicate a regional solution planned and currently being constructed by the City of Anna. Such an approach is harmful to the environment.

The City is presently negotiating with another party for the construction of an additional wastewater treatment plant that can serve the Wood Oaks service area. The Wood Oaks area is poorly located to provide the proper engineering planning to serve a large area. The City of Anna has provided such planning.

Further, the City is concerned with aquatic life and the discharge parameters contained in the draft permit for Wood Oaks. The City holds TPDES Permit No. WQ0011283001. Both the City's permit and Wood Oaks's proposed permit ultimately discharge to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The City has a keen interest in ensuring that the discharge parameters for the area are protective of the environment. Wood Oaks's draft permit is less stringent than the permit that the City is currently operating under. While Wood Oaks's draft permit would require that its effluent contain a minimum dissolved oxygen of 4.0 mg/l, the City is required to maintain a minimum dissolved oxygen of 5.0 mg/l. Such disparities within the same drainage basin should be more closely examined. The overall quality of the effluent and its impact on the receiving stream is of utmost importance to the City to protect the life, safety, and welfare of its residents.

Wood Oaks's application contains many misrepresentations. It identifies the facility as a public facility without identifying who the public entity that will own the facility

October 24, 2008

Page 3 of 3

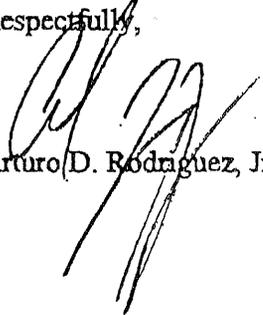
is. A review of the Secretary of State records indicates that Wood Oaks is a private limited liability company, not a public entity. Further, the application states that the City of Anna will operate the facility. The City of Anna does not have an executed operations agreement to operate the proposed facility. Who will own and operate the facility is of great concern to the City. Maintenance of the facility in compliance with State regulations is of concern to the City.

Because of the concerns expressed, the City has clearly articulated a justiciable interest in this proceeding. As such, the City should be given party-status and Wood Oaks's Application should be referred to the State Office of Administrative Hearings to allow the City to fully explore the above-named issues and all other issues raised by the Wood Oaks Application.

5. Withdrawal of the application should resolve Anna's concerns.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully,



Arturo D. Rodriguez, Jr.

cc: Mr. Phillip Sanders
Mr. Wayne Cummings

R&R
RUSSELL & RODRIGUEZ, L.L.P.
ATTORNEYS AT LAW

R.W.D.
02542

TEXAS HERITAGE PLAZA
102 W. MORROW STREET, SUITE 103
GEORGETOWN, TEXAS 78626

Email: arodriguez@txadminlaw.com

PHONE (512) 930-1317
FAX (512) 930-7742
WWW.TXADMINLAW.COM

July 1, 2008

VIA FACSIMILE AND FIRST CLASS MAIL

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

OPA
H JUL 03 2008
BY

2008 JUL -2 AM 10:37
CHIEF CLERKS OFFICE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: *Application of Wood Oaks Hollow, LLC to Obtain a Water Quality Permit
Proposed No. WQ001487/8001 in Collin County*

Dear Ms. Castañuela:

This firm represents the City of Anna, Texas ("City" or "Anna") located in Collin County. The City is in receipt of notice of the above-referenced application. Please accept this letter as the City's notice of its request for hearing and its opposition to the above-referenced application submitted by Wood Oaks Hollow, LLC ("Wood Oaks"). In accordance with the notice submitted by Wood Oaks, we provide the following information:

1. The City of Anna may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
(512) 930-1317
(512) 930-7742 (facsimile)
2. Applicant information: *Application of Wood Oaks Hollow, LLC to Obtain a Water Quality Permit Proposed No. WQ00148748001 in Collin County.*
3. The City of Anna requests a public hearing/contested case hearing on the application.
4. The City of Anna is adversely affected by Wood Oaks's Application. Wood Oaks's Application seeks to permit an area located within the City's extraterritorial

MW

jurisdiction ("ETJ") and sewer Certificate of Convenience and Necessity, CCN No. 20898. As the valid sewer CCN holder for the proposed service area, the City has the obligation to provide the area with retail sewer service and dispose of it properly. The City has the technical, managerial, and financial ability to provide the sewer service to the area proposed to be served in Wood Oaks's application. To date, the City has not received a service application to serve the Wood Oaks area. Thus, any statements about the City's ability to service the area proposed by Wood Oaks is pure speculation.

As the City currently provides service to areas within its corporate limits, ETJ, and certificated service area, the City is in a better position to ensure that all of the drainage basin is properly served. Two plants within 4 miles of each other would also not be in keeping with the Commission's approach to seek regional wastewater treatment services. The City has the ability to treat wastewater and should be the first option to provide said services in its city limits and ETJ.

The City has spent millions of dollars to bring a regional wastewater treatment solution to the area. The City of Anna, in conjunction with the City of Melissa, will soon have a sewer interceptor designed to collect a significant portion of Anna's wastewater load which is anticipated to be treated by the North Texas Municipal Water District. Construction of the proposed Wood Oaks plant will duplicate a regional solution planned and currently being constructed by the City of Anna. Such an approach is harmful to the environment.

The City is presently negotiating with another party for the construction of an additional wastewater treatment plant that can serve the Wood Oaks service area. The Wood Oaks area is poorly located to provide the proper engineering planning to serve a large area. The City of Anna has provided such planning.

Further, the City is concerned with aquatic life and the discharge parameters contained in the draft permit for Wood Oaks. The City holds TPDES Permit No. WQ0011283001. Both the City's permit and Wood Oaks's proposed permit ultimately discharge to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The City has a keen interest in ensuring that the discharge parameters for the area are protective of the environment. Wood Oaks's draft permit is less stringent than the permit that the City is currently operating under. While Wood Oaks's draft permit would require that its effluent contain a minimum dissolved oxygen of 4.0 mg/l, the City is required to maintain a minimum dissolved oxygen of 5.0 mg/l. Such disparities within the same drainage basin should be more closely examined.

Wood Oaks's application contains many misrepresentations. It identifies the facility as a public facility without identifying who the public entity that will own the facility is. A review of the Secretary of State records indicates that Wood Oaks is a private limited liability company, not a public entity. Further, the application states that the City of Anna will operate the facility. The City of Anna does not have an executed operations agreement to operate the proposed facility. Who will own and operate the

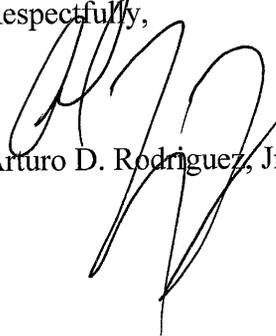
facility is of great concern to the City. Maintenance of the facility in compliance with State regulations is of utmost concern to the City.

Because of the concerns expressed, the City has clearly articulated a justiciable interest in this proceeding. As such, the City should be given party-status and Wood Oaks's Application should be referred to the State Office of Administrative Hearings to allow the City to fully explore the above-named issues.

5. Withdrawal of the application should resolve Anna's concerns.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully,



Arturo D. Rodriguez, Jr.

cc: Mr. Phillip Sanders
Mr. Wayne Cummings



MWD
62542

TEXAS HERITAGE PLAZA
102 W. MORROW STREET, SUITE 103
GEORGETOWN, TEXAS 78626

Email: arodriguez@txadminlaw.com

PHONE (512) 930-1317
FAX (512) 930-7742
WWW.TXADMINLAW.COM

July 1, 2008

VIA FACSIMILE AND FIRST CLASS MAIL

OPA

H JUL 01 2008

BY DL

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

14878-001

2008 JUL -1 AM 9:54
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: *Application of Wood Oaks Hollow, LLC to Obtain a Water Quality Permit
Proposed No. WQ00148748001 in Collin County*

Dear Ms. Castañuela:

This firm represents the City of Anna, Texas ("City" or "Anna") located in Collin County. The City is in receipt of notice of the above-referenced application. Please accept this letter as the City's notice of its request for hearing and its opposition to the above-referenced application submitted by Wood Oaks Hollow, LLC ("Wood Oaks"). In accordance with the notice submitted by Wood Oaks, we provide the following information:

1. The City of Anna may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
(512) 930-1317
(512) 930-7742 (facsimile)

2. Applicant information: *Application of Wood Oaks Hollow, LLC to Obtain a Water Quality Permit Proposed No. WQ00148748001 in Collin County.*
3. The City of Anna requests a public hearing/contested case hearing on the application.
4. The City of Anna is adversely affected by Wood Oaks's Application. Wood Oaks's Application seeks to permit an area located within the City's extraterritorial

MWD

July 1, 2008
Page 2 of 3

jurisdiction ("ETJ") and sewer Certificate of Convenience and Necessity, CCN No. 20898. As the valid sewer CCN holder for the proposed service area, the City has the obligation to provide the area with retail sewer service and dispose of it properly. The City has the technical, managerial, and financial ability to provide the sewer service to the area proposed to be served in Wood Oaks's application. To date, the City has not received a service application to serve the Wood Oaks area. Thus, any statements about the City's ability to service the area proposed by Wood Oaks is pure speculation.

As the City currently provides service to areas within its corporate limits, ETJ, and certificated service area, the City is in a better position to ensure that all of the drainage basin is properly served. Two plants within 4 miles of each other would also not be in keeping with the Commission's approach to seek regional wastewater treatment services. The City has the ability to treat wastewater and should be the first option to provide said services in its city limits and ETJ.

The City has spent millions of dollars to bring a regional wastewater treatment solution to the area. The City of Anna, in conjunction with the City of Melissa, will soon have a sewer interceptor designed to collect a significant portion of Anna's wastewater load which is anticipated to be treated by the North Texas Municipal Water District. Construction of the proposed Wood Oaks plant will duplicate a regional solution planned and currently being constructed by the City of Anna. Such an approach is harmful to the environment.

The City is presently negotiating with another party for the construction of an additional wastewater treatment plant that can serve the Wood Oaks service area. The Wood Oaks area is poorly located to provide the proper engineering planning to serve a large area. The City of Anna has provided such planning.

Further, the City is concerned with aquatic life and the discharge parameters contained in the draft permit for Wood Oaks. The City holds TPDES Permit No. WQ0011283001. Both the City's permit and Wood Oaks's proposed permit ultimately discharge to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The City has a keen interest in ensuring that the discharge parameters for the area are protective of the environment. Wood Oaks's draft permit is less stringent than the permit that the City is currently operating under. While Wood Oaks's draft permit would require that its effluent contain a minimum dissolved oxygen of 4.0 mg/l, the City is required to maintain a minimum dissolved oxygen of 5.0 mg/l. Such disparities within the same drainage basin should be more closely examined.

Wood Oaks's application contains many misrepresentations. It identifies the facility as a public facility without identifying who the public entity that will own the facility is. A review of the Secretary of State records indicates that Wood Oaks is a private limited liability company, not a public entity. Further, the application states that the City of Anna will operate the facility. The City of Anna does not have an executed operations agreement to operate the proposed facility. Who will own and operate the

July 1, 2008
Page 3 of 3

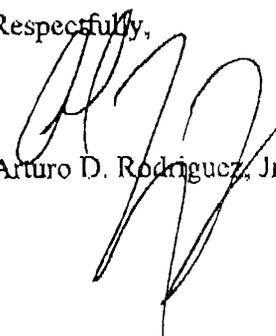
facility is of great concern to the City. Maintenance of the facility in compliance with State regulations is of utmost concern to the City.

Because of the concerns expressed, the City has clearly articulated a justiciable interest in this proceeding. As such, the City should be given party-status and Wood Oaks's Application should be referred to the State Office of Administrative Hearings to allow the City to fully explore the above-named issues.

- 5. Withdrawal of the application should resolve Anna's concerns.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully,


Arturo D. Rodriguez, Jr.

cc: Mr. Phillip Sanders
Mr. Wayne Cummings