Lloyd Gosselink
ATTORNEYS AT LAW

816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
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MWP 67983

OPA
H JAN 20 2010
BY EB

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

January 19, 2010

VIA ELECTRONIC FILING 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. WQ0014935001 (446-13)

Dear Ms. Castañuela:

On October 27, 2009, 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 Wylie Northeast Special Utility District ("Wylie NE SUD"). I received a copy of the Executive Director's December 22, 2009 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 October 27, 2009 letter, which is incorporated herein for all purposes as if fully set forth herein.

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 Wylie Northeast Special Utility District's pending application for TPDES Permit No. WQ0014935001.

Sincerely,

Martin C. Rochelle

MCR/ldp
824317

cc: Mr. James Parks
Mr. Joe Stankiewicz (via electronic transmission)
Mr. Mike Rickman
Mr. Dolan McKnight
Mr. Robert McCarthy
Ms. Sara R. Thornton

2010 JAN 20 AM 10: 02
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 1/20/2010 9:43 AM
Subject: Fwd: Public comment on Permit Number WQ0014935001
Place: PUBCOMMENT-OCC2
Attachments: Letter to Chief Clerk reiterating protest of Wylie Northeast Special Utilit y District_s application.PDF

MKID 67983

HR

>>> PUBCOMMENT-OCC 1/19/2010 1:02 PM >>>

>>> <ldipasquale@lglawfirm.com> 1/19/2010 11:34 AM >>>

REGULATED ENTY NAMELAVON WEST WWTP
RN NUMBER:RN105675805
PERMIT NUMBER:WQ0014935001
DOCKET NUMBER:
COUNTY:COLLIN
PRINCIPAL NAME:WYLIE NORTHEAST SUD
CN NUMBER:CN602681488
FROM
NAME: Martin Rochelle
E-MAIL:ldipasquale@lglawfirm.com
COMPANY: Lloyd Gosselink Rochelle & Townsend, P.C.
ADDRESS:816 CONGRESS AVE Suite 1900
AUSTIN TX 78701-2442
PHONE:5123225810
FAX:5124720532
COMMENTS: Request for a contested case hearing regarding Wylie Northeast Special Utility District's pending application for TPDES Permit No. WQ0014935001, on behalf of North Texas Municipal Water District.

MW

Lloyd Gosselink
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January 19, 2010

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

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Re: TPDES Permit Application No. WQ0014935001 (446-13)

Dear Ms. Castañuela:

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MWD 67983

OPA
4 OCT 28 2009
BY DC

2009 OCT 28 AM 11:12
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

October 27, 2009

VIA ELECTRONIC FILING 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. WQ0014935001 (446-13)

Dear Ms. Castañuela:

On behalf of my client, the North Texas Municipal Water District (the "District"), please consider this letter a protest regarding the above-referenced TPDES permit application filed by Wylie Northeast Special Utility District ("Wylie NE SUD"). This letter should also be considered the District's formal request for a contested case hearing concerning this application.

The District is a regional agency that provides sewer service from District-owned or operated wastewater treatment plants located north and east of Dallas. The District is also a major water supplier in this area of the state and holds significant water rights from Lake Lavon, a primary source of drinking water for the District's customers, which is located downstream from the proposed discharge by Wylie NE SUD and into which such discharge will flow. An increase in loadings that will result from the proposed TPDES application by Wylie NE SUD, if issued as proposed in the current draft permit, may have negative water quality implications for Lake Lavon. The District has an interest in ensuring that the treatment requirements and effluent limitations included in any TPDES permit issued to Wylie NE SUD are stringent enough to avoid impacting the water quality of Lake Lavon. While the volume of this particular discharge is relatively 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. Given the importance of Lake Lavon as a drinking water source, the effluent limitations to be imposed on the Wylie NE SUD TPDES discharge should, at a minimum, be as stringent as those limitations included in the District's Wilson Creek Wastewater Treatment Plant ("Wilson Creek WWTP") TPDES Permit No. WQ0012446001 (5 mg/l Carbonaceous Biochemical Oxygen Demand, 5 mg/l Total Suspended Solids, 2 mg/l Ammonia Nitrogen, 0.5 mg/l Total Phosphorus, and 5 mg/l Dissolved Oxygen). The Wilson Creek WWTP is a major regional wastewater treatment facility and discharges into Lake Lavon.

In conjunction with the District's water rights from Lake Lavon, the District owns and operates the Wylie Water Treatment Facility (the "WTF") (CN601365448, RN102097151) for

the purpose of supplying its customers with drinking water that is produced from raw water diverted from Lake Lavon. The distance from the proposed discharge point associated with Wylie NE SUD's TPDES application to the District's raw water intake #3 is approximately 18,400 feet, and the distance to the District's raw water intake #2 is approximately 20,800 feet. Thus, the discharge associated with Wylie NE SUD's TPDES application, if issued as proposed in the current draft permit, may have significant impacts on the water quality of the potable water provided by the District through the WTF.

The District also has concerns regarding whether the construction of this proposed wastewater treatment facility by Wylie NE SUD is necessary and if it violates the agency's regionalization policy, as District or third-party wastewater treatment facilities may have the ability to provide wastewater service to this area. Currently, the Wilson Creek WWTP, which is owned and operated by the District, has the capacity to serve the development proposed to be served by Wylie NE SUD. For example, the Wilson Creek WWTP is located within 5 miles from the Wylie NE SUD development and includes effluent limitations that are significantly more stringent than those proposed in the draft permit associated with Wylie NE SUD's TPDES application. An additional treatment and disposal facility within this area is not necessary and may result in nuisance odors, water quality impacts, and other environmental concerns. It is not in the public interest for TCEQ to issue a new discharge authorization when regionalized wastewater services may be available.

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 Wylie Northeast SUD'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, the location of the outfall, and regionalization. The District is concerned that the construction of this wastewater treatment facility is not necessary and that the impacts to receiving waters from both a water supply and water quality perspective will not be adequately protected if the proposed discharge is approved.

Sincerely,

Martin C. Rochelle

MCR/jdg
446\13\ltr091027jdg

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

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 10/28/2009 8:53 AM
Subject: Fwd: Public comment on Permit Number WQ0014935001
Place: PUBCOMMENT-OCC2
Attachments: ltr091027mcr Ltr protesting permit application.pdf

MWD
67983

H

>>> PUBCOMMENT-OCC 10/27/2009 2:56 PM >>>

>>> <ldipasquale@lglawfirm.com> 10/27/2009 2:29 PM >>>

REGULATED ENTY NAMELAVON WEST WWTP
RN NUMBER:RN105675805
PERMIT NUMBER:WQ0014935001
DOCKET NUMBER: Not Found
COUNTY:COLLIN
PRINCIPAL NAME:WYLIE NORTHEAST SUD
CN NUMBER:CN602681488
FROM
NAME: Martin Rochelle
E-MAIL:ldipasquale@lglawfirm.com
COMPANY: Lloyd Gosselink Rochelle & Townsend, P.C.
ADDRESS:816 CONGRESS AVE 1900
AUSTIN TX 78701-2442
PHONE:5123225810
FAX:
COMMENTS: The North Texas Municipal Water District would like to protest this TPDES permit application filed by Wylie Northeast Special Utility District.

mw

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Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532

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1984 — 25 Years — 2009
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mrochelle@lglawfirm.com

October 27, 2009

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Texas Commission on Environmental Quality (MC-105)
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