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April 21, 2010

U.S. Mail

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

Re: *In re:* TPDES Permit No. WQ0013847001

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 APR 22 PM 2:40
CHIEF CLERKS OFFICE

Dear Ms. Castanuela:

Enclosed please find the original and eight (8) copies of Applicant's Response to Hearing Request and Request for Reconsideration in regard to the above-referenced matter. Please file this document in your usual manner and return a file-marked copy to this office via the enclosed envelope.

By copy of this letter all parties are being served with this document as indicated on the attached mailing list.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Cory Halliburton
For the Firm

CDH/mtc
Enclosures

Mailing List
North Texas District Council Assemblies of God
TCEQ Docket no. 2010-0024-MWD

VIA FIRST CLASS U.S. MAIL

Texas Commission on Environmental Quality

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TPDES PERMIT NO. WQ0013847001

APPLICATION BY NORTH TEXAS §
DISTRICT COUNCIL ASSEMBLIES OF §
GOD FOR A MAJOR AMENDMENT TO §
TPDES PERMIT NO. WQ0013847001 §

2010 APR 22 PM 2:40
BEFORE THE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERK'S OFFICE
ENVIRONMENTAL QUALITY

**APPLICANT'S RESPONSE TO
HEARING REQUEST AND REQUEST FOR RECONSIDERATION**

Pursuant to 30 TEX. ADMIN. CODE § 50.209 and related authorities, the North Texas District Council of the Assemblies of God ("Applicant") files this Response to Frederick Sklar, M.D.'s Hearing Requests and Request for Reconsideration as to Applicant's application for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013847001 (the "Permit"). Attached for consideration are the following:

EXHIBIT A - Affidavit of Richard Dubose, Superintendent of Applicant.

EXHIBIT B - Affidavit of Steve Wagler, Director of Applicant's Lakeview Camp.

EXHIBIT C - Affidavit of Charles P. Gillespie, Jr., P.E.

EXHIBIT D - State of Texas Plugging Reports.

Applicant respectfully responds as follows:

DESCRIPTION OF THE FACILITY AND BACKGROUND

1. Through the Executive Director's ("ED") Response to Hearing Requests and Request for Reconsideration, bearing Certificate of Service dated January 29, 2010 (the "ED's Response"), the ED sets forth a Description of the Facility and Background relating to the Permit requested by Applicant. Applicant submits that the ED's statements in this regard are substantially accurate for purposes of this Response. In addition, by letter order dated March 16, 2010, the Commission granted Applicant until April 26, 2010 to file this Response.

EVALUATION PROCESS FOR HEARING REQUESTS

2. A request for a contested case hearing must be made by an affected person, and the request must be reasonable and supported by competent evidence. 30 TEX. ADMIN. CODE §§ 55.27(b)-(b)(2)(B). Responses to such requests must address the seven elements set forth in section 55.209(e) of the Administrative Code. *See* 30 TEX. ADMIN. CODE §§ 55.209(e)-(e)(7).

3. When the Commission grants a request for a contested case hearing, the Commission shall issue an order specifying the number and scope of the issues to be referred to the State Office of Administrative Hearings (“SOAH”) for a hearing. 30 TEX. ADMIN. CODE § 50.115(b). The Commission may not refer an issue for a contested case hearing unless the Commission determines that the issue: (1) involves a disputed question of fact; (2) was raised during the public comment period; and (3) is relevant and material to the decision on the application. 30 TEX. ADMIN. CODE § 50.115(c).

AFFECTED PERSON STATUS - 30 TEX. ADMIN. CODE § 55.209(e)(1).

4. Applicant contends that Contestant Frederick Sklar, M.D. (“Contestant”) is not an affected person as described in section 55.203 of the Administrative Code. Contestant’s concerns focus on whether or not the Permit will contaminate Contestant’s water well located some half-mile and upgradient from the facilities in question. (*See* ED’s Response at Ex. A). The treated effluent is discharged and flows in the opposite direction from Contestant’s property. Contestant submits no evidence that the treated water will adversely affect Contestant’s groundwater well located some 460 to 760 feet below the surface and a half-mile in the opposite direction of the treated water discharge. *See* 30 TEX. ADMIN. CODE § 55.203(c)(2)-(3).

5. Additionally, Contestant’s repeatedly stated issues relating to alleged drug addiction treatment and related medical, pathogenic or industrial activities on Applicant’s

property are wholly inaccurate, not supported by any evidence, and are in fact fully extinguished by the attached Affidavits of Charles P. Gillespie, Jr., P.E., Steve Wagler, and Richard Dubose. As such, Contestant's status as an affected person in relation to these stated issues is extinguished because there is no relationship between the interest claimed and the purported but non-existent activities to be regulated. *See* 30 TEX. ADMIN. CODE § 55.203(c)(1), (3)-(4).

6. Alternatively, any, if any, issues referred to SOAH should be limited to the extent the issues are directly related to Contestant's status as an affected person.

ELEMENTS - 30 TEX. ADMIN. CODE §§ 55.209(e)(2), (3), (4), (5), (6)

7. By letter dated September 27, 2009 to the Commission, Contestant requested a Contested Case Hearing, which letter essentially alleges that the Permit will cause contamination to Contestant's ground water well. Contestant further claims that the Permit will allow for industrial, viral and pathogenic pollutants into the effluent flow. On about January 4, 2010, Contestant filed another Request for Contested Case Hearing ("Contestant's Request"). Through Contestant's Request, he alleges roughly 10 mainly inter-related issues that Contestant desires to be submitted for Contested Case Hearing.

8. Whether or not an issue was raised during the public comment period is noted for each issue. None of the issues raised during the public comment period were withdrawn. All identified issues in this Response are considered disputed, unless otherwise noted.

9. Subject to the Responses set forth above in Paragraphs 4-6, Applicant responds to the issues raised by Contestant:

10. **ISSUE 1.** Whether the discharge authorized in the proposed permit will adversely impact the surface water adjacent to Contestant's property, Contestant's water wells,

and the groundwater supplying the wells. (See ED's Response to Public Comment "RTC" Nos. 1 and 2; Contestant's Request at pg. 2).

11. Applicant asserts that Contestant's stated issue in this regard is unsupported by competent evidence, and thus does not meet the requirements of 30 TEX. ADMIN. CODE §§ 55.27(b)-(b)(2)(B). Contestant's Requests on this issue constitute nothing more than conclusory allegations, unsupported by any evidence.

12. As supported by the ED and the attached Affidavit of Charles P. Gillespie, Jr., P.E., the Permit is specifically designed so that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health. (See ED RTC at pg. 4). All applicable requirements were followed in the design of the Permit and intended facilities, which are designed to maintain the quality of water in the state and to be protective of human health and the environment. The wastewater treatment system's effluent limitations and monitoring requirements found in the proposed Permit ensure that the system can accommodate the requested volume Applicant intends to treat at its wastewater treatment facility.

13. Despite all this, Contestant provides no evidence to support his contention that the Permit will adversely impact Contestant's waters adjacent to Contestant's property and/or his water well located approximately a half-mile from the facilities in question. Applicant's position on this issue is further supported by the fact that the well is located upgradient of and topographically higher than the effluent discharge from the facilities in question. As such, Applicant contends this requested issue is also unreasonable and not relevant or material to the decision on the Permit application.

14. Alternatively, and without waiving the foregoing Response, Applicant contends that any issue in this regard should be limited to whether the discharge authorized in the proposed permit will adversely impact the surface water adjacent to Contestant's property.

15. This issue was raised during the public comment period, and if permitted in whole or in part, is a question of fact.

16. **ISSUE 2.** Whether this permit action will adversely impact the health of Dr. Sklar, his family, and his livestock. (See ED's RTC No. 1; Contestant's Ltr. Request 9/27/2009).

17. Applicant incorporates herein its Response set forth above in Paragraphs 11-12. Applicant also references the Affidavit of Charles P. Gillespie, Jr., P.E. wherein he testifies that the Permit will not pose a health risk to human, animal, and vegetative life in the region.

18. Additionally, or in the alternative, and without waiving the foregoing Response, Applicant contends that any issue in this regard is subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH.

19. This issue was raised during the public comment period, and if permitted in whole or in part, is a question of fact.

20. **ISSUE 3.** Whether Applicant will be required to properly design, construct, and maintain the wastewater treatment system to prevent impacts to the surface water adjacent to Contestant's property, Contestant's water wells, and the groundwater supplying the wells. (See ED's RTC No. 2; ED's Response at pg. 8; Contestant's Request at pg. 3).

21. Contestant's Requests on this issue constitute nothing more than conclusory allegations, unsupported by any evidence that Applicant would not be required to comply with these stated matters. See 30 TEX. ADMIN. CODE §§ 55.27(b)-(b)(2)(B). The Permit requires such compliance. Applicant also references the Affidavit of Charles P. Gillespie, Jr., P.E. wherein he

testifies that there is nothing in the Permit that allows Applicant to design, construct, and maintain the system in violation of the Permit or that will adversely impact surface waters located near the permitted facilities or in the region.

22. Contestant's requested issue is also unreasonable and not relevant or material to the decision on the Permit application because the Permit speaks for itself and any future noncompliance with the Permit and related construction should form no part of this proceeding.

23. Additionally, or in the alternative, and without waiving the foregoing Response, Applicant contends that any issue in this regard is subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH..

24. This issue was raised during the public comment period, and if permitted in whole or in part, is a question of fact.

25. **ISSUE 4.** Whether the proposed permit ensures the wastewater treatment facility can adequately treat the effluent flow levels anticipated at the facility. (See ED's RTC No. 3; ED's Response at pg. 8-9; Contestant's Request at pg. 2).

26. Contestant presents no evidence to support this or any other issue, and thus this requested issue does not meet the requirements of 30 TEX. ADMIN. CODE §§ 55.27(b)-(b)(2)(B). The lack of evidence is presumably a direct result of the fact that the Permit is specifically designed to treat the effluent flow levels anticipated. This requested issue is also unreasonable and not relevant or material to the decision on the Permit application because the Permit speaks for itself and any future noncompliance with the Permit and related construction should form no part of this proceeding. Applicant also references the Affidavit of Charles P. Gillespie, Jr., P.E.

27. Additionally, or in the alternative, and without waiving the foregoing Response, Applicant contends that any issue in this regard is subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH.

28. This issue was raised during the public comment period, and if permitted in whole or in part, is a question of fact.

29. **ISSUE 5.** Whether the discharge authorized in the proposed permit will adversely impact the environment in the vicinity of the wastewater treatment system and downstream from the discharge point in North Fork Chambers Creek. (See ED's Response at pg. 9; Contestant's Request at pg. 3).

30. Neither this nor any other stated issue is supported by competent evidence, and thus does not meet the requirements of 30 TEX. ADMIN. CODE §§ 55.27(b)-(b)(2)(B). Applicant also references the Affidavit of Charles P. Gillespie, Jr., P.E.

31. Contestant's property is not adjacent to or downstream on the North Fork Chambers Creek. As such, this issue or interest is only common to the general public and does not qualify as a personal justiciable interest. See 30 TEX. ADMIN. CODE §§ 55.203(a), (c)(4).

32. Additionally, or in the alternative, and without at all waiving the foregoing Response, Applicant contends that any issue in this regard is subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH.

33. Further, this issue was not raised during the public comment period, but if permitted in whole or in part, is a question of fact.

34. **ISSUE 6.** Whether the proposed permit authorizes the applicant to accept or treat commercial, industrial, viral, or pathogenic waste not associated with domestic wastewater.

(See ED's RTC No. 4; ED's Response at pg. 9; Contestant's Letter Request dated 9/27/2009; Contestant's Request at pg. 2-3; Contestant's Request for Reconsideration at pg. 1-2).

35. Contestant's stated issue in this regard is unsupported by competent evidence, and thus does not meet the requirements of 30 TEX. ADMIN. CODE §§ 55.27(b)-(b)(2)(B). The Permit speaks for itself, and Contestant's issue in this regard is unreasonable and misrepresents alleged facts relating to the water to be treated pursuant to the Permit.

36. Applicant also references the Affidavits of Charles P. Gillespie, Jr., P.E., Richard Dubose, and Steve Wagler which confirm that Applicant's uses and intended uses of the facilities do not include treatment of non-domestic wastewater as alleged by Contestant.

37. Applicant does not operate as a medical treatment facility or drug addiction therapy program that will affect or alter the Permit application, and no medical wastes or other commercial or industrial wastewater will be treated as alleged by Contestant. Applicant has not inadequately or inaccurately stated the purposes for the Permit. In fact, the Commission as well as Mr. Gillespie are all aware of and have inspected Applicant's premises with regard to its operations and intended uses for treatment of domestic wastewater.

38. This requested issue is also unreasonable and not relevant or material to the decision on the Permit application because the Permit speaks for itself and any future noncompliance with the Permit should form no part of this proceeding.

39. Additionally, or in the alternative, Applicant contends that any issue in this regard is subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH.

40. This issue was raised during the public comment period, and if referred, is a question of law.

41. **ISSUE 7.** Whether the applicant misrepresented the nature of the wastewater which will be treated at the facility in the application by not identifying commercial, industrial, viral, or pathogenic waste not associated with domestic wastewater. (See ED's RTC No. 4; ED's Response at pg. 9; Contestant's Letter Request dated 9/27/2009; Contestant's Request at pg. 2-3; Contestant's Request for Reconsideration at pg. 1-2).

42. Applicant incorporates herein its Response to Issue 6 set forth above, including the Affidavits of Gillespie, Dubose, and Wagler. Applicant also incorporates the ED's Response and position on this issue. (ED Response at pg. 9).

43. Additionally, or in the alternative, Applicant contends that any issue in this regard is substantially subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH.

44. This issue was raised during the public comment period, and if referred, is a question of law.

45. **ISSUE 8.** Whether the proposed permit authorizes the applicant to accept or treat medical or drug treatment waste not associated with domestic wastewater. (See ED's Response at pg. 10; Contestant's Letter Request dated 9/27/2009; Contestant's Request at pg. 2-3; Contestant's Request for Reconsideration at pg. 1-2).

46. Applicant incorporates herein its Response to Issue 6. Applicant also incorporates the ED's Response and position on this issue. (ED Response at pg. 10). Reference is made to the attached Affidavits, which confirm that Contestant's complaints in this regard are nothing more than unsupported speculation. This issue is not relevant or material to the decision on the Application.

47. Additionally, or in the alternative, and without waiving the foregoing Response, Applicant contends that any issue in this regard is substantially subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH.

48. This issue was not raised during the public comment period, but if referred, is a question of law.

49. **ISSUE 9.** Whether the applicant misrepresented the nature of the wastewater which will be treated at the facility in the application by not identifying medical and drug treatment waste not associated with domestic wastewater. (See ED's Response at pg. 10; Contestant's Letter Request dated 9/27/2009; Contestant's Request at pg. 2-3; Contestant's Request for Reconsideration at pg. 1-2).

50. Applicant incorporates herein its Response to Issue 6 set forth above. Applicant also incorporates the ED's Response and position on this issue. (ED Response at pg. 10). Applicant also incorporates the ED's Response and position on this issue. (ED Response at pg. 10). Reference is made to the attached Affidavits Gillespie, Dubose and Wagler which dispel any concern raised by Contestant in this regard. As such, this issue is not relevant or material to the decision on the Application.

51. Additionally, or in the alternative, and without waiving the foregoing Response, Applicant contends that any issue in this regard is substantially subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH.

52. This issue was raised during the public comment period, and if referred, is a question of law.

53. **ISSUE 10.** Whether the applicant is required to comply with the requirements of title 30, chapter 217 of the Texas Administrative Code (e.g., *id.* §§ 217.5, 217.6, 291.11) as they

relate to the submittal of design plans and specifications for non-domestic wastewater permitting process. (See ED's Response at pg. 10; Contestant's Letter Request dated 9/27/2009; Contestant's Request at pg. 4; Contestant's Request for Reconsideration at pg. 1-2).

54. Applicant incorporates herein its Response to Issue 6 set forth above. Applicant also incorporates the ED's Response and position on this issue. (ED Response at pg. 10). Reference is further made to the attached Affidavits of Gillespie, Dubose and Wagler.

55. Additionally, or in the alternative, and without waiving the foregoing Response, Applicant contends that any issue in this regard is substantially subsumed in Issue 1, and as such, this stated issue is unreasonable, duplicative and should not be referred to SOAH.

56. This issue was not raised during the public comment period, but if referred, is a question of law.

RESPONSE TO REQUEST FOR RECONSIDERATION

57. In Response to Contestant's Request for Reconsideration, Applicant states:

58. Contestant's Issue of Alleged Non-Domestic Wastewater. (See Contestant's Request for Reconsideration; ED Response at pg. 11).

59. For the sake of Administrative Economy, Applicant incorporates herein its Response to Issues 1, 6, 7, 8 and 9 set forth above. Applicant incorporates the ED's Response and position on this issue. (ED Response at pg. 11). Reference is further made to the attached Affidavits of Gillespie, Dubose and Wagler, which confirm the intended use of the facilities.

60. Contestant's stated issue in this regard is unsupported by any competent evidence. He provides no basis to conclude that the water to be treated comes from sources other than kitchen, bathroom, laundry sources and the other domestic wastewater categories identified in the Administrative Code and the ED's Response. See 30 TEX. ADMIN. CODE § 217.2(11). The

Permit complies with the applicable regulations, and Applicant requests that the Commission's position on this issue or request remain as stated.

61. Contestant's Issue of Whether the Permit Adequately Addresses Impact on Waters and Public Health. (See Contestant's Request for Reconsideration; ED Resp. at pg. 12).

62. Applicant incorporates herein its Response to Issues 1, 6, 7, 8 and 9 set forth above. Applicant also incorporates the ED's Response and position on this issue. (ED Response at pg. 12). The Permit complies with the applicable regulations, and Applicant requests that the Commission's position on this issue or request remain as stated.

63. Contestant's Issue of Whether the Permit will Increase Risk of Wastewater Released into Soils and Groundwater. (See Contestant's Request for Reconsideration; ED Response at pg. 12).

64. Contestant's stated issue is unsupported by competent evidence, and thus does not meet the requirements of 30 TEX. ADMIN. CODE §§ 55.27(b)-(b)(2)(B). Contestant's Requests on this issue constitute nothing more than conclusory allegations, unsupported by any evidence that any hand-dug wells on Applicant's property will affect this Permit and related activity. In fact, after a diligent search, Applicant is aware of only two hand-dug wells located on Applicant's property. Neither of the wells is located near or upgradient from the treatment facilities in question, and both wells were plugged and abandoned according to law. Reference is made to the attached Affidavit of Dubose, and the State of Texas Plugging Reports attached as Exhibit D.

65. Additionally, Applicant incorporates herein its Response to Issues 1, 6, 7, 8 and 9 set forth above. Applicant also incorporates the ED's Response and position on this issue. (ED Response at pg. 13-14).

66. The Permit complies with the applicable regulations, and Applicant requests that the Commission's position on this issue or request remain as stated. Applicant requests that the Commission deny Contestant's request for reconsideration.

DURATION OF THE CONTESTED CASE HEARING

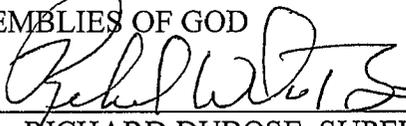
67. If a contested case hearing is referred to SOAH, Applicant recommends that the duration of the hearing be nine months from the preliminary hearing to the presentation of a proposal for decision to the Commission.

CONCLUSION

68. Applicant requests that Contestant's Requests be denied for one or more of the reasons set forth herein. Alternatively, Applicant requests that the issues referred be limited to the fullest extent possible as requested herein, and that any hearing be for the duration of nine months as requested.

Respectfully submitted,

NORTH TEXAS DISTRICT COUNCIL OF THE
ASSEMBLIES OF GOD

By: 
RICHARD DUBOSE, SUPERINTENDENT
700 Northeast Loop 820
Hurst, TX 76053

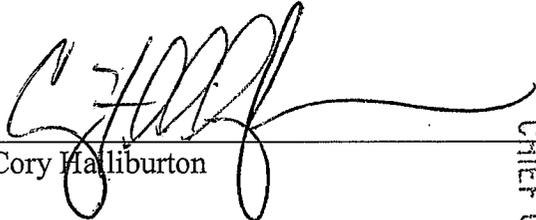
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ATTORNEYS FOR NORTH TEXAS DISTRICT
COUNCIL OF THE ASSEMBLIES OF GOD

CERTIFICATE OF SERVICE

I certify that on the 21st day of April, 2010, a copy of the foregoing document was sent by first class mail, agency mail, electronic mail, and/or facsimile to the persons on the attached Mailing List.


Cory Halliburton

APR 22 PM 2:40
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Mailing List
North Texas District Council Assemblies of God
TCEQ Docket no. 2010-0024-MWD

Texas Commission on Environmental Quality

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Austin, Texas 78711-3087
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AFFIDAVIT OF RICHARD DUBOSE

THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared Richard Dubose and having first been duly sworn, did upon his oath depose and state as follows:

1. “My name is Richard Dubose. I am over 21 years of age. I have never been convicted of a felony and am fully competent to make this Affidavit. The statements herein are within my personal knowledge and all factual statements are true and correct.

2. “I am the Superintendent for the North Texas District Council of the Assemblies of God (the “District”). The District is the applicant for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013847001 (the “Application”). The Application relates to a wastewater permit for facilities and intended facilities located at the District’s Lakeview Camp and Conference Center (the “Camp”) in Ellis County, Texas.

3. “I have reviewed Dr. Frederick Sklar’s Request for Contested Case Hearing and Request for Reconsideration filed with the Texas Commission on Environmental Quality (“TCEQ”) in relation to the Application (collectively, “Dr. Sklar’s Requests”).

4. “Before submitting the Application to the TCEQ, the District informed the TCEQ and Consulting Environmental Engineers, Inc. about the District’s current and intended uses of the facilities associated with the Application.

5. “The District does not operate and does not intend to operate drug addiction therapies or related medical treatment activities at the Camp as alleged in Dr. Sklar’s Requests. The District’s operations at the Camp do not generate and are not intended to generate medical wastes or associated commercial and industrial wastes as alleged in Dr. Sklar’s Requests. The wastewater generated by the District’s operation of the Camp originates from normal human discharge through toilets, showers, dishwashing, laundry sources, and sinks.

6. “After a diligent and historical search of the properties where the Camp is located, the District is aware of only two hand-dug wells located on such properties. Neither of the wells is located near the Application treatment facilities in question, and both wells were plugged and abandoned under the direction and supervision of Geyer Drilling Company, 108 West Broad Street, Mansfield, Texas 76063.

FURTHER AFFIANT SAYETH NOT.



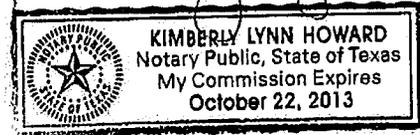
Richard Dubose

RICHARD DUBOSE

SUBSCRIBED AND SWORN TO before me by Richard Dubose on this 19th day of April 2010.

Notary Public — State of Texas

Kimberly Lynn Howard



AFFIDAVIT OF STEVE WAGLER

THE STATE OF TEXAS §
 §
COUNTY OF ELLIS §

BEFORE ME, the undersigned authority, on this day personally appeared Steve Wagler and having first been duly sworn, did upon his oath depose and state as follows:

1. “My name is Steve Wagler. I am over 21 years of age. I have never been convicted of a felony and am fully competent to make this Affidavit. The statements herein are within my personal knowledge and all factual statements are true and correct.

2. “I am the Director of Lakeview Camp and Conference Center (the “Camp”) located in Ellis County, Texas and operated by the North Texas District Council of the Assemblies of God (the “District”). The District is the applicant for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013847001 (the “Application”). The Application relates to a wastewater permit for facilities and intended facilities located at the Camp.

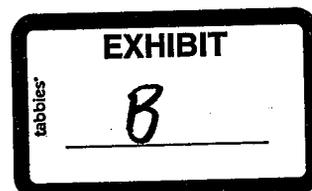
3. “I have reviewed Dr. Frederick Sklar’s Request for Contested Case Hearing and Request for Reconsideration filed with the Texas Commission on Environmental Quality (“TCEQ”) in relation to the Application (collectively, “Dr. Sklar’s Requests”).

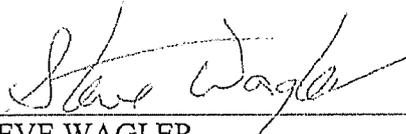
4. “Before submitting the Application to the TCEQ, the District informed the TCEQ and Consulting Environmental Engineers, Inc. about the District’s current and intended uses of the facilities associated with the Application.

5. “The District does not operate and does not intend to operate drug addiction therapies or related medical treatment activities at the Camp as alleged in Dr. Sklar’s Requests. The District’s operations at the Camp do not generate and are not intended to generate medical wastes or associated commercial and industrial wastes as alleged in Dr. Sklar’s Requests. The wastewater generated by the District’s operation of the Camp originates from normal human discharge through toilets, showers, dishwashing, laundry sources, and sinks.

6. “After a diligent and historical search of the properties where the Camp is located, the District is aware of only two hand-dug wells located on such properties. Neither of the wells is located near the Application treatment facilities in question, and both wells were plugged and abandoned under the direction and supervision of Geyer Drilling Company, 108 West Broad Street, Mansfield, Texas 76063.

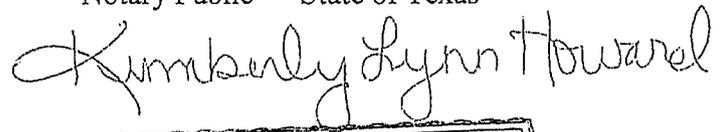
FURTHER AFFIANT SAYETH NOT.

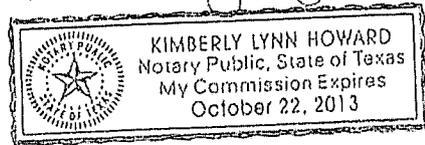



STEVE WAGLER

SUBSCRIBED AND SWORN TO before me by Steve Wagler on this 20th day of April 2010.

Notary Public — State of Texas





AFFIDAVIT OF CHARLES P. GILLESPIE, JR., P.E.

THE STATE OF TEXAS §
 §
COUNTY OF ERATH §

BEFORE ME, the undersigned authority, on this day personally appeared Charles P. Gillespie, Jr., P.E. and having first been duly sworn, did upon his oath depose and state as follows:

1. “My name is Charles P. Gillespie, Jr.. I am over 21 years of age. I have never been convicted of a felony and am fully competent to make this Affidavit. The statements herein are within my personal knowledge and all factual statements are true and correct.

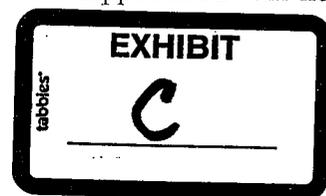
2. “I am a licensed professional engineer in Texas and am the President of Consulting Environmental Engineers, Inc. I have earned and currently hold a Bachelors of Science degrees in Mechanical Engineering from the University of Houston, a Masters in Business Administration from Southern Methodist University, and a Masters of Science in Hazardous and Waste Materials Management from Southern Methodist University. I have completed Texas Commission on Environmental Quality (“TCEQ”) Training in the following areas: Air Permitting, Asbestos Abatement, Wastewater Permitting, On-Site Sewage Facility, and Tariff & Utilities Administration. Attached to this Affidavit as Exhibit “A” is a true and correct copy of my current resume and summary of my education, training and experience.

3. “In my professional work I am regularly involved in the design, operation and permitting of wastewater treatment facilities, and I have worked with such permitting since about June 1994 to the present. I have been involved in the design and/or environmental permitting of more than 100 wastewater treatment facilities in Texas.

4. “I routinely work on the permitting, design and operation of wastewater treatment facilities, including wastewater operations similar to that contemplated by the North Texas District Council of the Assemblies of God (the “District”) in the application for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013847001 (the “Application”).

5. “I supervised preparation of the Application, and I am responsible for the technical and design information in the Application. In preparing the Application, I visited and inspected the site of the District’s Lakeview Camp and Conference Center (the “Camp”). According to my inspection of the site and information provided to me about the Camp’s operations, the District does not operate drug addiction therapies or related medical treatment activities. The District’s operations at the Camp do not generate medical wastes or associated commercial and industrial wastes. The wastewater generated by the District’s operation of the Camp originates from normal human discharge through toilets, showers, dishwashing, laundry sources, and sinks.

6. “Based upon my training, education and experience, it is my professional opinion that the proposed facilities set forth in the Application and associated permit will likely not result in degradation of the groundwater resources or the environment, and the Application will not



pose a health risk to human, animal, and vegetative life in the region. The Application meets the applicable TCEQ regulations and standards, and should not be subjected to more stringent non-domestic, commercial or industrial standards. Among other aspects of the Application that support this opinion:

- a. The Application is designed to maintain the quality level of the receiving waters consistent with public health and enjoyment.
- b. The Application and associated wastewater treatment permit requires the treated effluent to be disinfected prior to discharge according to TCEQ standards and regulations, and the domestic facility will not accept non-domestic wastewater.
- c. The Application requires sufficient infrastructure to adequately treat the permitted effluent and waters.
- d. There is nothing in the Application that allows the District to design, construct, and maintain the wastewater treatment system in violation of the Application or that will adversely impact surface waters located near the permitted facilities, on the District's property or in the region.

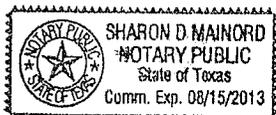
7. "Further, based upon my training, education and experience, it is my professional opinion that the wastewater in issue generated by the District's operation of the Camp is domestic wastewater as described in the Application. The wastewater in question is not from a source or of such a character that requires a non-domestic, commercial or industrial wastewater permit application.

FURTHER AFFIANT SAYETH NOT.

Charles P. Gillespie, Jr., P.E.
Charles P. Gillespie, Jr., P.E.

19 SUBSCRIBED AND SWORN TO before me by Charles P. Gillespie, Jr., P.E. on this day of April 2010.

Notary Public — State of Texas



A large, handwritten signature in cursive script, which appears to be "S. D. Mainord", written over the notary's name.



150 N. Harbin Drive - Suite 408
Stephenville, Texas 76401
Registered Firm #2323

Phone/Fax: 254-968-8130
Email: ceeinc@ceeinc.org

STATEMENT OF QUALIFICATIONS

CHARLES P. GILLESPIE, JR., P.E.

EDUCATION

- B.S. in Mechanical Engineering - University of Houston
- M.B.A. - Southern Methodist University
- M.S. in Hazardous and Waste Materials Management - Southern Methodist University
- T.C.E.Q. Training: *Air Permitting* *Asbestos Abatement* *Wastewater Permitting*
O.S.S.F. *Tariff & Utilities Administration*

PROFESSIONAL LICENSES AND CERTIFICATIONS

- Registered Professional Engineer - State of Texas #20996
- Texas Board of Professional Engineers - Firm #F-2323
- National Society of Professional Engineers - #103683572
- Registered LPST Corrective Action Project Manager - Registration # CAPM01002

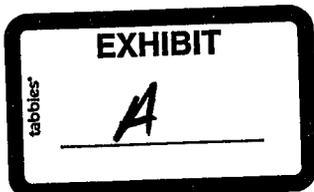
EXPERIENCE

June 1994 - present

President - Consulting Environmental Engineers, Inc.

General Environmental Engineering Practice engaging in:

- Environmental site assessments of facilities ranging from chemical handling facilities and abandoned service stations to ranch and dairy properties
- Design and management of lead abatement/repair/repaint projects on municipal water storage tanks
- Permitting and designing management systems for the land application and beneficial use of wastewater sludge and water treatment sludge
- Design of public water systems including surface and groundwater sources
- Design of paving and utilities for municipal and rural subdivisions
- Design of upgrades, retrofits, and capacity expansions for sewer collection, wastewater treatment, and public water supply systems
- Design of sediment and erosion control systems for surface mines and construction sites
- Studies and designs to satisfy drainage and stormwater regulations
- Design of SPCC and SWP3 plans
- Technical support in environmentally related litigation
- Registration of transporters of wastes and sludge
- Assessment of wastewater treatment system performance and development of corrective action plans
- Total system analysis and mapping using GIS/GPS
- Preparation of grant and permit applications for water and wastewater projects
- Land planning, including subdivision layouts and platting



April 1986 - June 1994

Senior Facilities Project Engineer - General Dynamics, Inc. (now Lockheed Corp.)

- Responsible for all projects in the chemical processing and fabrication areas

STATE OF TEXAS PLUGGING REPORT for Tracking #62289

Owner: Lakeview Camp & Conference Cen	Owner Well #: # 2
Address: 5128 FM 66 Waxahachie, TX 75167	Grid #: 33-41-4
Well Location: 5128 FM 66 Waxahachie, TX 75167	Latitude: 32° 19' 27" N
Well County: Ellis	Longitude: 096° 57' 33" W
	GPS Brand Used: Garmin
Well Type: Water	

HISTORICAL DATA ON WELL TO BE PLUGGED

Original Well Driller: unknown

Driller's License Number of Original Well Driller: No Data

Date Well Drilled: No Data

Well Report Tracking Number: No Data

Diameter of Well: 5-6 ft inches

Total Depth of Well: 30 ft feet

Date Well Plugged: 3/11/2010

Person Actually Performing Plugging Operation: R. B. Geyer

License Number of Plugging Operator: 1505

Plugging Method: Large diameter well filled with clay material from top to bottom.

Plugging Variance #: No Data

Casing Left Data: 1st Interval: No Data
2nd Interval: No Data
3rd Interval: No DataCement/Bentonite Plugs Placed in Well: 1st Interval: No Data
2nd Interval: No Data
3rd Interval: No Data
4th Interval: No Data
5th Interval: No Data

Certification Data: The plug installer certified that the plug installer plugged this well (or the well was plugged under the plug installer's direct supervision) and that each and all of the statements herein are true and correct. The plug installer understood that failure to complete the required items will result in the log(s) being returned for completion and resubmittal.

Company Information: Geyer Drilling Co. Inc.
108 W. Broad St



Mansfield , TX 76063

Plug Installer License Number: 1505

Licensed Plug Installer Signature: R. B. Geyer

Registered Plug Installer Apprentice Signature: No Data

Apprentice Registration Number: No Data

Plugging Method Comments: No Data

Please include the plugging report's tracking number (Tracking #62289) on your written request.

Texas Department of Licensing & Regulation
P.O. Box 12157
Austin, TX 78711
(512) 463-7880

STATE OF TEXAS PLUGGING REPORT for Tracking #62288

Owner: Lakeview Camp & Conference Cen	Owner Well #: # 1
Address: 5128 FM 66 Waxahachie, TX 75167	Grid #: 33-41-4
Well Location: 5128 FM 66 Waxahachie, TX 75167	Latitude: 32° 19' 34" N
Well County: Ellis	Longitude: 096° 58' 27" W
	GPS Brand Used: Garmin
Well Type: Water	

HISTORICAL DATA ON WELL TO BE PLUGGED

Original Well Driller:	unknown
Driller's License Number of Original Well Driller:	No Data
Date Well Drilled:	No Data
Well Report Tracking Number:	No Data
Diameter of Well:	4' inches
Total Depth of Well:	11' feet
Date Well Plugged:	3/11/2010
Person Actually Performing Plugging Operation:	R. B. Geyer
License Number of Plugging Operator:	1505
Plugging Method:	Other plugging method.
Plugging Variance #:	No Data
Casing Left Data:	1st Interval: No Data 2nd Interval: No Data 3rd Interval: No Data
Cement/Bentonite Plugs Placed in Well:	1st Interval: From 0 ft to 11 ft; Sack(s)/type of cement used: 6 yds concrete 2nd Interval: No Data 3rd Interval: No Data 4th Interval: No Data 5th Interval: No Data
Certification Data:	The plug installer certified that the plug installer plugged this well (or the well was plugged under the plug installer's direct supervision) and that each and all of the statements herein are true and correct. The plug installer understood that failure to complete the required items will result in the log(s) being returned for completion and resubmittal.
Company Information:	Geyer Drilling Co. Inc. 108 W. Broad St

Mansfield , TX 76063

Plug Installer License Number: 1505

Licensed Plug Installer Signature: R. B. Geyer

Registered Plug Installer Apprentice Signature: No Data

Apprentice Registration Number: No Data

Plugging Method Comments: Large diameter brick well filled to top with 6 yards of concrete

Please include the plugging report's tracking number (Tracking #62288) on your written request.

Texas Department of Licensing & Regulation
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Austin, TX 78711
(512) 463-7880