



City of Anahuac, Texas (the "City") and the District's public water system. The proximity of the proposed discharge to the District's water supply is not acceptable notwithstanding the generalized review made by staff at the Texas Commission on Environmental Quality. Please be advised that the current hurricane events have also dictated that careful consideration be given to the operation of mechanical plans during periods of significant power outage and the problems that may be associated with alternate (interim) power sources as well as wastewater effluent overflows during storm events into the raw water supply of the City and the District. Due to these critical water quality issues, the District objects to the proposed Permit under the Applicant.

**The District requests a contested case hearing.**

Yours very truly,

**Trinity Bay Conservation District**

By: R Kit Jones



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By: R. Kit Jones

CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT

P.O. Box 518  
Anahuac, Tx 77514

Ph. 409-267-3541  
Fx. 409-267-4042



MWD  
66530

April 22, 2009

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

H OPA  
APR 24 2009  
BY EB

CHIEF CLERKS OFFICE

2009 APR 27 AM 9:46

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Re: Notice of application and Preliminary Decision for TPDES Permit for Municipal Wastewater Proposed Permit No. WQ0014928001 (the "Permit")  
Carter-CC, Ltd, 1209 Decker Drive, Suite 100, Baytown, Texas 77520 (the "Applicant")

Dear Ms. Castañuela:

This is a **Request for Contested Case Hearing** by an affected party, Chambers-Liberty Counties Navigation District, a Navigation District created under Article XVI, Section 59, Texas Constitution and Chapters 62 and 63, Texas Water Code (the "District") and the District files this request for contested case hearing. The following individual is Designated by the District as the person who will be responsible for receiving all communication and documents on behalf of the District:

Mary Beth Stengler, General Manager  
Chambers-Liberty Counties Navigation District  
P.O. Box 518  
211 Miller Street  
Anahuac, Texas 77514  
409-267-3541  
Fax 409- 267-4042

[Redacted signature]

The District owns, operates and maintains Lake Anahuac as a freshwater supply and provides raw water to the City of Anahuac and the Trinity Bay Conservation District for municipal purposes. The District also provides irrigation water to the agricultural industry in Chambers County. Trinity Bay Conservation District provides water and wastewater within its boundaries pursuant to Certificate of Convenience and Necessity No. 10997. Trinity Bay Conservation District may provide service to the Applicant with the appropriate construction of infrastructure through constructed wetlands facilities rather than the proposed mechanical treatment wastewater plant by the Applicant. The District

(Handwritten mark)

is deeply concerned about the location of the proposed mechanical treatment wastewater plant which would place the discharge into Turtle Bayou just upstream of Lake Anahuac. The proximity of the proposed discharge to Lake Anahuac is not acceptable notwithstanding the generalized review made by the staff of the Texas Commission on Environmental Quality.

Recent hurricane events have dictated that careful consideration must be given to the operation of mechanical plants during periods of significant power outage and the problems that may be associated with alternate power sources. There is additional concern with wastewater effluent overflows into Lake Anahuac during storm events. Due to these critical issues to water quality, the District objects to the proposed Permit by the Applicant and respectfully **requests a contested case hearing** .

Sincerely,

A handwritten signature in cursive script that reads "Mary Beth Stengler".

Mary Beth Stengler  
General Manager

**RESOLUTION NO. 2009-03**

**RESOLUTION OPPOSING TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PERMIT NO. WQ0014928001 (THE "PERMIT") FOR A PROPOSED TPDES PERMIT FOR MUNICIPAL WASTEWATER**

**WHEREAS**, Carter-CC. Ltd., 1208 Decker Drive, Suite 100, Baytown, Texas 77520 (the "Applicant") has filed its application for a new permit, proposed Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014928001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day (the "Permit");

**WHEREAS**, the Texas Commission on Environmental Quality (the "TCEQ") has received the application of the Applicant for the proposed wastewater treatment plant (the "Application") for the treated effluent discharge which will be to Turtle Bayou, thence to Lake Anahuac, thence to Trinity River Tidal in Segment 0801 of the Trinity River Basin;

**WHEREAS**, THE Applicant is required to provide public notice of the Application;

**WHEREAS**, the Chambers-Liberty Counties Navigation District ( the "District") is an affected party and by this Resolution authorizes its duly authorized officers and General Manager to file by United States Mail, facsimile or hand delivery as required with the Chief Clerk of the TCEQ its request for contested case hearing;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT THAT:**

Section 1. The District's undersigned duly authorized representatives are authorized to file a request for the contested case hearing on the Application as to the Permit as specified in Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater under Proposed Permit No. WQ0014928001 (attached).

Section 2. The duly authorized representatives of the District shall file the request for contested case hearing on behalf of the District as an affected party and are authorized to provide consultants and any and all other documentation necessary in order to proceed with representing the interest of the District and its residents in a contested case as to the Application on the Permit.

CHIEF CLERKS OFFICE

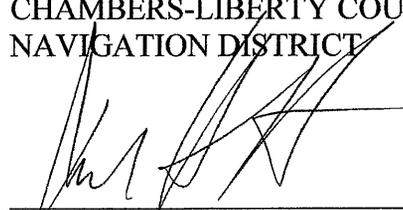
2009 APR 27 AM 9:46

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

RESOLUTION NO. 2009-03

ADOPTED THIS THE 21<sup>ST</sup> DAY OF APRIL, 2009.

CHAMBERS-LIBERTY COUNTIES  
NAVIGATION DISTRICT



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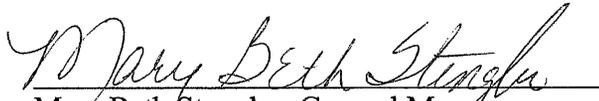
Terry Haltom, Chair

ATTEST:



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James B. Sterling, III, Secretary



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Mary Beth Stengler, General Manager

CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT

P.O. Box 518  
211 Miller Street  
Anahuac, Texas 77514-0518



Phone: 409-267-3541  
Fax: 409-267-4042  
website: www.clcnd.com

*MWD  
66530*

January 26, 2009

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

CHIEF CLERKS OFFICE

2009 FEB -2 AM 10:35

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

OPA

Re: Proposed Permit No. WQ0014928001

FEB 12 2009

BY *BP*

To Whom It May Concern:

Please be advised that as owners of Lake Anahuac, the Chambers-Liberty Counties Navigation District has opposition to the above permit application filed by Carter-CC, Ltd. Lake Anahuac is a 5000 acre fresh water reservoir from where water is diverted and pumped to water treatment plants operated by the City of Anahuac and Trinity Bay Conservation District which supplies water for human consumption. Lake Anahuac is also used as a fresh water supplier for irrigation purposes and wildlife.

The District feels that Carter-CC Ltd. should be working with Trinity Bay Conservation District who already operates a treated wastewater facility in this area.

If you need any further information from the District, please let us know.

Thank you,

*Mary Beth Stengler*

Mary Beth Stengler  
General Manager

*MWD*