

OPA

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AUG 20 2009

BY DL

OPA

AUG 19 2009

BY [Signature]

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2009 AUG 20 AM 10:34

CHIEF CLERKS OFFICE

North Shore Animal League America  
saves abandoned dogs and cats  
and finds them new homes.

POST CARD

I oppose the renewal of the  
WWTB on Jesse Bohls Rd.  
Title Permit No. WQ00145-

I request a public  
hearing.

Sincerely,  
Fancy Fairchild  
8802 Unice Dr.  
Elgin, TX 78621

NORTH SHORE ANIMAL LEAGUE AMERICA • PORT WASHINGTON, WA  
www.nsaanimal.org

48001

TO:

Office of the Chief Clerk

MC 105

TCEQ P.O. Box 13087

Austin, TX 78711-3087



MWD  
68750

PC-194

Senior dogs and cats need your love!  
ADOPT ONE TODAY!

MWD

**PUBCOMMENT-OCC2 - Re: Fwd: Public comment on Permit Number WQ0014548001**

**From:** PUBCOMMENT-OCC2

**Subject:** Re: Fwd: Public comment on Permit Number WQ0014548001

>>> PUBCOMMENT-OPA 8/20/2009 1:19 PM >>>

H

*MWD*  
*68750*

>>> On 08/19/2009 at 10:38 PM, wrote:

**REGULATED ENTY NAME** WILDPFLOWER WWTP

**RN NUMBER:** RN104370226

**PERMIT NUMBER:** WQ0014548001

**DOCKET NUMBER:** Not Found

**COUNTY:** TRAVIS

**PRINCIPAL NAME:** 130 CACTUS INVESTMENTS LP

**CN NUMBER:** CN603432329

**FROM**

**NAME:** Hal Kuempel

**E-MAIL:**

**COMPANY:**

**ADDRESS:** PO BOX 266  
PFLUGERVILLE TX 78691-0266

**PHONE:**

**FAX:**

**COMMENTS:** I would like to request a public hearing. I am opposed to the renewal of this permit. I would like to be put on the mailing list.

*MWD*

MWD  
68750

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 APR 16 PM 4:00

CHIEF CLERKS OFFICE

To: TCEQ Executive Director Mark Vickery  
Bryan Shaw Chairman  
Buddy Garcia, Commissioner  
Carlos Rubinstein, Commissioner  
LaDonna Castanuela, Chief Clerk  
TCEQ, MC-105  
P.O.Box 13087  
Austin, Texas 78711-3087

H

OPA

APR 19 2010

BY PL

From: Charles & Vernagene Mott  
P.O. Box 951  
Pflugerville, Texas 78691-0951

Re: Requesting a contested case hearing for TPDES Permit No. WQ0014548001  
130 Cactus Investment, LP

Our property is adjacent to the property on which the proposed Wildpflower WWTP is to be built. Wilbarger Creek runs through our property.

Several questions arise from the written responses to the comments dated March 26, 2010 prepared by Kathy J. Humphreys, Staff Attorney.

**\*Does TCEQ have a data collection/analysis/factual file on upper Wilbarger Creek?**

\*pg.5 The proposed City of Pflugerville Regional Plant permit is in the final stages.

\*pg.5 paragraph 2 "The Executive Director evaluates need for an unbuilt phase at each permit action...If an applicant fails to provide sufficient justification the ED may recommend denial of the unbuilt phase or phases. **WHAT JUSTIFICATION HAS THE APPLICANT PROVIDED TO JUSTIFY THE BUILDING OF THE PLANT?** The economic challenges in this area have not changed since the downturn.

\*pg.6...no guarantee regarding the COP Wilbarger Regional plant... **Does TCEQ/Cactus have a current statement regarding the COP status/timeline?**

The COP permit is in a concurrent timeframe as the Cactus permit. A new COP City Manager was hired at the beginning of the 2010.

\*pg 6 Cactus is required to take certain steps regarding accidental discharge of untreated wastewater..."Refer to Settlement Agreement & insert #7 **Immediately notify Motts by phone of non-compliance...**"

\*pg.7 ED conducts periodic inspections of WWTP and conducts investigations based on complaints. Motts desire the inspection reports from TCEQ be mailed to POBox 951 Pflugerville..."Refer to Settlement Agreement & insert#3**Bi-monthly provide Discharge Monitoring Reports(DMRs) prepared pursuant to TPDES Permit. & #4 copies of any violations**

We have experienced violations from the Blackhawk plant on Kennemer years ago. That plant built by a developer has been taken off line.

We have also experienced the expenditure of public funds to study, plan and implement a recovery or improved plan to correct issues on the sister basin of Gilleland Creek which is labeled IMPAIRED. It is expensive and seemingly impossible for any stakeholder whether individual,

MWD

local group, city or state to reverse a bad situation. To wager a complaint is difficult and challenging:

#1 reaching a human being on the hotline can be an issue

#2 response time

#3 collecting data, getting a plan of action, etc is timely and gets bogged down in the bureaucracy

\*Pg.9 response 5 last sentence: "Noncompliance with any permit provision may result in enforcement action against Cactus"... TIME is an issue, proof; expense...does TCEQ prove noncompliance & use their attorneys & identify as the responsible party or is that the downstream property owners duty to hire an attorney regarding the impact of non-compliance on their property or the environment?

\*pg.11 Assume the 75%,90% relate to the Phase II & Phase III coming on line. The plant can not be expanded past the 950,000gal limit? Is it possible for Cactus to proceed with a permit to upgrade the capacity beyond 950,000? Would we, the downstream landowner be notified? Or does the process follow the "renewal" rules for which we were NOT notified? Refer to Settlement Agreement #5 **"Notify the Motts ...of the commencement of construction of each phase 30 days prior to commencement of construction.**

\*pg.11 Is the **current data file on Wilbarger** collections public info? Does it have a profile? I would be interested in seeing the data and when the last collections are noted.

\*pg.13 Response 10 To simplify and clarify, the new plant will be of the same quality/design as the original or upgraded to present day standards but no possibility of lower standards, materials or equipment?

\*pg.15 Response 13 While the ED approved the transfer of the application on Jan 21, 2008, neither of the 2 parties Tejas or Cactus informed the Mott's of the change. **Refer to Settlement Agreement #6 "Notify the Motts in writing of any change in ownership or transfer of the WWTP or the permit"**

\*pg.17 Response 17 While TXU service is slightly improved; power outages occur during storms so a backup generator is mandatory and has been included in your response.

\*pg.18 Response 18 "COP indicated it did not have capacity to accept the final permitted flow from the WildPflower Development". **Do you have a document for that statement?** This statement is contrary to discussions we have had with city officials.

Respectfully submitted,  
Vernagene Mott

**From:** PUBCOMMENT-OCC2  
**To:**  
**Subject:** Re: Fwd: Public comment on Permit Number WQ0014548001

>>> PUBCOMMENT-OPA 9/17/2009 2:54 PM >>>  
H

>>> PUBCOMMENT-OCC 9/17/2009 9:41 AM >>>

>>> 9/17/2009 7:29 AM >>>

MWD  
68750

**REGULATED ENTY NAME:** WILDFLOWER WWTP  
**RN NUMBER:** RN104370226  
**PERMIT NUMBER:** WQ0014548001  
**DOCKET NUMBER:** Not Found  
**COUNTY:** TRAVIS  
**PRINCIPAL NAME:** 130 CACTUS INVESTMENTS LP  
**CN NUMBER:** CN603432329  
**FROM**  
**NAME:** Vernagene Mott  
**E-MAIL:**  
**COMPANY:**  
**ADDRESS:** PO BOX 951  
PFLUGERVILLE TX 78691-0951  
**PHONE:** 5122513682  
**FAX:**

**COMMENTS:** In response to the first notice I have received on the Municipal Wastewater Renewal; Permit No. WQ0014548001, I wish to request a public hearing for contested case hearing in opposition to granting the permit renewal. I want to sit at the table with the Executive Director (or representative) and the 130 Cactus Investments leadership to discuss the original permit and the future plans of this permit sharing the history of the Wilbarger Basin. My homestead is adjacent property to the proposed renewal site on Cameron Road. Wilbarger Creek is the key tributary for this plant and the creek traverses my home place less than a mile downstream from the proposed site. We fish in the creek which normally is flowing and has a water hole. Domestic animals as well as numerous wildlife rely on the water and pristine habitat.

*MWD*

MWD  
68750 H

OPA

AUG 07 2009

BY KJ

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2009 AUG -6 PM 4: 29

CHIEF CLERKS OFFICE

August 5, 2009  
To: TCEQ Executive Director and Commissioners  
Re: Permit No. WQ0014548001

I wish to request a public hearing of TPDES Permit No. WQ0014548001.

I am an adjacent land owner to the property on which the 950,000gal/day plant was to be built. Also, the effluent discharge flows into Wilbarger Creek which runs through my property.

I protest the renewal for the following reasons:

#1) The plant has not been built. The present owner of the property is not the original owner who submitted the first application. The City of Pflugerville(COP) has solidified its future wastewater treatment plan, acquired a site for their regional plant and are proceeding in the design and permitting stage. The geographic area permit #WQ0014548001 would serve can now be served by the City of Pflugerville. There is no need for an additional plant.

#2)I support the COP plan as it will provide 24/7 monitoring with more professional oversight than a smaller plant. The regional plant supports the conservative environmental theory with less negative impact to Wilbarger Basin, it's water quality, natural resources and wildlife. There are regular and numerous wastewater spillage incidents in the Central Texas area which are reported in the media(TV/newspaper). Wilbarger Basin is a distinctive wildlife habitat worthy of recognition and preservation. Every precaution and best practice should be implemented so that it does not become an impaired stream as many others in Travis County.

#3)In the past 5 years, the City of Pflugerville has grown to 50,000 residents with multiple annexations and extended ETJ. The site of this unbuilt plant (applicant( is now in the COP jurisdiction.

#4)Fiscal prudence-No need to use tax dollars or private funds for a small substandard plant when a larger more efficient and better quality facility is planned by a municipality. In these economic times when developers, municipalities and taxpayers are struggling financially, there should be a working together for the common cause to provide services rather than duplicating.

#5)As an adjacent land owner to the property site for the plant requesting renewal, I have not received any notification or correspondence from the owner or TCEQ.

#6)I am including selected documents filed during the original permitting of this plant approximately 5 years ago.

I am hopeful that TCEQ review staff and commissioners can clearly see this permit does not need to be renewed.

Sincerely,  
Vernagene Mott  
P.O. Box 951  
Pflugerville, Texas 78691-0951  
Landowner

*Handwritten signature/initials*

To: The Honorable Mark Strama  
Re: TCEQ Permit No. WQ0014548001

July 2, 2009

Dear Mark,

I wanted to share with you a brief history of TCEQ Permit No. WQ0014548001.

Five years ago this permit was filed for a 950,000 gal/day WWTP(Wastewater Treatment Plant) upstream from my home. My husband and I followed the process with TCEQ filing comments and requesting a public hearing etc. We went to a contested case hearing and after a lengthy period of negotiation and mounting lawyers fees arrived at a settlement with the applicant, the Tejas Viejo Land Co.

Fast forward to June 2, 2009 when the new applicant, 130 Cactus Investment, LP(John Lloyd bought out original owner Tejas Viejo/Sandy Rae) has filed the same permit for renewal. The plant was never built. The property site where the plant was to be built is in City of Pflugerville(COP) ETJ and now could possibly be annexed at any time. One of our efforts 5 years ago was to meet with COP officials discussing the concept of a high quality regional wastewater treatment facility, its merits and advantages over multiple smaller WWTP scattered throughout with less supervision. Eventually as the COP expanded it would likely have to acquire these smaller plants. COP did hire consultants and engineers to pursue this idea. A plan was adopted, acreage for the regional WWTP has been acquired and they are continuing to phase in the plan. The city has grown to approximately 50,000 residents. The COP plan is a best practice for the environment, residents of Pflugerville, the Wilbarger Basin and the Colorado Basin. Also, there is no reason to duplicate a facility when the COP can provide the service at a higher level of quality and reliability.

My husband and I will again contest and protest this renewal through the outlined TCEQ process. We will request a public meeting on this application. Last time, this was denied so we went to a contested case hearing. I am faxing the first page of the renewal permit for your reference. Please note the third paragraph which states that a public meeting can be requested by a local legislator. I wanted you to know that I am considering requesting that option since as a retired landowner I do not want to expend the legal fees which would likely be significantly higher than 5 years ago. I also do not want the stress and hassle both physical and mental of an administrative hearing which can last 6 months. You may recall this case as that was during your initial interest in District 50.

At this point, I wanted you to be aware of the case. You likely receive numerous notices from TCEQ. This will put a "face" with a "case". I would gladly visit with you or your staff in the future as the process moves forward and always value any words of advice you wish to share.

With appreciation,  
Vernagene Mott  
P.O.Box 951 Pflugerville, Tx 78691-0951

*File sent to the  
Honorable Senator  
Kirk Watson*

October 12, 2004

To whom it may concern:

I received a **notice of receipt of application and intent to obtain a water quality permit** issued Sept. 27, 2004 on proposed permit No. WQ0014548001 regarding the application by Tejas Viejo Land Co of P.O. Box 31900 Houston. This notice was unsigned.

I am requesting a public meeting about this application. You did not state a deadline for submitting.

Employees from your office were collecting samples several weeks ago from Wilbarger Creek which this wastewater plant will dump into. I would like public information regarding what they were testing, what the results were, and the intent or purpose of the test.

As a landowner, I am highly concerned on the impact this plant will have on the delicate natural habitat of wildlife who are being subjected to increased development of subdivisions, urban sprawl and Texas 130 within the basin. I have documented sighting of typical Texas animals, birds & insects.

Please inform me immediately of any hearings regarding this application and also any contacts I can make with City of Pflugerville officials, the Tejas Viejo Land Company & officials in your office. E-mail and phone numbers of designated contact folks in these 3 entities would be greatly appreciated.

Also, I look forward to the date and location of a public hearing so that I can be correctly informed of the many questions and concerns regarding this project.

Sincerely,

Vernagene Mott  
P.O.Box 951  
Pflugerville, Tx  
78691-0951

August 17, 2005

To: Kathleen Hartnett White, Chairman  
CC: R.B. "Ralph" Marqueaz, Commissioner  
Larry R. Soward, Commissioner  
Glenn Shankle, Executive Director

The following information supplements my file in your office regarding TPDES Permit No. WQ0014548001 and in response to the 7/27/05 letter regarding Docket No. 2005-1010-MWD for requests for reconsideration on September 14, 2005.

I, Vernagene Mott, request reconsideration for a contested case hearing with willingness to proceed first through the Alternative Dispute Resolution process. My property and home is downstream (nearly adjacent) from the WWTP proposal and in Travis County Precinct #2; unincorporated Travis County, no ETJ.

Through contacts, discussions and the collection of information my vision is that the Commission has the ultimate power to grant, deny and supervise the permit process and is authorized to protect human health, human safety and natural resources in the State of Texas by reducing and preventing pollution. Pristine and natural waterways are directly impacted when urbanization encroaches. Travis County presently has 6 streams on the "Impaired" list which now engage state and federal agencies to employ a workforce to correct and monitor the cleanup which costs millions of tax dollars. Simply: TCEQ is the originator of allowing the permit and then the LCRA, Heath Dept. or whomever comes after the fact with the attempt to restore the environment to its initial status. My effort is to be proactive rather than reactive. Although in an earlier letter to TCEQ I suggested the removal of waste I think a regional wastewater facility downstream with service to Manor, Pflugerville and East & Northeast Travis County should be investigated. The LCRA regional plant on Brushy Creek serving Round Rock & Cedar Park may be a model or consideration. In addition to the State of Texas encouraging construction of regional treatment plants, a study in the Dallas area supports that regional plants are more effective, more efficient, easier maintenance than smaller plants, especially over the lifetime of the system. Does TCEQ have collected data numbers & what the potential impact of the WWTP (not just Pate Engineering data as to what they will emit).

Although TCEQ cannot address flooding, drainage and erosion concerns in the wastewater permitting process their ultimate power to grant a permit allows the developer to progress with plans which WILL impact flooding, drainage & erosion downstream. The draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance or other causes of action in response to activities that may or actually do result in injury or adverse effect on human health or welfare, animal life, vegetation or property or interfere with normal uses and enjoyment. Thus, placing the burden of time, stress and expense on the existing landowner rather than the applicant or state agency who indeed is the gatekeeper.

WWTP (Wildflower Wastewater Treatment Plant) is categorized as a residential development. Observation with common sense clearly shows business & industrialization follows the residents to meet their needs. This development of over a thousand home sites will surely have supporting gas stations, grocery stores, etc. Urbanization, pollution and impairment eventually join hands strangling the environment.

Although samples of the water have been collected, I have not had input on the nature & personality of Wilbarger Creek or received any data from collections done. Wilbarger is normally a slow-moving stream in an agricultural region which is rapidly becoming urbanized. It does not have a limestone base but is in the Blackland Prairie with Houston clay. The temperate climate supports vegetation, animal & aquatic life. Due to upstream developments there are decreased cattle herds to control the vegetation thus the increased brush & vegetation has impacted flooding widening and flattening the channel. A farmer upstream toward Blackhawk Subdivision has reported his cows will no longer drink water from the creek & must rely on stock ponds. The proposed property is in the migratory path of several species including Monarch butterfly red hawk, mourning dove and others. It may quickly transform from a width of 4yd to several hundred

yards and become a raging roaring torrent of water. Travis County 4 yrs ago built a new bridge to accommodate the flooding. The creek has several natural spring holes. During prolonged drought periods the creek level recedes & may dry up. When the Kennemer(Blawkhawk)WTP functioned, the flow at times consisted of treated effluent. Combined record drought conditions and brush encroachment reduce stream flows severely impacting the health of the basin. I am a strong advocate for Wilbarger remaining a Clean Stream with high water quality.

The arterial roadways listed below are heavily traveled & #'s will increase with many lanes changing from 2 lane to either 4 or 6 lane. PAH's & MTBE's will be in our future.

Industrial parks & commercial development are being sought to generate a tax base to provide the infrastructure which follows the roads. Urban storm runoff increases sediment, nutrients, metals, oil, grease, pesticides & fertilizers. A regional plant can hopefully better manage the future load, monitor & deal with the toxic pollutants and reduce the likelihood of the scenarios described in the attachments.

Possible solutions:

- 1) Move, relocate the site further downstream, construct a regional wastewater plant which could serve extended Pflugerville, Manor, East & NE Travis County. The Brushy Creek LCRA/BRA partnership on Brushy Creek near Dell Diamond highway 79 collects waste from a very large area. The open spaces(before development encroaches) would make the project easier in laying the necessary lines.
- 2) Grant City of Pflugerville the permit to enlarge, upgrade the Gilleland Plant to accommodate WildPflower & Cactus developments
- 3) Enforce Best Practices, highest standards in construction with emergency backup generators(lightning strikes and outages are common in this area from general storms or intense isolated at least 3-4 outages per year).
- 4) Study of existing & potential water quality, problems, scenarios in Wilbarger Basin with public input and sharing of data. In addition to current, baseline & historical data, I could receive annual updates on Wilbarger with notes of concern or potential cause for concern.
- 5) Rapid development negatively affects water quality as evidenced by the high number(8) of streams in Travis County on the "Impaired" list. As a 5<sup>th</sup> generation "Pfluger" whose original family homestead was on the proposed property & Pfluger Cemetery is on the property, I do not want to witness the decline of the water quality on Wilbarger such that it becomes impaired as its neighbor Gilleland Creek.
- 6) Encourage and participate in comprehensive & cooperative wastewater & watershed planning, Develop a Comprehensive Plan for Northeastern Travis County.  
to maintain basin wide water quality
- 7) Real-time monitoring station
- 8) discussion with TCEQ & Tejas Viejo Company representative with consideration of the controllable and the uncontrollable factors; natural vs manmade. Certified statement from Pate Engineering using their reply of "no negative impacts caused by flooding" and the level should not exceed any previous floods of the last 30 years with similar rainfall amounts.

In conclusion, I recognize TCEQ is the gatekeeper of the process which totally controls our environment and water quality. When rules, restrictions and processes are not recognized or followed, in addition to the impairment of our natural resources & health, millions or billions of tax dollars to rectify mistakes and the downstream individual has the stress and expense of reporting or filing civil or criminal charges. The harm is done to everyone, the developer has his money and is gone or bankrupt. My attempt is to be proactive rather than reactive and exercise preventative measures early thus avoiding the "Blue Hole" in Williamson County & McKinney Falls scenarios. Spillage of untreated sewage into Wilbarger WILL occur. The Hill Country has received much attention on preserving its environment. The Wilbarger Basin is an equally precious basin with a unique blend of environmental sanctuaries although it is little known or recognized. It is the responsibility, duty and conscience of TCEQ to look at this fragile basin being threaten and possibly endangered. Now is the time; not later as that may be too late.

Sincerely,

Vernagene Mott  
Supporting info follows:

**History:**

9/27/04 TCEQ Notice of Receipt of Application Proposed Permit #WQ0014548001  
 10/12/04 Mott sends letter to TCEQ requesting test results & data from samples collected by TCEQ in Sept '04. No response.  
 10/26/04 Mott sends letter to Jodena N. Henneke requesting to discuss the case at TCEQ location with an appropriate TCEQ Representative. No appointment arranged  
 1/26/05 spoke with Mike Williams @ TCEQ(I initiated call)  
 7/05/05 TCEQ letter from Todd Burkey, attorney-mediator to Potential ADR participants  
 I responded with a phone call and left a message of interest in a meeting with Tejas Viejo applicant & TCEQ; no response  
 8/8/05 telephone conversation with TCEQ, Dick Lorns@ Extension 1082  
 8/18/05 telephone conversation with TCEQ, Desi Mora

**Recent permits:**

TCEQ#12232004-DO8 Presidential GlenMUD 212.438Ac  
 TCEQ#04222005-DO2  
 TCEQ#04142005-D03 The Commons at Rowe Lane 240.407Ac 6/7/05  
 Lakeside MUD#3 6/16/05

**Contacts:**

Stacy Scheffel-Travis County Planning & Engineering Services  
 Clinton Lamont Rippey-Travis County  
 Rajendra P. Bhatlarai, Austin Water Utility Environmental & Regulatory Services  
 Joe Carpenter, City Engineer, City of Pflugerville  
 Clyde von Rosenberg, City of Pflugerville Planning  
 Kelly Katz, Lead Engineer on Pfluger Lake/Dam Construction Water Project  
 Robin Perry, LCRA Community Services  
 David Cowan, LCRA Senior Aquatic Scientist  
 Jim Clarno, LCRA Director of Brushy Creek Wastewater Plant  
 Scott Ahlstrom, LCRA Wastewater Plant Utility Dept  
 Jerry Guadjardo, LCRA Senior Aquatic Scientist  
 Ward Ling, TCEQ  
 Sara Hejl, Lone Star Infrastructure  
 Karen Sontliner, Travis County Commissioner, Preceint 2  
 Mark Strama, State of Texas House of Representatives, District 50  
 Sally Campbell, Envision Central Texas  
 Stephen Schneibal, Austin American Statesman journalist  
 Bob Tesch, Central Texas Regional Mobility Authority

**Upstream Developments in Wilbarger Basin**

**Residential:** The Fairways of Blackhawk  
 The Meadows of Blackhawk  
 Lakeside  
 Rolling Meadows  
 The Commons of Rowe Lane  
 Falcon Pointe  
 Hidden Lake  
 Highland Park North  
 The Ridge at Steeds Crossing  
 Eagle Point  
 Panther Estates  
 Spring Brook  
 Rowe Loop

**Proposed: Avalon(212 Acres)**

Cactus  
 WildPflower  
 \*New East of Eagle Point

**Commercial: WalMart**

PCDC Pflugerville Industrial Park

**Schools:**

Rowe Lane Elementary  
 Jack Murchison Elementary  
 Robert E. Hendrickson High School  
 Kelly Lane Middle School (under construction)  
 Parkcrest Middle School  
 Highland Park Elementary (2006)

**Roadways:**

SH45/SH 130 intersection with  
 miles of extension through basin  
 Kelly Lane      Cele Road  
 Wilke Lane      Hodde Lane  
 Cameron Road    Rowe Lane  
 Weiss Lane      Heatherwilde Blvd  
 Pfluger Lane     FM685  
 Jesse Bohls Road

**Attachments:**

- 1) Wilbarger Basin East of Gilleland Basin which is presently impaired; shows SH130 & SH45 traversing basin
- 2) view of upper Wilbarger Basin where SH45 & SH130 intersect with some of residential developments, newly proposed Avalon & future WalMart, & school locations
- 3) My property downstream from WWTP
- 4) PAH's (polycyclic aromatic hydrocarbons) from pavement sealants pollute urban waterways, U.S. Geologic Survey, Peter Van Metre
- 5) List of 8 **IMPAIRED** streams in Travis County, LCRA reduces requirements, TCEQ does excellent job.
- 6 & 7) Pollution safeguard in West Cypress Hills (Travis County) fails
- 8) Millions of taxpayer dollars to cleanup MTBE in our streams & water
- 9) Impact of SH130 on environment & how entities will do **SMART** planning including wastewater decisions
- 10) Chipmakers pollute with heavy metal (Pb, Hg & others), hazardous toxic waste
- 11) Austin relocating, enlarging dealing with wastewater: **drinking straw** in their water
- 12) Protection of streams by adopting new set of standards. Also good for Blackland Prairie
- 13) Erosion & flooding force home buyouts (Walnut Creek)
- 14) Williamson Creek buyout, flood damage (Williamson in **Onion Creek basin, impaired**)
- 15) Sewage Spills caused by grease glob in SE Austin; **Lick Creek** chalky runoff
- 16) Attitude to serve developers & "economic development" rather than protecting resources. A good business deal regardless of environmental consequences.
- 17) documented Wilbarger owl

October 26, 2004

Jodena N. Henneke  
Director of Office of Public Assistance  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Tejas Viejo Land Company/Water Quality TPDES Permit #WQ0014548001

I am requesting a contested case hearing on Permit #WQ0014548001. I am a landowner on the south side of the service area and also on the east side. Wilbarger Creeks flows through my property which raises several concerns on the placement of the Sewage facility. I am requesting that the material be transported out by truck rather than treated and released into Wilbarger Creek.

I desire to visit with the appropriate representative in your office to discuss the following facts and issues.

\*The transporting of waste products to another location is highly desirable because the pristine and environmentally sensitive Wilbarger Creek Basin is being threatened by urban sprawl and development. Due to its large drainage area and lack of any watershed ponds, the creek already is very susceptible to flooding. Residents who have lived here for 25+ years have seen a faster rise of the creek with 2" rains and more flooding thus fearing that 100 yrs incidents may become 10 yr incidents. Sewage being released into this sensitive system will increase growth downstream, thus bottleneaking the flow on regular rains, causing greater erosion of the banks and fields near the creek. Also, with regular discharging as requested, the creek will be constant flowing (which it is not presently a year around wet creek). This increased moisture will keep the area saturated so that will also increase the likelihood of more flooding.

\*The transporting of waste products to another location is also highly desirable because of the air pollutants and smell associated with such a plant. The Blackhawk subdivision approximately 2 miles NE of this proposal on Kelly Lane installed a "state of the art" plant. Residents have documented the irritating and nauseous smell all year around in their community. The odor makes it uncomfortable to sit outside. Homeowners have also stated the odor penetrates indoors even with doors closed. Homes near the plant have had difficulty selling .

\*The transporting of waste products to another location is also highly desirable because within the service area slightly southeast of the projected discharge area is a historical marker which was dedicated in 1975 at the Pfluger Cemetery. Henry Pfluger, born in Germany in 1803, ( Louisiana Purchase date) brought his large family to Texas in 1850, bought this land and settled in this very area. The town was built 4 miles west(present location) and the railroad made it thrive. 18 graves, including Henry Pfluger(1867) are

on this tract of land near Wilbarger Creek. As one of over 4000 descendants of Henry, I want to insure that the old tombstones of my ancestors are not adversely impacted or perhaps flooded by this issue. Three tributaries converge on Wilbarger Creek in this area.

\*The transporting of waste products to another location is also highly desirable because the increased water will harbor and support a greater mosquito population, algae, bacteria and threat of West Nile Virus for all inhabitants (people & animals). Identified animals in the basin include coyotes, mountain lion, bobcat, raccoons, possum, great horned owl, many species of birds, monarch butterflies, armadillos, squirrels, etc.,etc.

\*The transporting of waste products to another location is also highly desirable because the threat of more frequent flooding would increase the numerical probability of spillage of raw sewage into the creek. This event is unacceptable under any circumstance and historical records indicate even "state of the art" plants are more likely for this occurrence during flooding. Unfortunate and sometimes irreparable situations may result.

\*The transporting of waste products to another location is also highly desirable because in the WildPflower Development will include residential and commercial properties. The Basin is being threatened by the increased traffic on the following roadways which transverse this sensitive environment: Schultz Lane, Meister Lane, Wilke Lane(all near Round Rock & SH45; FM685, Tollway SH130, Weiss Lane, Kelly Lane, Pecan Street... The runoff from the above mentioned increases the toxins, chemicals and unwanted metals which severely contaminate the Basin and creek. Also, with more roadways and less forage, the runoff will be more rapid carrying more undesirable contaminants. It would be desirable to prohibit or restrict industrial waste in this region.

In conclusion:

I request a contested case hearing with the objective being the transporting of waste products from the WildPflower Development Project to another location.

I look forward to the date and location of a public hearing or meeting to personally discuss this license with you.

Thanks,

Vernagene Mott  
POB 951  
Pflugerville, Texas 78691-0951

FAX: Office of chief clerk

Permit# WQ 0014548001

8 pages

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2009 AUG - 6 PM 4: 29

CHIEF CLERKS OFFICE

# TCEQ Public Meeting Form

January 25, 2010

130 Cactus Investment, LP  
Proposed TPDES Permit Renewal  
WQ0014548001

1

CHIEF CLERKS OFFICE

2010 JAN 27 PM 4: 27

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

PLEASE PRINT

Name: Vernagone Mott

Mailing Address: POB 957

Physical Address (if different): \_\_\_\_\_

City/State: Pflugerville TX Zip: 78691-0957

Email: \_\_\_\_\_

\*\*E-mail addresses are subject to public disclosure under the Texas Public Information Act\*\*

Phone Number: ( ) \_\_\_\_\_

- Are you here today representing a municipality, legislator, agency, or group?  Yes  No

If yes, which one? \_\_\_\_\_

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

*CM*

# TCEQ Forma de Reunión Pública

Enero 25, 2010

**130 Cactus Investment, LP**  
**Proposed TPDES Permit Renewal**  
**WQ0014548001**

*IMPRIMA POR FAVOR*

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Dirección local (si diferente): \_\_\_\_\_

Ciudad/Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

Correo Electrónico: \_\_\_\_\_

\*\*Esta Información puede ser divulgada de acuerdo con el Acto de Texas de Información Publica \*\*

Teléfono: (        ) \_\_\_\_\_

• ¿Esta usted representando a una municipalidad, legislador, agencia, o grupo?  Si  No

¿Como se llama el Grupo? \_\_\_\_\_

Por favor inclúyanme en la lista de correo.

Yo quiero dar *COMENTARIOS ORALES* formales.

Yo deseo hacer *COMENTARIOS FORMALES* por escrito esta noche durante la reunión pública.

(Comentarios escritos pueden ser entregados a cualquier momento durante la reunión)

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CHIEF CLERKS OFFICE  
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Por favor entregue esta forma a la persona en la mesa de información. Gracias.

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*Submitted by Vernagene Mott*

JAN 25 2010

**SETTLEMENT AGREEMENT**

**AT PUBLIC MEETING**

This Settlement Agreement ("Agreement") is entered into as of 31<sup>st</sup> day of August, 2006 between Tejas Viejo Land Company ("Tejas"), Wayne L. "Sand" Red, representative, and protestants Charles Mott and Vernagene Mott (collectively the "Motts").

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**RECITALS:**

- 1) Tejas owns or has options to purchase approximately 1700 acres within the City of Pflugerville's Jurisdiction or within the City's extraterritorial jurisdiction upstream from the Motts.
- 2) Tejas applied to the Texas Commission on Environmental Quality ("TCEQ") for a wastewater discharge permit (TPDES Permit No. WQ0014548001) for the operation of a waste water treatment plant that will serve the Wildpflower Development (hereinafter referred to as the "WWTP").
- 3) The Motts requested and were granted a hearing regarding the issuance of the Permit. The hearing was designated as TCEQ Docket No. 2005-1010-MWD and State Office of Administrative Hearings ("SOAH") Docket No. 582-06-0399 ("Contested Case").
- 4) By entering into this Agreement, the Parties fully and completely settle and resolve all issues, actions and rights of any kind regarding the Contested Case and the ultimate issuance of the Permit by the TCEQ to Tejas Viejo Land Co.
- 5) Tejas and the Motts have entered into this Agreement in good faith, with the desire to settle all disputes regarding the issuance of the Permit.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

**AGREEMENT:**

Upon execution of the Agreement by the Parties, Tejas agrees to the following:

- 1) Equip the WWTP with an automated, on-site, standby generator with the capacity for immediate and automatic activation upon interruption of power to the plant or lift stations.
- 2) Employ the services of a wastewater treatment operator holding a "Class B" operator's license to supervise the operation of the WWTP.

- 3) On a bi-monthly basis, provide copies of all Discharge Monitoring Reports (“DMRs”) prepared pursuant to TPDES Permit No. WQ0014548001 to the Motts at the address provided in the Notice section below.
- 4) Provide copies of any Agreed Order entered into between Tejas and the TCEQ related to violations of the Texas Water Code or any other applicable statutes from operations of the WWTP to the Motts at the address provided in the Notice section below.
- 5) Notify the Motts in writing at the address provided in the Notice section below of the commencement of construction of each phase of the WWTP. Notice under this provision must be provided at least 30 days prior to the commencement of construction.
- 6) Notify the Motts in writing at the address provided in the Notice section below of any change in ownership or transfer of the WWTP or the Permit.
- 7) Immediately notify the Motts by telephone of any event of noncompliance related to discharge from the WWTP, where it is known by Tejas that the noncompliance event will endanger human health or safety, or the environment. Notice under this provision must be provided to the Motts within 3 hours of the noncompliance event.
- 8) Construct the WWTP as required by applicable state, federal and industry construction standards.
- 9) It is Tejas Viejo’s intention to limit discharge from the WWTP, once constructed, to 0.95 million gallons per day.

Upon execution of the Agreement by the Parties, the Motts agree to the following:

- 10) Immediately advise the Administrative Law Judge (Judge Rogan) that they wish to withdraw their protest of the Permit by filing a letter with SOAH formally withdrawing their protest. An example of the letter to be filed is attached hereto and incorporated by reference as Exhibit A. In addition, the Motts agree to not object to or otherwise interfere with the ultimate issuance of this Permit, or any future application by Tejas related to the formation of Travis County Municipal Utility District #17 or any other Municipal Utility District associated with the WWTP to be constructed to serve the Wildpflower Development.

#### GOVERNING LAW

This Settlement shall be governed by, and construed in accordance with, the laws of the State of Texas. Both Tejas and the Motts, as well as their respective successors and assigns, agree and consent to the exclusive jurisdiction of the courts of the State of Texas for all purposes regarding this Settlement.

### ATTORNEYS' FEES

If any action, suit, arbitration or other proceeding for the enforcement of this Settlement is brought with respect to or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions hereof, the successful or prevailing party shall be entitled to recover reasonable attorneys' fees and other costs incurred in that proceeding, in addition to any other relief to which it may be entitled.

### INTEGRATION

Both Tejas and the Motts acknowledge, represent and warrant that no other party or agent or attorney of any other party has made a promise, representation or warranty whatsoever, express or implied, not contained herein concerning this Settlement or the terms hereof, and that this is a fully integrated document. Each party hereto further acknowledges, warrants and represents that it has not executed this instrument in reliance upon any promise, statement, representation or warranty, written or verbal, not expressly contained herein, and that it has entered into this Settlement freely and voluntarily based on its own independent judgment and advice of its counsel.

### AMENDMENTS

Tejas and the Motts, as well as their respective successors and assigns, may amend this Settlement, provided that all amendments shall be in writing, and shall be signed by each party.

### SEVERABILITY

If any provision in this Settlement shall be deemed unlawful, void, or for any reason unenforceable, then that provision shall be deemed severable from the Settlement and shall not affect the validity and enforceability of any remaining provisions within this Settlement.

### EXECUTION IN COUNTERPARTS

This Settlement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

### EFFECTIVE DATE

This Settlement will be effective from the date the Settlement is signed and notarized by both Tejas and the Motts or their respective successor and assigns. If this Settlement is modified in any form through an agreed amendment, the original Settlement will remain in effect until the date the modified Settlement is signed and notarized by both Tejas and the Motts, or their respective successors and assigns.

### NOTICES

All written notices and communications required by this Settlement shall be sent by U.S. Mail to the parties at the following address:

Charles and Vernagene Mott  
P.O. Box 951  
Pflugerville, TX 78691-0951  
(512) 251-3682

Mr. Wayne L. "Sandy" Rea  
Tejas Viejo Land Company  
P.O. Box 31900  
Houston, Texas 77231-1900  
(713) 721-4340  
(713) 289-4267 (Mobile)

In the event that a party moves or otherwise has a change of address, said party should provide at least 15 days notice of said change in address. Notices sent by facsimile are acceptable so long as the party confirms that the receiving party received the facsimile.

Where immediate notification is required under Agreement Number 7 above, notice shall be sufficient for the purposes of this Settlement if a telephone call is made to the phone numbers noted above for each party.

#### TERMINATION

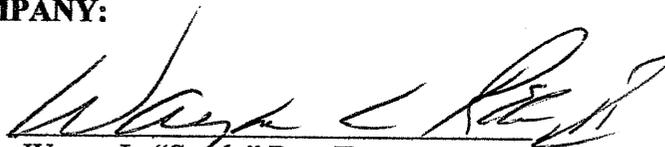
This Settlement may only be terminated as to one or more parties by written agreement between all parties.

#### ENTIRE AGREEMENT

This Settlement supersedes all previous agreements between Tejas and the Motts, contains the entire understanding between Tejas and the Motts, and may not be changed, except in writing, duly executed by each of the parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

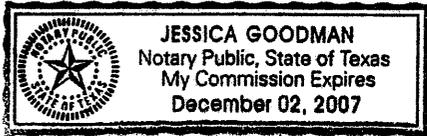
**FOR TEJAS VIEJO LAND COMPANY:**



Wayne L. "Sandy" Rea, II  
President  
Tejas Viejo Land Company

P.O. Box 31900  
Houston, Texas 77231-1900

SWORN TO and SUBSCRIBED before me the undersigned on this the 31 day of August, 2006.

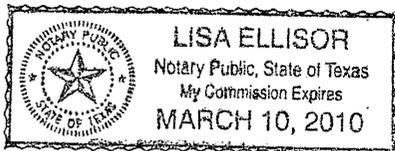


Jessica Goodman  
Notary Public, State of Texas  
My Commission expires: 12/2/07

**FOR VERNAGENE MOTT:**

Vernagene Mott  
Vernagene Mott  
P.O. Box 951  
Pflugerville, TX 78691-0951

SWORN TO and SUBSCRIBED before me the undersigned on this the 3rd day of July ~~2006~~ 2008.



Lisa Ellisor  
Notary Public, State of Texas  
My Commission expires: 3-10-2010

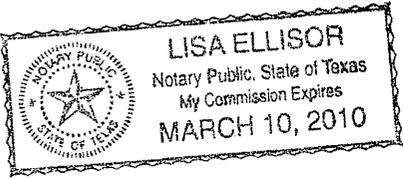
**FOR CHARLES MOTT:**

Charles Mott  
Charles Mott  
P.O. Box 951  
Pflugerville, TX 78691-0951

SWORN TO and SUBSCRIBED before me the undersigned on this the 3rd day of July ~~2006~~ 2008.

*Lisa Ellis*

Notary Public, State of Texas  
My Commission expires: 3-10-2010



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JAN 25 2010

Good Evening and Welcome to Pflugerville. Thank you for meeting with us.

AT PUBLIC MEETING

Richland is a farming community about 7 miles NE of where we presently are. Its name is derived from the rich fertile Blackland Prairie.

This map shows the Wilbarger Basin which is bountiful in wildlife and grasses which we all treasure. 5.5 years ago the main topic of discussion at the Richland Community Association, known as the RCA, was the WWTP proposed about a mile west of the St. John's Church which bears a historical marker and is still an active growing congregation and a community gathering location. COP ETJ has expanded to include most of this region. All landowners with adjoining property or interest received notification of the permit in question which is now up for renewal. Comments were filed with TCEQ, a public meeting was denied; a contested case hearing was held. Administrative Law Judge Mike Rogan after several sessions advised both parties involved to come to a settlement rather than proceeding to a full court setting. This advice was heeded by the parties involved and after numerous meetings over several months and mounting lawyers fees, a 10 point settlement was agreed upon and signed. The permit was granted with this valid settlement in place.

During that process the citizens met with City of Pflugerville officials sharing concern for the future infrastructure and development in our area. Knowing the city would expand to the east since it was landlocked on the north by RR & Hutto; on the south by Manor & Austin. Thus with consideration of the area in question, the staff with consultants concluded a regional WWTP would best serve the needs of the basin for numerous reasons including the many positive bullets for a regional plant vs. a smaller temp plant. The COP acquired the acreage on north of Gregg Lane on Wilbarger Creek, designed a plant to discharge 12.5M gal/day and are presently in the final stage of the TCEQ permitting process and anticipate being on line about 2013. The City stated it has adequate capacity to serve the region until the new plant comes on line and are monitoring the city growth to validate their predictions. The city is wrapping up an extensive in-depth 2030 Vision Plan which involved and validated community input in the process.

We, the citizens gathered this evening, are in unity that the director should not approve the renewal permit since the City of Pflugerville has a master plan in the final stage of permitting and also plenty of capacity to presently serve the wastewater treatment needs of this area.

Questions for discussion:

1. Why would TCEQ renew the permit of a plant which was never built when the COP is in the final stage of the permitting process for a plant within a couple of miles downstream?

2. Many streams in Travis County are labeled "impaired". Can TCEQ tell us the present label on Wilbarger Creek?

3. Why did adjacent landowners to the property not receive notification of the renewal permitting as when the original permit was processed?

4. Travis County held a hearing in Dec revealing several scenarios for the future alignment of Jesse Bohls Road. Do you have a time-line on building and beginning operation? Will these plans impact your exact location?

5. The settlement agreement with the former owner who received the original permit, Tejas Vejo Land Co automatically transfers to the new owner. Has 130 Cactus Investments included the terms of that agreement in your plan and renewal application?

Does the executive directors decision conform with the settlement agreement?

6. In a discussion with Mr. Lloyd shortly after his acquisition of the Tejas Vejo interests, it was indicated this would be a temporary plant. It seems the common practice is that developers need something for their start-ups but do not desire to be in the WWTP management business so at some future point would likely sell the plant. Tell us what you perceive the role of this plant to be in the next decade? If you should desire to sell, whom would you expect the buyer to be? What is the fiscal impact on the COP/citizens having this

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Vernagene Mott  
PO Box 950  
Pflugerville, TX 78691-0951

temporary WWTP & then later transferring to the Regional plant? What profit does the developer hope to achieve? Would this transaction be transparent?

7. The TCEQ process reviews applying statutory and regulatory guidelines. Are these the only measures used in determining permit approval or are there other parameters?

8. Explain the relationship between 130 Cactus Investment and the Tejas Viego Land Co with regard to this permit and this WWTP.

9. Is the plant design identical to the design submitted with the original permit? Would hope points of the settlement agreement may have been included and also that perhaps new state-of-the-art equipment/design has evolved in the past 5 years.

10. (TCEQ) For environmental quality... considering all that these words imply,

\*\* Which modality would be preferable for preserving the environment of a stream... a regional WWTP or a smaller 950,000 gal/day portable kit? Which is the preferable treatment plant for environmental reasons?

\*\* what about unforeseen events & their effects on the 2 types of plants? i.e. floods, electric outages  
Several years ago, we experienced several failures of a smaller plant about 4 mi upstream before COP acquired the big problem.

\*\* What about a back-up generator?

\*\* Quality of supervision of both plants? (in reality/critical assessment)

\*\* Ultimately on a 3-5 year horizon, what is most economical for citizens?

\*\* If there is existing capacity for WWTP already in the Pflugerville system, why build a temporary portable small WWTP if the regional system will be up and running in 2-3 yrs?

In conclusion, I request that TCEQ deny the renewal application thus saving the taxpayers/citizens the intermediate costs of construction and then later conversion to the regional plant which can better serve the upper Wilbarger Basin 24/7 with monitoring, maintenance and operating expertise. The goal is NOT to stop progress or development. Our goal is to keep the basin as healthy as possible now and in the future and support SMART environmentally proven plans.

**OPA RECEIVED**

JAN 25 2010

**AT PUBLIC MEETING**

January 25, 2010  
FORMAL COMMENTS

To: TCEQ Executive Director, Chairman and Commissioners  
From: Vernagene Mott, landowner

The following information is relevant to the TPDES Permit No. WQ0014548001 for renewal by 130 Cactus Investments.

\*My homestead is downstream from the proposed renewal WWTP site and our property border one another.

\*My file contains correspondence with TCEQ on this permit from Oct.12,2004-Jan22,2010.

\*The original permit submitted by Tejas Viejo Land Company was contested.

SOAH Docket No.582-0399

TCEQ Docket No.2005-1010-MWD

Administrative Law Judge Mike Rogan heard the case and summoned the parties to reach settlement if possible. The parties involved worked tirelessly through several meetings over months and reached a settlement which was signed and notarized.

\*Adjacent landowners and interested parties in the original permitting did not receive notification from TCEQ regarding the renewal.

\*Consideration of area changes in the past 5 years:

^City of Pflugerville has a visionary Wastewater Plan and has recently completed their 2030 Vision Plan for the city which has now reached 50,000+

^The plant for the permit in question has not been built and no development occurring in the Wildflower area.

^City of Pflugerville has capacity to serve the area and is monitoring the needs in the area in question as the land is in the ETJ with some portion actually annexed.

^City of Pflugerville is landlocked on the north by RoundRock & Hutto, on the west by Austin & RoundRock, on the south by Austin & Manor so the only direction for growth is east which includes the Wilbarger Basin. SH130/SH45 passes through the Basin and COP is watchful of economic and residential developments.

^City of Pflugerville has purchased property and is in the final stage of TCEQ permitting for a regional plant Permit#WQ0011845005(RN#105756035)(CN#CN600412985) for 15.75M g/day. The application was received by TCEQ July 28,2009. Technical review is completed and the permit meets all statutory and regulatory requirements. The 2<sup>nd</sup> notice was mailed Jan 22, 2010. COP projects the plant to be online in 2013.

^The upper basin now has major vendors like HomeDepot, Target, Best Buy, WalMart, Bealls, etc in Stonehill Center and Pfluger Crossing. Another school has been added to the list submitted with the original permit.

^Gilleland Creek Basin adjacent to the West of Wilbarger Basin is labeled impaired. I do not want to see Wilbarger Creek acquire such a label.

^My great grandfather, Conrad Pfluger, was the first Pfluger who immigrated here in 1849. His father, Henry Pfluger Sr. for whom Pflugerville was named settled on Wilbarger Creek near the site in question for renewal. He farmed the land. The Pfluger Cemetery on Wilbarger Creek where he is buried has a Historical Marker. Likewise my other great grandfather August Weiss settled in the

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Wilbarger Basin. My husband and I reared 3 children and now have 12 grandchildren who have enjoyed the creek in numerous ways, including fishing.

^Documented yucky experience with the creek when a small plant on Kennemer Drive in the Blackhawk subdivision upstream failed. COP dealt with that situation.

^TXU(Oncor) is the electrical provider in the area and frequently there is power outage with interruption to service.

^Acquired Flood Insurance as a precaution to unknown future and due to the raging waters of Wilbarger Creek and the recent modifications by FEMA in the 25,50, & 100 yr floodplain.

^File on sewage spills in the Central Texas area. Desire state of the art plant if built with safeguards. Refer to Settlement agreement which is binding to the new owner 130 Cactus Investments.

^Wilbarger Creek on our property was completely dry during the record drought of summer 2009.

#### Opinions:

\*Richland is a unique settlement in NE Travis County, in the City of Pflugerville ETJ named by the fertile rich farmland in the Blackland Prairie. While the landscape is changing rapidly and landmarks fading, the critical issue for consideration IS the quality of earth, air and water(the natural resources) for the present and the future which impacts the citizens health, mental and physical well-being. Citizens in the Richland Community Association(RCA) are not naysayers and NIMBY's but common sense residents with a vision looking at the BIG PICTURE supporting a comprehensive plan which in reality supports and meets the needs of the present & expanding community.

\*Research indicates that a regional WWTP may be preferable to a "temporary kit" model.

The regional plant would be monitored, maintained and provide better oversight in many arenas under the City of Pflugerville. This plant could provide infrastructure for decades to come being efficient and sustainable with experienced trained staff managing, regulating and operating 24/7. It could provide benefits to the community (i.e. watering sporting fields, community gardens,etc).

\*Developers are not in the WWTP management business. Data reveals that at some future date, the plant if built would likely be sold. The logical buyer would possibly be the COP. Economics and business practices indicate this would be an unnecessary intermediate step to grant the permit and build this smaller plant. Skipping this step would likely result in a cost savings for the consumer, the taxpayer and ultimately the city, so why not go with the real deal, a regional plant initially since the plant in question has not been built.

What is the time line the Cactus Investment Group has for the plant/development? COP predicts they have capacity to serve present needs or will have the new regional plant up by 2013 if approved by TCEQ. Can TCEQ or others justify the duplication of a facility within a couple of miles. COP has a timeline. Don't know if Cactus has one.

Conclusion: As stewards and stakeholders of the present and future Wilbarger Basin/Colorado Basin, we the landowners, residents, developers, city and state officials should collectively act to preserve the environment of the Richland Community by supporting and endorsing SMART design and practices. Presently the Wilbarger Basin is home to numerous documented species of birds, animals, insects and natural grasses. It is a fragile basin which could be threaten and possibly endangered. We are at the crossroads to preserve this natural habitat. TCEQ leaders are the gatekeepers and their decision impacts us all. The responsibility, duty and conscience now is theirs.

Attachment: Settlement Document with Tejas Viejo Land Co., original permit



MWD  
68750

HP OPA  
AUG 25 2009

BY \$17

14914 Svenska Rd.  
Coupland, TX 78615  
August 22, 2009

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2009 AUG 25 AM 10:41  
CHIEF CLERKS OFFICE

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

Re: Water Quality Permit Renewal No. WQ0014548001

It has been five years since the above mentioned permit was issued. As of today the plant has not been built. The service area of the above mentioned permit has been either annexed by the City of Pflugerville or is in Pflugerville's ETJ and there is not valid reason for the permit to be renewed. The impact of this plant would have a negative impact to the area for numerous reasons.

I am requesting TCEQ hold a public hearing regarding application WQ0014548001 by 130 Cactus Investment, L.P., 2207 Lake Austin Blvd., Austin, TX 78703.

Your attention to this matter is sincerely appreciated.

*Marilyn Samuelson*  
Marilyn Samuelson  
Vice President  
Blackland Prairie Concerned Citizens Association

*MWD*

Ms. Marilyn Samuelson  
14914 Svenska Rd  
Coppeland, TX 78615-4874

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TCEQ MAIL CENTER

TCEQ  
Office of Chief Clerk, NSC 105  
PO Box 13087

Austin TX 78711-13087

**From:** PUBCOMMENT-OCC2  
**To:**  
**Subject:** Re: Fwd: Public comment on Permit Number WQ0014548001

>>> PUBCOMMENT-OPA 8/26/2009 2:24 PM >>>

HR

>>> PUBCOMMENT-OCC 8/26/2009 8:15 AM >>>

>>> On 08/25/2009 at 5:56 PM

**REGULATED ENTY NAME** WILDPFLOWER WWTP  
**RN NUMBER:** RN104370226  
**PERMIT NUMBER:** WQ0014548001  
**DOCKET NUMBER:** Not Found  
**COUNTY:** TRAVIS  
**PRINCIPAL NAME:** 130 CACTUS INVESTMENTS LP  
**CN NUMBER:** CN603432329  
**FROM**  
**NAME:** Kathleen Wolfer  
**E-MAIL:**  
**COMPANY:**  
**ADDRESS:** 8502 JESSE BOHLS DR  
PFLUGERVILLE TX 78660-8918  
**PHONE:**  
**FAX:**

**COMMENTS:** I respectfully request that a public hearing be scheduled for Permit No. WQ0014548001 - Water Quality Permit Renewal. I am opposed to the construction of this facility and the further degradation of Wilbarger Creek that would result from its operation. The smell generated by such a facility and increased nutrient loads in the creek would adversely affect the quality of life of residents in this area.

*MLWD*  
*8750*

*MLW*

