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Ms. Smith's Direct Line: (512) 322-5850
msmith@lglawfirm.com

March 16, 2009

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

VIA HAND DELIVERY

Re: Wood Oak Hollow, L.L.C.'s Application for TPDES Permit No. WQ0014878001
TCEQ Docket No. 2008-1700-MWD (446-13)

Dear Ms. Castanuela:

Enclosed please find the original and eleven (11) copies for filing of North Texas Municipal Water District's Reply to the Executive Director and Office of Public Interest Counsel's Response to North Texas Municipal Water District's Hearing Request in the above-named matter. If you have any questions, please feel free to contact me or Martin Rochelle (512-322-5810). Thank you.

Sincerely,

Michelle Maddox Smith

MMS/ldp
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ENCLOSURES

cc: Service List
Mr. Mike Rickman
Mr. Joe Stankiewicz (via electronic transmission)
Mr. Dolan McKnight

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 MAR 16 PM 2:56
CHIEF CLERKS OFFICE

TCEQ DOCKET NO. 2008-1700-MWD

APPLICATION BY WOOD OAK
HOLLOW, LLC TO THE TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY FOR PROPOSED TPDES
PERMIT NO. WQ0014878001

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

2009 MAR 16 PM 2:56
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**NORTH TEXAS MUNICIPAL WATER DISTRICT'S REPLY TO THE EXECUTIVE
DIRECTOR AND OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO
NORTH TEXAS MUNICIPAL WATER DISTRICT'S HEARING REQUEST**

TO THE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY:

COMES NOW, North Texas Municipal Water District ("NTMWD") and files its reply to the responses of the Executive Director ("ED") and the Office of Public Interest Counsel ("OPIC") to NTMWD's request for a contested case hearing. The contested case hearing is requested by NTMWD to address the application for a new TPDES Permit No. WQ0014878001, filed by Wood Oak Hollow, LLC (the "Applicant"), to authorize the discharge of up to 0.5 million gallons per day (in the final phase) of domestic wastewater to a ditch, thence to an unnamed tributary, thence to the East Fork Trinity River, thence to Lavon Lake in Segment No. 0821 (the "Application"). NTMWD filed a timely request for a contested case hearing regarding the Application on July 3, 2008. In its request, NTMWD raised concerns regarding regionalization and water quality impacts the Application may have on Lavon Lake, the primary source of drinking water for the 1.5 million customers served by NTMWD, NTMWD's East Fork Raw Water Supply Project, and NTMWD's wastewater treatment plants discharging into the same watershed.

I. REPLY TO THE ED RESPONSE

NTMWD agrees with the recommendations identified in the Executive Director's Response to Hearing Requests. NTMWD adopts the ED's recommendation that the Commission find that NTMWD is an affected person because NTMWD meets the criteria identified in 30 TAC § 55.203. Additionally, NTMWD adopts the ED's conclusion that NTMWD complied with 30 TAC §§ 55.201(c) and (d) when filing its request for a contested case hearing. Finally, NTMWD adopts the ED's recommendation that the Commission refer the following issues to the State Office of Administrative Hearings ("SOAH") for a contested case hearing:

1. Whether the issuance of the draft permit will violate the agency's regionalization policy? (ED issue No. 1).
2. Whether the proposed effluent limits in the draft permit are adequate? (ED issue No. 2).
3. Whether the proposed permit will result in increased loading to the receiving stream? (ED issue No. 5).
4. Whether the proposed WWTP will generate nuisance odors? (ED issue No. 7).
5. Whether the proposed treatment plant will adversely affect the quality of the water utilized for drinking water by the District? (ED issue No. 8).

II. REPLY TO THE OPIC RESPONSE

NTMWD agrees with the recommendations identified in the Office of Public Interest Counsel's Response to Requests for Hearing. NTMWD adopts OPIC's recommendation that the Commission find NTMWD an affected party. Additionally, NTMWD adopts OPIC's

recommendation that the Commission refer the following issues to SOAH for a contested case hearing:

1. Is there a need for the proposed facility and will operation of the proposed plant be consistent with the Commission's regionalization policy? (OPIC issue No. 1).
2. Will the facility's operations have an adverse impact on water quality? (OPIC issue No. 2).
3. Will the facility operations under the permit cause offensive odors? (OPIC issue No. 3).
4. Will the facility's operations under the permit have an adverse impact on human health? (OPIC issue No. 4).

III. NO RESPONSE FILED BY THE APPLICANT

The Applicant filed no response to the hearing request filed by NTMWD.

IV. ISSUES AND REQUESTS

NTMWD requests that the Commission find NTMWD is an affected person pursuant to 30 TAC § 55.203. NTMWD believes the issues identified by the ED and OPIC for referral to SOAH are appropriate issues for a contested case hearing regarding the Application. NTMWD respectfully requests that they be granted a contested case hearing regarding the Application and that the matter be referred to SOAH to address the following issues:

1. Whether there is a need for the proposed facility and if the issuance of the draft permit will violate the agency's regionalization policy? (ED issue No. 1 and OPIC issue No. 1).

2. Whether the facility's operations will have an adverse impact on water quality? (OPIC issue No. 2).
3. Whether the proposed effluent limits in the draft permit are adequate? (ED issue No. 2).
4. Whether the proposed permit will result in increased loading to the receiving stream? (ED issue No. 5).
5. Whether the proposed WWTP will generate nuisance odors? (ED issue No. 7 and OPIC issue No. 3).
6. Whether the proposed treatment plant will adversely affect the quality of the water utilized for drinking water by the District? (ED issue No. 8).
7. Whether the facility's operations under the permit will have an adverse impact on human health? (OPIC issue No. 4).

Respectfully submitted,

LLOYD GOSSELINK
ROCHELLE & TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5850
FAX: (512) 472-0532

By: 
MICHELLE MADDOX SMITH
State Bar No. 24043929

MARTIN C. ROCHELLE
State Bar No. 17126500

**ATTORNEYS FOR NORTH TEXAS
MUNICIPAL WATER DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that, on this the 16th day of March, 2009, the original and eleven (11) true and correct copies of this document were filed with the Chief Clerk of the TCEQ and a true and correct copy of this document has been sent via Hand Delivery, First Class Mail or Facsimile to each of the person's listed on the attached Mailing List.



Michelle Maddox Smith

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 MAR 16 PM 2:56
CHIEF CLERKS OFFICE

MAILING LIST
WOOD-OAK HOLLOW, LLC
DOCKET NO. 2008-1700-MWD; PERMIT NO. WQ0014878001

FOR THE APPLICANT:

Mr. Mark Hill, P.E.
Jacobs Carter Burgess
7950 Elmbrook Drive
Dallas, Texas 75247-4925
Tel: (214) 638-0145
Fax: (214) 638-0447

Mr. Roger Lindsey
Wood-Oak Hollow, L.L.C.
2808 Fairmount Street
Dallas, Texas 75201-1450

FOR THE EXECUTIVE DIRECTOR:

Mr. Christiaan Siano, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Mr. Kent Trede, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-1747
Fax: (512) 239-4430

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE
RESOLUTION:

Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER(S):

Mr. Arturo D. Rodriguez, Jr.
Russell & Rodriguez, LLP
1633 Williams Dr., Bldg. 2, Suite 200
Georgetown, Texas 78628-3659

Mr. Vic McWherter, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0579
Fax: (512) 239-6377

INTERESTED PERSON:

Mr. Philip Sanders
City of Anna
P.O. Box 776
Anna, Texas 75409-0776